

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 4 FEBRUARY 2016 AT 9:30 AM, WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Mrs Anne Connolly, Chairperson
- Ms Deborah Watters, Vice-Chairperson
- Ms Deirdre Blakely
- (1) Mr Jonathan Craig
- Prof Brice Dickson
- Prof Ryan Feeney
- (1) Mrs Brenda Hale
- Mr Ross Hussey
- Mrs Dolores Kelly
- Mr Gerry Kelly
- Ms Roisin McGlone
- (2) Mr David McIlveen
- (3) Mr Robin Newton
- (4) Dr Paul Nolan
- Mrs Wendy Osborne
- (4) Ms Catherine Pollock
- (5) Ms Caitríona Ruane

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE

- (1) Mr George Hamilton, Chief Constable
- (1) Mr Drew Harris, Deputy Chief Constable
- (1) Mr Mark Hamilton, ACC Legacy and Justice Department
and Human Resources
- (1) Mr Stephen Martin, ACC District Policing Command
- (1) Mr Alan Todd, T/ACC Operational Support Department
- (1) Mr Mark McNaughten, T/Director of Finance & Support
Services
- (1) Ms Liz Young, Head of Corporate Communications
- (1) Superintendent, Command Secretariat
- (1) One PSNI Official

OFFICIALS IN ATTENDANCE:

- Mr Edgar Jardine, Interim Chief Executive
- Mrs Siobhan Fisher, T/Director of Partnership
- Mrs Amanda Stewart, Director of Policy
- Mr Brian McDonald, T/Director of Support Services
- 3 Board Officials

- (1) Item 16**
- (2) Item 10 to close**
- (3) Item 11 to item 15**
- (4) Item 1 – part item 16**
- (5) Part item 3.3.1 to close**
- (6) Item 1 – 12.3**

1 APOLOGIES, ETC

Apologies were received from Mr Trevor Lunn and Mr Pat Sheehan.

The Chairperson asked Members to declare any conflicts of interest arising from the agenda. No conflicts of interests were declared.

2 DRAFT MINUTES OF A MEETINGS OF THE POLICING BOARD

2.1 Draft minutes of Policing Board Meeting held on 3 December 2015

The Board considered the draft minutes of the Board meeting held on 3 December 2015.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 3 December 2015 be approved.

2.2 Draft minutes of Policing Board Meeting held on 22 December 2015

The Board considered the draft minutes of the Board meeting held on 22 December 2015.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 22

December 2015 be approved.

2.3 Draft minutes of Policing Board Meeting held on 7 January 2016

The Board considered the draft minutes of the Board meeting held on 7 January 2016.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 7 January 2016 be approved subject to the words “for agreement by the Board” being added at the end of recommendation 16 on page 5.

3 MATTERS ARISING FROM THE MINUTES OF THE MEETING

3.1 Meeting held on 3 December 2015

3.1.1 Human Resources Issues (Item 3.1 of minutes refers)

The Interim Chief Executive updated the Board on a matter relating to a PSNI human resources issue.

3.2 Meeting held on 22 December 2015

3.2.1 Findings of the Investigation into the Bomb Attack on Constable Peadar Heffron (Item 2 of minutes refers)

The Board considered a note which had been provided by the Board’s Human Rights Advisor regarding the legislative framework within which the Police Ombudsman investigates complaints (including complaints of criminality) against a Police Officer. The note also outlined the powers available to the Ombudsman to make recommendations or to direct the Chief Constable to take disciplinary action in respect of a Police Officer.

The Board discussed the following with the Board’s Human Rights Advisor:-

- The Police Ombudsman's power to recommend or direct disciplinary proceedings and also the PSNI's discretion in respect of applying a sanction following the outcome of any misconduct process.
- Concerns raised by the Police Ombudsman regarding the reduction of sanctions for Senior Police Officers. The Director of Policy advised that representatives from the Office of the Police Ombudsman (OPONI) would be invited to a future meeting of the Performance Committee to discuss patterns in disciplinary action.
- Limitations on OPONI's ability to investigate retired Police Officers or compel them to give evidence.
- The need for clarity in relation to the role of the Board, PSNI and Police Ombudsman around the legislative framework for dealing with complaints against the police.

Following discussion it was:-

AGREED:

That the Board should develop a position paper on potential future legislation for policing for discussion with the Minister in the next mandate

3.3 Meeting held on 7 January 2016

3.3.1 Review of Recruitment and Selection Procedures for Senior Posts (Item 2 of minutes refers)

The Board noted that the Eligibility Meeting for the post of Chief Executive would be held on 25 February 2016 and interviews for the position on 18 April 2016. The Chief Executive of the Scottish Police Authority would participate in the Appointment Panel as an Independent Advisor. NOTED.

The Board noted that Ms Catherine Pollock was not available to participate in the Chief Executive Panel and had been replaced by Professor Brice Dickson. NOTED.

The Chairperson advised the Board it had been decided to proceed with a competition for an Assistant Chief Constable for PSNI. It was:-

AGREED:

That the Competition Initiation Meeting should be held in Parliament Buildings, Belfast on 10 February 2016 at 1pm. The make-up of the Panel would be confirmed before this date.

4 QUESTIONS TO RAISE WITH THE CHIEF CONSTABLE

The Board noted:-

- A monthly report from the Chief Constable to the Board.
- Written responses from PSNI to questions raised by Committees and individual Members.

NOTED.

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

5 CHAIRPERSON'S BUSINESS

5.1 Engagements

The Board noted a list of the Chairperson's engagements during the period 8 December 2015 – 2 February 2016. NOTED.

5.2 Correspondence

The Board noted the following correspondence:-

- Letter dated 15 December 2015 from the Secretary of State and letter dated 16 December 2015 from the Justice Minister regarding the Secretary of

State's Bi-Annual Statement on the security situation.

- Letter dated 19 January 2016 from the Chief Constable regarding changes to PSNI Departments.
- Letter dated 26 January 2016 from the Chief Constable regarding a request made by the Director of Public Prosecutions (DPP) under section 35(5) of the Justice (NI) Act 2002.

This letter was dealt with at item 11.

- Letter dated 26 January 2016 from the Public Prosecution Service (PPS) regarding progress on the Transformation Programme.
- Letter dated 1 February 2016 from Mrs Dolores Kelly regarding representation from the Board at the Hearings which were conducted recently by Lord Justice Weir in relation to the review of inquests.

The Board discussed the Member's concerns that no representative from the Board had attended the Hearings and it was:-

AGREED:

- That the Human Rights Advisor should provide the Board with a short report in relation to the work conducted by Lord Justice Weir regarding the review of inquests.
 - That the Board should write to the Justice Minister requesting a copy of the Terms of Reference for the CJINI Inspection on the PSNI's role in supporting legacy inquests.
- Letter dated 2 February 2016 from the PSNI regarding notification of Senior Management Appointments and Postings.

NOTED.

5.3 Report on Meeting of the Business Co-Ordination Group

The Board noted a draft note of a meeting of the Business Co-Ordination Group held on 12 January 2016. NOTED.

The Chairperson highlighted to the Board that the Business Co-Ordination Group had agreed that:-

- The Board meeting scheduled to take place on 7 April 2016 should not have a public session. The private session with the Chief Constable should be held as normal.
- The Board meeting scheduled for 5 May 2016 should be cancelled.
- Committee meetings take place in April and May 2016. The arrangements for the May 2016 Partnership and Audit and Risk Management Committee meetings may require review if Political Member nominations to the Board were not received before the date of the meetings.

6 AUDIT AND RISK MANAGEMENT COMMITTEE

6.1 Draft minutes of the meeting of the Audit and Risk Management Committee held on 18 December 2015

The Vice-Chairperson of the Committee referred Members to the draft minutes of the meeting and highlighted the following matters considered by the Committee:-

6.1.1 Draft Terms of Reference (Item 2 of minutes refers)

6.1.2 NIPB Internal Audit Plan for 2015/16 (Item 10 of minutes refers)

6.1.3 NIAO Reports to those charged with Governance (PSNI) (Item 12 of minutes refers)

6.1.4 NIAO Reports to those charged with Governance (Police Pension) (Item 13 of minutes refers)

The Vice-Chairperson advised the Board that the Head of Financial Accounting/BSO sponsor Branch of DHSSPSNI had been co-opted onto the Audit and Risk Management Committee to provide specialist advice when required. NOTED.

7 PARTNERSHIP COMMITTEE

7.1 Draft Minutes of a meeting of the Partnership Committee held on 10 December 2015

The Chairperson of the Committee referred Members to the draft minutes of the meeting and highlighted the following matters considered by the Committee:-

7.1.1 Policing with the Community (Item 3.1 of minutes refers)

The Chairperson advised the Board that a Policing with the Community Workshop would be held on 11 February 2016 to which all Board Members were invited.

7.1.2 Update on Youth Volunteering Scheme (Item 3.3 of minutes refers)

7.1.3 Draft Policy on the Police Property Fund (Item 3.8 of minutes refers)

7.1.4 Briefing from Perceptive insight – Interim findings on Confidence in Policing Research (Item 5.1 of minutes refers)

7.1.5 Meeting with PCSP Chairpersons and Vice-Chairpersons (Item 5.2 of minutes refers)

Members expressed concern at the challenges facing PCSPs and outlined areas where the Board could provide assistance.

7.1.6 Consultation on the Code of Practice for the Exercise of Functions for PCSPs and DPCSPs (Item 5.3 of minutes refers)

7.1.7 Overview of PCSP Training (Item 5.7 of minutes refers)

8 PERFORMANCE COMMITTEE

8.1 Minutes of a meeting of the Performance Committee held on 17 December 2015

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting and highlighted the following matters considered by the Committee:-

8.1.1 Legacy Investigation Branch (Item 5.2 of minutes refers)

8.1.2 Update on the Review of Custody Healthcare (Item 5.6 of minutes refers)

8.2 Draft Minutes of a meeting of the Performance Committee held on 21 January 2016

The Vice-Chairperson of the Committee referred Members to the minutes of the meeting and highlighted the following matters considered by the Committee:-

8.2.1 Legacy Investigation Branch (Item 3.5 of minutes refers)

8.2.2 Update regarding PSNI use of Small Unmanned Aircraft (Item 5.1 of minutes refers)

8.2.3 CJINI Inspection on Legacy (Item 5.3 of minutes refers)

The Chairperson referred to a meeting which the Board had held previously with HMIC, CJINI and OPONI to discuss issues of mutual concern and suggested that a similar meeting should be arranged.

8.3 Immigration Bill proposals to tackle labour exploitation

The Board considered a paper which sought Member's views on whether certain proposals contained within the Westminster Immigration Bill intended to tackle labour exploitation should be extended to Northern Ireland.

Members also considered a letter from the Minister of Justice together with a draft

response from the Board outlining Members views regarding proposals contained in the draft Immigration Bill.

Officials advised the Board that PSNI had been asked for their views in relation to an Intelligence and data sharing hub. A response was awaited.

Following discussion it was:-

AGREED:

To approve the draft response to the Justice Minister and for the information from PSNI on Intelligence and Data sharing hub to follow.

8.4 Memoranda of Understanding relating to the Operation of the NCA In Northern Ireland

The Board considered a paper regarding a Memoranda of Understanding (MOU) relating to the operation of the National Crime Agency (NCA) in Northern Ireland.

Mr Gerry Kelly advised the Board that Sinn Féin did not support the extension of the NCA's remit in Northern Ireland and would not sign up to MOUs which in their view would give a veto on the basis of national security to either the Home Secretary or the Director General of NCA.

The Board:-

AGREED:

- The MOU between the PSNI and the NCA.
- The MOU between the Home Office, Minister of Justice and the Board.
- The MOU between the NCA and the Board.

Members noted that the Director General of NCA would attend the Board meeting on 3 March 2016. NOTED.

9 RESOURCES COMMITTEE

9.1 Minutes of a meeting of the Resources Committee held on 26 November 2015

The Chairperson of the Committee referred Members to the minutes of the meeting and advised the Board that a verbal briefing on the meeting had been given at the Board meeting on 3 December 2015. NOTED.

9.2 Minutes of a meeting of the Resources Committee held on 17 December 2015

The Chairperson of the Committee referred Members to the minutes of the meeting and highlighted the following matters considered by the Committee:-

9.2.1 Draft Terms of Reference (Item 2 of minutes refers)

9.2.2 HMIC Review responding to Austerity (Item 7.1 of minutes refers)

9.2.3 NIPB submission to the Senior Salaries Review Board and the Police Pay Review Body Establishments (Item 7.2 of minutes refers)

9.2.2 General and Occasional Authorisations to sell, supply, keep and consume intoxicating liquor at Police Establishments (Item 7.3 of minutes refers)

9.3 Verbal Report on a Meeting of the Resources Committee held on 28 January 2015

The Chairperson of the Committee advised the Board that the draft minutes of the meeting held on 28 January 2016 were not yet available and provided a verbal report on the following.

9.3.1 HMIC Review responding to Austerity

9.3.2 Assisted Removals – Extension

9.4 2016-17 Indicative Budget Allocation (PSNI)

The Board noted a letter from DOJ to the Chief Constable dated 5 January 2016 regarding the 2015-17 Indicative Budget Allocation for PSNI. NOTED.

9.5 2016-17 Indicative Budget Allocation (NIPB)

The Board noted a letter from DOJ to the Interim Chief Executive dated 5 January 2016 regarding the 2015-17 Indicative Budget Allocation for the Board. NOTED.

10 PUBLICATION / LAUNCH ARRANGEMENTS FOR THE STRATEGIC OBJECTIVES FOR POLICING 2016-20 AND THE ANNUAL POLICING PLAN 2016-17

The Board considered a paper regarding the proposed arrangements for the launch for the Strategic Objectives for Policing 2016-20 and the Annual Policing Plan 2016-17.

Officials advised the Board that the time of the launch of the Policing Plan had been changed to 5pm on 24 March 2016 in order that the Minister of Justice could attend.

The Board:-

AGREED:

- That the Strategic Objectives for Policing 2016- 20 and the Annual Policing Plan 2016-17 should be launched in the Radar Centre, Belfast on 24 March 2016 at 5pm.
- That the event should take the form of a Board public meeting. It should be opened with an overview by the Board Chair on the Strategic Objectives for Policing, followed by an input from the Minister of Justice and the Chief

Constable. Members of the audience should be invited to ask questions during a Q&A session.

- That the Board should invite the PCSPs and its key stakeholders from the statutory, voluntary and community sectors as well as the wider NI community to the launch.
- The event should be streamed live over the internet and use made of social media.

11 ESTABLISHMENT OF A SPECIAL PURPOSES COMMITTEE IN RELATION TO A REQUEST MADE BY THE DIRECTOR OF PUBLIC PROSECUTIONS UNDER SECTION 35(5) OF THE JUSTICE (NORTHERN IRELAND ACT 2002

The Board considered:-

- Correspondence which had been received from the Chief Constable regarding requests made by the DPP under section 35(5) of the Justice (Northern Ireland) Act 2002.
- A paper which informed Members of a request which had been received from the Chief Constable to establish a Special Purposes Committee to consider information pertaining to an investigation into the activities of an alleged former agent referred to as 'Stakeknife'.
- Advice which had been provided previously by the Board's Human Rights Advisor in respect of the establishment of a Special Purposes Committee and the provision of sensitive information to the Board.

Members discussed the following with the Human Rights Advisor:-

- The role of a Special Purposes Committee.
- The Chief Constable's suggestion that the Human Rights Advisor should have a role in scrutinising the investigation's compliance with Article 2 of the European

Convention on Human Rights (ECHR).

- The mechanism which might assist the Board in overseeing an investigation into the activities of an alleged former agent.

In conclusion the Board considered that the issue should be discussed with the Chief Constable later in the meeting.

12 INFORMATION PAPERS

The Board noted the following papers:-

12.1 Schedule of Events – February 2016

12.2 Members Attendances at Meetings and Events during the period 1 July – 31 December 2015 and Members Expenses

12.3 Public Statement issued in accordance with section 62 of the Police (Northern Ireland) Act 1998

NOTED.

13 COMMUNICATION ISSUES

The Board noted details of communication issues. NOTED.

14 ANY OTHER BUSINESS

No other business was conducted.

15 DATE OF NEXT MEETING

The date of the next meeting was arranged for 3 March 2016.

16 PRIVATE SESSION WITH THE CHIEF CONSTABLE

The Chairperson welcomed the Chief Constable and the Senior Executive Team to the meeting and outlined the areas that Members would like to discuss.

The Board noted a timeline which had been provided by Officials in relation to the use of small unmanned aircrafts. NOTED

Members discussed with the PSNI information sharing arrangements between the PSNI and the Board and specifically requested the PSNI to comment on anomalies in information given to the Performance and Resources Committees regarding the PSNI's use of small unmanned aircrafts (SUA). The Chief Constable assured the Board of the PSNI's commitment to openness and transparency in their approach to providing information to the Board and provided Members with an update in relation to the current position regarding the operation and deployment of SUAs. The Chairperson of the Performance Committee suggested that a meeting should be arranged between himself, the Vice-Chair of the Committee and the Deputy Chief Constable to discuss the use of small unmanned aircrafts. The Chief Constable also agreed to release the business case relating to SUAs following the removal of sensitive information.

In response to a question from a Member the PSNI discussed with the Board the recent review of 55 inquests conducted by Justice Weir. Members expressed concern at comments made by Justice Weir regarding PSNI disclosure and highlighted the findings of a CJINI inspection which dealt with disclosure submitted to the PPS. The PSNI updated the Board in relation to ongoing engagement with the Lord Chief Justice's Office and other criminal justice agencies regarding the coronial process. Members were also advised of progress in respect of the recommendations made in the CJINI Inspection report on the File Quality and Timeliness of Police Files incorporating disclosure submitted to the PPS.

The Board discussed correspondence which had been received from the Chief Constable regarding requests which had been made by the DPP under section 35(5) of the Justice (Northern Ireland) Act 2002. Members discussed with PSNI the

arrangements for the establishment of the investigation to progress the referral from the DPP to investigate a range of activities surrounding an individual known as Stakeknife.

Members agreed that the establishment and day to day running of the investigation was a matter for the Chief Constable and the Board should be kept fully apprised of progress through regular reports which allows the Board's statutory accountability responsibilities to be met. Members also agreed that the Board's Human Rights Advisor should have a role in monitoring compliance issues associated with the investigation.

In response to a question from a Member, the PSNI advised that the final evaluation report on the Body Worn Video pilot was expected in early April 2016 and would be shared with the Board as soon as it was available.

The meeting moved into public session. A verbatim recording of the Board meeting in public is available on the Board's facebook page at www.facebook.com/policingboard.

(Meeting closed at 4.00 pm)

**Board Support
February 2016**

_____ **Chairperson**