

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY 6 MARCH 2019 AT 12.00PM AND THURSDAY 7 MARCH 2019 AT 10.00AM IN WATERSIDE TOWER**

#### **PRESENT:**

- Mrs Anne Connolly (Chair)
- Ms Deborah Watters (Vice-Chair)
- (1) Mr John Blair
- Mr Keith Buchanan
- Mrs Joanne Bunting
- Mr Alan Chambers
- (2) Prof Brice Dickson
- (3) Mrs Linda Dillon
- Mr Tom Frawley
- Mr Doug Garrett
- (4) Mrs Dolores Kelly
- (5) Mr Gerry Kelly
- (6) Mr Philip McGuigan
- (7) Mr Colm McKenna
- Mr Gary Middleton
- Dr Paul Nolan
- Mrs Wendy Osborne
- Mr Mervyn Storey

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

- (8) Mr George Hamilton, Chief Constable
- (8) Mr Stephen Martin, T/Deputy Chief Constable
- (8) Mr George Clarke, T/Assistant Chief Constable, Legacy and Legal Department
- (8) Ms Barbara Gray, T/Assistant Chief Constable, Crime Operations Department
- (8) Mr Mark Hamilton, Assistant Chief Constable, District Policing
- (8) Mr Tim Mairs, Assistant Chief Constable, Innovation and Standards Department
- (8) Mr Alan Todd, Assistant Chief, Operational Support Department
- (8) Mr Mark McNaughten, T/Director of Finance & Support Services & Human Resources
- (8) Ms Yvonne Cooke. Head of Human Resources
- (8) Superintendent Andrew Freeburn, Command Secretariat
- (8) Two PSNI Staff Members

**CRIMINAL JUSTICE** (9) Mr Brendan McGuigan, Chief Inspector  
**INSPECTION NORTHERN** (9) Mr James Corrigan, Deputy Chief Inspector  
**IRELAND IN** (9) Dr Ian Cameron  
**ATTENDANCE**

**CROWN SOLICITOR** (10) Ms Fiona Chamberlain

**OFFICIALS IN** Mrs Amanda Stewart, Chief Executive  
**ATTENDANCE:** (11) Mr Tim Logan, Director of Resources  
 (11) Mr Adrian McNamee, Director of Partnership  
 (11) Ms Jenny Passmore, Director of Performance  
 (11) 3 Board Officials  
 1 Board Official

- (1) Item numbers 1 – 4 (left at 3.30pm on 6 March 2019) & part item number 14 - 16 on 7 March 2019
- (2) Part item number 4 to close (arrived at 2.10pm)
- (3) Part item number 3 – 10.2 (arrived at 12.15pm and left at 4.20pm on 6 March 2019)
- (4) Part item 3 to close (arrived at 12:55pm)
- (5) Item numbers 1 – 4 (left at 3.30pm on 6 March 2019) and item number 13 – 16 on 7 March 2019
- (6) Item number 1 – part item number 12 (left at 4.55pm on 6 March 2019) and item number 13 – 16 on 7 March 2019
- (7) Part item number 4 onwards (arrived at 1.30pm)
- (8) Part item number 13
- (9) Item number 3
- (10) Item number 4
- (11) Except item number 4

## 1. APOLOGIES

Professor Brice Dickson, Mrs Linda Dillon and Mr Colm McKenna had advised that they would be late for the meeting on 6 March 2019.

Apologies were received from Mrs Linda Dillon for the meeting on 7 March 2019.

The Board agreed the agenda for the meeting.

The Chair asked Members to advise of any issues they wished to raise at item number 15 under “Any Other Business”. No issues were declared.

## **2. CONFLICTS OF INTEREST**

The Chair asked Members to declare any conflicts of interests arising from the agenda. Mrs Joanne Bunting declared a potential conflict of interest regarding the arrest of two journalists over the alleged theft of documents from the Police Ombudsman’s Office. No other conflicts of interest were declared. NOTED.

## **3. DISCUSSION WITH BRENDAN MCGUIGAN, CJINI REGARDING CJINI REVIEW IN RESPECT OF METHODS PSNI USE TO DISCLOSE INFORMATION IN HISTORIC CASES TO POLICE OMBUDSMAN**

The Board noted correspondence regarding the development of the Terms of Reference for a forthcoming inspection into the disclosure of information to the Office of the Police Ombudsman in respect of historic cases. NOTED.

The Chair welcomed Mr Brendan McGuigan, Chief Inspector, Criminal Justice Inspection Northern Ireland (CJINI) and his colleagues to the meeting.

The Chief Inspector, CJINI advised the Board that the Department of Justice (DOJ) had asked CJINI to carry out a review regarding the methods used by PSNI to disclose information in historic cases to the Office of the Police Ombudsman. He explained that the review would be prioritised within the CJINI programme of work and that CJINI would be developing Terms of Reference for the review and would welcome the Board’s views on the main issues.

Members discussed the remit, terms of reference and scope of the CJINI

review in the disclosure of information to the Office of the Police Ombudsman in respect of historic cases by the PSNI with the representatives from CJINI.

During discussion with the Chief Inspector, CJINI the following areas were to be considered in developing the Terms of Reference for the review:-

- That CJINI would consider engagement with other key stakeholders such as NGOs and victims, however would not be case specific. The Information Commissioners Office would also be considered as part of the consultation.
- The PSNI and Office of the Police Ombudsman's processes would be examined in relation to disclosure of information, however this would be in a general sense.
- CJINI would not look at the issues regarding the Sean Graham Bookmaker's case and the failure to disclose information.
- CJINI would examine organisational policies and Memorandas of Understanding that are in place.
- CJINI would consider the issue of business planning, training and supervision of staff and Quality Assurance processes in place.
- CJINI would look at the IT systems in place.
- CJINI would cover risk management around disclosure in the review.

The Chief Inspector confirmed that as soon as consultation on the terms of reference was complete, they would be published and that he expected the review would be completed in 4-5 months.

The Chair thanked the Chief Inspector, CJINI and his colleagues for attending the meeting and they left.

## **DISCUSSION WITH FIONA CHAMBERLAIN, CROWN SOLICITOR**

## **REGARDING THE CHIEF CONSTABLE APPOINTMENT PROCESS**

4. The Board considered legal advice which was circulated at the meeting regarding the Chief Constable appointment process following recent political commentary in the media.

An official sensitive note on the discussion regarding the Chief Constable Appointment Process is attached at Appendix "A".

At the conclusion of the discussion the Board agreed that a Panel should be appointed to progress a recruitment process for the appointment of a Chief Constable that is based on the key principles of merit, fairness and openness.

The Board agreed that the Selection Panel should comprise of the Board Chair, Mr John Blair, Mr Alan Chambers, Mrs Linda Dillon, Mrs Dolores Kelly, Mr Colm McKenna, Mrs Wendy Osborne and Mr Mervyn Storey.

In order to provide further assurance and confidence, the Board also agreed to incorporate additional independent scrutiny throughout the process to bring an extra level of scrutiny, probity and transparency.

The Board agreed that a special Board meeting should take place on 20 March 2019 with the Occupational Psychologist who would support the design, deliver and quality assure the selection and appointment process.

**(AP1)**

## **5. MINUTES OF MEETING HELD ON 6/7 FEBRUARY 2019**

The Board considered the draft minutes of the Board meeting held on 6/7 February 2019.

It was:-

**RESOLVED:**

That the draft minutes of the Policing Board meeting held on 6/7 February 2019 be approved.

**6. UPDATE ON ACTION LOG**

Members noted an update on the action log from previous Board meetings.

**NOTED.**

With regard to number AP2 on the action log Members noted advice which had been received from the Board's Human Resources Advisor regarding the employment rights of Police Officers and Civilian Staff who were in posts on a temporary basis for a long period of time. NOTED.

Regarding number AP3 on the action log Members noted that information in relation to the appointment of Chief Constable was included at item 8. NOTED.

With regard to number AP5 on the action log of the meeting held on 6/7 February 2019, the Board noted that the Human Rights Advisor Selection Panel would comprise of Ms Deborah Watters (Chair of Panel), Mr Keith Buchanan, Prof Brice Dickson Mr Gerry Kelly and Dr Paul Nolan. During discussion regarding female representation on the Panel Mrs Joanne Bunting and Mrs Wendy Osborne indicated they would be willing to sit on the Panel.

**(AP2)**

**7. CHAIR'S BUSINESS**

The Chair presented a report to the Board which advised Members of:-

- The Chair's engagements during the period 4 – 26 February 2019.

- A letter dated 13 February 2019 from the Chief Constable regarding his tenure.
- A letter from Emma Rogan MLA to the Chief Constable, Durham Police regarding the arrest of two journalists arising from a documentary in relation to the Loughinisland massacre.
- A letter dated 19 February 2019 from the Equality Commissioner regarding the Chief Constable appointment process.
- A letter dated 8 February 2019 from the Board to the Gillen review.
- A letter dated 13 February 2019 from the Board to the NIAO Comptroller and Auditor General regarding continuous improvement arrangements in policing.

Members noted that a letter had also been received from the Superintendents' Association regarding the Chief Constable appointment process. NOTED.

Members discussed an operation which had been carried out by the Chief Constable, Durham Police and agreed that he should be invited to attend a future meeting to brief the Board on the operation and specifically the arrest of two journalists. **(AP3)**

Members noted that the Chair would represent the Board at St Patrick's Day events in Washington in March 2019. NOTED.

## **8. CHIEF EXECUTIVE'S REPORT**

The Chief Executive updated Members on significant issues within the Board, including the Chief Constable recruitment competition.

The Board considered a programme of visits to the Police Estate and it was agreed to postpone the visits until September 2019 given Member's commitments around appointments and other aspects of Board and Committee business. **(AP4)**

## **9. COMMITTEE REPORTS**

### **9.1 Performance Committee – 14 February 2019**

The Board noted a report from the Chair of the Performance Committee and draft minutes of the Committee meeting held on 14 February 2019. NOTED.

### **9.2 Partnership Committee – 21 February 2019**

The Board noted a report from the Chair of the Partnership Committee and draft minutes of the Committee meeting held on 21 February 2019. NOTED.

The Board:-

#### **AGREED:**

That the Annual Effectiveness Report on PCSPs should be published on the Board website. **(AP5)**

The Board also:-

#### **AGREED:**

That advertisements for PCSP Independent Members should be placed in the press. **(AP6)**

### **9.3 Resources Committee – 28 February 2019**

The Board noted a report from the Chair of the Resources Committee on the meeting held on 28 February 2019. NOTED.



## **10. BOARD BUSINESS**

### **10.1 Board assessment of PSNI's performance against the Policing Plan for 2017/18**

The Board considered a draft performance summary of the Board's assessment of the PSNI's performance against the measures in the Policing Plan 2017/18 as required by section 28(5A) of the Police (Northern Ireland) Act 2000.

Members discussed the draft performance summary and made a number of suggestions for future assessment reports of the PSNI's performance.

In conclusion the Board:-

#### **AGREED:**

That the draft performance summary for 2017/18 should be published on the Board's website. **(AP7)**

### **10.2 Final draft 2019/20 Policing Plan**

The Board considered a final draft of the 2019/20 of the Policing Plan.

Members discussed the draft Policing Plan and made a number of suggestions for future Plans.

In conclusion the Board:-

#### **AGREED:**

That the draft 2019/20 Policing Plan should be published on the Board's website. **(AP8)**

### **10.3 Board response to NCA Annual Plan for 2019/20**

The Board considered a paper which provided Members with a copy of the draft National Crime Agency (NCA) Annual Plan 2019/20.

Members noted the timescales for a response to the NCA did not allow for the Board to draft a letter to the Director General, NCA in respect of the content of the Annual Plan in relation to Northern Ireland and it was:-

#### **AGREED:**

That the letter should be issued to the Director General, NCA.

It was also:-

#### **AGREED:**

That the Director General, NCA should be invited to attend a future Board meeting to discuss the work of NCA.

**(AP9)**

### **10.4 NIPB Draft Business Plan 2019/20**

The Board considered the Board Draft Business Plan for the period 2019/20.

Following discussion it was:-

#### **AGREED:**

That the Business Plan 2019/20 should be agreed and published on the Board's website. **(AP10)**

**11. CHIEF CONSTABLE'S REPORT**

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

**12. QUESTIONS FOR THE CHIEF CONSTABLE**

The Board agreed questions to be raised with PSNI at the meeting on 7 March 2019.

**13. PRIVATE SESSION WITH THE CHIEF CONSTABLE**

The Chair welcomed the Chief Constable and the Service Executive Team to the meeting.

The Chief Constable updated the Board on serious crime offences, the PSNI Budget 2019/20, the budget position for 2018/19, the PSNI's failure to disclose information to the Office of the Police Ombudsman in legacy disclosure and other significant issues within the PSNI.

In response to a question from a Member, the Chief Constable briefed the Board on how the NCA became operational in Northern Ireland and advised that it was his view that arrangements were very effective. The representatives from PSNI advised the Board that the joint working arrangements for sharing information was very effective.

Members and the representatives from PSNI discussed human trafficking in Northern Ireland which was a significant problem and steps which were taken to safeguard children.

During discussion the representatives from PSNI undertook to provide the Board with information on human trafficking.

In response to a question from a Member in relation to a recent announcement regarding the allocation of £55m to the Coroners Service to deal with legacy inquests, the representatives from PSNI explained that £22m of this would be provided to PSNI and that no funding had been provided for litigation matters.

Members expressed disappointment that PSNI had not received notification of the budgetary settlement for 2019/20 which had resulted in the Resources Committee being unable to make a recommendation to the Board regarding the PSNI budget. The Chief Constable referred to a £20.6m pressure identified in the 2019/20 budget and the difficulties PSNI would face in bridging the gap if this funding was not provided.

The Board had a discussion with the representatives from PSNI regarding the PSNI Budget, strategic financial planning and the PSNI being unable to carry financial reserves or underspend to the next financial year.

In response to a question from a Member, the representatives from PSNI advised the Board that the PSNI used Regional Campuses for examinations.

In response to another question from a Member regarding a recent PSNI recruitment campaign, the PSNI outlined information regarding the applications which had been received. During discussion Members were advised that the PSNI pay an apprenticeship levy but the funding did not

necessarily come back into policing. Members undertook to write to the Secretary of State regarding this matter.

During discussion the PSNI undertook to brief the Resources Committee in relation to training at the Police College.

Members discussed the lateness of PSNI receiving their budget and agreed that the matter should be raised with the NIAO Controller and Auditor General. It was also suggested that representatives from the Board, PSNI and DOJ should meet to discuss PSNI strategic financial planning.

In response to a question from a Member, the Chief Constable advised Members that information on Operation Turnel, the PSNI disclosure improvement plan had been issued to the Board.

In response to a question from a Member regarding the Secretary of State's recent statement that deaths caused by the Security Forces were not crimes, the Chief Constable said that if a Police Officer or Soldier shot a person they should be investigated like any other citizen.

In response to a question, the PSNI undertook to provide the Board with information regarding Data Protection Service Procedure.

In response to a question, PSNI briefed Members on the success in dealing with up to 400 calls a week involving persons with mental health issues through a multi-agency triage team.

In response to a question from a Member, the PSNI updated the Board on the investigation into the murder of Ian Ogle and policing in East Belfast.

In response to questions from a Member, the representatives from PSNI commented on a recent incident on the train line in Lurgan in which rail

workers were approached by a gunman. They also commented on a petrol bombing of a house in Craigavon.

**(AP11)**

The Chair thanked the Chief Constable and his Service Executive Team for attending the meeting and they left.

The Board considered and agreed the questions to ask the PSNI at the meeting in public.

#### **14. COMMUNICATION ISSUES**

The Board agreed that news releases should be issued regarding:-

- The Chief Constable Appointment process.
- The PSNI budgetary position

Officials advised the Board that a seminar on 'Policing the EU Exit' would take place at the end of March 2019. Members would be advised of the date. **(AP12)**

#### **15. ANY OTHER BUSINESS**

No other business was discussed.

#### **16. DATE OF NEXT MEETING**

Members noted a schedule of events for March 2019. NOTED.

The date of the next meeting was arranged for 4 and 5 April 2019.

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](https://www.facebook.com/policingboard).

(Meeting closed at 1.45 pm).

## **CORPORATE SERVICES**

**Date:** March 2019

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**Chair**