

Minutes of the Belfast Policing and Community Safety Partnership

Special Private Meeting

Lavery Room, City Hall
Thursday, 22nd November 2018

Political Members	Independent Members
Councillor Brian Heading (Chair) Councillor Claire Canavan Councillor Ryan Murphy Councillor Matt Garrett Councillor John Hussey Councillor JJ Magee Alderman Jim Rodgers Alderman Tommy Sandford	John MacVicar (Vice Chair) Debbie Hammill Mary Lambe Michael O'Hara
Designated Organisations	Apologies
Harry Bradley, YJA Roisin Muldoon, PBNI	Carmel McKinney Susan Russam Anne-Louise Toal Michael Hogg, EA Jennifer Hawthorne, NIHE Patricia Muldoon, YJA Chief Superintendent John Roberts, PSNI
Staff Present	
Alison Allen, Neighbourhood Services Officer John Walsh, City Solicitor Colin Campbell, Divisional Solicitor Lorna Somers, Safer City Assistant Manager Katharine McCrum, Partnership Support Officer	

1. Welcome and Apologies

- i. The Chair welcomed Members to the meeting and noted the apologies provided.

2. Declarations of Interest

- i. The Chair advised Members that they were required to declare any material interests that they may have in relation to any items on the agenda.
- ii. No declarations of interest were noted.

3. Belfast PCSP Minutes

- i. The minutes of the Belfast PCSP Private Meeting held on 5th November, copies of which had previously been circulated, were taken as read and agreed as correct.
- ii. The Safer City Assistant Manager advised that the actions from the minutes related to holding this Special Meeting and a paper which would be presented in January, and as such were up to date at the current time.

4. Review of 'Lenadoon Halloween Fireworks Display' funding Decision

- i. The Neighbourhood Services Manager noted that at the request of Members, the City Solicitor was in attendance. She advised that she was not at liberty to provide any further information regarding the decision, and that she had been tasked with establishing the facts of the matter. She added that any further investigation would be of a serious nature and would have HR considerations.
- ii. A Member suggested that any group applying for and receiving funding needed to have the process documented in writing, and in this case, that had not happened. He noted that irrespective of the group, an audit trail was required in order to stand up to challenge. The Member added that at the original meeting answers were not provided regarding what had been provided by the group, at which point evidence was requested and delegated authority provided on this basis, however this had still not been provided. He suggested that this set a precedent and questioned how this course of action could be defended.
- iii. The City Solicitor, John Walsh, introduced himself and the Divisional Solicitor, Colin Campbell. He advised that they supported the principals of transparency and the processes governing the basis of decision making. That being said, in this instance issues had been raised which brought into question previous discussions with the group which had led them to believe that the project would be included in the annual Action Plan.
- iv. He added that the advice provided on the subject had several basis in law and considered the balance of probability, the conclusion of doubt and grounds for expectation. He also referred to concerns raised in writing to the Chair from one of the Independent Members.
- v. The District Solicitor provided an example by way of illustration whereby a late application to a tender exercise would not be accepted, however if there was doubt that Council contributed to the lateness, the application could be accepted. He noted that as the situation was explained to him, this was a unique set of circumstances and therefore did not set a precedent in relation to the previously agreed position on unsolicited applications.
- vi. A Member asked for an opinion on the use of delegated authority. He explained that written evidence regarding the group's expectation of funding formed the basis of the delegated authority, and if this did not exist, questioned why the decision had not been brought back to the Partnership for further discussion.
- vii. The City Solicitor advised that he was not aware of this provision, and so it was possible that the decision may have extended past the delegated authority provided, however it was unlikely to have changed the outcome. The Member asked for further thoughts once the relevant minutes were read by the City Solicitor.
- viii. A Member suggested that lessons needed to be learnt from the experience and reminded Members of the need to protect the reputation of the Partnership, whilst questioning what the defence was from an audit point of view. He also noted the value of the legal advice provided.
- ix. The City Solicitor suggested that it would be appropriate for the legal advice provided to be put in writing, as well as the basis for the Divisional Solicitor providing this advice. It was agreed that this would be circulated once received.
- x. A Member reiterated the point that the discussion was not related to the group involved, but the process used. He also noted the frustration expressed by the PSNI

at the previous meeting regarding time set aside to discuss the issue. He suggested that the constraints put on Partnerships when delivering the Action Plans meant that there was no room for manoeuvre or to allow funding to be allocated reactively. He suggested that a degree of flexibility needed to be built in to Plans in future years, and noted that the area in question was a hotspot for anti-social behaviour.

- xi. Members referred to the letter from the Independent Member and asked for this to be circulated. The Safer City Assistant Manager advised that it had been received on the afternoon prior to the meeting for the attention of the Chair, as the Member was unable to attend.
- xii. A Member noted the previous comments from the PSNI regarding the length of discussion and respectively noted that the opportunity for debate and resolution was important.
- xiii. Having reviewed the minutes of the previous meeting, the City Solicitor stated that on the face of it, the Member's assertion regarding the delegated authority was correct. He also summarised the points raised within the letter submitted to the Chair;
 - That the decision taken by the delegated authority may have been outside the terms agreed if no evidence was provided, although this may have been innocently done,
 - That it is for the group to establish that they had legitimate grounds for believing a certain action would be taken and for them to prove entitlement,
 - That this matter should be considered without prejudice to the unsolicited applications policy which should still stand.
- xiv. The Neighbourhood Services Manager noted that delegated authority had been provided to her in April for projects up to £2,999 in order to expedite the delivery of the Action Plan. She added that while Members asked for written evidence, she found it difficult to agree to this given that no investigation had taken place at that point.
- xv. A Member suggested that the delegated authority originally provided was superseded by the agreement made at the meeting on 8th October, and that the minute of the meeting clearly detailed the additional requirements. He again questioned the basis of the legitimate expectation for funding.
- xvi. The City Solicitor advised that there were 2 components; conversations with a staff member regarding the annual basis of the work which would be written into the Action Plan, and a number of attempts to contact staff regarding the issue which were not responded to.
- xvii. A Member asked how this could be approved given that previous approaches to the Partnership had been turned down. She suggested that the request should never have been tabled for discussion.
- xviii. A Member questioned whether this issue would be referred to the Northern Ireland Audit Office for consideration. Members discussed the suggestion and whether it was right for a Member to action the referral or for the Partnership to take a vote on the matter.
- xix. It was agreed that instead, the issue would be brought to the attention of the Joint Committee as the funder of the PCSP.

5. Letter requesting funding from REACH

- i. The Safer City Assistant Manager reminded Members of her previous recommendation to turn down the funding request from REACH. She added that as the request was unsolicited, this would remain her recommendation and as such she suggested Members agree to notify the group that no funding would be provided and to sign post them to alternative future funding sources.
- ii. In response to a Member's query as to what the legal opinion on this would be, the Safer City Assistant Manager noted that there was no suggestion of misunderstanding regarding the expectation of funding, no application had been submitted, the request was unsolicited and no clear link to policing or community safety outcomes was mentioned. She added that the normal procedure for PCSPs was to advertise funding opportunities via Small Grants and Policing Committee Grants in order to provide equality of opportunity. Members were advised of the current Small Grants timetable:
 - Currently open, closing 11th January for projects operating between April-September 2019
 - Opens again in June 2019 for projects operating between October 2019 and March 2020.
- iii. Further to the points already made, Members were reminded that the PCSP had agreed to move to a more strategic process using Outcome Based Accountability (OBA) to develop Action Plans based on evidence of need. Members were also advised that Officer time and already allocated funds would need to be diverted to this project if it was to be agreed.
- iv. The City Solicitor advised that the decision made under item 4 of the agenda did not set a precedent and recommended that Members did not do so now by funding this request. He also noted that there was no evidence that the work linked to the objectives of the Partnership.
- v. On this basis the Partnership agreed not to providing funding to REACH and it was agreed that staff would write to REACH to advise them of future funding sources including the PCSP Small Grant deadlines.

6. Date of Next Meeting

- i. Members were advised that the next meetings of the Belfast PCSP would be;
 - Sentencing Policy Review Joint Briefing, Wednesday 28th November, 7pm
 - Belfast PCSP Private Meeting, Monday 14th January, 5.30pm
- ii. Members were also reminded about attending the Christmas Crime Prevention and Safety Event on 4th December, and OBA Training on 12th December.