

CORK CITY COUNCIL
JOINT POLICING COMMITTEE

General Orders

19th October, 2016

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CORK CITY COUNCIL JOINT POLICING COMMITTEE (JPC)

1. Introduction

1. The purpose of this document is to set out in detail the functions, composition, procedures and operation of the Cork City Joint Policing Committee in accordance with the *Garda Síochána Act, 2005* and the enactment of the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015* in line with the Guidelines jointly issued by the Department of Justice and Equality, and the Department of Environment, Community & Local Government in August 2014.
2. The *Act* 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.
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. Functions

4. The function of the JPC is set out in section 36 (2) of the *Garda Síochána Act 2005*, as amended by the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015* which states:

"The joint policing committee's function is to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of the local authority's administrative area"

5. To keep under review -

the level and patterns of crime, disorder and anti-social behaviour in that area (including the patterns and levels of misuse of alcohol and drugs), and

the factors underlying and contributing to the levels of crime, disorder and anti-social behaviour in the area
6. Advise the local authority concerned and the Garda Síochána on how they might best perform their functions having regard to the need to do everything feasible to improve the

safety and quality of life and to prevent crime, disorder and anti-social behaviour within the area.

7. Arrange and host public meetings concerning matters which affect the policing of the local authority's administrative area.
8. Co-ordinate the activities of the Local Policing Fora in accordance with the guidelines issued under Section 35 of said *Act*.
9. Section 37 (1) provides: "A local authority shall, in performing its functions, have regard to the importance of taking steps to prevent crime, disorder and anti-social behaviour within its area of responsibility."
10. As a result of the work of the JPC, decisions which are made by any of the interests represented on the JPC should be better informed by the discussion of local needs and circumstances.
11. In particular, the JPC will act as a mechanism through which the local authority can have a role in conveying information and views to Garda Divisional and District officers to assist them in the formulation and operation of their annual policing plans, and secondly, Garda Divisional and District officers can convey information and views to the local authority to assist them in carrying out their duties, functions and activities.
12. A JPC should be strategic. It should not be a forum for addressing matters of detail, it should set priorities and be action oriented.

Establishment

13. 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 JPC.

14. The Garda Síochána representatives on the JPC shall be appointed by the Garda Commissioner. The other members first appointed shall be appointed by resolution of the local authority by which it was established. Subsequent appointments shall be by such resolution or in such other manner as that local authority may provide for by resolution.

4. Chairperson

- 15.** Section 35(2) (c) of the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015* provides the chairperson of a committee will be drawn from the elected members nominated to the JPC by the relevant local authority. The local authority elected members of the JPC shall appoint the chairperson of the JPC.
- 16.** The term of office of a chairperson shall not be less than two years, and in view of the central role of the chairperson to the success of the JPC, committees are encouraged to consider appointment of a chairperson for a longer period.
- 17.** It shall be open to a JPC to appoint a vice-chairperson from the local authority elected members. The local authority elected members of the JPC shall appoint the vice-chairperson of the JPC.
- 18.** The JPC should ensure that, as far as is practicable, the offices of chairperson and vice chairperson are at all times held by elected members of different political groupings.
- 19.** The chairperson of a JPC and members of the Steering Group have a key role in ensuring the relevant guidelines are followed.

5. Membership

- 20.** JPCs should ensure that local authority elected members reflect the elected representational spread on the full council, as far as it is practical. In local authorities without municipal districts, members should be representative of each of the area committees.
- 21.** In relation to Community members, each JPC should decide the most appropriate community based organizations or groups to be represented.
- 22.** The membership of the JPC shall consist of the following:
- 16 local authority members
 - 6 members of the Oireachtas, chosen from among their number by those members of the Oireachtas who have registered with the City Council their interest in being a member.
 - The Chief Executive of the local authority shall be an ex-officio member and a person nominated by him/her. They may be accompanied by such other officials as he or she considers appropriate, having regard to the agenda for the meeting;
 - 2 Garda officers nominated by the Commissioner, accompanied by such Garda officers as they deem appropriate;
 - 7 persons representing the community and voluntary sector in the city, selected in accordance with local arrangements which may include consultation with the Community and Voluntary Forum (The Public Participation Network).
- 23.** To the greatest extent possible, the objective of achieving a 40% gender balance in the making of appointments, as well as the need to foster social inclusiveness and equality when selecting memberships should be adhered to.

6. Subcommittees

- 24.** Care should be taken to avoid a proliferation of sub-committees which would present an unproductive use of scarce resources. JPCs should not establish more than four sub-committees.
- 25.** The establishment of a sub-committee should only be proposed where the JPC is satisfied this is necessary for the pursuit of objectives described in the six year strategic plan and there are sufficient resources available to support the effective functioning of the subcommittee. In this regard any proposal to establish a JPC sub-committee must be agreed in advance by the JPC steering group.

26. JPCs should consider the establishment of sub-committees to address thematic issues rather than on the basis of geographical areas. However, where a JPC considers it necessary, area based sub-committees may be established, provided that any proposal to establish these is agreed in advance by the JPC Steering Group. JPCs must ensure the establishment of an area-based sub-committee does not lead to duplication of work being done by the JPC at city or county level.
27. To ensure continuing efficiency, the need for the continuation of sub-committees, should generally be reviewed annually by the JPC.

7. Changes in Membership

28. Members of the 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 in the guidelines. Substitutes shall be entitled to vote for that committee meeting.

29. Section 35 (3) of the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015* provides;

"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."

30. Filling of a casual vacancy: 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.

31. A member who is a local authority 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;
- (iii) he or she ceases to be a member of the local authority.

A member other than a local authority 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.

32. A person whose term of office expires or who has resigned shall be eligible for re-appointment subject to compliance with membership requirements.

8. Members of Oireachtas who are not members of JPC's

33. In order to facilitate as wide a representation as possible of Oireachtas members, no Oireachtas member may register for membership of a joint policing committee with more than one city or county council.

34. A member of the Oireachtas is entitled to be present without notice at a meeting of a JPC, subject, as appropriate, to section 45 (3) of the *Local Government Act, 2001* or regulations made under section 54 of the Act.

35. The JPC shall make available without charge to members of the Oireachtas who are not members of the JPC, the notice, agenda and minutes of meetings of the JPC, reports made by and to the JPC, where a member informs the JPC in writing or electronically that he or she wishes to receive a copy of such documents.

9. Meetings of the JPC

36. It is envisaged that quarterly meetings for the JPC would prove adequate in most circumstances. Meetings should be held at times and in locations which facilitate maxim attendance and are set at a time which would allow a member who is a member of a House of the Oireachtas to attend a meeting of that House.

37. The presumption is members of the (any person who is not attending the meeting at the JPC's request) public and representatives of the media are entitled to be present at a meeting of a JPC and information and documents produced for the JPC will be available to them, *unless there are legal or confidential reasons* or would not be in the public interest to have such persons present or make such information or documents available. The JPC should endeavor to make their reports and documents publicly available to the widest degree possible.

38. Any proposal to hold additional meetings of a JPC must be agreed in advance by the steering group.

39. The following meetings may be held in committee where a JPC is of the opinion the absence of members of the public and representatives of the media from the whole or part of a particular meeting is desirable due to:

the special nature of the meeting, or if an item of business to be, or about to be, considered at the meeting, or

Meetings to plan future business, including public meetings

40. Every effort should be made to ensure meetings take place through the local authority area as appropriate.

10. Public meetings of the JPCs

Section 36 (2) (c) of the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015* provides the function of a joint policing committees is, inter alia, to "arrange and host public meetings concerning matters affecting the policing of the local authorities administrative area".

41. The emphasis of public meetings shall be on general policing rather than individuals and on obtaining the co-operation of the public in preventing crime. Procedures for public meetings should have a minimum of formality and should reflect the co-operative nature of the JPCs.

42. When considering arranging and hosting a public meeting, a JPC should consider whether the business of the meeting should focus on a particular topic, age group or geographic area or a combination of both. It is envisaged the JPC would hold a public meeting at regular intervals and at least once a year. Care should be taken to ensure the venue is varied. Decisions on holding public meetings will be made at meetings of the JPC.

43. The procedure for the holding/tabling of questions at public JPC meetings is as follows:

At least 14 days before a meeting, notification should be placed informing the public:

- the date, time, place, purpose of the meeting; and that the public are welcome to attend.
- they have the right to make their views known and ask questions of the members of the members of the JPC
- questions should be submitted in writing including an address for correspondence.
- an alternative means of submitting a question (for those who have difficult in providing written material) i.e. record question by telephone etc.
- that 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;
- the JPC welcomes the public's view on what should be discussed at the meeting and how the meeting should be conducted and the minimum of formality should be applied which should reflect the co-operative nature of the JPC.
- in some circumstances it may not be possible to provide information requested.

As public knowledge of the meetings grows, the committee may consider that it is not necessary to provide the same level of detail in all such advertisements.

44. Appropriate provision will be made to ensure that marginalised and hard to reach sections of the community are made aware of the meetings.

45. Representatives of the media may attend public meetings, subject to the provision of section 45, *Local Government Act, 2001*.

46. Section 36 (4) of the *Garda Síochána Act* provides:

"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"

Cork City JPC will 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 An 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.

Individuals shall 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

47. It is envisaged decisions would be taken by agreement rather than voting.

48. In the event of a vote being taken at a meeting, each member 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. A member may abstain from voting and such abstention may be recorded in the minutes.

49. A quorum shall be such as applies to a committee of the whole Council

12. Procedures for meetings

50. Members of the JPC must be notified in writing of the date, time and place of a meeting at least 21 days in advance of the meeting. A meeting should not be cancelled save in exceptional circumstances and with the agreement of the chairperson.

51. An agenda and related documents, including minutes of the previous meeting, will be circulated in advance of a meeting. The setting of an agenda should not prevent the raising

of an item of business (in advance of a meeting) that is, following consultation with the Steering Group, in the opinion of the person chairing the meeting or, if the chairperson is not available, the vice chairperson, particularly urgent.

- 52.** Reports, documentation and copies of presentations should be circulated in advance of a meeting. Such documents should be treated as confidential until the meeting takes place. Advance notice of questions which it is intended to ask should be given and JPCs should set appropriate time limits to ensure timely distribution of documents and adequate notice of questions to be asked.
- 53.** In some circumstances, it may be not possible to provide information or respond to a question because to do so would involve the disproportionate use of resources and the JPC should be informed accordingly.
- 54.** Agendas should be focused and each item have an action outcome
- 55.** A non-member may be invited to attend a meeting and speak, if considered appropriate by the JPC, and may speak on a particular agenda item. This applies to representatives of statutory agencies with particular expertise or local knowledge which would be of assistance to the JPC. The Chairperson in consultation with the Steering Group should manage any proposal to invite non-members to attend with reference to the strategies objectives in the JPC work plan. The same arrangements for non member participation may be applied in relation to the JPC sub-committees.
- 56.** At a meeting, the Garda representative will present a report which includes general information in relation to the commission of crime and to crime prevention matters in the area. The Garda representative should, to the greatest extent possible, endeavour to provide statistical data which is appropriate and relevant to the local authority's administrative area.
- 57.** The Chief Executive, as appropriate, or an official nominated by him or her, will also present a report in relation, or ancillary, to their functions and the work of the JPC. Such reports should not take up a disproportionate amount of the time available for the meeting, and the main business of the JPC meeting must be devoted to progressing items on the annual work plan.
- 58.** Members of the JPC may ask the relevant Garda and local authority representative questions on matters contained in their report or other matters for which they have responsibility and which are relevant to the work of the JPC.
- 59.** A JPC should aim at developing a cross sectoral strategy and building consensus. Meetings should focus on delivering a partnership approach and not on a question and answer sessions directed particularly at any one set of participants. A JPC should not concentrate on presentations and crime statistics.

60. An oral reports or presentation and related questions should last for no longer than 15 minutes.
61. A JPC should focus on outcomes and areas where co-operative and collaborative actions can add most value to the existing work of relevant stakeholders.
62. Minutes of the meeting shall be submitted for confirmation as an accurate record at the next following ordinary meeting and recorded in the minutes of that meeting.
63. When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting they were submitted to for confirmation and any minutes claiming to be so signed shall be received in evidence without proof.
64. The subject matter of meetings should be in line with section 2 (Functions).
65. The actions, decisions and proceedings of a committee shall not be invalidated because of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.

13. Order of Business

66. The Order of Business at herein set down, and shall only be altered in cases or urgent and important business and at the discretion of the Chairperson:
 - Confirmation of Minutes of last meeting
 - Progress on implementation of JPC annual work plan and actions
 - Reports by Garda Síochána/local authority representatives followed by questions on reports
 - Discussion of specific topics
 - Actions agreed

 - Date of next meeting
 - Any other business
67. JPC members shall declare to the JPC if they have an interest in any matter under discussion and shall withdraw from the meeting while that matter is being discussed.
68. Any discussion of the Minutes except as to their accuracy is out of order, and the Chairperson shall rule accordingly. Questions are only permissible on matters arising out of the Minutes, and is for information only and not for discussion.

14. Reporting Requirements

69. Section 36 (5) of The *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015* provides:

"Not later than 3 months after the end of each year, the joint policing committee shall - submit to the local authority a report on the performance of its functions during the preceding year, and

supply a copy of the report to the Policing Authority, The Minister, the Garda Commissioner and such other persons as may be specified in the guidelines issued under section 35."

70. In particular, the report should set out how it carried out its functions under Section 36(2), a template for the Annual Report has been provided
71. Annual reports should reflect closely the work done to achieve the objectives set out in the JPC annual work plans. A template report was supplied in the amended guidelines in 2014.
72. Annual work plans should be prepared and should include consideration as to how JPCs can enhance overall efforts to address key issues affecting community life, including
 - Crime Prevention
 - Anti-social behavior and street crime
 - Misuse of drugs and related crime
 - Support for crime victims
73. Annual work plans should be linked to the relevant objectives in the LECP, the Annual Garda Policing Plan, its 6 year Strategic Plan and Drug Task Force Plans relevant to the area.

15. Local Policing Fora/ Other Local Authority Structures

74. Section 36(2) (d) & (e) of the *Garda Síochána Act 2005* and the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015* allows for the establishment of Local Policing Fora and to co-ordinate the activities of local policing fora. The internal procedures of the fora should be similar to those for the JPC but to the greatest extent where possible be more informal.
75. As a general principle, JPCs should ensure that in establishing local policing fora they do not divert scarce resources from the work of the JPC themselves.
76. In accordance with commitments in the National Drugs strategy 2009-2016, guidelines for the operation of local policing for a in the Local Drugs Task Force are issued in 2009.
77. Guidelines may be issued by the Policing Authority concerning the establishment and maintenance of Joint Policing committees, these guidelines may include the provision for the establishment, membership, terms of reference and procedures for subcommittees.

78. It is clear a range of local fora which exists in a JPC area can play an important role in collaborative actions which may be pursued by a JPC. It is essential JPCs are aware of the plans and activities being pursued through other local structures in particular Local Community Development Committees.

16. Communication

79. If one or more JPCs consider it appropriate to do so, they may, by resolution of each of the JPCs, co-operate and perform joint actions.

80. A communications strategy is an important element of the work of JPCs and also communications with other local fora.

81. To raise awareness and support for the work of the JPC full use should be made of existing networks available to Garda and local authority members.

17. Behaviour at meetings

82. In the event of disorderly behavior at a JPC meeting, the procedure set out below should be applied

83. in the opinion of the person chairing a meeting ("the chair"), any member who has been or is disorderly by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting and the chair has conveyed his or her opinion to the members present by naming the member concerned, then the chair or any member may move "that the member named leave the meeting" and the motion, if seconded, shall be put and determined without discussion.

84. Where a committee decides in accordance with these general orders, 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.

Where in the opinion of the chair -

- 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 consider necessary in the interests of order.

85. No member of a JPC is permitted to speak at a meeting unless the Chairperson agrees it is of importance and relevant to the Agenda of the meeting

18. Interpretation of Running Orders

86. A ruling of the Chair 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 the running orders of a Committee, the matter shall be determined by the Chairperson of the JPC whose decision shall be final.

87. The Chair shall have power to deal with any matter not covered by the running Orders.