

# Kilkenny City Joint Policing Committee

## Standing Orders



Adopted 13<sup>th</sup> December, 2010

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## Kilkenny City Council Joint Policing Committee

### Standing Orders

#### 1. Definitions

- 1.1 In these Orders "Joint Policing Committee" and/or "JPC" refers to The Joint Policing Committee or JPC of Kilkenny Borough Council, as set out under Section 36 of the Garda Siochana Act, 2005 and within the Guidelines issued by the Department of Justice, Equality & Law Reform, and the Department of Environment, Heritage & Local Government.
- 1.2 Borough Council is defined as Kilkenny Borough Council.
- 1.3 The Joint Policing Committee covered by these orders are: Kilkenny City.
- 1.4 "Council" means "The council of the Borough of Kilkenny."
- 1.5 "Councillor" means a person elected or co-opted to the office of Councillor of the Borough of Kilkenny.
- 1.6 "Deputy" means a person elected to the office of Deputy of Dáil Eireann.
- 1.7 "Senator" means a person elected to the office of Senator of Seanad Eireann.
- 1.8 "Elected Representative" is the collective term for either a Councillor, Deputy or Senator.
- 1.9 "Garda" means (a) a member of the Garda Siochana (of any rank including the Garda Commissioner) appointed under Part 2 of the Garda Siochana Act 2005; and (b) a reserve member of the Garda Siochana; but does not include a member of the civilian staff of the Garda Siochana.
- 1.10 "Representative" means a person nominated by their organisation and appointed to the position of representative of the JPC.
- 1.11 "Member" means any elected representative or person selected to the position of representative of the full JPC and/or any Subcommittee of the JPC.
- 1.12 "Chairperson" means the Councillor presiding at any meeting of the JPC or of a Subcommittee.
- 1.13 "Mayor" means the Councillor so elected at the Annual Meeting of the Council.
- 1.14 The "Director of Services" means the Director of Services for the Kilkenny Borough Council or, in his/her absence, his/her duly appointed deputy.

- 1.15 The “Guidelines” mean the set of guidelines issued by the Department of Justice, Equality & Law Reform, and the Department of Environment, Heritage & Local Government in July 2008, in consultation with the Department of Community, Rural and Gaeltacht Affairs.
- 1.16 The “Steering Group Committee” consists of the Chairperson of the JPC, A representative of the An Garda Síochána and the Town Clerk.

## **2. Introduction**

- 2.1 The purpose of these standing orders is to set out in detail the functions, composition, procedures and operation of the Kilkenny Borough Council’ Joint Policing Committee in accordance with the Garda Síochána Act 2005 and in line with the Guidelines issued by the Department of Justice, Equality & Law Reform, and the Department of Environment, Heritage & Local Government in September 2008.
- 2.2 The Act (section 36) provides for the establishment of a Joint Policing Committee in each local authority administrative area. The purpose of these committees is to provide a forum where a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area.
- 2.3 It is intended that the committees will be co-operative in nature and will operate with the minimum of formality. Through the work of the committee both partners – the local authority and the Garda Síochána - along with Oireachtas members and community interests will have the opportunity to contribute to the improved policing, in its broadest sense, of the area to the benefit of its residents by carrying out their duties and performing their functions.
- 2.4 The provisions made in these Standing Orders shall be secondary to the Guidelines, which shall take precedence.

## **3. Establishment**

- 3.1 Section 36 (1) of the Garda Síochána Act provides:  
“A local authority and the Garda Commissioner shall arrange for the establishment of a joint policing committee in accordance with guidelines issued ...”  
A local authority shall, after consultation with the Garda Commissioner or an officer authorised by him or her to consult with the local authority, by resolution establish a committee.

- 3.2** The Garda Síochána representatives on the committee shall be appointed by the Garda Commissioner. The other members first appointed should be appointed by resolution of the local authority by which it was established, and subsequent appointments shall be by such resolution or in such other manner as that local authority may provide for by resolution.
- 3.3** Kilkenny Borough Council Community representatives shall be sought through public invitation.
- 3.4** The JPC's may establish sub-committees where they deem it necessary. Such sub-committees shall be very specifically focused on a sub-area of the jurisdiction of the main committee, e.g. a particular housing estate. Such sub-committees shall be chaired by an Elected Representative who also sits on the main Committee. Sub-committees shall report to the main committee, and shall act within clear terms of reference laid down by the main committee.

## **4. Terms**

- 4.1** The term of the JPC's and their sub-committees shall correspond to the term of the membership of the participating Council.

## **5. Chairperson**

- 5.1** Section 35 (2) (c) of the Garda Síochána Act provides that the chairperson of a committee will be drawn from the elected members nominated to the JPC by the relevant Borough Council
- 5.2** The Councillors shall nominate the chairperson. They shall also nominate the chairpersons of any subcommittees.
- 5.3** The term of office of a chairperson shall not be less than two years and will, thereafter, rotate between the Borough Council's elected members of the committee or subcommittee, by a process to be mutually agreed by the Committee.
- 5.4** It shall be open to a committee or subcommittee to appoint a vice chairperson from among the local authority elected members. The committee or subcommittee shall ensure that, as far as is practicable, the offices of chairperson and vice-chairperson are at all times held by members of different political groupings.

## **6. Membership**

**The membership of the Borough Council Joint Policing Committee shall consist of:**

- All local authority elected members of the Borough Council

- **3 members of the Oireachtas**, chosen by those members of the Oireachtas who have registered with the Borough Council their interest in being a member. The Oireachtas membership shall rotate every second year on a basis to be decided by the Oireachtas members who have registered. The selection process will be facilitated by the Borough Council. Each political grouping represented by Oireachtas members should, to the greatest extent possible, have representation among the three. If the members of the Oireachtas registered are unable to choose three members from among their number, they will be chosen by lot
  - The Director of Services, who shall be an ex-officio member, and a person nominated by him/her. They may be accompanied by such other officials, as the manager considers appropriate, having regard to the agenda for the meeting;
  - Garda officers nominated by the Commissioner, accompanied by such Garda officers as they deem appropriate;
  - 3 persons representing the community and voluntary sector in the City, selected by the public. Where young people are put forward to represent the community, two of them shall be entitled to share one seat on the committee. This is to facilitate meaningful engagement of young people, who often find it difficult to sit in isolation on adult committees.
- 6.2** To the greatest extent possible, the principle of gender equality in membership should be adhered to.

## **7. Members of Oireachtas**

- 7.1** A member of the Oireachtas is entitled to be present without notice at a meeting of a committee or of a subcommittee of that committee, subject, as appropriate, to section 45 (3) of the Local Government Act, 2001 or regulations made under section 54 of that Act.
- 7.2** In setting the date and time of a meeting, a committee or subcommittee should endeavour to ensure that a date and time are set which would allow a member who is a member of a House of the Oireachtas to attend a meeting of that House.
- 7.3** A committee or subcommittee shall make available without charge to members of the Oireachtas who are not members of the committee or subcommittee, the notice, agenda and minutes of meetings and any reports made by and to the committee or subcommittee, where a member informs the committee or subcommittee in writing or electronically that he or she wishes to receive a copy of them.

## **8. Changes in Membership**

- 8.1** Members of committees and subcommittees shall not be entitled to appoint substitutes to attend and participate as members of any committee or subcommittee, with the exception of officials and members of the Garda Síochána as provided for in the guidelines.
- 8.2** “In nominating members of the Garda Síochána for appointment to a joint policing committee, the Garda Commissioner shall have regard to the need to ensure that such members are of appropriate rank and seniority.”
- 8.3** Filling of a casual vacancy: Vacancies which occur during the term of the JPC shall be referred back to the nominating body. A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he or she is appointed.
- 8.4** A member of a JPC who is a local authority elected member shall cease to be a member of the committee if (i) he or she resigns by notice in writing to the local authority; (ii) he or she becomes disqualified for membership of the local authority; or (iii) he or she ceases to be a member of the local authority. A member other than a local authority elected member shall cease to be a member if (i) he or she resigns by notice in writing to the local authority; or (ii) he or she ceases to be a member of the grouping which originally nominated him or her to the committee.
- 8.5** A person whose term of office expires or who has resigned shall be eligible for re-appointment subject to compliance with membership requirements outlined in paragraph 4 of the guidelines.

## **9. Meetings of the JPC or Subcommittee**

- 9.1** Kilkenny Borough Council Joint Policing Committee envisages that quarterly meetings for each committee would prove more than adequate.
- 9.2** In addition, at least one Public Meeting shall be held annually. The topic and format for the public meeting shall be set by the Steering group and agreed by the Joint Policing Committee, but the meeting shall allow participation by the members of the public in the discussions insofar as is possible within the bounds of good order and efficient discharge of business.
- 9.3** If the chairperson and a Garda representative agree that for urgent reasons an additional meeting (outside of the agreed schedule) would be of value, such a meeting may, exceptionally, be held.

- 9.4** Members of the public and representatives of the media are entitled to be present at a meeting of a committee or subcommittee and information and documents produced for the committee or committee will be available to them, unless there are legal reasons why this would not be possible or it would not be in the public interest to do so.
- 9.5** Where pressure of space is an issue, a Joint Policing Committee may reserve the right to require that members of the press and/or public must submit a request to attend in writing at least 5 working days before the scheduled meeting. The Joint Policing Committee reserves the right to refuse admission where it would cause significant disruption or additional expense to accommodate such requests.
- 9.6** Where a committee or subcommittee is of the opinion that the absence of members of the public and representatives of the media from the whole or part of a particular meeting is in exceptional circumstances desirable because:
- of the special nature of the meeting, or of an item of business to be, or about to be, considered at the meeting, or for other special reasons
  - the committee or subcommittee may decide to meet in committee.
  - Meetings to plan future business, including public meetings, will be held in committee.
- 9.7** When a committee or subcommittee is first established to advertise publicly:
- its establishment, purpose and functions
  - the date, time and place of its meetings
  - an invitation to the public to attend.
- 9.8** Efforts should be made to ensure that meetings take place throughout the local authority area or operational area, as appropriate.

## **10. Subject Matter of Meetings**

- 10.1** Neither the Joint Policing Committee nor any of its subcommittees may consider matters relating to a specific criminal investigation or prosecution or matters relating to the security of the State. This also applies also to public meetings arranged and hosted by a committee.
- 10.2** A committee or subcommittee shall not consider a matter if:
- it would endanger the security of one or more individuals;
  - it relates to an individual;
  - it involves information received by the Garda Síochána or the local authority in confidence
  - it would, or would be likely to, prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.
  - It is deemed prejudicial to a Garda operational matter, such as the deployment or composition of specialist units, or involves material of a sensitive nature.
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- 10.3** Individuals should not be discussed or named. An individual's right to privacy and the provision of the European Convention on Human Rights Act 2003 must be adhered to.

## **11. Conduct of Meetings**

- 11.1** Procedures should have a minimum of formality and should reflect the co-operative nature of the committees and subcommittees. It is envisaged that decisions shall insofar as reasonably possible be made by agreement rather than by voting but this shall not prevent the taking of a vote where the chairperson thinks appropriate.
- 11.2** In the event of a vote being taken at a meeting of a committee or subcommittee, each member of the committee or subcommittee present at the meeting shall have one vote. Where there is an equality of votes, a matter before a meeting shall be determined by a second or casting vote of the person chairing the meeting.
- 11.3** Unless otherwise specifically provided, the word "month" when used in resolutions of the Joint Policing Committee, Standing Orders and any other documentation of the Joint Policing Committee, shall be deemed to mean a calendar month.
- 11.4** Throughout these standing orders, unless the contrary intention is shown, the masculine gender shall be deemed to include the feminine, and words in the singular shall include the plural, and vice versa.
- 11.5** At meetings of the Joint Policing Committee and of its subcommittees, one quarter plus one of the total memberships of that committee shall constitute a quorum.
- 11.6** Subcommittees shall meet as required and on such days as agreed by their members unless otherwise determined by the Joint Policing Committee;
- 11.7** When the whole of the business set down for a Joint Policing Committee or subcommittee meeting has been transacted, the meeting shall thereupon conclude, subject to the proviso that should the whole of such business not have been transacted by the scheduled finish time, the meeting shall thereupon conclude and business not reached shall be set down to be disposed of at the next meeting. However, the Chairperson of the Joint Policing Committee (or subcommittee) shall have the discretion, prior to the conclusion time of the meeting, and with the agreement of the majority of the members then present, to adjourn the meeting to a date prior to the next Joint Policing Committee (or subcommittee) meeting, in the event where the whole of the business set down for the Joint Policing Committee (or subcommittee) meeting shall not have been transacted. Equally the Chairperson may extend the time of the meeting by up to half an hour.

- 11.8** At least 21 days before a meeting, members of the committee or subcommittee will be notified of the date, time and place of the meeting.
- 11.9** An agenda and related documents, including minutes of the previous meeting, shall be circulated at least 7 days in advance of a meeting. This should not prevent the raising of an item of business, that is, in the opinion of the chairperson or, if the chairperson is not available, the vice chairperson, and the Garda representative, particularly urgent. In order to increase the productivity of meetings, members should give at least 7 days advance notice of questions, which will be raised.
- 11.10** A non-member may be invited to attend a meeting and speak, if considered appropriate by the committee or subcommittee, to a particular agenda item, for example, representatives of statutory agencies where the committee or subcommittee considers that their particular expertise is required.
- 11.11** The Director of Services and Gardai, as appropriate, or an official nominated by him or her, may also present a report and reply to questions.
- 11.12** In some circumstances, it may not be possible to provide information or respond to a question because to do so would involve the disproportionate use of resources and the committee or subcommittee should be informed accordingly.
- 11.13** A report of each committee and subcommittee meeting should be circulated by the committee or subcommittee secretariat to the full council, borough council in the city and the Garda Commissioner not later than one month after the meeting.
- 11.14** The Borough Council member holding the chair of the committee or subcommittee or, if he or she is not available the vice chairperson, shall present this report to the full Council.
- 11.15** The reports from the Joint Policing Committee shall also be forwarded to the County Development Board.
- 11.16** The reports from the committees should primarily be functional documents, which can be made publicly available.
- 11.17** Reports should be generally available for consultation and reference at the appropriate local authority offices, on its website and any other means which appear appropriate to the local authority, the Garda Síochána and the members of the committee.
- 11.18** Minutes of a meeting shall be submitted for confirmation as an accurate record at the next following ordinary meeting and recorded in the minutes of that meeting.
- 11.19** When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting to which they were submitted to for confirmation and any minutes claiming to be so signed shall be received in evidence without proof.

- 11.20** Any public statements by a committee or subcommittee should be made on an agreed basis and issued by the chairperson on behalf of the committee or subcommittee or, if the chairperson is unavailable, the vice chairperson.
- 11.21** The acts, decisions and proceedings of a committee shall not be invalidated only because of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.
- 11.22** The Chair at every meeting shall be taken within ten minutes after the time appointed for the meeting. In the absence of the chairperson and vice chairperson the remaining members shall decide who shall be the chair.
- 11.23** If, after the expiration of fifteen minutes after the hour for which a meeting has been summoned, a quorum is not present, the business shall stand postponed to the next meeting.
- 11.24** A Meeting to be valid must be:-
- Properly convened after proper notice from the secretariat.
  - Properly constituted; that is
    - o With a properly appointed person in the Chair;
    - o With a quorum present;

## **12. Confirmation of Business**

- 12.1** Minutes of every meeting shall be drawn up in accordance with the JPC guidelines, and shall be kept by the secretariat of the JPC.
- 12.2** No minutes shall be submitted for confirmation unless a copy thereof shall have been previously, and at least 7 days before the meeting, transmitted to every member of the JPC /Subcommittee after which such minutes shall be taken as read when the question that they be confirmed shall be put from the Chair, unless a member requests that any part be read in order to determine whether it is an accurate record, provided that no entry shall be made in the minutes of any protest or expression of dissent, save in the form of a motion or amendment.
- 12.3** Any discussion of the Minutes, except as to their accuracy is out of order, and the Chair shall rule accordingly. Questions are only permissible on matters arising out of the Minutes, and for information only and not for discussion

### **13. Questions from Members and the public**

- 13.1** Questions shall be accepted from members of the JPC and/or subcommittee members, and also from the general public. Answers shall be provided, as far as possible, at the nearest meeting to the date on which the question was received. All questions shall be acknowledged in writing, and should any be rejected for consideration by the JPC Steering Committee, a reason shall be given.
- 13.2** Written questions shall be invited in advance of the meeting. These shall be reviewed by the JPC Steering group, who will decide the most appropriate method of response and prepare the agenda. The secretariat will provide the relevant questions to the appropriate person(s) in advance of the meeting, so that they may prepare a response in accordance with the instructions of the JPC Steering Committee.
- 13.3** Questions shall not involve argument, nor contain any matters, except such as are strictly necessary to explain such questions. Questions must relate to a specific subject or aspect of a service only and if applicable to a locality, must be confined to a single instance or application. Supplementary questions are not allowed.
- 13.4** Any questions which in the opinion of the JPC are unreasonable, unsuitable in form, frivolous, or derogatory to the dignity of the JPC may be disallowed. A question which has been fully answered may not be renewed, and in answering a question the matter to which it refers is not to be debated.
- 13.5** With the consent of the Chairperson, urgent and important questions may be put without notice in exceptional circumstances, if the information required is readily available. The agenda paper for a JPC Meeting shall contain not more than three questions from any one member. The latest day for submission of questions for inclusion on agenda for meetings of the JPC or any one of its Committees shall be twenty-one days before the date of the meeting.
- 13.6** In certain circumstances it may not be possible for either the Garda representative or the local authority to reply to a question, for legal reasons or because it would not be in the public interest to do so.
- 13.7** Furthermore, in some circumstances it may not be possible to provide information or respond to a question because to do so would involve the disproportionate use of resources and the meeting should be informed accordingly.
- 13.8** If information cannot be provided for any of the above reasons the chairperson should encourage the questioner to rephrase the question in order to create a greater opportunity for information to be provided.

## **14. Public Meetings**

- 14.1** The emphasis of public meetings will be on policing generally rather than individuals and obtaining the co-operation of the public in preventing crime.
- 14.2** Care should be taken to ensure that meetings take place throughout the Borough Council area.
- 14.3** Procedures should have a minimum of formality and should reflect the co-operative nature of the committees and subcommittees.
- 14.4** Decisions on holding public meetings will be made at meetings of the committee or subcommittee. At least one month before a meeting, advertisements should be placed informing the public:
- of the date, time, place and purpose of the meeting;
  - that they are welcome to attend;
  - that they have the right to make their views known and ask questions of the members of the committee or subcommittee;
  - of the procedure for submitting written questions, including an address for doing so. For those who have difficulty in producing written material, there should be a means of submitting a question, for example by recording a question via a telephone number for setting down in writing. Questions will be accepted from any person affected by the policing of the area. Questioners should give their name and address, which will not be publicised;
  - that in some circumstances it may not be possible to provide information requested.
- 14.6** As public knowledge of the meetings grows, the committee may appropriately reduce the same level of detail in all such advertisements.

## **15. Dissemination of Information**

- 15.1** Appropriate provision should be made to ensure that marginalised and hard to reach sections of the community are made aware of the meetings. Particular care should be taken to choose a date, time and place which will maximise the opportunity of the community to attend the meetings. In this respect, use should be made to the greatest possible extent of active community networks and local groups.
- 15.2** Representatives of the media may attend public meetings, subject to the provisions of section 45, Local Government Act, 2001.
- 15.3** A press release shall be prepared by the secretariat following each meeting. This shall cover the main points covered in the meeting, and should also explain the purpose of the JPC's and the ways in which the public may interact with the committees.

## **16. Consideration of reports of Committees**

- 16.1** A copy of every report of a subcommittee to be submitted to the JPC shall, before the submission thereof, be transmitted to every member of the JPC at least three days before the JPC Meeting, save in cases of urgency when the reading of the Report to the JPC shall suffice.
- 16.2** A Report may without notice:
- Be adopted;
  - Be deferred for consideration “sine die” or to a fixed date.
  - Be referred back to the committee from which it emanated for re-consideration and further report with or without instructions;
  - Be amended.

## **17. Behaviour at meetings**

- 17.1** No member/non member may impute improper motives or use offensive or unbecoming words in reference to any member of the JPC and/or subcommittee, or any other person attending such meetings. Any member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof when requested by the Chair to do so shall be called upon by the Chair to withdraw from the Meeting.
- 17.2** The Chair shall call a member/non member to order for irrelevance, repetition, unbecoming language, imputations of motives, reflections of a personal character upon another member, or any breach of order, and may direct such member, if speaking, to discontinue his speech.
- 17.3** If in the opinion of the person chairing a meeting, any member/non member has been or is disorderly by persistently disregarding the ruling from the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting, and the person has been named for reasons so cited then the chairperson or any member may move “that the member named leave the meeting” and the motion, if seconded, shall be put and determined without discussion.
- 17.4** Where a committee decides in accordance with standing order (27.1) that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.
- 17.5** Where in the opinion of the chairperson -
- there is general disorder which impedes the orderly transaction of business, or
  - where a member against whom it was resolved that he or she leave the meeting by virtue of this paragraph refuses to do so,
  - the chairperson may adjourn the meeting for such period, as he or she considers necessary in the interests of order.

## **18. Record of Attendance**

- 18.1** Every member attending a Meeting shall sign his name in the attendance sheet provided for the purpose. The minutes of each meeting shall be the official record of such attendances.
- 18.2** A member who fails to attend two consecutive meetings shall be deemed to have resigned, and a replacement shall be sought from the appropriate nominating body.

## **19. Subcommittees**

- 19.1** If a JPC considers it necessary to establish a subcommittee, it may do so. JPC shall establish no more than three subcommittees. These subcommittees may establish no more than three working groups.
- 19.2** A subcommittee should focus on a specific geographical area or have a thematic remit or be a combination of both. It should not be regarded as equivalent to a policing forum.
- 19.3** Subcommittees should be for either a specified period, e.g. as a result of a specific problem or an undetermined period, e.g. when it has a thematic remit and should be highly focused.
- 19.4** The membership of each subcommittee shall be determined by the JPC in relation to the theme of the subcommittee and the level of expertise required for that subcommittee.
- 19.5** At meetings of the JPC, one quarter plus one of the total membership of that committee shall constitute a quorum with a minimum of three needed. Subcommittees one quarter plus one of the total membership of that committee shall constitute a quorum with a minimum of four people needed.
- 19.6** Individuals and/or representatives of other organisations not currently represented on the full JPC may be invited to join a subcommittee as required by the nature of that subcommittee.

## **20. Suspension of Standing Orders**

- 20.1** Any Standing Order or Standing Orders herein may, at any time by consent of at least two thirds of the members present at the Meeting of the JPC or subcommittee, such meeting consisting of not less than one-half of the members of the whole JPC or subcommittee then present, be suspended, on a motion duly made, for the purpose of any specific business then before the JPC or its subcommittees, and defined in the suspensory motion, save that no such motion may be made until one hour after the commencement of business, or at the conclusion of the business.

## **22. Interpretation of Standing Orders**

- 22.1** A ruling of the Chairperson on any question or his interpretation of the standing orders shall be final. Should any question, doubt or dispute arise as to the area or functions or functioning of a committee or as to the application (save at a meeting) of standing orders to a committee, the matter shall be determined by the chairperson of the JPC whose decision shall be final.

## **23. Matters not covered by Standing Orders**

The Chairperson shall have power to deal with any matter not covered by standing orders.

- 23.1** The JPC Guidelines should also be referred to in relation to Local Policing Fora & Co-operation with other JPC's and any other matters not stated within these standing orders.