

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD  
HELD ON WEDNESDAY 4 SEPTEMBER 2019 AT 1.30PM AND THURSDAY 5  
SEPTEMBER 2019 AT 10.00AM IN WATERSIDE TOWER**

**PRESENT:**

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

**POLICE SERVICE OF(2)  
NORTHERN IRELAND IN (2)  
ATTENDANCE: (2)**

(2) Mr Simon Byrne, Chief Constable  
(2) Mr Stephen Martin, T/Deputy Chief Constable  
(2) Mr George Clarke, T/Assistant Chief Constable,  
Legacy and Legal Department  
(2) Ms Barbara Gray, T/Assistant Chief Constable,  
Crime Operations Department  
(2) Mr Mark Hamilton, Assistant Chief Constable, District  
Policing  
(2) Mr Ryan Feeney, Head of PSNI Communications  
(2) Mr Mark McNaughten, T/Director of Finance &  
Support Services & Human Resources  
(2) Superintendent John McCaughan, Command  
Secretariat  
(2) One PSNI Staff Member

**OFFICIALS IN  
ATTENDANCE:**

Mrs Amanda Stewart, Chief Executive  
Mr Tim Logan, Director of Resources  
Mr Adrian McNamee, Director of Partnership  
Ms Jenny Passmore, Director of Performance  
Three Board Officials

- (1) Part item 9 (left at 4.00pm on 4 September 2019)
- (2) Item number 13

## 1. APOLOGIES

Apologies were received from Mr John Blair for the meeting on 4 and 5 September 2019, from Mr Colm McKenna and Mr Gerry Kelly for the meeting on 4 September 2019 and Dr Tom Frawley for the meeting on 5 September 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. No conflicts of interest were declared. **NOTED.**

Mrs Joanne Bunting declared a potential perceived conflict of interest to the Chief Executive regarding the arrest of two journalists over the alleged theft of documents from the Police Ombudsman’s Office.

## 3. DRAFT MINUTES OF MEETINGS

The Board considered the draft minutes of the Board meeting held on 24 May 2019, 5 and 6 June 2019 and 26 June 2019.

It was:-

### **RESOLVED:**

That the draft minutes of the Policing Board meetings held on 24 May 2019, 5 and 6 June 2019 and 26 June 2019 be approved.

#### 4. UPDATE ON ACTION LOG

Members noted the following updates in regards to the action log from the Board meeting held on 26 June 2019. **NOTED.**

##### **Action Point 1**

Members noted that Mr Jon Boutcher, who was leading the investigation into Operation Kenova, would provide a written report and briefing at the next Board meeting on 2 October 2019. Members further noted that Police Scotland had been asked to provide a written briefing on Operation Klina for the Board meeting on 2 October 2019.

The Board discussed the correspondence dated 30 August 2019 received from the DoJ Permanent Secretary, Peter May about the arrangements for PSNI external investigations including accountability mechanisms. It was noted that a Direct Award Contract (DAC) had been awarded to former Bedfordshire Police Chief Constable Mr Jon Boutcher and he would be responsible for investigating Operation Mizzenmast and Operation Kenova which he was already investigating. It was further noted that the DAC allowed for Mr Boutcher to undertake additional external investigations if requested to do so. With regards to the accountability arrangements of both Mr Boutcher and former Durham Constabulary Chief Constable Mike Barton who retired in June 2019 and was undertaking an investigation into Operation Yurta, the Board noted that as both were retired the mutual aid arrangements were no longer in place and that the DoJ Permanent Secretary had confirmed they were accountable to the PSNI Chief Constable for their performance and reporting to the Board. The teams of police officers working alongside both Mr Boutcher and Mr Barton remained accountable to the Office of the Police Ombudsman.

Members asked to formally record in the minutes of the meeting and in writing to the DoJ Permanent Secretary that on the basis of what they know of the

DACs for Operation Kenova and Operation Yurta the Board would not have agreed to these contracts.

Following discussion the Board agreed to write to the Chief Constable and request details about the DAC awarded to Mr Boutcher including the timing of the awarding of the DAC, how the contract is being funded and the capacity of Mr Boutcher to undertake the investigative work **(AP1)**

Members agreed to invite Peter May to a future Board meeting for discussions on the DAC accountability arrangements for external investigators **(AP2)**

The Board discussed the tripartite relationship between it, the PSNI and DoJ and noted that whilst the Board had not been part of the decision making process to award the DAC to Mr Boutcher or Mr Barton it was the accountability body. Members agreed that protocols and a governance and accountability model for the tripartite arrangements should be developed to inform the meeting with the DoJ Permanent Secretary. **(AP3)**

## **5. CHAIR'S BUSINESS**

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

- The Chair's engagements during the period 21 June to 28 August 2019.
- A list of correspondence received by the Chair during the period 21 June to 28 August 2019.
- A list of correspondence issued by the Chair during the period 21 June to 28 August 2019.

### **NOTED.**

In response to a question from a Member, the Chair provided an update on her meeting with representatives from the National Union of Journalists (NUJ)

in regards to the investigation by Durham Constabulary into Fine Point Films Ltd. and journalists Trevor McBirney and Barry McCaffrey. The Chair noted that the meeting was very positive and the NUJ wanted to focus on their future working relations with the PSNI. Members noted that during the course of the meeting issues were raised regarding the digital retention of material seized. It was agreed that draft correspondence to the NUJ from the Chair would be updated to reflect the Board's discussions at the meeting **(AP4)**

Peter May's correspondence dated 22 July 2019 regarding the HMICFRS PEEL Inspection 2019/2020 was noted and it was agreed that the Chief Executive would reply to Mr May's correspondence clarifying that the Board's understanding based on engagement with HMICFRS inspectors and with officials in DoJ is that the PEEL methodology collectively provides a considered view on policing effectiveness and efficiency and that the legitimacy pillar should not be viewed as something separate or an optional extra. **(AP5)**

Correspondence to TACC Tim Mairs dated 7 August 2019 was reviewed by Members regarding the Police Federation for NI (PFNI). The Chair stated that a report had been requested from TACC Mairs on the issues raised. It was agreed that the Chair should write to PSNI and seek assurance that protocols are in place governing the relationship between the PFNI and PSNI **(AP6)**

The Board noted correspondence from the Chief Constable to the Chair dated 28 August 2019 regarding Operation Turma and that Mr Boutcher would undertake an external investigation under the DAC which had been discussed earlier in the meeting.

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

Members noted a report from the Chief Executive to the Board. **NOTED.**

The Chief Executive updated Members on issues within the Board, including the year to date position on the achievement of business performance

measures, outstanding issues relating to the senior officer appointments and contractual issues for the Board. During discussions the Chief Executive agreed that if there were any implications for the Policing Board arising from these issues she would bring the matter to the Resources Committee.

The Chief Executive noted that a recruitment timetable for the Deputy Chief Constable and Assistant Chief Constable vacancies had been agreed and would be discussed further at agenda item 8.1.

The Chief Executive also advised Members of staffing pressures across the organisation and the need to create further posts in Police Administration Branch (PAB).

The Chief Executive further updated the Board on the Policing Board's future accommodation noting that it was unlikely that the Policing Board would remain in its current accommodation going forward due to the associated costs. Options were being considered for future accommodation keeping in mind the Policing Board's best interests and the need to retain impartiality and independence. The Chief Executive stated that she would keep the Board updated with developments.

The Chief Executive also updated the Board on a number on ongoing legal cases and developments since the last report.

The Chief Executive noted that the DoJ had asked if the Hate Crime Review Team could be hosted in Waterside Tower for a period of 5 months from April to August 2020.

**IT WAS AGREED:**

That the Hate Crime Review Team could be hosted in Waterside Tower from April to August 2020.

**7. COMMITTEE REPORTS**

### **7.1 Partnership Committee – 14 August 2019**

The Board noted a report from the Chair of the Partnership Committee and draft minutes of the Committee meeting held on 14 August 2019.

**NOTED.**

### **7.2 Local Policing Review**

Officials presented a paper on the Local Policing Review and the Partnership Committee and PSNI's work over the previous 3-4 months to develop a Consultation Response Document. An overview of the document including its 6 headline actions and 45 delivery actions to be undertaken was discussed and it was noted that subject to Board approval it would be launched at a public event in November 2019.

#### **IT WAS AGREED:**

That the Local Policing Review Consultation Response be published at a public event in November 2019.

## **8. BOARD BUSINESS**

### **8.1 PSNI Senior Officer Appointments**

The Board considered a paper which updated members on the timeline for the Deputy Chief Constable Appointment process and discussed the rationale for seeking to appoint a Deputy Chief Constable before the competition to appointment Assistant Chief Constables commenced.

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 Deputy 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, Board Vice-Chair, Mr John Blair, Mr Alan Chambers, Mrs Dolores Kelly, Mr Gerry Kelly, Mr Gary Middleton and Mr Paul Nolan.

The Chair reminded all Board Members, and in particular the Interview Panel, of the importance of ensuring that the integrity of the process is maintained at all times.

## **8.2 Report from the Chief Constable on the Durham Constabulary Investigation into Fine Point Films Ltd.**

Officials presented a paper which included a report on the investigation which the former Chief Constable, Durham Constabulary was carrying out into an alleged theft and/or unlawful leaking of sensitive documents from the Office of the Police Ombudsman relating to the Loughinisland investigation.

Members noted that the Board had agreed to await the full court judgment in the case and the report of Durham Constabulary on the investigation before considering further action.

Members discussed the circumstances and handling of the investigation and suggested questions to raise with the PSNI Chief Constable later in the meeting.

## **8.3 Policing Plan Working Group Terms of Reference**

Officials presented a paper which included an overview of the key discussion points from the Policing Plan 2020 - 2025 Working Group on 23 July 2019 and the proposed Terms of Reference for the Working Group.

Members noted that the draft Policing Plan Outcomes and Indicators would be presented to a meeting of the Strategic Planning Group for



approval prior to the commencement of the public consultation process.

It was:-

**RESOLVED:**

That the Policing Plan 2020 - 2025 Working Group Terms of Reference be approved.

**8.4 Approach to Development of the Corporate Plan**

Officials presented a paper on the development of the Policing Board's Corporate Plan which had to be finalised and published by 1 April 2020.

During discussions Members noted the timetable for drafting the Corporate Plan and the need to ensure that the Policing Board Corporate Plan aligned with the Policing Plan which was also being drafted.

It was:-

**AGREED:**

That the Board Away Day would take place on 25 September 2019.

**9. CHIEF CONSTABLE'S REPORT**

Members noted the following:-

- A monthly report from the Chief Constable to the Board which contained information regarding;-
  - the Chief Constable's review of PSNI uniform and protective equipment

- review of the contact management function
- PSNI estate strategy considerations
- EU exit preparedness
- Policing parades and bonfires during the summer 2019 period
- Supplementary slides on the improvement of the Contact Management function **NOTED.**

During discussion, a member raised recent press coverage of PSNI overtime. A Member also raised the Chief Constable's review of the PSNI Estate Strategy and it was agreed that the Board will advise the Chief Constable's office of the offer of support from a Board Member on the PSNI Estate Strategy **(AP7)**

## **12. QUESTIONS FOR THE CHIEF CONSTABLE**

The Board noted written responses from the PSNI to questions which had been submitted to the Chief Constable from Committees and Members.  
**NOTED.**

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

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

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

- The Chief Constable updated the Board on his reflections following his first 10 weeks in post including the issue of bonfires and parades during the summer period, PSNI's EU Exit Preparations and the change in command structure with TVACC George Clarke now leading PSNI's preparations for the UK's exit from the EU, the investment of 400 officers in Neighbourhood Policing by March 2020, PSNI's uniform

review and the improvement in the Contact Management function which handles 101 and 999 calls.

The following issues were also discussed;

- The Chief Constable's recent comments made at a stop and search policing conference at Queen's University, Belfast.
- In response to a Member's question , about the ongoing investigation by Durham Constabulary into the alleged theft and/or unlawful leaking of sensitive documents from the Office of the Police Ombudsman relating to the Loughinisland investigation the Chief Constable agreed to rewrite to Durham Constabulary Chief Constable Barton highlighting the Board's concerns about the investigation. The Chief Constable also noted that Durham Constabulary's Report on its investigation would be available by 31 December 2019
- The work involved within the investigation of Operation Kenova. The Chief Constable updated the Board that he had recently met with Mr Boucher to discuss his approach to the ongoing investigations.
- In response a Member's question about the PSNI retaining a digital copy of information related to the arrest of journalist Mr McBirney and Mr McCaffrey, the Chief Constable referenced an ongoing legal case on which the Court's judgement was awaited.
- In response to a question about Operation Tabist, the Chief Constable agreed to provide more information about the background to this Operation.
- During discussion the Chief Constable updated Members on the deployment of the additional 400 Neighbourhood Policing officers advising that each area would receive 1 new officer and thereafter officers would be allocated based on an area's need.
- In response to a question from a Member about the additional £400 million of funding that had been announced for Northern Ireland by Chancellor Sajid Javid, the Chief Constable noted that support from the

Board would be welcomed as the PSNI made a bid for £7.5 million of additional funding.

- During discussions about the PSNI's Managed Services contractor Members questioned the Chief Constable on the general issue of how complaints against PSNI contract staff are dealt with. It was noted that there were mechanisms in place within the contract to ensure the accountability of the contract provider however the Chief Constable stated that he would review the issue.

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 noted that a news release would be issued welcoming the 400 Neighbourhood Policing officers and condemning the recent paramilitary attacks.

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

##### **15.1 Schedule of Meetings – September 2019**

Members noted a schedule of events for September 2019. **NOTED.**

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

The date of the next meeting was arranged for 2 and 3 October 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](http://www.facebook.com/policingboard).

(Meeting closed at 12.25 pm).

## **CORPORATE SERVICES**

**Date:** September 2019

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**Chair**