

## NORTHERN IRELAND POLICING BOARD

### MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 2 FEBRUARY 2017 AT 9:30 AM IN WATERSIDE TOWER, BELFAST

#### PRESENT:

#### MEMBERS:

Mrs Anne Connolly, Chairperson  
Ms Deborah Watters, Vice-Chairperson  
Prof Brice Dickson  
Ms Linda Dillon  
Dr Stephen Farry  
Mr Ryan Feeney  
Mr Gerry Kelly  
Ms Roisin McGlone  
Mrs Wendy Osborne  
(1) Ms Catherine Pollock  
Ms Deirdre Toner  
Mr Philip Smith

#### POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(2) Mr George Hamilton, Chief Constable  
(2) Mr Drew Harris, Deputy Chief Constable  
(2) Ms Barbara Gray, T/ACC, Operational Support  
Department  
(2) Mr Mark Hamilton, ACC Legacy and Justice Department  
(2) Mr Stephen Martin, ACC Crime Operations  
(2) Mr Alan Todd, ACC District Policing Command  
(2) Mr Mark McNaughten, T/Director of Finance & Support  
Services & Human Resources  
(2) Ms Liz Young, Head of Corporate Communications  
(2) Ms Jude Helliker, Head of Human Resources  
(2) Superintendent Andrew Freeburn, Command Secretariat  
(2) One PSNI Staff Member

#### OFFICIALS IN ATTENDANCE:

Mrs Amanda Stewart, Chief Executive  
Mrs Paula Gow, T/Director of Partnership  
Ms Jenny Passmore, Director of Policy  
Mr David Wilson, Director of Support Services  
3 Board Officials

- (1) Except item number 20  
(2) Item number 20

## **1 APOLOGIES, ETC**

Apologies were received from Mr Keith Buchanan, Ms Joanne Bunting, Mrs Brenda Hale, Mr Daniel McCrossan, Mr Raymond McCartney, Mr Nelson McCausland and Dr Paul Nolan.

The Chairperson advised Members that Mr Ross Hussey had resigned from the Board and extended best wishes to him on his retirement.

The Chairperson welcomed Ms Linda Dillon and Mr Philip Smith to their first meeting of the Board.

The Chairperson referred to Ms Jenny Passmore's success in the recent Director competition and welcomed her to the meeting. The Chief Executive advised the Board that Mr Adrian McNamee had also accepted an offer of appointment of Director.

The Chairperson asked Members to declare any conflicts of interest arising from the agenda. Ms Catherine Pollock declared a conflict of interest in relation to item number 8.2.

## **2 DRAFT MINUTES OF THE MEETING OF THE POLICING BOARD HELD ON 1 DECEMBER 2016**

The Board considered the draft minutes of the Board meeting held on 1 December 2016.

It was:-

### **RESOLVED:**

That the draft minutes of the Policing Board meeting held on 1 December 2016 be approved.

### **3 MATTERS ARISING FROM THE MINUTES OF THE MEETING**

#### **3.1 Police Ombudsman's Report relating to murders in Loughinisland**

##### **(Item 3.1.1 of minutes refers)**

The Board noted the content of a letter dated 13 December 2016 which had been sent to the Deputy Chief Constable seeking PSNI's views in relation to the comments made in a letter from the Police Ombudsman relating to turning intelligence material into evidential opportunities against members of the public, the outstanding recommendations of the Serious Crime Review and the scope for investigative failings to lead to new lines of enquiry. A response in relation to the points raised in the Police Ombudsman's letter and a three monthly update on various aspects of the investigation was due by 20 February 2017. NOTED.

#### **3.2 Role of Board's Human Rights Advisor (Item 3.1.2 of minutes refers)**

Officials advised the Board that the Board's Human Rights Advisor would brief Members on 9 February 2017 on her role and responsibilities.

It was:-

##### **AGREED:**

That Members should be provided with a copy of the Human Rights Advisor's role and responsibilities after the Briefing on 9 February 2017.

The Board considered draft Terms of Reference regarding the Human Rights Advisor's role in relation to Operation Kenova.

It was:-

##### **RESOLVED:**

To approve the Terms of Reference in relation to the Human Rights

## Advisor's role in Operation Kenova.

The Board considered a letter, tabled at the meeting, from PSNI dated 17 January 2017 regarding the number of security vetting levels within PSNI.

Members discussed the security vetting levels in PSNI.

In response to a query regarding security vetting levels in the National Crime Agency (NCA) it was:-

### **AGREED:**

That a letter should be sent to NCA seeking information regarding whether the Agency had enhanced levels of security vetting.

## **4 CHIEF CONSTABLE'S REPORT**

### **4.1 Questions arising from the Chief Constable's Report**

The Board noted a monthly report from the Chief Constable to the Board.  
NOTED.

During discussion the Board agreed issues to be raised orally with PSNI later in the meeting.

### **4.2 Responses to Committee and Members questions**

The Board noted written responses from PSNI to questions raised by Committees and Individual Members. NOTED.

### **4.3 Current and Emerging Issues**

The Board noted a paper which provided a summary of some of the key

policing issues which have featured in the media since the last Board meeting in public. NOTED.

## **5 CHAIRPERSON'S BUSINESS**

The Chairperson presented a report to the Board which included a list of engagements that she had undertaken during the period 5 December 2016 – 31 January 2017.

The Board noted that seven Members had visited the Rowan Centre on 15 December 2016. The next visit would take place to the PSNI Cyber Centre on 16 February 2017 at 2.00pm and a visit would be arranged to the Forensic Science Agency. Members were asked to confirm their attendance to the Cyber Centre to Board Support.

The Board noted that Ms Linda Dillon would join Partnership and Resources Committees. Under standing order 20(f) it was:-

### **RESOLVED:**

To approve the appointment of Ms Linda Dillon to the Partnership and Resources Committees.

### **5.1 Correspondence**

Members noted the following correspondence which had been received by the Board:-

- Letter dated 6 December 2016 from the Secretary of State enclosing written a Ministerial Statement on the Security Situation in Northern Ireland.
- Letter dated 6 December 2016 from Forensic Science Agency inviting Members to visit the Agency.
- Letter dated 21 December 2016 from the Chief Constable regarding Revised Framework to Recorded Crime Outcomes.
- Letter dated 19 January 2017 regarding the allocation of newly promoted Chief Superintendents.
- Letter dated 19 January 2017 from the Justice Minister regarding HMIC

Effectiveness and Efficiency Inspections.

- Letter dated 24 January 2017 from Mr Ross Hussey regarding resignation.
- Letter dated 26 January 2017 from the Chief Constable regarding appointment of D/Chief Superintendent Barbara Gray as Temporary Assistant Chief Constable until January 2018 to cover ACC Kerr's secondment to the NCA.
- Letter dated 27 January 2017 from the Deputy Chief Constable regarding Chief Superintendent promotions.

NOTED.

Members noted that the following correspondence had been issued by the Board:-

- Letter dated 20 December 2016 to Chief Constable regarding remarks on Nolan Show regarding Charter NI.
- Congratulatory letters to PSNI New Year Honours recipients.
- Congratulatory letters to newly promoted PSNI Chief Superintendents.
- Letter dated 12 January 2017 to Chief Constable regarding Damien McLaughlin bail case.
- Letter dated 17 January 2017 to Department of Justice Permanent Secretary seeking advice and guidance in view of the current and potential future political situation.

NOTED.

Members noted that a file containing all correspondence that was received by the Chairperson was available for viewing in the Secretaries Office. NOTED.

## **5.2 HMIC Effectiveness Inspection 2015/16**

Members considered the Board's response to the 2015/16 HMIC Efficiency and Effectiveness Inspection Reports.

It was:-

**AGREED:**

- That the response should be issued to the Justice Minister in response to the HMIC Efficiency and Effectiveness Inspection 2015/16.
- That the Boards' response and the PSNI Action Plans in respect of the Efficiency and Effectiveness inspection report should be published on the Board's website.

### **5.3 Presentation submitted at the meeting with the McGurk Families**

The Board noted the content of a presentation which had been given at a meeting which the Chairperson had held with Families of Victims of McGurk Bar Families on 24 January 2017. NOTED.

It was:-

#### **AGREED:**

That letters should be sent to the Chief Constable and the Police Ombudsman regarding issues raised by the McGurk Families at the meeting.

### **5.4 Judgment of the UK Supreme Court regarding Policing of the Flags Protest**

The Board noted a paper, tabled at the meeting, which outlined comments by the Human Rights Advisor on the judgment of the UK Supreme Court regarding the policing of the flags protests between late 2012 and early 2013. NOTED.

## **6 CHIEF EXECUTIVE'S REPORT**

The Chief Executive updated the Board on Member's access to the Police Estate, performance against the Board's Corporate and Business Plans, finance, internal audit programme of work, the NIAO Continuous Improvement Report, Police Property Fund, risk management, human resources and other significant issues within the Board.

The Chief Executive drew Member's attention to a schedule of attendances at Board and Committee meetings during the period June – December 2016 and asked Members to advise Board Support by 10 February 2017 of any inaccuracies in the information prior to

publication on the Board website.

The Board noted a paper which provided Members with an assessment of Board performance against the third quarter of the year (30 September 2016 to 31 January 2017). NOTED.

The Board noted a paper which provided Members with a report on Communication Activity for the period 1 April – 30 September 2016. NOTED.

The Board considered a paper on the Board's proposed Continuous Improvement Project for 2017/18.

It was:-

**RESOLVED:**

That the Board's Continuous Improvement Project for 2017/2018 should be working towards IIP reaccreditation to the developed stage.

## **7 AUDIT AND RISK MANAGEMENT COMMITTEE**

### **7.1 Draft Minutes of the Audit and Risk Management Committee held on 9 December 2016**

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting held on 9 December 2016 and highlighted the following matters considered by the Committee:-

#### **7.1.1 Internal Audit Progress Report (Item 10 of minutes refers)**

#### **7.1.2 Questions for Chief Constable (Item 11 of minutes refers)**

#### **7.1.3 Issues discussed with Non-Executive Chair of the PSNI Audit and Risk Assurance Committee (Item 12 of minutes refers)**

#### **7.1.4 NIPB Management Statement and Financial Memorandum (Item 13.2 of minutes refers)**



This matter was dealt with at item number 7.2.

## **7.2 NIPB Management Statement and Financial Memorandum**

The Board considered the NIPB Management Statement and Financial Memorandum which the Audit and Risk Management Committee had recommended to the Board for approval.

It was:-

### **RESOLVED:**

To approve the NIPB Management Statement and Financial Memorandum.

## **8 PARTNERSHIP COMMITTEE**

### **8.1 Draft Minutes of the Partnership Committee held on 15 December 2016**

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting held on 15 December 2016 and highlighted the following matters considered by the Committee:-

#### **8.1.1 Strategic Outcomes for Policing (Item 5.1 of minutes refers)**

#### **8.1.2 Policing Plan 2017/18 (Item 5.2 of minutes refers)**

### **8.2 Consideration of a removal of a PCSP Member (Derry and Strabane)**

Members considered a paper which outlined details of a recommendation from the Partnership Committee for the Board to consider the case of an Independent Member from Derry and Strabane PCSP and to decide if the Member's circumstances are such as may require consideration of their removal from office.

Members noted that a formal complaint had been made by a Member of the

public regarding comments which had been made on social media by the Independent PCSP Member. NOTED.

In line with the Board's policy the Independent PCSP Member had been advised that the complaint against him had been received and the Member had been invited to provide any relevant information relating to his circumstances which he believes the Board should be aware of prior to making a decision. A response from the PCSP Member had been received and was considered by the Board.

Following discussion it was:-

**RESOLVED:**

That no action should be taken against the PCSP Member.

### **8.3 Draft Policing Plan**

The Committee considered a paper which provided Members with a draft Policing Plan 2017 – 2018.

A Member advised the Board that he had some suggested amendments to the Policing Plan and undertook to forward these to Officials.

### **8.4 Policing Board Contribution to the Business Crime Forum**

The Board considered a paper which requested the Board to make a contribution of £2.5k towards a seminar being hosted in partnership with the Northern Ireland Retail Consortium, PSNI and DOJ as part of Business Crime Forum on 29 March 2017 in Belfast City Hall regarding cyber crime.

It was:-

**RESOLVED:**

That a contribution of £2.5k should be made towards the seminar and

dissemination of information to PCSPs.

## **9 PERFORMANCE COMMITTEE**

### **9.1 Draft Minutes of the Performance Committee held on 8 December 2016**

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting held on 8 December 2016 and highlighted the following matters considered by the Committee:-

**9.1.1 Consultation on Non-Jury Trial Provision (Item 5.1 of minutes refers)**

**9.1.2 Human Rights Advisor's Update (Item 6.1 of minutes refers)**

**9.1.3 PSNI Briefing on Custody Healthcare and Custody Reform (Item 6.2 of minutes refers)**

**9.1.4 PSNI Continuous Improvement Project Update – Working Together (Item 6.4 of minutes refers)**

**9.1.5 Six Monthly update on the Professional Standards Monitoring Framework (Item 6.6 of minutes refers)**

**9.1.6 Report on the operation of the Terrorism Acts in 2016 – David Anderson QC (Item 6.9 of minutes refers)**

### **9.2 Draft Minutes of the Performance Committee held on 13 December 2016**

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting held on 13 December 2016 and highlighted the following matters considered by the Committee:-

**9.2.1 CJINI briefing on the Inspection of the arrangements in place in the PSNI to manage and disclose information in support of the Coronial Process in Northern Ireland (Item 3.1 of minutes refers)**

The Board noted a letter, tabled at the meeting, from PSNI dated 1 February 2017 to CJINI regarding the inspection of the Coronial Process. NOTED.

**9.2.2 Briefing from PSNI's Public Protection Unit (Item 3.2 of minutes refers)**

**9.3 Draft Human Rights Thematic Review – Policing Race Hate Crime**

The Board considered a draft copy of the Board's human rights thematic review on policing race hate crime.

It was:-

**RESOLVED:**

To agree that the race hate crime thematic review should be published on the proviso that having taken factual accuracy responses into account, no substantive amendments to the draft report were required.

**9.4 Independent Custody Visitor Statistics**

The Board considered a paper which outlined a summary of the key issues relating to the operation of the Custody Visiting Scheme during the period 1 April – 30 September 2016.

In response to a question from a Member, the Chief Executive outlined details of the process for dealing with issues raised by Custody Visitors and undertook to check if PSNI responses were issued to the Performance Committee.

**9.5 National Crime Agency Quarter Three 2016/17 Performance Update**

Officials advised the Board that the NCA Quarter Three 2016/17 Performance Update was awaited.

The Board:-

**AGREED:**

That a letter should be sent to the NCA Director in relation to timelines for the Board receiving updates.

## **10 RESOURCES COMMITTEE**

### **10.1 Minutes of the Resources Committee held on 24 November 2016**

The Chairperson of the Committee referred Members to the minutes and advised the Board that a verbal briefing on the meeting had been given at the Board meeting on 1 December 2016. NOTED.

### **10.2 Draft Minutes of the Resources Committee held on 22 December 2016**

The Chairperson of the Committee referred Members to the minutes of the meeting held on 22 December 2016 and highlighted the following matters considered by the Committee:-

#### **10.2.1 Policing College Review Oversight Panel (Item 6.1 of minutes refers)**

#### **10.2.2 Deloitte Research into Barriers to Recruitment (Item 7.4 of minutes refers)**

### **10.3 Update on Police College Oversight Panel Meeting**

Mr Philip Smith declared a conflict of interest on issues relating to police training.

The Chairperson of the Resources Committee updated the Board on a meeting of the Police College Oversight Panel which had been held on 26 January 2017.

In response to a question from a Member, the Chief Executive briefed the Board on a meeting which the Chair of the Board had held with representatives from the Police Learning Advisory Council (PLAC) regarding recommendation 34 of the Police College Review Report.

#### **10.4 Compensation Claim**

The Board considered a recommendation from the Chair and Vice-Chair of the Resources Committee to approve a high value claim for compensation to a former PSNI Officer.

The Board:-

**RESOLVED:**

To approve the settlement of the high value claim for compensation to the former PSNI Officer.

#### **11 ANNUAL MEMORIAL LECTURE**

Members considered a paper which sought the Board's support for a memorial lecture proposal in honour of the late Tom Constantine, who was the first Police Oversight Commissioner in Northern Ireland and played a key part within the policing reform/transformation programme.

The Board discussed the request which had been made by the authors of the lecture and the implications for a new Board.

It was:-

**RESOLVED:**

That the Board should not support the proposal.

## **12 NORTHERN IRELAND ASSEMBLY ELECTIONS – IMPLICATIONS FOR THE BOARD AND ARRANGEMENTS FOR BOARD AND COMMITTEE MEETINGS**

The Chief Executive presented a paper which updated Members on the impact of the dissolution of the Northern Ireland Assembly and an Election on the constitution of the Policing Board.

Members discussed the arrangements for Board and Committee meetings pre Assembly election and it was:

### **AGREED:**

That Officials should draw up a programme of work for Independent Board Members during the Election period and arrange for the programme to be signed off at the next Board meeting.

## **13 REPORT ON THE JOINT POLICING BOARD AND POLICE SERVICE OF NORTHERN IRELAND SEMINAR AND CONFERENCE ON 2\3 NOVEMBER 2016: REFLECTING AND REFOCUSING: 15 YEAR ON**

The Board noted a paper which provided a report and overview on the key themes emerging from the 15th Anniversary Seminar and Conference: 'Reflecting and Refocusing: 15 years on' which had been held in Queens University, Belfast on 2 and 3 November 2016. NOTED.

## **14 POLICING PLAN MONITORING REPORTS**

### **14.1 Policing Plan 2016/17 Continuous Improvement Reports**

The Board considered progress reports on the nine PSNI Continuous Improvement Projects for 2016/17.

During discussion it was:-

**AGREED:**

- That PSNI should be asked to provide information regarding the Policing with the Community Strategy to a future Partnership Committee meeting.
- That further information should be sought from PSNI regarding the development of a strategy for the Corporate Communications Department.

**14.2 Policing Plan 2016/17 Performance Monitoring**

The Board noted a paper which provided Members with a progress update against targets within the 2016/17 Policing Plan. NOTED.

It was:-

**AGREED:**

- That PSNI should be asked for a PSNI Performance Report for consideration at the next Board meeting as part of the Policing Plan 2017\18 development.
- That Members should be briefed on a Policing Plan Monitoring Framework which had been drawn up by Officials.

**14.3 Policing Plan 2016/17 Supporting Strategies**

The Board noted a paper which provided Members with an end-year report on various PSNI Supporting Strategies outlined in the 2016/17 Policing Plan. NOTED.

**15 SERVICE LEVEL AGREEMENT FOR POLICE FEDERATION**

The Board considered a paper which sought Members approval for the Board to sign a Service Level Agreement in respect of the Police Federation for Northern



Ireland.

It was:-

**RESOLVED:**

That the Service Level Agreement should be signed.

**16 INFORMATION PAPERS**

The Board noted the following paper:-

16.1 Schedule of Events – February 2017

NOTED.

It was:-

**AGREED:**

That an updated schedule of events should be issued to Members.

**17 COMMUNICATION ISSUES**

The Board noted details of communication issues.

NOTED.

**18 ANY OTHER BUSINESS**

No other business was conducted.

**19 DATE OF NEXT MEETING**

The date of the next meeting was arranged for 27 February 2017 at 9.30am.

**20 PRIVATE SESSION WITH THE CHIEF CONSTABLE**

The Chairperson welcomed the Chief Constable and the Service Executive Team to

the meeting and congratulated T/Assistant Chief Constable Barbara Gray on her recent temporary promotion. Following this the Chairperson invited questions from Members to the Chief Constable.

In response to a Member's question the PSNI updated the Board on their ongoing engagement with the Department of the Economy, the Department of Communities and OFGEM in relation to possible instances of criminal conduct regarding the Renewable Heat Incentive Scheme. The Board noted that no such instances of criminality were being investigated by the PSNI but they remained in contact with OFGEM in this regard.

Following questions from a Member regarding dissident republican activity and its relationship, if any, to the current political instability and loyalist paramilitary involvement in drugs production and trade, the PSNI updated the Board on the ongoing severe threat from dissident republicans and advised that there is nothing to suggest any upsurge as a result of the current political situation. In respect of loyalist paramilitary activity regarding drugs the PSNI provided Members with details in relation to an operation in a specific area.

The PSNI subsequently provided the Board with a broader update regarding their strategy for tackling paramilitary activity and implementation of the recommendations contained in the Fresh Start Panel Report. This also included details of how funds provided under the Fresh Start agreement have been utilised, future plans to grow the work of a dedicated team established to respond to paramilitary crime and the consequences, in terms of funding, should there be a protracted delay in the re-establishment of the Northern Ireland Executive following the Assembly election. In response to a Member's question the PSNI also commented briefly on recent media articles regarding Charter NI and their role within the local community.

The PSNI then discussed with the Board several matters relating to the current budgetary position and in response to Members' questions, addressed key areas of impact and contingencies in place to manage the current situation. Members noted that scenario planning for budget cuts have been on-going within the PSNI and acknowledged the disruptive impact of any delay in a budget being agreed.

In a follow up question to a written response provided by the PSNI, a Member requested the PSNI comment further in relation to the recent OPONI investigation into the death of

John Hemsworth. The PSNI acknowledged the tragedy of this case and expressed their sympathy for the family of John Hemsworth. The PSNI acknowledged the matters raised by the Board Member however noted that as no misconduct recommendations were made in the report, no further misconduct action could be taken.

In response to questions raised by several Board Members the PSNI discussed the recent Supreme Court decision in respect of the policing of the flags protests of 2012/2013. The Chief Constable advised the Board that the PSNI fully accept and respect the ruling and welcomed the judicial clarity provided in relation to this issue. Other areas discussed with Members included the impact of this judgement on future operational decisions, the acknowledgement in the judgement of the PSNI's right of discretion to make operational decisions and any broader implications of the Supreme Court's ruling.

In relation to the breach of bail conditions by Mr McLaughlin, a Board Member requested the PSNI provide further information in relation to the management of bail conditions specifically the extent of risk management by the PSNI following their objection to bail being granted and any additional safeguards put in place. The PSNI advised the Board that a review is currently underway and assured Members that any policy or procedural changes recommended following that review would be implemented.

The PSNI also updated the Board in relation to recent engagement with the families of the McGurk's bar victims. Members welcomed these developments and noted the ongoing Judicial Review in relation to this matter.

The Chairperson thanked the Chief Constable and his Service Executive Team for attending the meeting.

(Meeting closed at 3.30pm)

**Board Support  
February 2017**

\_\_\_\_\_ **Chairperson**