

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF PARTNERSHIP COMMITTEE HELD ON THURSDAY 23 JANUARY 2020 AT 10:10 AM AT THE NORTHERN IRELAND POLICING BOARD, WATERSIDE TOWER

PRESENT: Mr Colm McKenna (Chair)
(1) Mrs Joanne Bunting
(4) Prof Brice Dickson
Mr Gary Middleton
(5) Mr Mervyn Storey
Mrs Wendy Osborne
(6) Ms Debbie Watters (Board Vice Chair)

PSNI: (2) Chief Supt. Andy Freeburn
(2) Supt. Rachel Shields
(2) Detective Chief Insp. Martin Cummings

IRC: (3) Mr Nicholas Murphy
(3) Ms Marie Patterson

OFFICIALS IN ATTENDANCE: Mr Adrian McNamee, Director of Partnership
3 Board Officials

- (1) Entered meeting at 10.20am, present for part item 6.2 (left meeting at 12:20pm and returned at 12:25pm)
- (2) Present for Agenda Item 6.1 only
- (3) Present for Agenda Item 6.2 only
- (4) Present except part item 6.1 (left at 11:15am and returned 11:20am)
- (5) Present except part item 6.1 (left at 11:10am and returned 11:15am) and 6.2 and 6.3 (left at 12:15pm and returned at 12:25pm)
- (6) Present for part Agenda Item 6.1 and Item 6.2 only

1. APOLOGIES

Apologies for the meeting were received from Mrs D Kelly, Mr John Blair and ACC Barbara Gray.

The Chair noted that Mrs Linda Dillon and Mr P McGuigan have resigned from the Board and will be replaced in due course. In the absence of the Chair Mrs D Kelly, the Vice Chair Mr C McKenna acted as Chair for the meeting.

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. MINUTES OF THE LAST MEETING

The Committee considered the draft minutes of the Partnership Committee meeting held on 19 December 2019. The Chair requested that the invitation to the NILGA Conference on 20th February, which was discussed at the December meeting be recorded in the minutes under AOB. **NOTED**

4. UPDATE ON ACTION LOG:

The Director of Partnership provided Members with an update on the Committee's rolling action log. Members noted the current open actions and expected timeframes for these matters to be brought back to the Partnership Committee. **NOTED**

In relation to action points 9.4, 10.2, 10.3 10.4 and 10.6 these will all be included on today's agenda. Regarding action point 10.1 the PPS report has not yet been published, Board officials to share with Members when available **(AP1)**.

5. CHAIRPERSON'S BUSINESS

A letter to ACC Tim Mairs issued on 15 January 2020 from the Chair of Partnership Committee. A response has not yet been received and will be shared with Members at the February Committee meeting.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Tackling Paramilitarism

The Chair welcomed Chief Supt. Andy Freeburn, Supt. Rachel Shields and Detective Chief Inspector Martin Cummings of the Paramilitary Crime Task Force (PCTF) to the meeting. A member congratulated Chief Supt. Freeburn on his recent award on the Queen's New Year's Honours list.

Chief Supt. Freeburn provided Members with a brief overview and update on the work of the team. He highlighted the team's strong record of arrests and recent successes in terms of drug seizures. He also outlined developments in the north west to tackle the INLA and also highlighted the benefits of the Partnership approach to tackling paramilitarism.

Members discussed:

- How the PCTF has undertaken work regarding the disruption of controlled drugs by links with both the work of the Joint Agency Task Force (JATF) and the Organised Crime Task Force (OCTF) drugs sub group;
- Civil Recovery powers and the IRC's recommendations for a separate agency;
- Legislation required to be implemented by the NI Assembly;
- Criminal Finance Act/unexplained wealth orders;
- PSNI resources to tackling paramilitaries – are they sufficient?
- The actions the PCTF take in relation to preventative measures and the need for a collaborative approach in tackling paramilitarism to include the Departments of Health, Education and Justice; and
- The overall impact of the PCTF and how A8 works in practice.

PSNI response included:

- Detail around the working relationship and links with the OCTF and co-working between the OCTF and the PCTF;
- How the removal of drugs disrupts paramilitary activity and organised crime structures;
- Clarification that any separate Agency e.g. the Assets Recovery Agency would be working under the same powers and legislation as the NCA;
- The difference in how PSNI differentiates between organised crime gangs and paramilitaries;
- Re-emphasis around paramilitarism being a much bigger responsibility than that of just PSNI and that the Department of Health, Education, Justice and the Housing Executive all have an important role to play; and
- Practical examples of PSNI working with representatives from communities on the ground and the difficulty in establishing any protocol and how this caused a dilemma around the workings of A8.

The Chair mentioned that a lot of these issues were discussed in the Policing Plan working group and these will be looked at as part of the Development of the new Policing Plan.

The Chair thanked the PSNI Officers for their input to the Committee.

6.2 Independent Reporting Commission (IRC) – Second Report November 2019

The Chair welcomed Marie Patterson and Nicholas Murphy from the IRC Secretariat to the meeting who provided an overview of some of the key findings and recommendations from the IRC's second report, published in November 2019 which included:

- Background and context to the IRC;
- The IRC being two years into a four year programme;
- Commissioners expectations around progress at this stage;
- A need for a whole of Government approach being emphasised;

- The impact of the impediments of having no devolved Government and the impact of Brexit;
- The importance of the restoration of the Executive and the potential to accelerate the implementation of the Executives action plan;
- Reference to the six new recommendations of the report:
 - Tackling Paramilitarism to become a dedicated outcome for the Programme of Government;
 - Enhancing the law enforcement response;
 - Enhancing Neighbourhood Policing;
 - Improving the effectiveness of the Justice System;
 - Dedicated transition process for paramilitaries; and
 - A major public debate on ending Paramilitarism.

Members discussed:

- Why the IRC Commissioners had not attended the meeting;
- The role of the Irish Government in Tackling Paramilitarism;
- The importance of joined up working across Government to make the IRC recommendations happen;
- The difficulties in relation to the Civil Recovery of Criminal Assets and the establishment of a Civil Recovery Agency in NI;
- IRC's view of the current implementation of The Executive Action B4; and
- Priority rating of the IRC recommendations.

The IRC Secretariat's responses included:

- Potential for a future meeting of the IRC Commissioners and Board members;
- That their report highlights some good practice but more needs to be done to tackle the systemic issues;
- The importance of the twin track approach of using a Criminal Justice response as well as focusing on the systemic social economic issues in communities where paramilitaries operate;

- The opportunity now that Ministers are back in place to take a whole of Government approach;
- Regarding a Civil Recovery Agency, the Secretariat clarified the Commissioner's intention to bring a focus to the lack of a bespoke Agency in NI and felt that this issue should be looked at again;
- In relation to B4 the Commissioners are concerned at the lack of progress and felt that not enough risk is currently being taken in this area; and
- Clarified that the IRC will prioritise recommendation one in that Tackling Paramilitarism should become a dedicated outcome for the Programme for Government.

It was:-

AGREED

- Board officials will engage with the IRC Secretariat to organise a future engagement between the Commissioners and Board Members **(AP2)**.

6.3 PCSP Recruitment Process Update

The Director of Partnership introduced the item to provide Members with an update on implementation of the recruitment process stating that Stage 2 of the appointment process has now concluded and that Stage 3 can commence. Stage 3 involves Board Members making the appointment of PCSP independent members. The current Board policy on appointments was provided to Members.

The Director of Partnership pointed out that since the policy was last agreed, CPANI had produced an audit on recent Probation Board appointments and officials had sought legal advice on the current policy. The Director of Partnership outlined a number of options for Members to consider. These included:

- **Option 1** – Proceed with the current policy for appointing, following the Department's Code of Practice and using the criteria set out in section 6 of the current policy to achieve a representative PCSP;
- **Option 2** – Amend section 6 of the current policy for appointment to retain community background and geographical location only within the second bullet point. (This would result in removing age, gender, sexual orientation, race, marital status, occupation and whether the candidate has a disability or dependents from section 6 of the current policy selection process to achieve a representative PCSP); or
- **Option 3** – Await the Departmental response on the request for further clarification on the rationale for including gender and age.

The Director of Partnership concluded that on the basis of the legal, reputational and financial risks identified it is recommended that Option 2 is the preferred option.

Members discussed:

- The protected characteristics in the selection process;
- The implications of the legal advice;
- Current DoJ Code of Practice;
- Recent correspondence from the Department;
- The appropriateness of the current policy; and
- Various options currently available to Members and other potential options.

Having taken due consideration of:

- Officials advice to proceed with Option 2;
- The legal advice;
- The Code of Practice; and
- The CPANI audit of the Probation Board.

Committee Members decided to recommend to the Board Option 1:

- To proceed with the current policy for appointing following the Department's Code of Practice and using the criteria set out in section 6 of the current policy to achieve a representative PCSP.

Members took this decision based on:

- Following the existing Code of Practice and the current policy gave Members the best opportunity to appoint as representative a PCSP as possible;
- Members did not agree with making changes to the current policy in the middle of the process; and
- There is a risk of legal challenge to both Option 1 and Option 2.

The Director of Partnership reminded Members that this option was contrary to official's advice.

It was:-

AGREED

- Members would recommend to the Board to proceed with the current policy for appointing following the Department's Code of Practice and using the criteria set out in section 6 of the current policy to achieve a representative PCSP **(AP3)**; and
- Approve and recommend to the Board the change required to the same policy in relation to the Access NI process **(AP4)**.

6.4 Review of the Policy on the Removal of Members

The Partnership Manager introduced the item to provide Members with updated proposed amendments to the current Policy on the Removal of Members of the PCSPs. Following the discussion at the December meeting of Partnership Committee officials have developed two separate policies; (i) Management of Breaches to the PCSP Code of Conduct and (ii) Removal of Members of a PCSP/DPCSP. The removal policy would be enacted following the implementation and Management of Breach policy with greater emphasis being

on local resolution where possible and elevated to the Board if local resolution does not resolve the issue.

Members discussed:

- The need for a policy at the PCSP level;
- The need to define/clarify what a breach of the code is; and
- Amend the policy to reflect statutory requirements.

It was:-

AGREED

- There should be two policies at Board level and a further policy developed for PCSPs;
- Officials will take into consideration Members proposals and bring revised policies to the February Committee meeting **(AP5)**.

6.5 Study to Gartcosh, Scotland

The Director of Partnership introduced the item and recommended that the Visit to Gartcosh is scheduled later in the year due to:

- The current demands on Members time in relation to Board commitments;
- The return of the NI Assembly and extra demands on Political Members time during this period; and
- Reconstitution of a new Board – a new Board is due to be re-constituted in April 2020 with new Independent and Political Members.

It was:-

AGREED

- That officials will continue to develop a programme for the study visit **(AP6)**; and
- That officials will explore a suitable date with Police Scotland and the Scottish Policing Authority for a convenient date during the May to September 2020 period **(AP7)**.

7. QUESTIONS FOR THE CHIEF CONSTABLE

There were no questions for the Chief Constable identified.

8. COMMUNICATION ISSUES

There were no communication issues arising from the meeting.

9. ANY OTHER BUSINESS

The Director of Partnership outlined the Terms of Reference for the South Armagh Policing Review and requested Members feedback by email **(AP8)**.

The Director of Partnership highlighted the upcoming National Preventative Mechanism (NPM) meeting to be held in Belfast on 10/03/2020 and invited Members to attend. Professor Brice Dickson confirmed he will attend.

NOTED

10. DATE OF NEXT MEETING

The date of the next meeting was agreed as Thursday 20th February 2020

(Meeting closed at 12.30 PM).

PARTNERSHIP DIRECTORATE

JANUARY 2020



Chairperson