

1. Schedule of Records:

Page No	Description of Document	Deletions	Relevant Sections of FOI Act	Reason for Decision	Decision
n/a	Report concerning Longford Office <i>[Response to query (a)]</i>	Entire document	37 (1)	Personal Information	Refuse
001 - 008	Report concerning Cork Office <i>[Response to query (d)]</i>	n/a	n/a	n/a	Release
009 - 014	GSOC Vehicle Policy 2008 <i>[Response to query (e)]</i>	n/a	n/a		Release
015 - 016	Responses to queries (b), (c), (f), (g)	n/a	n/a	n/a	Release



REPORT ON
GSOC ACCOMMODATION
ST. NICHOLAS' CHURCH
COVE ST
CORK



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1.0 Introduction

1.1 Instructions

GSOC representatives requested that an audit be undertaken to assess the suitability of their provided office accommodation at St. Nicholas' Church, Cove St, Cork.

1.2 Description of Property

The present church at St. Nicholas is an eighteenth-century building, which was constructed to replace a much larger seventeenth-century structure. The church has been deconsecrated and was redeveloped as a modern office facility in 2002.

GSOC staff at St. Nicholas occupy a space on the second floor that was originally designed as a 'gallery', but is now utilised as an open plan office space. GSOC have five staff members accommodated in the space.

1.3 Survey Details

I inspected this accommodation space on 8th July 2015 when GSOC staff were present on site. Point of contact on site was Mr. Nick Harden GSOC. My inspection was of a visual nature only.

2.0 Observations

2.1 Architectural

2.1.1 As per the original design for the redevelopment of the church in 2002, the GSOC 2nd floor office accommodation space was never designed as an office space. It was designed as a gallery, with one full wall constructed using clear glazing panels, giving a view down to the ground floor.

2.1.2 The space was created by inserting new structural floors into the church during the works in 2002. As such, this is not an 'attic space', but a second floor space up at the eaves level of the church structure. Due to the slope of the roof there is not standard full ceiling height along the side walls. The positioning of workstations strategically has somewhat addressed this issue, however, it is quite cramped for some workstations. There are 6 No. workstations currently in place. The area provided, coupled with the lack of full headroom at the side walls, would be more suited to a maximum of 4 no. workstations.

2.1.3 It was not possible to determine the level of thermal insulation fitted between the exposed roof rafters, but there does appear to be some insulation in place. The plaster finish on the sloped ceiling is cracked in some areas, more than likely due to expansion and contraction occurring. This has in some cases caused crumbling plaster and dust to fall on to workstations in small quantities. Localised minor repairs and decoration should remedy this situation.

2.1.4 There is a small section of flooring under a workstation which appears to have subsided. It is currently covered by carpet. This is more than likely due to a damaged floor board and can be remedied quite easily.

2.2 Environmental

2.2.1 The gallery space ventilation is provided via a cassette wall-mounted air-conditioning unit. The unit appears to be operational but does not appear to be

effective for the volume of space that it is servicing. GSOC staff reported that the space is too cold in winter and too hot in summer. The location of the space in the structure is a significant factor here; the level of infill insulation between the sloped roof rafters may not be sufficient to maintain suitable environmental conditions in the space.

2.3 Fire Safety

2.3.1 Fire Safety Certificate (Ref. No. FSCA/2105/02) was issued for the building in 2002.

2.3.2 There does not appear to be any issue in utilising this space as an office facility from a fire safety perspective. The void above the ground floor canteen, which the gallery looks on to, is provided with automatic smoke detection. The escape route from the gallery space is away from the opening and is fire separated from the void.

2.3.3 All firestopping and FDAS appears to be in place and operational.

3.0 Conclusion

There does not appear to be any explicit health and safety concern existing in the GSOC second floor accommodation space at St. Nicholas' Church. Any issues pertaining to finishes or materials alluded to in this report can be addressed quite easily and remedied.

However, there appears to be an issue with the environmental conditions in the space. The sizing of the air-conditioning unit should be assessed by the landlord and augmented if necessary. A correctly sized and designed air-conditioning unit should alleviate any environmental issues to some extent. The space may still be uncomfortable during periods of prolonged adverse temperatures, hot and cold, due to the fabric of the roof structure.

There are also issues with the security of the GSOC space. The entrance door leading into the space is sometimes accessed by maintenance personnel to gain access to services in the attic space. This issue should be discussed with the landlord and appropriate measures put in place.

The space is suitable to work in but may be uncomfortable in adverse weather. The number of workstations in place needs to be reduced to provide more circulation space.

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POLICY FOR GSOC VEHICLE USAGE

1. PURPOSE: -

To establish a vehicle driving policy, and specific responsibilities for safe operation of all GSOC Service vehicles.

In the safe and competent manner of our driving to act as an exemplar for An Garda Síochána. Accordingly the policy is quite restrictive and plays considerable onus on GSOC drivers to drive to the highest standards at all times.

2. SCOPE: -

All GSOC personnel approved to drive GSOC vehicles to incidents shall adhere to this policy.

3. APPROVAL TO DRIVE: -

Only persons approved in writing by the Director of Investigations [or his/her Deputy] may drive official GSOC vehicles. Approval will only issue to persons carrying a full Irish Class B Driving Licence or its recognised international equivalent. Persons without such licences may not drive official vehicles.

4. PROCEDURE

1. Driving Guidelines

- i. It is the responsibility of the driver of any GSOC vehicle driven to support GSOC operations and inquiries to do so in a lawful, safe and prudent manner at all times.
- ii. **Safe arrival** shall always take precedence over speed and manoeuvring *en route* to an incident or inquiry and on the return journey.

- iii. All vehicles shall be operated in compliance with applicable Road Traffic (Traffic and Parking) Acts and By Laws, 1964, 1983, 1992, 1993 and 2004.

While these statutes provide certain specific legal exceptions to regular vehicle regulations applicable to GSOC officers responding to an urgent incident, GSOC will seek to invoke such exemptions only in rare and exceptional circumstances.

Driving to incidents shall be categorised based on the nature of the situation. The categories are defined as:

5. NORMAL TRAFFIC: -

Routine response, proceeding with caution, obeying all traffic regulations (including all relevant speed limits) and without activating Urgent audio/visual aids.

6. URGENT RESPONSE: -

Under certain urgent response conditions the Director (or the Deputy in his/her absence) is prepared to consider a response utilising Urgent audio/visual aids. As a general rule audio/visual aids will not be sanctioned for the purposes of exceeding the speed limits and where sanctioned will be for the safe negotiation of difficult traffic or road conditions and for the purposes of health and safety (such as manifesting a high visibility presence at the scene of an RTC).

7. SANCTION FOR URGENT RESPONSE: -

Given the situations in which sanction to use Urgent audio/visual aids may be sought the vehicle driver will telephone the on-call Director or Deputy and

- outline the circumstances of the incident,
- any particular urgencies that obtain
- specific obstacles or hazards that impede good progress (see list of possible exemptions below)
- the proposed actions that the driver wishes to take and
- the probable duration of the episode

The driver will then be given direction either to use or not to use the audio/visual aids. The decision will be logged by the Director/Deputy and the driver should record the outcome in his/her notebook as soon as it safe to do so.

If granted, this does not allow the operator of any GSOC vehicle, to drive without due care and caution. The regard for the public safety shall always be the primary consideration.

8. EXEMPTIONS FROM THE PROVISIONS OF ROAD TRAFFIC LAWS FOR GSOC OFFICERS & VEHICLES: -

By virtue of his/her powers conferred under Section 98 The driver of a GSOC vehicle may be exempt from the provisions of certain road traffic laws, but are not immune from the consequences of being involved in an accident. Absent a granted sanction as per 7 above, **GSOC management do not contemplate supporting an application by an officer for an exemption for a breach of the Road Traffic Acts.**

While the statutes contemplate legal exemptions to the following, GSOC policy is considerably more restrictive as regards:

- 1) Speed Limits.
- 2) Red Traffic lights (except light controlled pedestrian crossings).
- 3) The circumnavigation of traffic bollard's and islands.
- 4) Driving contra flow in one way streets.
- 5) Driving contra flow on the carriageway.
- 6) Motorway rules with particular regard to stopping and use of the hard shoulder.
- 7) Use of non-motorway hard shoulders and bus lanes.
- 8) Parking restrictions.
- 9) No through traffic.
- 10) No overtaking.
- 11) Sounding horns at night.

With regard to 1) above it is not envisaged that GSOC will have to respond at speed to an incident as it does not form part of any of the first responding emergency services. Applications for exemptions from speeding fines and points will not, except in exceptional and independently assessed circumstances, be facilitated by GSOC management.

With regard to 4) and 5) above, barring the used of roads closed by An Garda Síochána pursuant to an incident to which GSOC is responding GSOC vehicles will not pursue a contra-flow route.

The other items listed may be considered in the context of the sanctions sought and granted.

All the following conditions must exist for the above exemptions to apply.

- Be travelling in an urgent call circumstance
- The vehicle must look and sound like an Urgent vehicle, blue lights on and siren sounding.
- The driver must deem his/her actions justifiable.

9. Difficult Circumstances: -

Some circumstances involving the “Letter of the Law” can confront Urgent Vehicle drivers with difficult decisions, traffic lights present particular problems. **The accepted international practice requires that drivers must come to a complete halt on the approach to red traffic lights, before proceeding onwards (assuming that it is safe to do so).**

The right to exercise any of the above exemptions does not provide for immunity against prosecution, in the event of being involved in an accident, while availing of any of the exemptions. Blame for an accident will be apportioned according to the circumstances and actions taken by the parties concerned. When driving outside the constraints imposed by law on motorists, GSOC personnel must exercise vigilance and be on the alert for those who will endanger and won't or can't facilitate their need for road space and safe passage. GSOC personnel are at all times accountable for their actions and must – should they be involved in an accident – be able to show, whatever the circumstance, that they had acted with prudence and care in the execution of their duties.

1. Urgent Response Policy & Sanction: -

before applying to the Director or Deputy for sanction to use audio/visual aids drivers shall attain a prompt safe response by: -

- a. **Familiarising** themselves with the safest and quickest routes and being knowledgeable of routes and roadways with inherent hazards. Examples of such hazards would include – exceptionally heavy traffic, schools, hospitals, etc.
- b. **Insuring that all occupants of the vehicle are safety belted** prior to any vehicle movement.
- c. **Assuring** that all vehicle doors are closed prior to vehicle movement.
- d. **Driving defensively and professionally** at an appropriate speed which reflects the existing road and traffic conditions.
- e. **Defensive Driving is based upon the following principle: By applying full concentration to the driving task the driver is able to maximise his/her observations thereby enabling him/herself to create and maintain space around his/her vehicle which will then give him/her time to respond to, and deal with, hazards and situations. Defensive drivers are non-competitive, and aware that either they or other road users are likely to make a mistake at any time. To drive defensively is to make allowances for, and accommodate, these mistakes.**
- f. **Using warning devices** to move around and to request the right-of-way in a safe and predictable manner.

- g. Under no circumstances shall GSOC personnel **drive faster than traffic and road conditions warrant**, or take unnecessary risks during negative right-of-way situations. Public safety shall always take precedence over speed and manoeuvring

2. Specific Rules:

- a. When responding "**Urgent Response**, " **ALL**" Urgent audio and visual devices shall be utilised.
- b. When not utilising Urgent audio and visual aids, all applicable traffic regulations shall be observed.
- c. Prior to entering an intersection the driver must account for all traffic lanes. If the intersection is a negative right of way (red light, stop, etc.), the driver must stop prior to entering the intersection and may proceed only if all traffic lanes have yielded right of way.
- d. GSOC vehicles are required to pass other vehicles on the right. In any case where an Urgent vehicle passes another vehicle on the left, an additional responsibility is incurred which may result in liability and other legal sanctions.
- e. During an Urgent response, GSOC vehicles shall avoid passing other emergency vehicles which may be responding.
- f. GSOC vehicles involved in an Urgent response shall stop at all railway crossings before crossing rail lines. This is due to the fact that lights and sirens may mask an on-coming train. Drivers shall not rely on the signalling devices alone but shall obtain a confirmed visual clearance of the tracks prior to crossing it.
- g. When approaching a school crossing, the driver shall obey all applicable traffic regulations, including stopping, regardless of the Urgent response. U
- h. Urgent response should be discontinued upon hearing **any communication** that informs that the need for Urgent response is no longer needed. Upon receipt of such communications the driver must immediately resume routine travel and follow all applicable traffic regulations.

3. Incident Scene

- a. The unique hazards of driving at or near the incident location require drivers to use extreme caution and to be alert and prepared to react to the unexpected.
- b. Drivers must consider the dangers their moving vehicles pose to other Urgent service personnel and on-lookers that may be preoccupied with the incident, and may step into the path of a moving vehicle.
- c. IF a GSOC vehicle arrives first it shall be stopped so that the vehicle can protect personnel engaged at the incident. Flashing or

rotating warning lights shall be utilised to warn approaching traffic of the incident.

- d. Any on-scene reversing shall be done with the aid of assistance, if available. Where assistance is not available, the driver shall carry out a 360-degree walk-around and visual clearance check prior to reversing. There are no exceptions to this rule.

10. Execution:-

This document

“POLICY FOR GSOC VEHICLE USAGE”

shall come into force from May 9th 2008 and replace that of 09th MAY 2007 and will at all times give precedence to updated Road Traffic Regulations.

It is incumbent on all staff to make themselves familiar with the contents of this document and enforced Road Traffic Regulations.

GSOC Responses to Questions (b), (c), (f) and (g)

(b) “To request how many cases have been discontinued in the last year under section 93 of the Garda Síochána act 2005.”

GSOC understands that a response to Parliamentary Question 20734/18 which requested the same information will issue from the Minister to you directly. I am happy to provide that information to you below. For the period 01 May 2017 to 30 April 2018 (i.e. the last 12 complete months for which we have figures available):

- 868 cases were discontinued during the above period (in all investigative phases).
- Of these 868, 326 related to criminal investigations.

(c) “To request many cases have been advanced under section 101 of the Garda Síochána act 2005 in the last year.”

GSOC understands that a response to Parliamentary Question 20735/18 which requested the same information will issue from the Minister to you directly. I am happy to provide that information to you below. For the period 01 May 2017 to 30 April 2018 (i.e. the last 12 complete months for which we have figures available):

- 27 cases were advanced under s.101 during the above period following a S.98 investigation.

(f) “To ask whether it is generally the policy that GSOC would investigate the discharge of a weapon by a member of an Garda Síochána under section 103(4) of the 2005 Garda Síochána Act.”

GSOC understands that a response to Parliamentary Question 20741/18 which requested the same information will issue from the Minister to you directly. I am happy to provide a response as set out below. In answering this question and the proceeding question (20742/18), it is assumed that you are querying the number of public interest investigations opened under section 102 (4) of the Act and that the term weapon refers to a garda-issued firearm.

Each case is considered by the Ombudsman Commission on its own merits. GSOC deals with these matters in the following way:

- When GSOC is notified of a discharge of a garda-issue firearm by a member of the Garda Síochána, and no death or serious harm has arisen, the Director of Investigations (or his Deputy) obtains as much information as possible about the incident at an early stage from the Garda Síochána.
- An assessment of the information is conducted in order to make a recommendation to the Ombudsman Commission for their consideration to launch an investigation under s.102(4).
- The Ombudsman Commission will then decide, based on the material provided to them, whether or not to launch a public interest investigation into the matter pursuant to s.102(4).

- The Ombudsman Commission considers each case in line with the Act, and may decide to commence an investigation if it appears that a garda member may have either committed an offence or behaved in a manner that would justify disciplinary proceedings.

(g) “To ask how many investigations under section 103(4) of the 2005 Garda Síochána Act into discharges of weapons by members of An Garda Síochána have been undertaken GSOC in the last 3 years.”

GSOC understands that a response to Parliamentary Question 20742/18 which requested the same information will issue from the Minister to you directly. I am happy to provide the information requested.

Five such public interest investigations into discharges of weapons have been launched by the GSOC in the past three calendar years (one in 2015, one in 2016 and three in 2017).