

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD  
HELD ON THURSDAY 1 AUGUST 2024 AT 9.35AM IN NIPB HQ, JAMES HOUSE,  
BELFAST**

**PRESENT:**

Mr Mukesh Sharma (Chair)  
Mr Brendan Mullan (Vice-Chair)  
Mr Mark H Durkan MLA  
Mr Cathal Boylan MLA  
Mr Trevor Clarke MLA  
Mr Peter McReynolds MLA  
Mr Gerry Kelly MLA  
Mrs Linda Dillon MLA  
Mrs Cheryl Brownlee MLA  
Ms Nuala McAllister MLA  
Mr Peter Osborne  
Mr Les Allamby  
Mr Alan Chambers MLA  
Mr Frank McManus  
Mr Keith Buchanan MLA  
Ms Marian Cree  
(1) Mr Tommy O'Reilly

**NORTHERN IRELAND  
POLICING BOARD  
OFFICIALS IN  
ATTENDANCE:**

Mrs Sinead Simpson, Chief Executive  
Mr Sam Hagen, Senior Director of Resources  
Mr Adrian McNamee, Director of Performance  
Ms Jenny Passmore, Director of Partnership  
Mrs Natalia McMahon, T/Director of Police  
Pensions & Injury Benefits  
Three Board Officials

**OTHER OFFICIALS IN  
ATTENDANCE:**

Mr John Wadham, Human Rights Advisor

**(1) From 10.10am**

The Chair thanked Members for attending today's meeting arranged outside of the normal Board schedule following the cancellation of July's Board meeting due to the General Election.

## **1. APOLOGIES**

Apologies were received from Mr Patrick Nelson and Dr Kate Lavery.

Members agreed the agenda for the meeting.

## **2. CONFLICTS OF INTEREST**

No conflicts of interest were declared and Members did not indicate any items they wished to raise under 'Any Other Business' at agenda item 8.

## **3. CHAIRPERSON'S BUSINESS**

The Chair advised that he had received complaints from two Members [Mr Trevor Clarke MLA and Mr Alan Chambers MLA] in relation to the conduct of a Board Member, Ms Nuala McAllister MLA, following her contribution to the BBC Spotlight programme 'Coerced and Killed', which raised serious concerns regarding the murder of Katie Simpson in 2020 and the handling by PSNI of the murder investigation.

The Chair advised that Ms Nuala McAllister MLA was made aware in advance of this meeting that the matter would be discussed today and that the Board Vice-Chair has been asked to consider the complaints under the Board's Informal Resolution process and assess whether the Members comments in the programme represent a breach of the Board Member's code of conduct.

The Chair noted that attempts to resolve the matters informally through Ms McAllister stating in the public session of the Board meeting that her comments on Spotlight were in a private/political capacity, and the Chair of the Board stating in the public session that he would be writing to the Officer named in the programme to make this clear, had proved unsuccessful. He needed to

consider appropriate next steps given his role in dealing with alleged breaches to the Code of Conduct for Board Members.

The Chair acknowledged the importance of considering the needs of the grieving family as the highest priority and noted that the outcome of the Inquest and Police Ombudsman report are awaited. He also acknowledged that significant failings in the PSNI investigation had been identified with important lessons to be learned by PSNI. The Chair expressed his desire to ensure that these issues remained the focus for the public discussion and was therefore content to provide the necessary clarity in the public meeting about the official position of the Board.

The Chair invited comments from Members and Ms Nuala McAllister MLA raised a number of points, including her dissatisfaction with the proposal from the Chair regarding the proposed statement at the public meeting, and expressed concern that this would serve to discredit her. The Member noted a number of matters relating to the PSNI's handling of the Katie Simpson case which had been brought to her attention in her capacity as MLA and advised that, being frustrated by current processes to look into the concerns raised with her and following consideration of legal advice she had taken the decision to contribute to the BBC Spotlight programme. She noted her view that the Board's handling of this particular complaint from fellow Members was inconsistent with the handling of previous complaints against Board Members and advised that, should the Chair progress as initially outlined, it would be her intention to seek legal advice in relation to this.

Members raised the following points:

- Guidelines and expectations for engaging with the media in capacity as a Board Member, on behalf of political party or when providing own personal views, and Members were advised that further information is

provided in the Member's Code of Conduct which all members were notified of on appointment.

- Acknowledged the need for Political representatives to be able to provide a public commentary on a range of matters as part of their role as community representatives and that they may have limited editorial control with the media.
- Several Members expressed the view that it was entirely inappropriate to name the Officer in the BBC Spotlight programme and that any alleged Member misconduct should be addressed by the Board Vice-Chair as part of due process. A Member maintained the view that the naming of the Police Officer in the BBC Spotlight programme should be raised at the public meeting as, in their view, this unacceptable behaviour was not supported by the Board.
- Careful consideration should be afforded to the content of a public statement by the Chair given that new information may be presented in future regarding the investigation, and recognition of the critical need to be mindful and considerate of the grieving family at the centre of the investigation.
- It was suggested that the Chair does not make a statement in relation to comments made by an individual Member and that the Board public meeting should focus on the wider PSNI investigation, the need to scrutinise the process, the PSNI failings identified, and lessons to be learned by PSNI.
- A Member recognised the important contribution made by Ms Nuala McAllister MLA to highlight these matters in the public domain and that any statement should not be critical of the Member who spoke out on important issues relating to the failings of the PSNI investigation.

Following discussion, Members agreed the content of the Chair's statement for the public meeting in relation to the BBC Spotlight programme which would not specifically reference the Members involvement in the programme. It was agreed to share again the NIPB Code of Conduct with Members for information and to note the requirements it places on them. **(AP1)**

Members discussed wider concerns relating to the investigation of deaths of women in suspicious circumstances, including suicides and vulnerable persons (e.g. drugs, alcohol, mental health), as part of the overall Violence Against Women and Girls (VAWG) strategy; the need for independence if such a review is to take place; and recognised the wider societal issues impacting on services across the public sector, not just policing.

Following discussion, it was agreed to bring a paper to a future Board meeting regarding the issues raised in relation to Violence Against Women and Girls and to write to the Chief Constable outlining Members concerns on these matters. **(AP2)**

#### **4. BOARD BUSINESS**

##### **4.1 Senior Officers Issues**

A confidential annex for this item relating to individual HR matters will be made available for Members to review but will not be published at this time.

##### **4.2 McCullough Review Terms of Reference**

The Chair asked for views on comments received from Members by written procedure on the Terms of Reference (ToR) for the McCullough Review, a report commissioned by the Chief Constable which Members are considering may also serve as a report to the Board requested under Section 59 of the

Police (Northern Ireland) Act 2000. The report relates to the use by PSNI of surveillance powers in relation to journalists and lawyers and others, and Members were asked to consider a draft response to the Chief Constable.

Members raised the following points in relation to the TOR for the McCullough Review:

- the timeline for review should be amended with the start date moved from 1 January 2011 to 1 January 2007;
- further clarity is needed on the differences between the closed Report provided to the Chief Constable and final Report released publicly;
- that a process is needed to provide the necessary assurances to the Board in respect of access to content and regular updates and the HRA should be able to provide the Board with regular updates as the review progresses; any surveillance by PSNI, or any Police Force called in by PSNI, should be part of the independent investigation;
- the role of the HRA should be clearly defined as an observer on the stakeholder group; and
- clarity is needed in relation to redaction principles used for the final report. **(AP4)**
- The Board's Human Rights Advisor (HRA) advised Members that the review process and final report is owned by the Chief Constable and publication timelines will be agreed between Angus McCullough KC, the Chief Constable, and the stakeholder group, and the HRA noted his membership of the stakeholder group as an observer, which would mean all information will be made available to him as a member of the stakeholder group.

- The HRA outlined the separate and ongoing parallel process at the Investigatory Powers Tribunal (IPT) and that timescales for the publication of the McCullough Report will be linked to the work of the IPT and it is likely that the McCullough Review will not be published until the IPT case has concluded.
- The HRA told the Board that although the case by the two journalists now focused on surveillance by PSNI the original case had included other law enforcement agencies, including the Security Service (MI5). It had been expected that the more recent claims made by BBC journalists would be joined to this original case and they would all be heard together by the IPT in October. At the recent hearing the lawyer for MI5 told the IPT that checking its records in relation to the 16 journalists named in the BBC case could not be completed until December. As a result, the BBC case will now not be heard alongside the others in October.
- As the BBC case involves both the PSNI and MI5 this might impact on the McCullough Review's publication schedule which was originally planned for once the IPT gave judgment (expected early in 2025).

Following discussion and subject to the amendments highlighted above Members **AGREED** the:

- Terms of a response from Chair of the Board to the Chief Constable on the Terms of Reference for the McCullough Review.

## 5. KEY ISSUES OF PUBLIC INTEREST

The Board **NOTED** a paper which detailed recent issues of public interest which were relevant to the Board's areas of work.

**6. CHIEF CONSTABLE'S ACCOUNTABILITY REPORT TO THE BOARD**

The Board **NOTED** the Accountability Report for the period 30 May 2024 to 25 July 2024 to inform discussions at the public meeting with the Chief Constable.

**7. COMMUNICATION ISSUES**

No Communication issues were discussed.

**8. ANY OTHER BUSINESS**

No other business was discussed.

**19. DATE OF NEXT MEETING**

The next Board Meeting is scheduled for Thursday 5 September 2024 at 9.30am in James House.

The private meeting closed at 11.20am.

**Strategic Planning & Governance**

**Date:** August 2024

**Chair**