

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY 6 NOVEMBER 2019 AT 1.30PM AND THURSDAY 7 NOVEMBER 2019 AT 10.00AM IN WATERSIDE TOWER, CLARENDON DOCK.

PRESENT:

Mrs Anne Connolly (Chair)
Ms Deborah Watters (Vice-Chair)

- (1) Mrs Joanne Bunting
- (2) Mr John Blair
- (3) Mr Alan Chambers
Prof Brice Dickson
- (4) Mrs Linda Dillon
Dr Tom Frawley
Mr Doug Garrett
- (5) Mrs Dolores Kelly
- (6) Mr Gerry Kelly
Mr Philip McGuigan
Mr Colm McKenna
Dr Paul Nolan
- (1) Mr Mervyn Storey

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (7) Mr Simon Byrne, Chief Constable
- (7) Mr Stephen Martin, T/Deputy Chief Constable
- (7) Mr George Clarke, T/Assistant Chief Constable,
Legacy and Legal Department
- (7) Superintendent John McCaughan, Command
Secretariat
- (7) One PSNI Staff Member

NATIONAL CRIME AGENCY IN ATTENDANCE

- (8) Ms Lynne Owens, Director General, National Crime
Agency
- (8) Mr Gerry McLean, Detective Chief Superintendent
Head of Investigations, Scotland and Northern Ireland,
- (8) National Crime Agency
One National Crime Agency 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
Ms Aislinn, McGuckin, T/ Director of Police
Administration
Three Board Officials

(1) Items 1 to 10 (present on 6 November 2019).

- (2) Part item 11 to 16 (present on 7 November 2019, left at 10.50am, returned 11.05am).
- (3) Items 1 to 16 (except part item 11 arrived at 10.55am on 7 November 2019 and part item 14 and 15, left at 12.40pm and returned at 12.45pm on 7 November 2019).
- (4) Items 1 to 10 (except part item 7.3 left at 3.25pm and returned at 3.30pm on 6 November 2019).
- (5) Items 1 to 16 (except part item 10 left at 4.20pm on 6 November 2019).
- (6) Part item 5.2 to 10 and part item 11 to 16 (arrived at 2.05pm on 6 November 2019. Left at 4.10pm and returned at 4.15pm on 6 November 2019. Arrived at 11am on 7 November 2019).
- (7) Items 11 and 12.
- (8) Item 12.

1. APOLOGIES

Apologies were received from Wendy Osborne, Gary Middleton and Keith Buchanan for the meeting on both 6 and 7 November 2019. Linda Dillon gave apologies for the meeting on 7 November 2019.

The Board agreed the agenda for the meeting.

Members discussed the General Election which had been called for 12 December 2019 and agreed that because of pre-election restrictions, a public Board meeting would not be held until after the General Election.

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.

3. DRAFT MINUTES OF MEETING HELD ON 2 & 3 OCTOBER 2019

The Board considered the draft minutes of the Board held on 2 and 3 October

2019 and requested that an amendment be made to the minutes.

It was:-

RESOLVED:

That the draft minutes of the Board meeting held on 2 and 3 October 2019 be approved subject to an amendment being made as was discussed.

4. UPDATE ON ACTION LOG

Members noted the following updates in regards to the action log from the Board meeting held on 2 and 3 October 2019. NOTED.

Members further noted the correspondence received from the PSNI dated 31 October 2019 included at agenda item 4.1 which responded to a number of queries raised at the Board meeting held on 2 and 3 October 2019. NOTED.

Action Point 2

The Board Effectiveness Report was being finalised by Business Consultancy Services and would be brought to the Board meeting on 4 December 2019; a discussion on the actions from the report and skills audit would be scheduled at a follow-up Board Planning Day in early 2020.

Action Point 7

The Strategic Outline Case on police numbers was being prepared and would be considered by Resources Committee at its December 2019 meeting.

Action Points 1, 3, 4, 5, 6 and 8 from the meeting held on 2 and 3 October 2019 were closed.

Members noted the following updates in regards to the action log from the Board meeting held on 4 and 5 September 2019. NOTED.

Action Point 1

The scope of the internal audit had been finalised by the PSNI's Internal Audit team and the final report would be shared with the Board once available.

Action Points 2 and 3

The Department of Justice (DoJ) Permanent Secretary, was willing to attend a future Board meeting to discuss the tri-partite policing architecture. It was agreed that a Chair's Advisory Group meeting should be convened in advance of the DoJ's Permanent Secretary's attendance at a Board meeting.

(AP1)

Action Point 4

A response to the Chair's correspondence to the National Union of Journalists dated 23 September 2019 was awaited.

Action Point 5

Members noted that a response had been received from the DoJ Permanent Secretary regarding the upcoming Police Efficiency, Effectiveness and Legitimacy (PEEL) inspection. Members further noted that while the focus of fieldwork would be the Legitimacy pillar, the PEEL Report would cover the full remit of Effectiveness, Efficiency and Legitimacy and the pillars not subject to fieldwork would receive a "desk-top" review of the available evidence to allow HMICFRS to comment on all pillars.

Action Point 6

A holding reply had been received from the PSNI which stated that a review was underway.

Action Point 7

A meeting between a Board Member and the Chief Constable had been

scheduled for 21 November 2019 to discuss the PSNI Estate Strategy.

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

Action Point 4 from the meeting held on 26 June 2019 had been closed.

Members noted the following updates in regards to the action log from the Board meeting held on 6 and 7 June 2019. NOTED.

Action Point 7

Dates for future Board meetings would be discussed with Members in due course.

5. CHAIR'S BUSINESS

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

- The Chair's engagements during the period 3 to 31 October 2019.
- A list of correspondence received by the Chair during the period 3 to 31 October 2019.
- A list of correspondence issued by the Chair during the period 3 to 31 October 2019.

Members noted that the DoJ had launched a competition to recruit new Independent Board Members and discussed the DoJ's consultation with the Board in determining the essential criteria that would be sought.

Members discussed the Chief Constable's letter dated 10 October 2019 to the Chair which related to the review of Conducted Energy Devices. The Performance Committee would consider the review when finalised.

Members discussed the upcoming sexual offences report which was being published on 8 December 2019 and it was agreed that it would be shared with Performance Committee and discussed at a future Committee meeting. **(AP2)**

6. CHIEF EXECUTIVE'S REPORT

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

The Chief Executive updated Members on a number of matters within the Board, including the achievement of business performance measures, the return of capital funding to the DoJ during the In-Year Monitoring exercise and updates made to the Corporate Risk Register to ensure that the risks of the Police Administration Branch were appropriately reflected.

The Chief Executive updated Members on the proposed new timetable for the Deputy Chief Constable competition; the shortlisting, panel training and candidate interviews had been rescheduled following the announcement of the General Election on 12 December 2019.

The Chief Executive discussed with Members a number of ongoing Board projects including the independent custody visitors' interviews, the policing plan consultation, an update on legal cases involving the Board and the Board Effectiveness Report.

Members discussed with the Chief Executive the business performance measures which were not on track and the learning that may be taken forward when establishing performance measures to support the new Corporate Plan.

7 COMMITTEE REPORTS

7.1 Audit and Risk Assurance Committee Minutes 26 September 2019

The Board noted the minutes of the Audit and Risk Assurance Committee (ARAC) dated 26 September 2019. NOTED.

7.1.1 NIPB Complaints Policy and Procedure

Officials presented the updated NIPB Complaints Policy and Procedure which was being recommended to the Board for approval by the ARAC. Officials highlighted that the Complaints Policy and Procedure had been revised to make it more user friendly and that the language within the document had been updated following a benchmarking exercise with other public sector organisations.

It was:-

RESOLVED:

That the Northern Ireland Policing Board Complaints Policy and Procedure be approved.

7.2 Performance Committee – 10 October 2019

The Board noted a report from the Chair of the Performance Committee and draft minutes of the Committee meeting held on 10 October 2019. NOTED.

Members noted the recent discussion at Performance Committee regarding the introduction of spit and bite guards and it was agreed that the pictures would be shared with all Board Members. **(AP3)**

Members discussed a recent media report regarding the Police College which was being dealt with internally by the PSNI and agreed that the Resources Committee should consider cultural issues of the Police College as part of its programme of work.

Members requested that PSNI's Grievance and Bullying and Harassment Procedures for PSNI staff and officers be shared with them, together with a read out of the issues arising from meetings of PSNI's Culture and Ethics Diversity Board. **(AP4)**

Following discussion, it was:-

RESOLVED:

That two National Crime Agency (NCA) Quarterly Reports covering the period Quarter 4 2018/19 (January – March 2019) and Quarter 1 2019/20 (April – June 2019) be published on the Northern Ireland Policing Board's website.

7.3 Partnership Committee – 17 October 2019

The Board noted a report from the Chair of the Partnership Committee and draft minutes of the Committee meeting held on 17 October 2019. NOTED.

Members discussed the attendance of DoJ's 'Tackling Paramilitarism Programme Team' (TPPT) to the Committee meeting. It was requested that a copy of the TPPT's presentation to the Committee be circulated to all Board Members. **(AP5)**

Members further discussed the publication of the Independent Reporting Commission's (IRC) second report and it was agreed that representatives from the IRC would be invited to a future Partnership Committee meeting and all Board Members would be informed of the arrangements so that they could attend. **(AP6)**

Following discussion, it was:-

RESOLVED:

That the 2018/2019 independent Custody Visitor Report and the Independent Community Observer Annual Reports 2018/19 and 2017/18 be published on the Northern Ireland Policing Board's website.

7.4 Resources Committee – 17 October 2019

The Board noted a report from the Chair of the Resources Committee of the meeting held on 17 October 2019. NOTED.

8. BOARD BUSINESS

8.1 RUC George Cross Foundation – Nomination of a Trustee

Two Board Members expressed their willingness to be a Trustee on the RUC George Cross Foundation and it was agreed that the Chair would meet with both Members before deciding who to nominate. **(AP7)**

8.2 Police Administration Branch- Key Issues

Officials presented a paper which summarised the key issues that had been discussed during the Police Administration briefing held on 9 October 2019, including the various challenges and risks that had been identified.

Officials highlighted that Members had discussed the establishment of a Working Group to review the current Injury Benefit Award Scheme and to determine what (if any) improvements and adjustments should be made to the current process.

During discussions, Members noted the draft Terms of Reference included within the papers and no amendments were suggested. Members also agreed that the Working Group should be comprised of Board Members.

Following discussion, it was:

RESOLVED:

- That Colm McKenna, Linda Dillon, Brice Dickson, Tom Frawley and either Keith Buchanan or Gary Middleton form a Working Group.
- The draft Terms of Reference were noted by the Board.

8.3 Chief Officer Appointment Process Update

8.3.1 DCC Appointment Process Update

Officials presented a paper which updated Members on the timetable for the recruitment of a Deputy Chief Constable. NOTED.

Officials highlighted that because of the General Election on 12 December 2019 shortlisting, panel training and candidate interviews would take place in January 2020 with a special Board meeting provisionally scheduled for Friday 31 January 2020 to consider the Panel's recommendation.

8.3.2 Chief Constable Appointment – Post Project Evaluation

Member noted the Chief Constable Appointment - Post Project Evaluation. NOTED.

8.4 NIPB Corporate Plan

Officials presented a paper on the NIPB Corporate Plan noting that following feedback received from Members the proposed vision and mission statement

had been updated. It was further highlighted that the Corporate Plan would be subject to a 10 week consultation period commencing on 14 November 2019 with a planned face to face session planned with key stakeholders on 25 November 2019.

Members discussed the proposed Corporate Plan and requested that the 'Demand on Policing' paragraph be amended as was discussed.

Following discussion, it was:-

RESOLVED:

That the draft NIPB Corporate Plan be approved, for a ten week consultation period, subject to amendments being made that were discussed during the meeting.

8.5 Probation Board Consultation Response

Officials presented a paper which included the Board's intended response to the Probation Board's Corporate Plan 2020-2023 Consultation.

Following discussion, it was:-

RESOLVED:

That the Northern Ireland Policing Board's response to the Probation Board Northern Ireland's Corporate Plan 2020-2023 Consultation be approved for submission to the Probation Board.

9. CHIEF CONSTABLE'S REPORT

9.1 EU Exit Update

9.2 Capacity for Further Legacy Investigations

Members noted a monthly report from the Chief Constable to the Board which contained information regarding:

- Legacy Investigation Branch and the arrangements available to the PSNI if further legacy investigations have to be undertaken in the future.
- Ongoing Appeals taken by then Chief Constable Hamilton and the current Chief Constable on the issue of 'practical independence'.
- Efforts being made by the Chief Constable to ensure that any resourcing solution put in place to investigate legacy cases is sustainable and stands up to both court and contractual scrutiny.
- Ongoing legacy litigation and the associated costs.
- Disclosure of materials to the Police Ombudsman for Northern Ireland and improvements made to the search function of the PSNI's legacy IT system.
- Back record conversion of the PSNI's corporate records.
- PSNI's EU Exit preparations.
- An update on significant investigations including the deaths of 39 people in a lorry in Essex and the PSNI's resources being directed to the investigation into Kevin Lunney's abduction in Fermanagh and the collaboration with An Garda Siochana.

During discussions, Members agreed questions that they would raise with the Chief Constable in private.

A Member discussed his recent attendance at the PSNI's Well-Being Conference and asked that the slides be circulated to all Members. **(AP8)**

10. QUESTIONS FOR THE CHIEF CONSTABLE

10.1 Written Questions and Responses

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

10.2 Key Issues of Public Interest

The Board noted a paper which discussed the recent media issues. NOTED.

11. PRIVATE SESSION WITH THE CHIEF CONSTABLE

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

The Chief Constable provided an overview of the issues from his Monthly Report included within Members' papers.

The following issues were also discussed;

- Action being taken by the PSNI in light the upcoming General Election and the community tension in North Belfast where election posters had been removed. The Chief Constable discussed the appointment of a Gold Commander for the General Election who was monitoring all election related activity.
- The recent Spotlight programme and the naming of a potential suspect in mid-Ulster. Members also discussed with the Chief Constable the impact that historical events have on current policing.
- The Chief Constable discussed with Members the ongoing work with the National Crime Agency (NCA) to tackle serious and organised in Northern Ireland and a review that was ongoing of the NCA and the PSNI relationship. It was anticipated that the review would conclude in early 2020 and Members will be kept up to date with the outcome.

- The joint work by the PSNI and An Garda Síochána in Fermanagh in dealing with the Quinn Industrial Holdings (QIH) events and the possible establishment of a joint cross border task force under Eurojust arrangements.
- The impact of the QIH events on the external perception of Northern Ireland and how the perception may be addressed. The Chief Constable acknowledged the potential economic impact and negative perception of Northern Ireland and stated that the PSNI would be deploying additional officers as a result of the Brexit uplift but also noted the importance of an entire strategic approach across a number of agencies to respond to the issues.
- The recent human trafficking cases in both Essex and Belfast Harbour and the perceived increase in serious and organised crime including human trafficking cases. The Deputy Chief Constable updated Members on the work of the cross border Joint Taskforce which was established in 2016 and the change in the types of organised crime.
- In response to a Member's question, the Chief Constable updated the Board on the conversion of PSNI records both under Operation Turnel and organisation wide records. The Chief Constable noted the challenge on the PSNI to balance the need for retention and disposal of records given legal information requirements. The Chief Constable further noted the much improved search functionality that existed as a result of improvements that had been made under operation Turnel and the disclosure of additional information to the Police Ombudsman of Northern Ireland.
- The Chief Constable highlighted that he welcomed the Board's support and advocacy to obtain assistance from the DoJ and the Northern Ireland Office in managing the challenges facing the PSNI from Legacy Investigations disclosure and civil litigation.
- In response to a Member's reference to the Chief Constable's report and the reference to a 'new' LIB operating model, it was noted that this would be unsatisfactory to some families. The Chief Constable and

Members discussed the ongoing court appeals with regards to ensuring 'practical independence' of those investigating legacy cases.

- The position of relying on the Council of Europe Treaties if following the UK's Exit from the EU the European Arrest Warrant was not available to the PSNI. Members and the Chief Constable noted that the wording in the current Withdrawal Agreement was complicated in this area.
- The Chief Constable discussed with Members the NCA's work in Northern Ireland and noted that the PSNI currently contributed £1.4 million to the NCA. It was noted that additional monies were also contributed to the Joint Paramilitary Taskforce and the PSNI agreed to share details with the Board. **(AP9)**

12. PRIVATE SESSION WITH THE CHIEF CONSTABLE AND LYNNE OWENS, NCA DIRECTOR GENERAL

The Chair welcomed Lynne Owens, Director General NCA and Detective Chief Superintendent Gerry Mclean Head of Investigations, Scotland and Northern Ireland to the meeting.

The Director General provided an overview of the NCAs work both worldwide and in relation to Northern Ireland highlighting recent cases including the seizure of imported weapons before they arrived in Northern Ireland, the NCA's global network in fighting child sex abuse and the dark web and the NCA's joint work with the PSNI.

Members also discussed the following issues with the NCA;

- The deaths of 39 people found in a lorry in Essex and the Northern Ireland aspect of the investigation. The Director General highlighted that victims' safety was paramount in investigations and there is always early intervention to save lives where needed.

- The increase in the monetisation of certain child sexual abuse crimes.
- Challenges faced by the NCA in recruiting and retaining cyber experts who are also in demand within the private sector.
- The establishment of the NCA partnership with Police Scotland in Gartcosh, North Lanarkshire. Officials agreed to take forward the potential for the Partnership Committee to visit Gartcosh. **(AP10)**
- Challenges faced in tackling prescription drugs misuse. The Director General noted the rise in prescription drug abuse and the NCA's commitment to tackling the crime. The Chief Constable also noted the increase in prescription drug abuse and that he would address it in a future monthly report to the Board.
- Efforts by both the PSNI and NCA to address previously reported shortcomings in intelligence sharing and the future work needed to ensure that data was shared effectively.
- Unexplained Wealth Orders (UWO) which are not available in Northern Ireland. The Director General stated their use, as an investigative tool, depended on the residency of an individual. Members also discussed other powers that NCA has in other parts of the UK that are not available in Northern Ireland.
- Members discussed the legislation which had been paused as a result of the absence of the Assembly and the PSNI agreed to share the list of legislation with the Board. **(AP9)**
- The potential increase in modern slavery and human trafficking. It was agreed that the PSNI would share with the Members the number of potential victims in Northern Ireland. **(AP9)**
- The implications for the NCA of the UK's exit from the EU. The Director General shared with the Members the four strands of the NCA's work and reach that may be impacted as a result of the UK's exit and noted that work was underway to manage the impact.
- NCA's joint work with Counter Terrorism Police if one of its operations detects dissident activity or involvement.

- In response to a Member's question as to whether the NCA's resources in Northern Ireland were being reviewed as a result of the UK's exit from the EU, the Director General noted while resources within Northern Ireland were being reviewed, some aspects of NCA's work can be undertaken from anywhere and doesn't have to be carried out on the ground in the jurisdiction it relates to.

The Chair thanked the Chief Constable, Deputy Chief Constable, TACC Clarke, the Director General and Detective Superintendent McLean for attending the meeting.

Following discussion, a Member requested that information on the legislation and powers that are currently available to the PSNI to tackle terrorism and serious and organised crime be provided and also information of what sections of the legislation the PSNI are actively using to tackle terrorism and serious and organised crime. **(AP9)**

13. COMMUNICATION ISSUES

The Board considered communications that may be released following the conclusion of the Board meeting.

14 ANY OTHER BUSINESS

No Member raised any business.

15. SCHEDULE OF EVENTS

Members noted the Forward Schedule of Events. NOTED.

16. DATE OF NEXT MEETING

The date of the next meeting was noted to be 4 December 2019.

The meeting concluded at 12.50pm

CORPORATE SERVICES

NOVEMBER 2019

Chair