



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Policing Authority Standing Orders

July 2019

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Introduction

The Policing Authority, (in Irish, an tÚdarás Póilíneachta) was established under the Garda Síochána Act 2005 as amended by the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015.

Throughout these Standing Orders:

- ‘Act’ means the Garda Síochána Act 2005 as amended by the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015.
- ‘Authority’ means the Policing Authority, established under S62b of the Act.
- ‘Chairperson’ means the Chairperson appointed by the Government under Section 62C of the Act.
- ‘Code’ means Code of Conduct for the Members and staff of the Policing Authority
- ‘Member (s)’ means a Member (s) of the Authority appointed by the Government under Section 62C of the Act.
- ‘Secretary’ means a person appointed by the Authority in accordance with these Standing Orders.

Where the Chairperson is not present at a meeting of the Authority the procedure set out in Standing Order 3 shall apply. For any other functions set out in these Standing Orders the Chairperson may nominate another person (who is either a Member or a member of the staff of the Authority) to perform those functions in the event that he or she is absent.

Standing Order 1 - Meetings of the Authority

Frequency of Meetings

The Authority shall meet not less than 10 times in each year at dates, times and venues agreed by the Authority. In addition, the Authority may hold such other meetings as may be necessary for the due fulfilment of its functions, including meetings with the Garda Commissioner.

Secretary

The Authority shall appoint a member of the staff of the Authority to be Secretary to the Authority. The removal of the Secretary is a matter for the Authority.

All Board members shall have access to the advice and services of the Secretary, who is responsible to the Authority for ensuring that procedures are complied with.

The Secretary is responsible for the formal induction of new Board members and organising mentoring for Board members where required.

The Secretary is a support to the Authority and may be assigned such functions and duties as may be delegated by the Authority including those related to statutory duties, duty of disclosure, duty to exercise due care, skill and diligence and administrative duties.

Notice of Meetings

The Chairperson shall fix the date, time and place of meetings of the Authority. Meetings of the Authority shall be summoned by the Secretary at the request of the Chairperson.

At least 2 months before the end of each calendar year a list of dates, times and locations for the following year's ordinary meetings of the Authority shall be circulated to the Authority for approval. Once approved, the planned schedule of meeting dates will be published on the Authority website and formally notified to the Garda Commissioner.

As far as possible, at least seven calendar days before a meeting of the Authority there shall be issued to every Member a copy of:

- A notice convening the meeting with details of the date, time and location;
- A statement of the business to be considered at the meeting (the agenda); and
- All reports and other documents referred to in or to be read with the agenda¹.

The Chairperson may:

- At any time alter the time and/or place for a particular meeting;
- Order the convening of an additional meeting.

¹ Papers shall normally be circulated by electronic means.

If the Chairperson agrees that an emergency meeting of the Authority is required this may be held without the notice required by these Standing Orders being given, provided that any decisions taken at that meeting are reported at the next meeting of the Authority.

Quorum

The quorum for a meeting of the Authority shall be five (5) Members². A quorum must exist throughout the meeting. If a quorum is not present within thirty minutes from the time appointed for the meeting, the meeting shall stand adjourned.

Standing Order 2 – Publication and Confidentiality

The Authority shall, as it considers appropriate, publish on its website the following:

- Draft and final agendas for its meetings;
- Final policy and procedural documents approved or adopted by the Authority; and
- Such reports of those meetings as it considers appropriate.

This makes operational the Authority's discretionary ability to publish as set out in the Act³.

The Chief Executive shall make a decision regarding the appropriateness of publishing reports or documents referred to above and will not publish anything containing confidential information that may have a harmful effect (as defined in Section 62M of the Act.) In reaching this decision, the Chief Executive will have regard to any representations he or she receives regarding confidentiality.

Standing Order 3 - Chair of Meetings

If the Chairperson of the Authority is present at a meeting of the Authority, he or she shall be the Chairperson of the meeting.

² Section 62J (5) of the Act

³ Section 62J (4) of the Act

If, and for so long as the Chairperson is not present, or if the office of the Chairperson is vacant, the Members who are present shall choose one of their number to act as the Chairperson of the meeting.⁴

Where a matter relating to the interests of the Chairperson arises, the other members present shall choose one of their number to chair the meeting. The Chairperson should absent himself/herself when the Board is deliberating or deciding on a matter in which the Chairperson has an interest.

Standing Order 4 – Agenda and Order of Business

The Chairperson and the Chief Executive shall meet in advance of each meeting of the Authority to prepare the draft agenda. In doing so they shall ensure the effective management of the agenda and that adequate time is available for discussion of all agenda items, in particular strategic issues.

The Secretary, shall, circulate the draft agenda and publish it on the Authority's website one week in advance of the meeting.

Where a Member wishes a matter to be placed on the agenda he or she shall notify the Secretary of this 10 days in advance of the meeting. In addition, where a Member wishes to have reports or other documents circulated to the Authority, these should be provided to the Secretary 10 days prior to Authority meetings. Where a Member requests that a paper be circulated to other Members he or she shall indicate whether in his or her view the paper should be treated as confidential and therefore not published under Standing Order 2. The Chairperson and Chief Executive will consider such proposals in the context of preparing the draft agenda.

The draft agenda shall be approved by the Chairperson in advance of circulation to Members.

All papers for circulation to the Authority, with the exception of the Chief Executive's report shall first be approved by the Chairperson.

⁴ Section 62J (7)(b) of the Act

Each matter for consideration by the Authority shall be clearly identified as to whether it is for information, discussion, or decision.

In exceptional circumstances a Member may raise a matter at a meeting not set out in the agenda subject to that Member providing advance notice to the Chairperson. The matter may be discussed or decided upon if the majority of the Members present agree to the addition of that matter to the agenda.

The order of business shall generally be:

- 1 Chairperson's opening remarks
 - 1.1. Introductions;
 - 1.2. Apologies for absence;
 - 1.3. Approval of the draft agenda;
 - 1.4. Declaration of interests involving any agenda items (as per the Code); and
 - 1.5. Correspondence
- 2 Approval of the minutes of the last meeting as a correct record and signature by the Chairperson of the meeting;
- 3 Consideration of any matters remaining from the last meeting or any matters arising from the minutes of the last meeting; and
- 4 Dealing with the business as set out in the Agenda.

The following shall be standing items on the Authority meeting agenda:.

- An opportunity for Authority Members to meet in private without the Senior Management Team present; and
- Risk management.

Standing Order 5 - Attendance at and Participation in Authority Meetings

The names of Members and official attendees present at a meeting of the Authority or at meetings of the Authority's committees shall be duly recorded in the minutes. A register shall be kept showing details of the meetings attended by Authority Members and be published annually as part of the Authority's annual report.

In addition to a meeting with all participants physically present, the Authority may hold or continue to hold a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.⁵ Where a Member attends a meeting in this way he/she will be present for the purposes of constituting a quorum and may vote.

All business at Authority meetings shall be conducted through the Chairperson by participants indicating to the Chairperson that they wish to speak. The Chairperson shall promote a culture of openness and debate by facilitating the effective contribution, including constructive challenge, of Members.

In the event of a need arising for a formal Authority decision in relation to a matter in between scheduled Authority meetings, and where appropriate to do so, the Chairperson may decide to circulate a paper setting out the matter for decision and any relevant supporting material for the consideration and decision of the Authority by written procedure⁶. In these circumstances the Secretary will circulate all members, setting a deadline for the receipt of Members views and allowing a minimum of one day for consideration of the matter. The Secretary will inform the Chairperson of responses received and the matter will be decided in accordance with the consensus of responses received from Members by the deadline provided subject to responses being received from a quorum of Members. In the event that it is not possible to reach consensus by written procedure the matter will be brought to the next meeting of the Authority. Any decisions made by written procedure will be recorded in the minutes of the subsequent Authority meeting.

Where the exigencies of the situation require, the Chairperson may take a decision on behalf of the Authority between meetings, having regard to the nature of the matter concerned and after consultation with the Chief Executive, provided that there are no significant issues arising for the Authority. Any such decisions will be notified to Members in

⁵ Section 62J (10)

⁶ Papers shall normally be circulated by electronic means.

writing at the earliest opportunity and recorded in the minutes of the subsequent Authority meeting.

Members of the Senior Management Team (consisting of the Chief Executive and Heads of Divisions) will normally be invited to attend Authority meetings and may contribute to the discussion when appropriate. Other staff of the Authority may be invited to attend and contribute for specific items.

The Authority shall meet at least twice a year without management present to discuss any matters deemed relevant. In these circumstances the Chairperson shall communicate any decision of such private meeting to the Secretary for record purposes.

The Chief Executive may be requested to leave a meeting when the matters to be discussed concern his/her remuneration and/or performance of his/her duties.

The Garda Commissioner and his/her senior team shall be invited to attend meetings with the Authority for the purpose of the Members engaging directly with the Commissioner regarding its oversight of the Garda Síochána. Such matters will not be dealt with by either written advance questions or post-meeting, written questions; rather Members shall ensure that all relevant and appropriate matters are addressed to the Commissioner at these meetings.

In accordance with the Authority Code of Conduct, press statements or other media briefings linked to the agenda may be made by the Chairperson, Chief Executive or delegated officer following Authority meetings.

Unless formally decided by the Authority or otherwise agreed by the Chairperson for specific reasons, communication with the Garda Síochána, government departments and agencies and other stakeholders on behalf of the Authority or its committees shall be conducted by the Chairperson or the Executive.

Correspondence addressed to individual Authority members shall be opened and handled by the Executive in accordance with the Customer Service Charter and Member(s) concerned shall be advised of such correspondence and that a response has issued.

Complaints shall be dealt with in accordance with the complaints handling procedures set out in the Customer Service Charter and Action Plan.

Standing Order 6 - Attendance at and Participation in Public Meetings with the Garda Commissioner

Members of the public may attend, and the media shall be permitted to record and broadcast, not less than four meetings of the Authority with the Garda Commissioner in each year.⁷

These meetings will be notified on the Authority website and announced in the media. Meetings will be live-streamed through a link on the Authority website and recordings will be made available online for future viewing.

The provisions of Standing Order 5 shall also apply to such public meetings of the Authority.

To facilitate managing health and safety issues and meeting capacity, members of the public and media interested in attending such meetings should register with the Authority in advance. Information in this regard shall be published on the Authority website.

Members of the public or the media are present to observe the Authority's meeting with the Garda Commissioner and shall therefore not participate in the proceedings.

From time to time, issues may arise in the course of these public meetings which have an obligation of confidentiality attached to them. While any member of the public or other person is present, the Chairperson may direct that, for reasons of confidentiality, any business be not then commenced or proceeded with and he/she may intervene in any debate to give such a direction. In circumstances in which the Authority determines that part of a public meeting with the Garda Commissioner ought to be held in private, meetings will take place in closed session, without the public or press present.

⁷ Section 62J (1) of the Act

Standing Order 7 - Voting

The Authority will, where possible, reach decisions by consensus. If consensus cannot be reached by all Members on a particular issue, then the Chairperson or another Member may ask for a vote to be taken.

At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the Members present. In the case of an equal division of votes, the Chairperson of the meeting shall have a second or casting vote, which shall be recorded in the minutes.⁸

Voting shall be by a show of hands and the vote of each Member (who voted for the proposal, voted against the proposal or abstained on the proposal) shall be recorded in the minutes.

Standing Order 8 - Minutes

The Secretary shall be responsible for the preparation of the minutes of proceedings at all Authority meetings.

Minutes shall record the essence of the Authority's discussion in relation to each agenda item and include clear action points arising from Authority decisions including timelines and responsibility. For ease of reference minutes will be read in conjunction with the agenda, and papers for the meeting which will be referenced where appropriate in the minutes. The video record of meetings with the Garda Commissioner in public shall serve as the official record of such meetings and will be available to view on the Authority's website. The official minutes will record the following in relation to such meetings:

- Attendance;
- A short bulleted list of the principal topics raised;
- Actions arising from the meeting and
- A link to the video record.

⁸ Section 62(J) (9)

Once draft minutes are prepared and cleared by the Chairperson for circulation, a copy shall be circulated to Members of the Authority in accordance with these Standing Orders.

Before the minutes are presented for Authority approval at the subsequent meeting, the Garda Commissioner will be provided with an opportunity to confirm the factual accuracy of the section of the minutes at which s/he was present.

Once draft minutes are approved by the Authority and signed by the Chairperson, the minutes shall then be deemed to be a true record of the proceedings to which they relate and a central copy retained of all approved minutes of meetings.

Subject to confidentiality considerations, minutes of meetings shall be published on the Authority's website.

Standing Order 9 - Committees of the Authority

The Authority may establish committees to:

- Assist and advise it in relation to the performance of all or any of its functions as may be determined by the Authority from time to time; or
- Perform such functions of the Authority as may be delegated by it from time to time.⁹

A committee shall consist of a chairperson and such other Members as the Authority may determine and may include persons who are not Members or its staff.¹⁰ Decisions as to the membership of committees will rest with the Authority.

In appointing the members of a Committee, the Authority shall have regard to the following principles:

- The membership shall reflect the range of qualifications and experience necessary for the proper and effective performance of the functions of the committee;

⁹ Section 62K (1) of the Act

¹⁰ Section 62K(3) of the Act

- The Membership shall reflect the desirability of there being an equitable balance between men and women in the composition of committee.¹¹
- A committee may not consist entirely of non-Members of the Authority and each business committee must have at least two Authority Members;
- Authority members shall not be a member of more than two business Committees and ought not to chair more than one Committee;
- The Chairperson may attend and participate in any Committee meeting and be included for the purpose of establishing a quorum for a Committee meeting;
- The Audit and Risk Committee is denoted as a governance committee and not a business committee;
- Bearing in mind the size of the Authority at nine members including the Chair, there shall not be more than four Authority members on any Committee;
- Recognising that it takes time to become effective, unless unavoidable, the membership of a Committee shall not change more frequently than every two years. Membership should take account of the varying length of Authority members' appointments to the Authority with a view to ensuring appropriate continuity.

Committees shall be directly related to the most important functions of the Authority. In setting Committee terms of reference the Authority will have regard to the following principles:

- The Authority may delegate to its committees such of its functions as it considers appropriate, subject to such limitations as may be prescribed by the Authority and with such terms of reference and powers as it may determine.
- Committees will have defined terms of reference which will be reviewed as necessary but at least every two years;
- Care shall be taken to ensure that the Terms of Reference and working methods of Committees add value to the Authority's work and not layers;
- At a minimum, the terms of reference for each committee should include the following details:

¹¹ Section 62K(2) of the Act

- Membership of the committee;
 - Chairperson;
 - Remit;
 - Reporting arrangements; and
 - Level of decision delegated to the committee if any.
- Committees shall obtain Authority approval before proceeding to explore a new area of policy or matters not included in its terms of reference; and
 - Committee members should be mindful of the role of the Executive by not undertaking work appropriate to the Executive;
 - Committee Chairs should liaise with the Chief Executive in order to take account of the Executive's capacity to support the Committee in particular if the work they are proposing extends beyond the Authority's priorities, Strategy Statement and annual business plans;

Committees shall be designated as either standing or special in accordance with the following criteria:

- Standing committees are permanent and likely to have a continued existence; and
- Special committees shall have a focussed task or purpose and will be time bound but with a time perspective of at least one year.

Subject to this Standing Order, a committee may regulate its own procedure and business.

The Authority or its committees may organise, as appropriate, business planning meetings, and working groups to consider specific pieces of work or to respond to emerging issues. These meetings are designed to be discursive and developmental and are not decision-making forums. Recommendations and reports from these groups will be referred to the Authority or appropriate Committee for consideration and decision. The Chairperson may propose the setting up of an Ad Hoc Working Group, which might be composed of Authority members and executive staff, to deal with or reflect on a specific issue that has a tight timescale and does not fit the terms of reference of an existing committee or straddles existing committees.

The Authority may, at any time, dissolve a committee¹².

The Authority shall establish an Audit and Risk Committee to give an independent view in relation to audit, governance and risk. The Audit and Risk Committee is denoted as a governance committee and not a business committee. While the Audit and Risk Committee assists with consideration of issues relating to audit, governance and risk management the Authority maintains responsibility for and makes the final decisions on all of these areas. Appointments to the Audit and Risk Committee shall be made by the Authority in consultation with the Chair of the Audit and Risk Committee and shall include at least one external, independent member. The Authority shall satisfy itself that at least one member of the Audit and Risk Committee has recent and relevant financial experience.

Standing Order 10 - Effectiveness

Members shall undertake an annual self-assessment evaluation of the Authority's performance and that of its committees and ensure that any recommendations arising from the review are implemented. An external evaluation proportionate to the size and requirements of the State body shall be carried out at least every 3 years.

Standing Order 11 - Disclosure of Information

Members will be responsible for the safe custody of any papers or documents which may be issued or entrusted to them in the course of their duties. The loss of any such documents should be reported immediately to the Chief Executive.

Members are required to comply with the confidentiality and disclosure provisions as set out in the Code of Conduct for Members and Staff of the Authority ("the Code").

¹² Section 62K (4) (b)

Standing Order 12 - Conduct

On appointment, Members shall familiarise themselves with the Code. Members and external members of any Committee or working group shall be expected to comply at all times with the Code.

Standing Order 13 - Interpretation

The Chairperson's rulings on any question or his/her interpretation of the Standing Orders shall be final.

Standing Order 14 - Revocation and Revision of Standing Orders

No Standing Order adopted by the Authority shall be suspended at any meeting except with the agreement of a majority of Members.

The current Standing Orders shall remain in force until varied or revoked and additional Standing Orders adopted at a meeting of the Authority with the agreement of the majority of the Members present.

The Chief Executive and/or a Member (including the Chairperson) may submit to the Authority a note of any new Standing Order or alteration of any existing Standing Order which may seem to him or her to be required to ensure the effective operating of the Authority. Such a proposal shall be considered and decided upon by the Authority.

The Authority will undertake a periodic review of Standing Orders to ensure that they remain appropriate.

Appendix 1 - Extract from Garda Síochána Act 2005 (as amended)

Confidentiality of certain information

62M. (1) A person who is or was a Member of the Authority or a committee or the Chief Executive or other member of the staff of the Authority or who is or was engaged under contract or other arrangement by the Authority shall not disclose, in or outside the State, any information obtained in the course of carrying out the duties of that person's office, employment, contract or other arrangement if the person knows the disclosure of that information is likely to have a harmful effect.

(2) For the purpose of this section, the disclosure of information referred to in subsection

(1) does not have a harmful effect unless it—

- (a) facilitates the commission of an offence,
- (b) prejudices the safekeeping of a person in legal custody,
- (c) impedes the prevention, detection or investigation of an offence,
- (d) impedes the apprehension or prosecution of a suspected offender,
- (e) prejudices the security of any system of communication of the Garda Síochána,
- (f) results in the identification of a person—
 - (i) who is a witness in a criminal proceeding or who has given information in confidence to a member of the Garda Síochána, and
 - (ii) whose identity is not at the time of the disclosure a matter of public knowledge,
- (g) results in the publication of information that—
 - (i) relates to a person who is a witness to or a victim of an offence, and
 - (ii) is of such a nature that its publication would be likely to discourage the person to whom the information relates or any other person from giving evidence or reporting an offence, or
- (h) results in the publication of personal information (within the meaning of section 2(1) of the Freedom of Information Act 2014) and constitutes an unwarranted and serious infringement of a person's right to privacy.

(3) For the purpose of this section, a person is presumed, unless the contrary is proved, to know that disclosure of information referred to in subsection (1) is likely to have a harmful effect if a reasonable person would, in all the circumstances, be aware that its disclosure could have that effect.

(4) Subsection (1) does not prohibit a person from disclosing information referred to in that subsection if the disclosure—

(a) is made to—

- (i) the Garda Commissioner,
- (ii) the Minister,
- (iii) the Attorney General,
- (iv) the Director of Public Prosecutions,
- (v) the Chief State Solicitor,
- (vi) the Criminal Assets Bureau,
- (vii) the Comptroller and Auditor General,
- (viii) the Ombudsman Commission or an officer of the Commission,
- (ix) the Garda Síochána Inspectorate or an officer of the Inspectorate,
- (x) the Revenue Commissioners, or
- (xi) a member of either of the Houses of the Oireachtas where relevant to the proper discharge of the Member's functions,

(b) is made to a court,

(c) is made to a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 for the purposes of a Part 2 inquiry, within the meaning of that section, under that Act,

(d) is made in the course of, and in accordance with, the duties of that person's office or employment or his or her duties under a contract or other arrangement with the Authority,

(e) is authorised by the chairperson of the Authority, or

(f) is otherwise authorised by law.

(5) A person who contravenes subsection (1) is guilty of an offence and is liable—

- (a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(6) A person who contravenes subsection (1) and who receives any gift, consideration or advantage as an inducement to disclose the information to which the contravention relates or as a reward for, or otherwise on account of, the disclosure of that information is guilty of an offence and is liable—

- (a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €75,000 or imprisonment for a term not exceeding 7 years or both.

(7) The provisions of this section are in addition to, and not in substitution for, the provisions of the Official Secrets Act 1963.