

Kerry Public Participation Network Constitution

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1. Introduction

The Kerry Public Participation Network was set up as part of the framework for Public Participation in Local Government and it has a statutory basis in the Local Government Reform Act 2014 (Section 46).

2. Main Objectives

Kerry Public Participation Network is the main link through which the Local Authority connects with the Community and Voluntary, Social Inclusion and Environmental groups in County Kerry. Kerry PPN aims to enable community organisations to articulate a diverse range of views and interests within the local government system, and to allow a diversity of voices and interests to be facilitated and involved in the decision-making process of Kerry County Council and other relevant bodies.

Subsidiary Objects:

Kerry PPN will work with the community, voluntary and environmental sectors to:

- Facilitate and contribute to opportunities for networking, communication, and the sharing of information.
- Strengthen these sectors' capacity to contribute positively to the community.
- Identify issues of collective concern and ensure the sectors have a strong collective voice.
- Acknowledge and promote the contribution the community, voluntary and environmental sectors.
- Actively support inclusion of socially excluded groups, communities experiencing high levels of poverty and communities experiencing discrimination.
- Encourage and enable participation in local decision making and planning of services.
- Take an active formal role in policy making and oversight committees of the Kerry Local authority.
- Ensure clear and transparent mechanisms for the selection of members of the community, voluntary and environmental sectors to participate in policy making fora and facilitate elections onto decision making bodies.
- Facilitate a high level of accountability and feedback mechanisms to PPN members.
- Engage members in processes that will feed into policies and plans and provide a strong voice of community, voluntary and environmental sectors decision-making structures.
- Support individual members of the PPN to develop their capacity to do their own work effectively.
- Act as the vehicle to gather feedback and input into policies and plans being developed by Kerry Local Authority where there are areas of disagreement and there is no current consensus with the Local Authority.
- Work to affect national and regional policies in collaboration with other PPNs.

3.Values and Principles

Kerry PPN will adhere to the following values and principles:

- Implement and abide by the principles of good governance structures, policies, and procedures.
- Be inclusive of all volunteer led groups in the county and value diversity by actively seeking the inclusion of groups which may traditionally be marginalised.
- Work in a collaborative, transparent and fair way
- Be accountable to its member groups.
- Be participatory in its approach.
- Be open and transparent in its processes, procedures, dealing with member groups, representatives, Local Authority etc.
- Act as an independent body from local authority and of any other vested interests

4. Criteria for membership of the PPN

To qualify for membership, groups must fulfil the following criteria. Groups:

- Are not-for-profit and operate within the community, voluntary and environmental sectors.
- Have more than five (5) members
- Have an appropriate governance structure e.g. a written constitution, operating rules & procedures.
- Be a minimum of six months in existence.
- Be open to new members.
- Have a formal structure e.g. Chairperson, Secretary or Equivalent
- Are active and have a postal address in County Kerry
- Are broadly representative and accountable.
- Hold an AGM and have regular meetings.
- Are non-party political, anti-sectarian and non-discriminatory.
- Are independent, with a committee or board (not a substructure or subcommittee)
- Are volunteer led (organisations can have paid staff but must be under voluntary control).
- Are able to establish their bona fides as a community or voluntary organisation and provide documentation if requested to do so.
- Must renew their membership every year.
- Must ensure to notify the PPN office of any changes in the details of the primary contact person for the group.

Where a PPN Secretariat member, Representative of primary group contact intends to run for public office they must declare their interest and once they have been formally nominated step down from the PPN for the period of the elections. They can return if not elected.

5. Kerry PPN Structure

The Kerry PPN is organised at county and municipal district level and shall be composed of its registered member groups in the county.

The PPN is made up of several interconnected structures, these are:

- County Membership (Section 6) ,
- Municipal Membership (Section 9) ,
- Linkage (Interest) Groups (Section 11)
- Secretariat and Resource Worker (Section 13)

6. County Membership

County membership is the ruling body and main decision-making body of the PPN and will consist of all PPN registered membership groups. Its role is to direct the operation of the PPN, setting overall PPN policy and processes and develop a wellbeing statement for current and future generations in County Kerry.

Meetings will be arranged a minimum of twice a year to review the workings of the PPN and set the agenda for the coming period.

Because of the size of the county these meetings may be held in various locations to facilitate attendance. The matters discussed and proposed at these meeting will be circulated, and a consensus arrived at for future actions.

Membership meetings are a forum for member groups to network and to hear about matters of interest to them. All PPN members are entitled to 21 days' notice of a membership meeting. The membership will adhere to the objectives set out in section 2. All members at meetings will opt to be a member of a community and voluntary, social inclusion or environmental college. Each member organisation may select two people to represent them. Each membership organisation will have one vote at the county meetings. A special meeting of the membership can be called if requested by two thirds of membership groups.

7. Decision Making Powers of the Membership

The county membership hosts elections of:

- Representatives to county committees and decision-making structures
- The Secretariat members due to stand down every 3 years, at a meeting of the county membership

The county membership also:

- Endorses any reviews undertaken on the work of the PPN.
- Delegates the day to day running of the PPN to the Secretariat
- Adopts and makes amendments to the PPN Constitution.

Decisions made between membership meetings, including the election of representatives, must be presented for ratification to the following meeting.

8. Procedures for Membership Meetings

- A membership meeting shall be deemed valid if at least 5% of the member organisations are represented, a minimum of 4 of Secretariat members are present, and a minimum of 21 days' notice of the meeting has been given.
- A record of attendance and minutes will be kept for all meetings.
- The items discussed and decisions made at meetings will be published on the PPN website, following approval by the Secretariat.
- Membership meetings will be facilitated/chaired by a person nominated by the Secretariat.
- If considered appropriate by the Secretariat, a non-member may be invited to attend a meeting and speak on a specific agenda item.
- Motions for discussion should be submitted to the Secretariat 7 days before a membership meeting.
- Decisions of the membership will be made by taking a vote. Decisions will be carried by a simple majority of representatives of each member group present.
- In the event that there is a tie in a vote, the person elected as chairperson for the meeting will have the casting vote.

9. Municipal District Membership

Kerry County is organised into five municipal districts (*Tralee, Listowel, Killarney, Kenmare and Castleisland/Corca Dhuibhne*).

- Each municipal district membership is made up of all registered members (i.e. of the Community, Environmental and Voluntary electoral colleges) in each of Kerry's municipal districts which deal with locally based matters.
- Municipal district membership meetings are called by the Secretariat representative for each district.
- The municipal district PPN will be guided by the vision, values, and objectives of the PPN and report to the general membership annually on their activities.
- Member organisations of the municipal district PPN must also be members of the county PPN.
- A special meeting of the municipal district membership can be called if requested by two thirds of its membership.

10. Decision Making Powers of the Municipal District Membership

- The municipal district membership can develop and submit policy proposals as agreed by their membership and can establish their own committee to coordinate the activities of the municipal district membership.

11. Linkage (Interest) Groups

Linkage (Interest) Groups:

- Are the way that Kerry PPN members have input into policies in their area of operation/interest and operate by bringing together member organisations with a common interest to discuss their diverse views and interests in a specific policy area.

All PPN membership groups have the option of joining one or more linkage (interest) groups, to link with a specific committee/s where the PPN is being represented.

- Discuss and debate issues of relevance to the committee, informs the representative on the committee of their views.
- Reports to the membership annually, through a report issued by the Secretariat. Members should have the opportunity to agree the contents of the report, where an agreement has not been reached this should be stated.
- Encourage new members to take an active part in the PPN.

The PPN Representative:

- Feeds back to the linkage (interest) group
- Engages in 2-way communication on matters and in a variety of way including face to face, electronically and remotely.
- Is accountable to the linkage group and must adhere to the Representative's charter.

12. Decision Making Powers of Linkage (Interest) Groups

The linkage (interest) group:

- Elects representatives to committees seeking nominations.
- Can censure or remove a representative, if two thirds of linkage (interest) group members agree that they are not fulfilling the terms of the Representative's charter.
- Can develop and submit policy proposals as agreed by their membership.

13. Secretariat and Resource Worker

The Secretariat is at county level and is broad and representative of the different geographical areas and the three electoral colleges [Environment, Social Inclusion and Community and Voluntary] within County Kerry and reflective of the diversity of the membership and shall be made up of up to 15 members:

- 2 from each of the 3 electoral college elected by the county membership
- 1 from each of the 5 municipal districts elected by each municipal district membership
- 4 Charity Trustees. These will form an executive committee to act on behalf of the Secretariat in liaison with local and central government. The Trustees may also represent an electoral college or a municipal district.

The Secretariat shall:

- Facilitate the implementation of decisions made by the membership.
- Act as the coordinating body of the PPN and facilitate the PPN's day to day business.
- Facilitate and monitor effective communication between member groups and PPN representatives to ensure quality input into decision-making structures.
- Ensure procedures for elections are adhered to.
- Act as a support to representatives.
- Develop and oversee an annual work-plan.
- Appoint from each pillar members to the LCDC as requested.

The PPN Resource Workers:

- Are responsible for the day-to-day activities of the PPN and for enabling the delivery of the aims and purpose of the PPN and in line with the agreed workplan and are answerable to the Secretariat.

14. Decision Making Powers of the Secretariat

The Secretariat of the PPN will:

- Make decisions in relation to the effective day to day running of the PPN, in adherence to the objectives set out in section 2.
- Establish appropriate sub-committees/task groups or other sub-structures to effectively carry out their functions if required.
- Manage and monitor the budget of the PPN. Establish financial and governance subcommittees that will report to the Secretariat at least twice annually.
- Develop a communications policy.
- Appoint and manage staff for the PPN in accordance with the memorandum of understanding with the Kerry County Council.
- Devise and implement and regularly review an annual work-plan for the PPN.
- Establish processes for the monitoring and evaluation of the work of the PPN.
- Maintain the county register of all membership groups in partnership with Salesforce.
- Facilitate the establishment of linkage (interest) groups by notifying all PPN members and organising meeting when requested.
- Inform linkage (interest) groups if a representative is not adhering to the Representative's charter.

15. Procedures for Meetings of the Secretariat

- The Secretariat where possible shall meet monthly.
- Attendance records shall be kept at meetings of the Secretariat and work reported to the membership annually.
- Any member from among those present may be chosen to act as chairman for that specific meeting.
- The chairman will liaise with staff to set the agenda for Secretariat meetings.
- The quorum for all meetings of the Secretariat shall be one third plus 1 of all current Secretariat members.
- Notice for meetings along with agenda should be circulated to members prior to the date of the meeting.
- All members can suggest items for the agenda up to 7 days before the meeting takes place.
- Minutes of all meetings must be adopted by the Secretariat members, signed by the proposer and seconder.
- Where possible, decisions of the Secretariat will be taken by consensus, but in the event of a vote a simple majority will decide.
- In the case of a tied vote the nominated chair for that meeting will hold the casting vote.
- In the event of a member of the Secretariat failing to attend three consecutive meetings of the Secretariat of which they have been properly notified, without sending apologies prior to the meeting they can be replaced by a member from their nominating body.
- The Secretariat of the PPN will remain in place until six months after the local council elections at which point one third of the members of the Secretariat will retire their seats and Secretariat elections will take place. Also, any vacant seats will be filled.
- A retiring Secretariat member shall be eligible for re-election; however, no Secretariat member will serve for period of more than 3 consecutive terms.

16. Membership and Electoral Colleges

- When joining the PPN, membership groups must opt to be a part of one of three electoral colleges within the PPN which represents their primary interest: Environment, Social Inclusion or Community & Voluntary.
- To join the Social Inclusion electoral college an organisation's primary objectives and activities must focus on social inclusion / social justice /equality.
- To join the Environment electoral college an organisation's primary objectives and activities must be environmental (i.e. ecological) protection and/or environmental sustainability. Membership of this electoral college will be validated by the National Environmental Pillar.
- Organisations whose primary objectives are other than those listed above will be members of the Community & Voluntary electoral college.
- Each college chooses two people to represent them on the PPN Secretariat.
- Members are to be nominated to the LCDC from the PPN Secretariat (two from the Community and Voluntary college, two from the Social Inclusion college and one from the Environment college. Should no Secretariat member be available the Secretariat shall nominate a member from the required college.
- All nominees who put themselves forward for election must adhere to the charter for representatives.

17. County Structures - Policy Making Bodies/Committees/ Boards

Kerry County Council and other local bodies have a range of policy making bodies, committees and boards to support them in their work and policy development. In County Kerry these decision -making bodies include:

- Local Community & Development Committee [LCDC]. As per LCDC regulations it is prescribed that a minimum of 2 persons representing Community and Voluntary interests, a minimum of 2 persons representing Social Inclusion interests and a minimum of 1 person representing Environmental interests be included on the Committee.
- Joint Policing Committee
- Strategic Policy Committees

Other committees may require community representation in the future. Kerry PPN shall ensure the PPN has representation on these bodies /committees. Each of these committees may have their own terms of reference/standing orders and PPN representatives should familiarise themselves with these.

18. Conflicts of Interest & Loyalty on Committees of the PPN

- Kerry PPN members should demonstrate transparency in all dealings and act in an honest, fair, and independent way.
- Committee members must disclose any conflict of interest or loyalty, be it personal, family, business or otherwise, in relation to a matter to be decided on by the committee.
- A conflict of interest arises when private interests compete with a committee members duty to act always in the best interests of the organisation. A conflict of loyalty is where a committee member is, or is perceived to be, influenced by considerations other than the best interest of the organisation. Any committee member who feels there is a

potential conflict of interest or loyalty that is not being declared should raise this for discussion.

- If a disclosure of interest or loyalty is made at a meeting, particulars of the disclosure will be recorded in the minutes of the meeting concerned, and or so long as the matter to which the disclosure related is being dealt with by the meeting, the person by whom the disclosure is made shall not be counted in the quorum for the meeting.
- Where a conflict of interest is declared by a member, that member will leave the meeting temporarily and will not be entitled to vote on the matter in which they have an interest. Upon returning to the meeting the member will be notified of the decision by the Chair and no further discussion will take place.
- All registered conflicts must be recorded in meeting minutes.

19. Elections of representatives to County Structures

- The representation of Environmental, Social Inclusion, Community and Voluntary voices on decision making and advisory bodies is one of the core functions of PPNs.
- Having PPN representation on these committees is a huge advantage as it enables the concerns and experiences of the community to be incorporated at an early stage of policy development, leading to more positive outcomes. It also supports the monitoring and evaluation of existing policies within the county.
- When a position becomes available for a PPN representative on a county structure/committee the Secretariat will ask for nominations from the membership. If there is more than one nomination an election will be held.
- In all elections of PPN representatives care will be taken to ensure gender balance and geographical spread of representatives.
- All nominations made by member organisation are formally ratified at the membership meeting of PPN.
- Staff and members of the local authority cannot be nominated through this process.
- If anyone nominated through this process subsequently decides to enter electoral politics, he/she must immediately resign their PPN representative role and the substitute from the relevant nominating PPN unit (electoral college / linkage (interest) group) will replace them.
- A person who has been an elected representative of any level of government (local or national) should not be chosen to represent PPN in any representative role for one year after completing their term of office.
- Individuals where there is a conflict of interest cannot be nominated.
- The validity of nominations will be decided by the Secretariat.
- All PPN representatives should be guided by the Representatives' charter and receive instructions through a linkage group to bring matters forward to the relevant structure he/she sits on, feeding back accordingly.
- A retiring representative who is required to step down will be eligible for re-election; however no representative can serve a term of more than 5 consecutive years.

20. Nomination Procedures

- Groups registered with the Kerry PPN will be invited to participate in nomination and election procedures, though the membership, electoral colleges, municipal districts or linkage (interest) groups as appropriate.
- PPN membership groups should be given 21 days notice of a nomination and election process.

- For the purposes of the election to the Secretariat, each PPN membership group is entitled to nominate one person for their municipal district and one person for their electoral college.
- Nomination papers will be sent to each membership group, to the email or address indicated on the PPN registration form.
- In the case of groups who are affiliated to countywide governing bodies which are also registered with linkage (interest) groups, only the countywide governing body will be eligible to nominate and vote in linkage (interest) group elections.
- Nomination forms must be fully completed, by an officer of the nominating group, to be eligible for inclusion in the election.
- A returning officer elected by Kerry PPN Secretariat will decide on the validity of the nomination form and their decision is final.
- Nomination forms must be submitted online via a link sent to each PPN member, or another method as decided by the PPN Secretariat.
- Where the same person is nominated for an electoral college and a municipal district, they will be asked to identify which position they prefer. No candidate can contest two seats.
- When the number of nominations received exceeds the number of seats available a ballot will take place.

21. Voting Procedures

- Nomination and election procedures will be issued by the Secretariat before each election. Members will have a mechanism to appeal procedures.
- All fully completed nominations received by the closing date, which are deemed eligible, will be put forward for the election.
- A set of voting papers will be issued to the person nominated to represent the group at the meeting– as indicated on the PPN registration form.
- If the named representative cannot complete the voting procedure, they can name an alternate. They must inform the PPN office of the name of the alternate at least one day prior to the election.
- Ballot papers will only be issued to representatives who have been named in advance of the meeting.
- Each eligible individual can only vote on behalf of one organisation only.
- Voting will take place in a manner prescribed by the Secretariat.
- Independent officers will be appointed by Kerry PPN Secretariat to oversee the election and count the ballot.
- Where the number of candidates nominated equals the number of seats, these candidates will be automatically deemed elected.
- Voting will take place in accordance with a proportional representational system.
- Where the number of candidates exceeds the number of seats, the person(s) who receives the highest number of first preference votes will be deemed elected, taking into consideration measures to ensure gender balance and geographic spread of candidates, as appropriate.
- If a clear preference is not indicated on a ballot sheet, it will be deemed a spoiled vote and will not be counted.
- In the event of a tie, the successful candidate will be determined by lot.
- Nominated delegates who are unsuccessful will be deemed ‘substitute members’ if the successful nominee resigns his or her seat over the lifetime of the Secretariat. The

unsuccessful nominee with the highest number of votes will be the first substitute; the second highest number of votes will be second substitute and so on.

- Appeals on the nomination and or election process should be made in writing to the PPN Secretariat.

22. Appeals Process

- There shall exist an appeals committee to deal with appeals against decisions as appropriate e.g. suspension/expulsion of members.
- An appeal should be initiated in writing and done so within 10 working days of the decision.
- The Secretariat shall appoint an appeals committee who shall consist of a panel who have been members for the PPN for more than three years. A tribunal of 3 members of the committee will normally deal with an appeal.
- Appeals will be heard as quickly as possible but not later than 4 months of notification where practical.
- An appeals tribunal may nominate one of their members to act as mediator, to explore the possibility of resolving the dispute without resort to the appeals procedure.
- When considering appeals, an appeals tribunal shall hear all relevant evidence and shall have power to lift or confirm the suspension or expulsion of a group or suspension or expulsion of a member, or deprivation of office of an officer. Its decisions shall be announced within seven days of being reached and shall be final.
- An appeals tribunal shall hear cases relating to other issues as provided for in this constitution.

23. Protecting the Integrity of the PPN

- To protect the integrity of the PPN, a disciplinary procedures document will outline the process to be undertaken when an allegation is made that a group is:
 - a) Acting in a manner contrary to the values, aims or objectives of the PPN.or
 - b) Failing to comply with the criteria for membership set out in section 4 of this Constitution.
- While the disciplinary process is being pursued, voting rights for groups will be suspended until the issue has been resolved. In line with due process and the disciplinary procedures document, a membership group may be exonerated or removed from the PPN. An appeals process is available to groups as outlined at section 22.

24. Amendments to the Constitution

- Future amendments to the 'Constitution' shall be decided by a two-thirds majority of membership members present at a meeting and eligible to vote.
- A proposal to make an amendment to the Constitution can be made by the Secretariat or by a collective of three registered membership groups.
- Proposals to amend the Constitution should be submitted to the Secretariat in writing within 14 days of the membership meeting and made available to members at least 7 days in advance of a membership meeting. The relevant government department, Kerry County Council and the Charity Regulator must be informed of any change in the Constitution.

25. Charitable Status

- Kerry PPN is a registered charity. This is to assist in any fundraising activities the organisation may carry out.
- The Charity Regulator has stated that the PPN shall have 4 trustees to act as required by the Charities Act 2008 as adopted on 16th October 2014. Trustees shall be members of the Secretariat.
- The Trustees shall be John Spillane, Anne Marie Fuller, Connie O’Leary and William Morrell approved by the National Environmental Pillar. These shall remain in place until changed by the paragraph below at which point the permission of the Charity Regulator is required.
- The membership shall have the power to appoint trustees either on the retirement of a trustee or if most of the membership at a county meeting vote to replace a trustee.
- The appointment of a new trustee shall follow the same voting procedure as for all other county representatives.
- The trustees shall oversee the Secretariat should they wish to solicit and procure and to accept and receive any donation of property of any nature and any devise, legacy or annuity, subscription, gift, contribution or fund, including by means of payroll giving or other similar arrangements, and including (but so as not to restrict the generality of the foregoing) the holding of lotteries in accordance with the law for the purpose of promoting the aims and objectives of the PPN.

Income & Property

- The income and property of the PPN shall be applied solely towards the promotion of the main object(s) as set forward in the Constitution. No portion of the PPN's income or property shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to members of the PPN. No Charity Trustee shall be appointed to any office of the PPN paid by salary or fees or receive any remuneration or other benefit in money or money’s worth from the PPN. However, nothing shall prevent any payment in good faith by the PPN of:
 - A) reasonable and proper remuneration to any member or servant of the PPN (not being a trustee) for any services rendered to the PPN.
 - B) interest at a rate not exceeding 1% above the Euro Interbank Rate (Euribor) per annum on any money lent by the Charity Trustees or other members of the PPN to the PPN.
 - C) reasonable and proper rent for premises demised and let by any member of the PPN (including any Charity Trustee) to the PPN.
 - D) reasonable and proper out of pocket expenses incurred by any Charity Trustee in connection with their attendance to any matter affecting the PPN
 - E) fees, remuneration or other benefit in money or money's worth to any company of which a Charity Trustee may be a member holding not more than one hundredth part of the issued capital of such Company.
 - F) Nothing shall prevent any payment by the PPN to a person pursuant to an agreement entered in compliance with Sec. 89 Charities Act 2009 (as for the time being amended, extended, or replaced)

*****Charity Trustee as defined by Sec. 2(1) of the charities Act 2009*****

Additions, alterations, or amendments

- The PPN must ensure that the Charities Regulator has a copy of its most recent governing instrument. If it is proposed to make an amendment to the governing instruments the PPN which requires the prior approval of the Charities Regulator, advance notice in approval and the amendment shall not take effect until such approval is received.

Winding-Up

- If upon winding up or dissolution of the PPN there remains, after satisfaction of all debts and liabilities, any property whatsoever, it shall not be paid or distributed among the members of the PPN. Instead, such property shall be given or transferred to some other Charitable Institution or trust/body having main objects like the main objects of the PPN. The Institution or Institutions to which the property is to be given or transferred shall prohibit the distribution of their income and property among their members as to an extent at least as great as is imposed on the PPN. Members of the PPN shall select the relevant Institution or Institutions at or before the time of dissolution, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object with the agreement of the Charities Regulator. Final accounts will be prepared and submitted that will include a section that identifies and values any assets transferred along with the details of recipients and terms of the transfer.