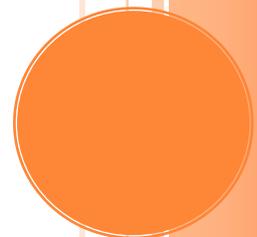


REVISED GUIDELINES FOR THE OPERATION OF LOCAL COMMUNITY DEVELOPMENT COMMITTEES

These General Policy Guidelines are issued by the Minister for Housing, Planning, Community and Local Government to create a common framework for the establishment and operation of LCDCs in each local authority area.

Community Division of the Department of Housing, Planning,
Community and Local Government

December 2016



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ACRONYMS

CPG	Corporate Policy Group
DECLG	Department of Environment, Community and Local Government
HPCLG	Department of Housing, Planning, Community and Local Government
LCDC	Local Community Development Committee
PPN	Public Participation Network
SPC	Strategic Policy Committee

1. INTRODUCTION

The following are guidelines from the Minister for Housing, Planning, Community and Local Government under section 128E(4) of the Local Government Act 2001, as inserted by section 36 of the Local Government Reform Act 2014, in relation to the establishment and operation of Local Community Development Committees.

1.1 CONTEXT

The Final Report of the Alignment Steering Group was approved by Government as a part of ‘Putting People First – Action Programme for Effective Local Government’, in October 2012. The Action Programme sets out reforms to improve the delivery of services for the citizen, deliver greater efficiency and effectiveness and give local government a more central role in local and community development. It represents a significant change in government policy in relation to local government and seeks to place local government as

the main vehicle of governance and public service at local level – leading economic, social and community development, delivering efficient and good value services, and representing citizens and local communities effectively and accountably.

The Local Government Reform Act 2014, enacted on 27 January 2014, gives legislative effect to the commitments in the Action Programme, including the establishment of Local Community Development Committees (LCDCs) in each local authority administrative area.

1.2 LOCAL GOVERNMENT REFORM ACT 2014

The key provisions regarding LCDCs are contained in Part 6 of the 2014 Act. Part 6 inserts new sections 49A and 128A to 128F into the Local Government Act 2001 and provides for—

- the establishment of LCDCs as committees of local authorities,
- the functions of LCDCs,
- LCDC membership,
- administrative support for LCDCs by local authorities, and
- co-operation with the work of LCDCs by local development agencies.

It was commenced on 1 June 2014 and has full legal effect from that date. Accordingly, local authorities are required to establish LCDCs, agree LCDC membership and manage the work

of their LCDCs generally, in accordance with the Act, relevant ministerial regulations and these policy guidelines.

Part 6 is complemented by statutory regulations, the ***Local Community Development Committee (Section 128E) Regulations 2014***¹, which also have full legal effect from 1 June 2014. The Regulations provide a regulatory framework for—

- the establishment of LCDCs,
- membership of, and appointment of members to, LCDCs,
- decision-making by LCDCs,
- matters related to the appointment of the Chairperson and Vice-Chairperson,
- tenure of members, and
- matters relating to meetings, business and administration of LCDCs.

1.3 APPLICATION OF GUIDELINES

The purpose of these guidelines is to underpin the *Section 128E Regulations*, to create a common general approach to the establishment and operation of LCDCs and support local authorities to this end. The guidelines give local authorities discretion to develop and implement arrangements that take into account local circumstances and best meet local needs.

These guidelines should be read in conjunction with *the Section 128E Regulations* and any reference to a '*Regulation*' in these guidelines means a regulation in the *Section 128E Regulations*, unless it is stated otherwise.

In accordance with section 128E(3) of the 2001 Act, local authorities and LCDCs must comply with these guidelines.

¹ As amended by the Local Community Development Committee (Section 128E) (Amendment) (No.1) Regulations 2014

2. GUIDING PRINCIPLES OF LCDCs

The work of the LCDC should be guided by the following general principles—

- a participative, 'bottom-up' approach is a key feature of local, community and rural development – meaningful community participation in identifying priorities and solutions, shaping local initiatives and a vision for those communities is important and, therefore, participation of the community sector is essential,
- the democratic mandate of the local authority members on the LCDC should be recognised and respected,
- the experience and contribution brought by all LCDC members should be recognised and respected, and approaches that use the strengths and expertise of all members should be developed and implemented,
- a clear focus on social inclusion – marginalised communities, and the marginalised within communities, should have the opportunity to participate in local decision-making and the power to influence and shape local decisions – this should be reflected in both the LCDC membership and the mechanisms in place to ensure socially excluded persons can participate in planning and decision-making,
- the promotion of enterprise and employment development, and training and education to support this, is an essential element in supporting sustainable communities and building their capacity, and this should be reflected in planning and programme delivery,
- a holistic approach that has regard to, and takes account of, all relevant national policies and strategies including, for example, Ireland Age Friendly Cities and Counties Programme, the National Skills Strategy, the Positive Ageing Strategy, Healthy Ireland, the National Disability Strategy, the National Regeneration Programme, is essential to securing a co-ordinated and integrated approach to local service delivery,
- the strengths and experiences of all local actors, working in partnership and collaboration, and the harnessing of existing local and community development infrastructure, are key to making the best use of resources for citizens and communities – accordingly, planning and programme implementation that make the best use of local resources should be developed and supported,
- the integration of sustainable development considerations into policy development and implementation is crucial in developing, supporting and maintaining vibrant

communities – plans and service delivery approaches should seek to stimulate local development and sustainability,

- voluntary activity and active citizenship should be pursued as vital elements of flourishing communities, and
- there should be a clear focus on making the best use of available resources and achieving value-for-money – accordingly, there should be a focus on developing integrated, evidenced-based approaches to local service planning and delivery that seek to make the best use of public and private sources of funding.

3. PURPOSE OF LCDCs

Section 49A of the Local Government Act 2001 provides for the establishment of LCDCs in all local authority administrative areas *“for the purposes of developing, coordinating and implementing a coherent and integrated approach to local and community development”*. In this regard, each LCDC will bring together local authority members and officials, State agencies and people actively working with local development, community development, and economic, cultural and environmental organisations to implement a joined-up, cross-sectoral approach to local and community development programming. LCDCs will, therefore, draw on the expertise and experience of public and private actors within the relevant local authority area to provide effective and efficient services to citizens and communities, and particularly those most in need of those services.

As provided for in the Act, LCDCs will—

- have primary responsibility for co-ordinating, planning and overseeing local and community development funding, whether spent by local authorities or on behalf of the State by other local development bodies,
- bring a more joined-up approach to the implementation of local and community development programmes and interventions, pursuing an integrated approach to local community-based services across providers and delivery structures,
- drive meaningful citizen and community engagement in the scoping, planning, delivery and evaluation of local and community development programmes,
- pursue a more cost efficient administration of local and community development programmes and delivery structures, matching resources to priorities to achieve better value-for-money in the management and delivery of programmes,
- focus on learning and feedback, enhancing the links between service delivery and policy development, and
- pursue opportunities for additional funding for the area, whether Exchequer, EU, private or other sources.

4. LCDC FUNCTIONS

4.1 SECTION 128B LOCAL GOVERNMENT ACT 2001

Section 128B of the Local Government Act 2001 sets out the functions of LCDCs. These functions include—

- in relation to the Local Economic and Community Plan, to —
 - prepare and implement the community elements of a 6-year Local Economic and Community Plan (the Plan),
 - review and monitor on an on-going basis the implementation of the community elements of the Plan and, if appropriate, to revise the actions and strategies set to achieve the objectives of the Plan, and
 - consider a draft of the economic elements of the Plan and adopt a statement for consideration of the Council in this regard,
- to coordinate, manage and oversee the implementation of local and community development programmes that—
 - may be agreed between Department of Housing, Planning, Community and Local Government and other Government Departments or State bodies,
 - may be sourced through direct application by the LCDC or local authority on the LCDC's behalf (e.g. EU programmes), or
 - may be agreed by the local authority with relevant State agencies or Government Departments.
- to improve the coordination of public-funded local and community development programmes and reduce duplication, and to coordinate generally local and community development programmes within the LCDC's operational area, and
- to prepare an annual report on the performance of its functions.

These are a summary of the functions set out in the Act. Local authorities and LCDC members should be familiar with the detailed provisions contained in Section 128B.

4.2 PERFORMANCE OF FUNCTIONS

4.2.1 *Delegation of local authority functions*

The functions of a local authority regarding promoting the interests of communities, as set out in section 66 of the 2001 Act, have been delegated to LCDCs by section 128B(2).

As per section 66, promoting community interests includes actions that promote—

- social inclusion or the social, environmental, recreational, cultural or community development, or
- the general development, including enterprise and economic functions arising from local and community development activities, within the local authority administrative area.

It should be noted, however, that the delegation of these functions to LCDCs does not restrict the functions of local authorities regarding promoting the interests of local communities or other related functions under section 66.

4.2.2 *Implementation of actions on behalf of LCDCs*

LCDCs may enter into written agreements with public authorities, local development or community development bodies or any other body or person for the carrying out of functions which an LCDC considers appropriate in furtherance of the performance of its functions e.g. the implementation of actions under the community elements of the Plan.

4.2.3 *Matters to have regard to when performing functions*

When performing their functions, LCDCs should have regard to—

- the resources available, or likely to become available, to it and the need to secure the best use of those resources,
- the need for cooperation and the coordination of its activities with those of local authorities, public authorities and other public-funded bodies,
- the need for consultation with public authorities and public-funded bodies,
- the need for consistency with national policies, priorities and objectives in so far as they may impact on the LCDCs' functions,
- the need to take account of best practice in relation to governance,
- the need to integrate sustainable development considerations into policy development and implementation, and

- the need to promote social inclusion.

4.2.4 Independence of the LCDC

The LCDC, like the CPG and SPCs, is a committee of the local authority. Unlike the CPG and SPCs, however, the LCDC is independent from the local authority in the performance of its functions. While these functions will be determined by Government from time to time as provided for under Local Government Act, how those functions are carried out and any decisions to be made by the LCDC when carrying out those functions are solely a matter for the LCDC.

This independence is provided for explicitly in sections 49A(2) and 128B(8) of the 2001 Act.

4.3 ADVICE AND INFORMATION FROM THE CHIEF EXECUTIVE

The Chief Executive is required to advise and assist the LCDC generally as regards the performance of its functions (section 132(3) of the 2001 Act, amended by section 47 of the 2014 Act). If the Chief Executive or the LCDC consider that advice or assistance is needed, the Chief Officer and LCDC Chairperson should arrange for it to be available for the relevant LCDC meeting. Where advice or assistance is requested by the LCDC, the Chief Executive should ensure it is available to the LCDC members, where possible and appropriate, as soon as it is available and in advance of the next LCDC meeting. The LCDC must have regard to the advice or assistance of the Chief Executive when carrying out its functions.

The LCDC, or the LCDC Chairperson, may also request the Chief Executive to provide information in the possession of the local authority, or which the Chief Executive can obtain, related to the business of the LCDC. In practice, this will be agreed and arranged between the Chief Officer and Chairperson. Any information sought should be made available to the LCDC members as soon as it is available (section 136 of the 2001 Act, amended section 51 of the 2014 Act).

4.4 VIEWS OF LOCAL AUTHORITY MEMBERS EXPRESSED AT LCDC

The Chief Executive is required to have regard to the views of the local authority members when carrying out the executive functions of the local authority, including any such views expressed at an LCDC meeting (section 149(7) of the 2001 Act, as amended). Where such

views need to be brought to the attention of the Chief Executive, the LCDC Chairperson and Chief Officer will arrange for these to be provided to the Chief Executive and other colleagues on the local authority staff, as appropriate.

Note: “having regard” to views expressed by the local authority members requires the Chief Executive to take them into consideration, along with all the other matters that he or she is required by law to take into consideration and which for good governance, policy or other reasons the Chief Executive considers prudent to take into consideration.

5. ESTABLISHMENT AND OPERATION OF LCDCS

5.1 ESTABLISHMENT OF LCDCS

Section 49A(1) of the Local Government Act 2001 provides that an LCDC, or LCDCs, shall be established by resolution of each local authority in respect of its administrative area, and to this end LCDCs have now been established in all 31 local authority areas.

5.2 PROPOSALS FOR THE ESTABLISHMENT OF ADDITIONAL LCDCS

Generally, there will be one LCDC per local authority area. In exceptional circumstances, typically in the larger local authorities, local circumstances may require more than one LCDC to be established. In any event, however, a resolution by a local authority to establish more than one LCDC **cannot be passed without the prior written approval of the Minister** (Section 49A(3)).

A request by a local authority to establish more than one LCDC should set out—

- the rationale for the proposal, i.e. the reasons why more than one LCDC is needed,
- the benefits that will accrue to the local authority area, and
- the measures that the local authority will take to ensure the coordination of activities between the different LCDCs and ensure the best use of resources across the entirety of the local authority area.

In establishing an LCDC, and upon approval of the Minister to do so, the local authority will—

- pass a resolution establishing the LCDC (Section 49A),
- agree the broad composition of the LCDC, and the sectors to be represented (Section 128C(3)(a)),
- seek nominees from the sectoral interests identified and nominate local authority members (Section 128C(3)(a)), and
- approve the membership (Section 128C(3)(b)).

5.3 AGREEING THE MEMBERSHIP OF LCDCs

In establishing the membership, the Chief Officer will, having regard to the importance of ensuring a ‘bottom-up’ approach and in consultation with the CPG, determine (in accordance with **Section 6, Membership of LCDCs**)—

- the number of members, and
- the general composition and the sectoral interests to be represented.

In line with the approach agreed with the CPG, the Chief Officer will formally seek nominations from the relevant sectoral interests and the local authority will nominate the local authority member representatives.

The membership of LCDCs is configured to give the broadest of representation across the range of interests locally. In managing the membership, therefore, the Chief Officer must ensure that an appropriate balance and mix of members is achieved and maintained. This includes ensuring that multiple representation of one body or interest does not occur and that communities are given the broadest voice possible on the LCDC. The Chief Officer should also ensure, when determining and managing membership, that potential conflict of interests are minimised and addressed at the earliest convenience (in accordance with Section 6.6 Membership and Conflicts of Interest).

When the local authority members have been nominated and nominations have been received from the relevant sectoral interests, the Chief Officer should submit the list of nominees to the local authority for approval. The local authority is required by the Act to approve the membership, without addition or omission. Except in exceptional circumstances, the membership should be approved at the meeting of the local authority at which it is first presented. In the normal course of events, this should be the first meeting of the local authority following the nomination of local authority members to the LCDC (*Regulation 4*).

5.4 APPROVAL OF NEW MEMBERS

LCDCs have been established in all local authority areas since Autumn 2014 and the initial membership has been agreed in all cases. There will be a need, however, to review and revise the membership from time to time.

Any new members appointed must be approved by the local authority (Section 128C(3)(b)).

LCDC membership will change for various reasons—

- additional members may be required due to retirement or rotation of members,
- to include different sectoral interests as priorities change over time,
- members may need to be replaced due to a conflict of interest or where there is poor attendance,
- State agency representatives may change due to changing roles, local authority members will change on election, and
- nominating processes for other sectors will bring forward new members at different times i.e. Public Participation Networks (PPNs).

5.5 DISSOLUTION OF LCDCs

Unlike other local authority committees (e.g. SPCs, where committee membership ceases with the outgoing council and a new committee is established following each local election), for practical reasons and for the purposes of continuity, the membership of the LCDC will not cease on the ordinary day of retirement of the local authority members. Therefore, LCDCs will continue to stand on the ordinary day of retirement (Section 49A(6) of the 2001 Act), with elected members nominated, or re-nominated, to the LCDC by the local authority, as appropriate.

In some limited and exceptional circumstances, however, it may be necessary to dissolve an LCDC or LCDCs. The following situations may give rise to a dissolution of an LCDC—

- a proposal to establish multiple LCDCs where previously only one LCDC had been established – in such circumstances the original LCDC would be dissolved and replacement LCDCs established, and
- a proposal for only one LCDC in a local authority area where previously several LCDCs stood established – in such circumstances the existing LCDCs would be dissolved and a replacement LCDC established.

A proposal to dissolve an LCDC may be initiated by a local authority, however, a local authority resolution dissolving such an LCDC can only be passed with the **prior written approval of the Minister**. When seeking approval to dissolve an LCDC, the local authority should outline—

- the reasons why the LCDC should be dissolved,

- the arrangements for carrying out its functions in the future,
- details of consultations undertaken with stakeholders, citizens and communities regarding the proposed new arrangements,
- the risks and opportunities associated with the dissolution and how these will be managed,
- benefits arising for citizens and communities from the alternative arrangements, and
- a detailed timetable for the dissolution of the LCDC and the establishment of alternative arrangements.

6. MEMBERSHIP OF LCDCs

6.1 COMPOSITION OF LCDCs

LCDCs will comprise both public and private sector socio-economic partners drawn from the relevant local authority administrative area. In line with the recommendations of the Alignment Steering Group and best international practice, the LCDC will have a tightly defined membership, normally consisting of no more than 19 members. This will allow for a range of opinions and perspectives to be represented by key local interests, while being sufficiently tight to ensure the focused and effective operation of the LCDC.

The exact membership and number of members will be decided locally in accordance with the guidelines and the relevant Section 128E LCDC Regulations. The membership should reflect an appropriate representational balance between public and private sector interests, while facilitating as broad a mix of key local interests as possible.

On a 19 person LCDC, there will be a maximum of **nine** public sector members and a minimum of **10** private sector members.

Public sector members will include—

- local authority members,
- local authority officials, and
- State agencies.

Private sector interests will be drawn from—

- community and voluntary interests,
- social inclusion interests,
- environmental interests,
- local development and community development bodies,
- farming/agriculture interests,
- business/employer interests,
- trade union interests, and
- other relevant local and community interests.

In the case of local authorities with **more than 40 elected members**, the LCDC may be increased to a **maximum of 21 members** to ensure adequate representation of local authority members. The appropriate balance between public and private sector members must be maintained e.g. on a 21 person LCDC, there will be a maximum of **10** public sector members and a minimum of **11** drawn from the private sector.

On a 15 person LCDC, there will be a maximum of **seven** public sector members and a minimum of **eight** private sector members.

On a 17 person LCDC, there will be a maximum of **eight** public sector members and a minimum of **nine** private sector members.

6.2 REPRESENTATION OF PUBLIC SECTOR INTERESTS

6.2.1 *Local authorities*

Local government will be represented on the LCDC by both local authority members and local authority officials.

Local authority members

A **19 person LCDC** will have a minimum of three local authority members. In selecting local authority members, regard should be had to the Strategic Policy Committee guidelines on local authority member representation on committees. Accordingly, local authority members should have the opportunity to serve on LCDCs or SPCs.

Local authority members may serve on the LCDC for the lifetime of the Council; however, once a person ceases to be a local authority member they will automatically cease to be member of the LCDC.

Local authority members may not represent, or be nominated to represent, other sectoral interests e.g. they may not represent community and voluntary interests, social inclusion interests, local development or community development bodies, etc.

Given the particular composition of the LCDC, it may not be possible to ensure that all municipal districts are represented by the local authority members on the LCDC. However, local authority member representation should reflect, **as far as is practical**, the different municipal districts.

Similarly, every effort should be made to ensure an equitable gender balance among the local authority members on the LCDC, as well as across the broader LCDC membership.

The Local Government Act 2001, Schedule 10, paragraphs 18 and 19 allows for a basic element of proportionality in appointments to committees, etc. Many local authorities operate (as the Act provides) their own local arrangements to ensure fair play for all concerned, however, it is not always possible to legislate fully for such good will and practice. It is important, therefore, that local authorities adopt and implement an approach that ensures that the various political and other interests in the full council are treated fairly and are equitably represented on LCDCs, where possible.

There will be a minimum of **two** local authority members on a **15 person LCDC**.

There will be minimum of **three** local authority members on a **17 person LCDC**.

There will be a minimum of **five** local authority members on an LCDC with more than **19 members**.

Local authority officials

In all cases, two members will be local authority officials. In the first instance, the Chief Executive or other local authority official nominated by the Chief Executive will be a member. The Head of Local Enterprise will also be a member for as long as they hold that post.

The Chief Executive, or their nominee, will be a member for as long as the Chief Executive considers it appropriate. They will cease to be LCDC members when they cease to be local authority officials.

6.2.2 Public authorities (incl. State agencies)

A minimum of two members shall be drawn from public authorities providing services in the local authority administrative area. Only those public authorities with a specific local focus may be members, e.g. HSE, DSP, Education and Training Boards, Children and Young People's Services Committees, Third Level Institutions, Teagasc, etc. Accordingly, nominees should not be sought from public authorities with a more regional/national remit or focus, such as IDA, Enterprise Ireland, etc.

In Gaeltacht areas, particularly those of Cork, Kerry, Mayo, Galway and Donegal, nominations should be sought from Údarás na Gaeltachta.

An indicative list of public authorities that could be considered for membership are detailed in the table on page 28.

6.3 REPRESENTATION OF PRIVATE SECTOR INTERESTS

6.3.1 *Community and voluntary interests*

In accordance with Section 127 of the 2001 Local Government Act, Public Participation Networks have been established in each local authority area. They will serve as the nominating structure for community and voluntary interests to local authority structures and committees such as SPCs and LCDCs.

6.3.2 *Selection of members*

In relation to representation on LCDCs, representatives will be drawn from each PPN on a three 'college' basis, with the colleges representing—

- community and voluntary interests,
- social inclusion interests, and
- environmental interests.

Accordingly, community representatives should be sought from the PPN as follows—

- community and voluntary interests – minimum **two** members,
- social inclusion interests – minimum **two** members,
- environmental interests – minimum **one** member.

PPN representatives should be sought in accordance with the PPN Guidelines and any relevant ministerial regulations. Local authorities may also set their own broad criteria to ensure that there is appropriate representation from the three colleges, as well as an appropriate mix of skills and capacities across the LCDC membership as whole. Any such criteria should be consistent with guidelines or regulations issued in respect of PPNs.

6.3.3 *Public Participation Networks*

The PPN is the main link through which the local authority connects with the community and voluntary, social inclusion and environmental groups in the local authority area and through which community representation is sourced for appropriate local authority committees, including LCDCs. The PPN also acts as the conduit for information flows to and from the relevant local authority committee.

Linkage Groups

Linkage Groups are established within the PPN to allow members with a shared interest participate in and influence the decisions of local authorities on matters that concern them. As well as facilitating the selection of PPN representatives on local authority decision-making

structures (e.g. LCDCs) the Linkage Group facilitates a two-way dialogue and information flow to and from the relevant local authority structure.

Role of PPN representatives on LCDCs

Nominees are required to represent the PPN as a whole on the LCDC. Accordingly, they are accountable to the PPN membership. Nominees do not represent their own body or interests on the LCDC.

Specifically the role of the representative is to —

- bring issues of relevance from the PPN to the LCDC, and
- deliver feedback to their Linkage Group, Electoral College and/or Plenary as appropriate, on the outcomes of the policy meetings and the issues being raised.

Interim arrangements

Pending the establishment of PPNs, interim arrangements were put in place to ensure representation of the various interests. As PPNs are now established in all areas, Chief Officers should ensure that members agreed through interim arrangements are replaced or reconfirmed as members through the PPNs.

6.3.4 Local development and community development bodies

A maximum of one nominee should be sought from each local development company in the LCDC's administrative area (see Appendix 3 for relevant companies). A maximum of three members will be sought to represent the local development companies in the area. Where there are more than three companies, the Chief Officer should seek three nominees to represent all the companies.

Where nominations have been sought from local development companies and none have been received, or a company has declined to provide one, nominees should be sought from other local development or community development bodies operating in the area. In such circumstances, a minimum of one nominee, and no more than three, should be sought to represent such bodies, subject to a maximum of one per body.

6.3.5 Other local community interests

In addition to members drawn from the PPNs, members may be sought to represent other civic society or local community interests, such as farming/agriculture interests, business/employers interests, trade union interests, etc. When deciding the need for such representation, the Chief Officer and the CPG should have regard to the following—

- the need for as broad a mix of interests as possible to be represented,

- the focus of the LCDC on sustainable social and economic development, and the need for members representing both socially excluded or marginalised communities and business/employers interests, and
- the need for open and transparent nominating arrangements that yield nominees who are representative of the interests they have been nominated to represent.

Regarding LEADER, the farming/agriculture sector has been represented on rural local action groups under past programmes. The new regulatory framework does not prescribe representation of the farming/agriculture sector, however, the Department strongly advises that all rural LCDCs should include farming/agriculture interests. The Department recommends that nominations should be sought centrally from the National Farming Pillar (see Appendix 2). Local authorities may put local arrangements in place, however, with local farming and agricultural interests where they consider it a more effective and efficient approach. Local arrangements should ensure that nominees are representative of all local farming/agriculture interests.

Trade union representation on LCDCs is not prescribed, however, where trade union representation is considered appropriate, the Department recommends that nominations are sought centrally from the National Trade Union Pillar (see Appendix 2). However, local authorities may put local arrangements in place with trade union interests where they consider it a more effective and efficient approach. Local arrangements should ensure that nominees are representative of all trade union interests in the area.

Business/employer interest representation is not prescribed, but where such representation is considered necessary, the Department recommends that nominations should be sought centrally from the Business Pillar (see Appendix 2). Again, local arrangements may be used where it is considered more appropriate to do so, but such arrangements should ensure that nominees are representative of all business/employer interests.

In addition to local development company representation, it may also be appropriate in some circumstances to seek representation from other local development or community development bodies operating in the LCDC's administrative area. The need for such representation, and the arrangements for seeking nominees, will be determined by the Chief Officer and the CPG based on local need.

6.4 ADDITIONAL MEMBERS FOR PROGRAMME MANAGEMENT PURPOSES

In the context of programme delivery, LCDCs may need to partner with other bodies and become a larger combined structure to comply with certain programme requirements, including LEADER, PEACE and other local development programme purposes. For example, an LCDC may seek to partner with additional members for the purposes of forming a PEACE partnership and administering PEACE funding or to form a LEADER local action group for LEADER purposes.

Such partners will not be LCDC members per se but, together with the LCDC members, will be members of the enlarged combined structure e.g. the PEACE Partnership or LEADER local action group. In practice, this might see the additional partners join the LCDC meeting for the relevant agenda items, depending on the organisation of LCDC business.

There is no legislative change required in this regard.

6.5 DISQUALIFICATION FROM MEMBERSHIP

In certain limited circumstances a person may be disqualified from being a member of the LCDC. Such persons include those who—

- on conviction on indictment by a court of competent jurisdiction, are sentenced to a term of imprisonment,
- are convicted of an offence involving fraud or dishonesty, or
- are disqualified or restricted from being a director of any company.

These requirements should be notified to all relevant nominating bodies when nominees are being sought. In addition, members should be required to make a formal declaration to the Chief Officer that—

- they are not disqualified from membership on any of the grounds listed above, and
- they will notify the Chief Officer, as soon as is practicable, in the event that these circumstances change.

6.6 MEMBERSHIP AND CONFLICTS OF INTEREST

The potential for conflicts of interest among members is an important consideration for the Chief Officer and the CPG when seeking nominees to the LCDC. While a potential conflict of interest is not an automatic ground for disqualifying a person from being an LCDC member, it is an important consideration in deciding whether or not to accept a nomination.

A conflict may arise, for example, in the case of dual membership of the LCDC and a community or voluntary organisation, community development body or local development body that delivers programmes on behalf of the LCDC (or is likely to deliver or apply to deliver programmes in the future). Such a conflict is inevitable given the nature of the membership of the LCDC, however, it is essential to the effective operation of the LCDC that such risks are reduced as much as possible.

No more than one board member or employee of any single community or voluntary organisation, community development body or local development body represented on the LCDC may be a member of the LCDC. The Chief Officer should address this matter with nominating bodies when requesting nominees in the first instance and as potential conflict of interest issues arise during the normal course of operations.

Local authority members and officials, who are board members of any community or voluntary organisation, community development body or local development body represented on the LCDC, cannot be members of the LCDC.

See also Section 10.2 — Quorums

6.7 CODE OF CONDUCT FOR COMMITTEE MEMBERS

All LCDC members are required to maintain proper standards of integrity, conduct and concern for the public interest. The provisions contained in the *Code of Conduct for Councillors* and the *Code of Conduct for Employees*, published by the Department of the Environment, Community and Local Government under Section 169 the Local Government Act 2001, SI No. 29 of 2015 and Circular LG 2/2015, will apply to local authority members and local authority officials, as appropriate.

The remainder of the code of conduct for Councillors (see paragraphs 3.5 and 10.2 of the code) and Part 15 of the Act (including sections 167(2), 169, 177 and 179) do apply to non-Councillor members of the LCDC as members of a local authority committee, in particular, the disclosure of pecuniary/beneficial interests at a meeting where these could give rise to a conflict of interest.

A code of conduct for State agency and private sector members should be put in place by the Chief Officer – the *Code of Conduct for Councillors* under Section 167(2) of the 2001 Act, could be used in this regard.

6.7.1. Annual Declaration of Interests

Local authority members and relevant local authority officials are required under the Local Government Act 2001 (Part 15) Regulations 2015 (SI No. 29 of 2015) to complete and submit to the Ethics Registrar an Annual Declaration Form which is held on the public record, as set out in Circular LG 2/2015.

The remaining members of the LCDC, are not bound by these regulations; however, due to the nature of their roles and responsibilities e.g. their decision-making role on the allocation of public funds, it is strongly advised that all members sign some form of declaration of interests. Declaration of interests should be returned to the Chief Officer and held as a non-public record by the local authority.

6.7.2 Lobbying

The Regulation of Lobbying Act 2015 is designed to provide information to the public about who is lobbying whom about what. Lobbying is an essential part of the democratic process. Interest groups and representative bodies provide necessary input and feedback through communication of the views and concerns of the public to public bodies, such as LCDCs. Public bodies should continue, therefore, to actively facilitate and encourage such communications to the greatest extent possible.

LCDC members may be ‘designated public officials’ under the Act by virtue of their position as a senior official or local authority member and, accordingly, could be lobbied on issues during the course of their work. Designated public officials are not subject to rules regarding the registration and reporting of lobbying, their interactions when lobbied must be reported by the lobbyists in accordance with the Act.

Further guidance on lobbying and responsibilities for designated public officials is available at lobbying.ie.

Local Community Development Committee Membership (based on 19 members)

<u>Sector</u>	<u>Number</u>	<u>Members</u>	<u>Selected</u>
Local authority elected members	Minimum 3	Elected Members	Council
Local authority officials	Minimum 2	Chief Executive or their nominee Head of Local Enterprise	Prescribed
Public authorities (including State agencies)	Minimum 2	Health Service Executive Dept. of Social Protection An Garda Síochána Education and Training Boards Údarás na Gaeltachta Third Level Institutions Teagasc	Nominations sought by Chief Officer in consultation with Corporate Policy Group
Local development and community development bodies	Minimum 1	Local development companies Other local/community development bodies	Nominated through agreed local arrangements
Community & Voluntary	Minimum 5	Community and Voluntary Social Inclusion Environment	Nominated through Public Participation Networks
Other civic society or 'local community' interests	No prescribed minimum	Employers/Business Agriculture and Farming Trade Unions Others community interests	Determined by Chief Officer and Corporate Policy Group

7. MATTERS CONCERNING THE POSITION OF CHAIRPERSON AND VICE-CHAIRPERSON

A Chairperson and Vice-Chairperson will be selected from among the members of the LCDC in accordance with the procedures set down in Regulation 22. All persons, regardless of the sectors they represent, may be considered for the position of Chairperson and Vice-Chairperson i.e. it is not restricted to any one sector or interest.

That said, when making nominations, consideration should be given to the capacity of the person to effectively undertake the role given the demands of the role and whether the person may have a conflict of interest given their position and standing in the administrative area.

Chief Officers should consider and provide training for members to equip them with the necessary skills to undertake the role of Chairperson.

7.1 PERIOD OF TENURE

The Chairperson will serve for a maximum period of three years, whereupon they shall retire as Chairperson. A person may not serve two consecutive terms as Chairperson and may not be reappointed to the position of Chairperson for a period of three years from the end of their most recent period of tenure as Chairperson. There is no limit on the number of consecutive periods that may be served as Vice-Chairperson.

The Chairperson will be selected at the first meeting of the LCDC. The Chief Officer will act as Chairperson until a Chairperson is selected.

7.2 ROLE OF THE CHAIRPERSON

The Chairperson will consult with the Chief Officer on matters relating to the LCDC's administration and operation, and will have an overall coordination role and responsibility for its effective functioning.

The Chairperson's responsibilities will be to—

- promote and oversee the highest standards of corporate governance within the Committee,

- set an agenda for the committee which—
 - focuses on strategic matters,
 - is forward looking
 - evaluates and oversees current business.
- determine, in consultation with the Chief Officer, schedules, dates, times and locations of meetings,
- agree the agenda for meetings in consultation with the Chief Officer,
- manage meetings of the LCDC efficiently and effectively, ensuring that meetings are held, and the LCDC's functions are discharged, in accordance with its guiding principles,
- ensure the agenda and all documentation are circulated in a timely manner,
- encourage full and active engagement by all LCDC members,
- provide leadership and ensuring LCDC members are aware of, and comply with, their obligations as members,
- report on LCDC activities to the council, as required,
- lead consideration and debate on policy matters,
- ensure appropriate advice and information is available to facilitate decision-making by the LCDC (see Section 4.3),
- lead in planning how and when the LCDC functions will be carried out,
- lead in identifying and meeting the development needs of individual members and to address the development needs of the LCDC as a whole with a view to enhancing its overall effectiveness as a team,
- ensuring responsibilities are delegated to members, sub-committees and task-groups as appropriate, and
- facilitating open discussion and full participation by members on all matters coming before the LCDC.

7.3 REMOVAL OF CHAIRPERSON

The appointment of the Chairperson of the LCDC can be terminated by the LCDC in accordance with the procedures set down in Regulation 25. The regulation provides for termination of the appointment due to disqualification or by resolution of the Committee.

8. ADMINISTRATIVE AND OTHER SUPPORT FOR LCDCs

8.1 THE CHIEF OFFICER

The Chief Executive will assign a Chief Officer to support and assist the LCDC in the exercise of its functions. The Chief Executive will ensure that adequate resources are in place to support the LCDC. This support will be resourced from within existing local authority staffing resources, except where agreed otherwise with HPLG Local Government HR Section and the Department of Public Expenditure and Reform.

The Chief Officer will not be a member of the LCDC, however, they will attend and participate in all meetings in an advisory and support capacity (including, if appropriate, attending and participating in sub-committee meetings, etc. (*Regulation 5*)).

8.2 ROLE OF THE CHIEF OFFICER

The Chief Officer will consult with the Chairperson on matters relating to the LCDC's management and operation. Similar to the Chairperson, the Chief Officer will have a coordination role with responsibility for ensuring the effective functioning of the LCDC. The executive support provided by the Chief Officer and other personnel of the local authority is key to the effective operation of the LCDC.

The Chief Officer must strike a balance between the strategic and operational duties of the position and accordingly the position entails a much broader and high level range of responsibility than simply providing administrative support to the committee. The Chief Officer's role is to—

- provide the link and conduit for information flow between the LCDC and HPLG, which will frame the strategic and policy context for the LCDC,
- facilitate and promote partnership and inter-agency working through the LCDC i.e. between the LCDC and State agencies, communities, local and community development bodies, representative bodies, public participation networks, advocacy groups and others,
- manage the membership of the LCDC so as to ensure an appropriate balance and mix of members is achieved and maintained,

- provide the link and conduit for the information flow between the LCDC and the local authority, in particular with the Local Enterprise Office and Economic SPC,
- bring the expertise and experience of the local authority to the work of the LCDC,
- assist the LCDC overcome obstacles, be they in programme delivery, delivery of actions in the Plan, agreements in protocols or service level agreements or memorandums of understanding etc,
- identify opportunities to broaden the LCDC work programme e.g. pursuing new funding streams, and
- identify and report to the HPLG on the capacity building needs of the LCDC and, as necessary, provide capacity building interventions i.e. avail of expertise and experience of national or local organisations whose work would be relevant to the LCDC.

8.3 REPLACEMENT OF MEMBERS

LCDC membership must be managed proactively at all times to ensure compliance with statutory requirements, but also to ensure that there is as broad a range of interests represented as possible and to secure the effective operation of the LCDC. Primary responsibility for managing LCDC functions rests with the Chief Officer, however they should consult with and advise the Chairperson (and the relevant nominating bodies as deemed appropriate) in this regard.

Accordingly, circumstances may arise whereby the Chief Officer considers it appropriate to seek replacement members from nominating bodies, e.g. if a member is no longer involved with the nominating body, representation by the member's body is no longer appropriate in the context of the LCDCs work programme, or such membership is not in compliance with the statutory requirements.

In such circumstances, the Chief Officer should advise the nominee and nominating body accordingly and, where appropriate, seek alternative nominees in line with the statutory requirements. The nominating body should be afforded the opportunity to provide a rationale for the continued participation by the nominee (if it wishes to do so). The Chief Officer should have due regard for any case presented by the nominating body, however, the decision is ultimately one for the Chief Officer.

Following this, should the Chairperson and Chief Officer still consider that the membership contravenes the Guidelines, the person should be given the opportunity to resign. Failing the

voluntary resignation the Chairperson should then issue formal notice that the person is no longer a member of the LCDC and fill the vacancy accordingly.

8.4 ESTABLISHMENT OF LCDCs AND SELECTION OF MEMBERS

While LCDCs are established in all areas at this stage, particular circumstances may require the establishment of additional LCDCs. In such circumstances the Chief Officer will facilitate the establishment of the LCDC in consultation with the CPG, having particular regard to the optimum arrangements in terms of—

- the size of the LCDC,
- the interests to be represented, and
- the number of members for each sectoral interest (including the number of local authority members).

The Chief Officer will facilitate the nomination process and submit the list of nominees to the local authority for approval (Section 128C(3)).

8.5 ADMINISTRATION OF THE BUSINESS OF THE LCDC

In accordance with section 128D(1) of the Act, the Chief Officer will also be responsible for “*carrying out, managing and controlling generally the administration and business*” of the LCDC. In this regard, the Chief Officer will—

- arrange for the review and rotation of LCDC membership, as appropriate, in accordance with *Regulations 29 & 30*, this role requires actively managing the membership of the LCDC and ensuring that conflict of interest issues are kept to a minimum, thus ensuring LCDC members can effectively discharge their responsibilities,
- arrange administrative support for LCDC meetings and any sub-committee or sub-group thereof, and the maintaining of records of such meetings,
- arrange for the carrying out of preparatory work for LCDC meetings, including drafting and circulating agendas and taking, drafting and circulating meeting minutes as well as preparing, generating and circulating other documentation to the LCDC as required from time to time,

- support the LCDC in the development of the community elements of the Plan, including drafting material, facilitating and managing consultation processes, and co-ordinating and managing generally the LCDC's work on the Plan,
- arrange for the preparation and administration of standing orders,
- support and advise the Chairperson, as required, including seeking advice from the Chief Executive and ensuring that any advice is circulated in a timely manner to the LCDC members,
- support and advise the Chairperson in identifying and meeting the development needs of individual members and of the Committee as a whole with a view to enhancing its overall effectiveness as a team,
- arrange for support for the LCDC in its work in respect of the Annual Report, and any other such reports as may be required from time to time,
- assist the LCDC in managing, administering and monitoring the resources at its disposal,
- ensure the LCDC complies with requests for information where appropriate,
- arrange for general administrative support for the LCDC, as required, and
- consider and make necessary arrangements for training/capacity building for LCDC members

8.6 STANDING ORDERS

At a minimum, standing orders should provide for—

- scheduling and holding of ordinary meetings,
- dealing with urgent business related to LCDC functions and the holding of special meetings,
- minimum terms of notice for meetings, to be no shorter than those detailed in *Regulation 38*,
- subject to *Regulation 19*, procedures for determining questions, including procedures and methods of voting on decisions,

- subject to *Regulation 19*, procedures and methods for dealing with conflicts of interest in determining questions and voting on decisions, and the carrying out of LCDC functions generally (*Regulation 20*),
- arrangements for the recording of attendance of members at meetings, in accordance with *Regulation 48*, and
- in accordance with *Regulation 57*, procedures for dealing with disorderly conduct in meetings.

Standing Orders may also make provision for—

- commencement, advancement and termination of meetings,
- chairing of meetings when a Chairperson is yet to be selected,
- ordering of the agenda,
- procedures for suspending standing orders,
- the right to speak and equality in making views known,
- requirement to attend and participate at meetings,
- procedures for dealing with confidential and sensitive material, and
- reviewing previous LCDC business and recommendations.

A standing order may be amended or revoked by a majority vote of the LCDC.

8.7 ANNUAL REPORTS

LCDCs are required under Section 128B of the Local Government Act 2001 to prepare, adopt and submit an annual report to the local authority no later than 31 March each year in respect of the performance of its functions in the previous calendar year.

The annual report should be co-ordinated with the preparation of the local authority's annual report and include an outline of LCDC activities in the relevant period. At a minimum, it should cover each of the functions identified in the Act, but might also include any other areas of activity related to the performance of its functions, including—

- development, review or implementation of the community elements of the Plan (see page 10), and

- contributing to the economic objectives of the Plan – both in their development and implementations.

8.8 MEETINGS

8.8.1 General

The frequency, location and timing of meetings will be decided by the Chairperson in consultation with the Chief Officer. As much as possible, meetings should be held according to a regular schedule set out in the standing orders.

The LCDC will hold as many meetings as necessary for the performance of its functions, but in any event, should meet no less than six times in any calendar year. Meetings should be arranged to optimise effectiveness and efficiency and should be held at times that facilitate attendance by all members. Members are required to participate in all aspects of LCDC business, not only those aspects relevant to their own interests.

The Chief Officer will meet with the Chairperson in advance of each meeting to agree the agenda, and the objectives and expected outcomes of the meeting. In terms of the general management of meetings, the Chief Officer will ensure—

- notification of meetings is issued in a timely manner, specifies the place, date and time of the meeting, and gives no less than five days notice of the meeting,
- the agenda is circulated to members no less than three working days in advance of any meeting,
- there is a quorum at each meeting, a quorum being 50% of the membership rounded to the nearest whole number, plus one (*Regulation 18*),
- to ensure continuity of membership and decision-making alternates for LCDC members are not permitted and this should be outlined in LCDC Standing Orders,
- meetings are postponed and rescheduled when a quorum cannot be raised, and
- attendance at meetings is recorded.

Full participation in meetings (i.e. attending, contributing and decision-making) is confined to LCDC members. Where policy matters of particular interest to local interest groups or other local authority members arise (e.g. proposals affecting a local area), the LCDC may meet with those local authority members or interest groups, as appropriate.

Apart from the LCDC members and the Chief Officer, only those persons who are invited to attend and participate e.g. partners attending for the purposes of LEADER or PEACE Partnership agenda items, should be present at LCDC meetings (see also paragraph 9.2.3 – *Participation by relevant local structures and committees in the work of LCDCs*).

Generally, LCDC meetings are not open to the media or members of the public (section 49A(8) of the Local Government Act 2001).

8.8.2 Minutes

Arrangements should be put in place regarding minutes of LCDC proceedings. The minutes, at a minimum, should detail—

- the members in attendance at a meeting,
- a record of any selection of a Chairperson or Vice-Chairperson, as may be the case, at a meeting,
- a record of any resignations of members notified to the LCDC,
- details of any new members attending the LCDC for the first time, including the sector that they represent,
- matters brought before the LCDC, whether by the Chief Officer or another person,
- any decisions taken and any votes put before the LCDC, and their outcome,
- conflicts of interest declared at the outset of the meeting,
- details of persons who are not members of the LCDC (other than the Chief Officer) who attended and/or participated in the meeting,
- any sub-committees set up by the LCDC and their defined purpose, and
- the dissolution of any sub-committees or task-groups set up by the LCDC.

The minutes should be agreed at the next meeting, signed and kept electronically.

8.8.3 Maintenance of records

The local authority is responsible for maintaining all official records relating to the management and operation of the LCDC.

8.8.4 Expenses

In general, expenses arising for LCDC members will be met by their nominating bodies. However, those members whose expenses cannot be met in that manner may be entitled to travel expenses for attendance at LCDC meetings and training events. Such expenses will not

be met by the local authority unless arranged by the Chief Officer in consultation with the local authority. It is recommended that expenses are only met by the local authority for those members representing community & voluntary and social inclusion interests.

Expenses incurred in respect of programme management activities should be charged, as appropriate, to those programmes.

8.8.5 Allowances

Allowances will not be paid to any member, including the Chairperson, for their participation on an LCDC or for work arising from such participation. With regard to local authority member representatives, expenses arising in the context of their membership will be met from their existing expenses allowance.

8.8.6 Availability of information

Information in relation to the LCDC's activities should be published regularly. This includes minutes and reports generated by the LCDCs. Where documentation is of a confidential nature, or information is specifically precluded from publication, this should be identified as such. Where documentation or information has not been identified as confidential and not for reproduction or publication, it will be regarded as available to the public in general and the sectors in particular.

9. PARTICIPATION IN THE WORK OF LCDCS

9.1 SUB-COMMITTEE OR TASK GROUP ARRANGEMENTS

LCDCs may consider it appropriate to establish sub-committees (including task groups or other sub-structures) to help them carry out their functions, as well as to facilitate the broadest possible engagement with local interests. The use of such approaches is primarily a matter for local determination by each LCDC. However, before putting such arrangements in place, the LCDC should have regard to the following—

- the LCDC should be able to deal with most issues and sub-structures should be kept to a minimum to avoid excessive administration and meeting fatigue,
- sub-structures should have clear remits and tasks to avoid duplication of effort – establishing ad hoc groups that are task-specific and wound-up when a task is completed is encouraged,
- the role of sub-committees is to advise and assist the LCDC in the performance of its functions, including making recommendations on courses of action or decisions to be taken by the LCDC, there is no provision in the Regulations or Guidelines for decision making outside of the LCDC. Sub-committees make recommendations to the LCDC and assist and advise in relation to the ultimate decision to be taken by the LCDC. The final decision rests with the LCDC in all cases.

In any event, sub-structures should lapse on a date specified by the LCDC, unless their continuation is explicitly approved by the LCDC following a review of the necessity or otherwise of them continuing.

See also Regulation 53 (S.I. 234 of 2014) relating to sub-committee membership and establishment.

9.2 ENGAGING WITH PUBLIC SECTOR STRUCTURES, LOCAL AGENCIES AND OTHER DELIVERY BODIES

9.2.1 *Coordination of activity*

In pursuit of a collaborative approach and coherent response to local priorities, the need to bring local actors together in partnership will be important. LCDCs will be the primary structures at local level to secure this and it will be a key focus of LCDCs to develop and support mechanisms that secure a joined-up approach to service delivery.

The planning and implementation role of local statutory structures/committees involved with local development or community development activity is therefore recognised as important in the context of the work of the LCDCs. However, as LCDC membership is tightly defined, it will not be possible to provide a representative seat for all such structures/committees. In order to optimise the coordinated planning of their work, it will be important, therefore, to have other appropriate linkages and engagement between these structures/committees and LCDCs.

9.2.2 Local Economic and Community Plan

The key interaction with LCDCs will be through the development and implementation of the community elements of the Plan. The Plan will identify the needs and priorities of local communities and develop sustainable solutions that make the best use of local assets, resources, strengths and opportunities to address those needs and priorities.

Accordingly, it is important that input to the Plan is received from a range of local statutory structures/committees involved in local development and community development activity. Such input should encompass priorities identified by the structure/committee in relation to its area of interest/responsibility. It is important that the LCDC works closely with the structures/committees concerned and draws on reliable research, analysis and planning undertaken by them in identifying their priorities. It is not intended that the LCDC would duplicate such research, analysis and planning.

Engagement with these structures/committees should also continue through the implementation phase of the Plan and could, for example, involve a regular cycle of meetings between the LCDC and the statutory structures/committees where they would engage and report on key actions and the extent to which their activities are consistent with the Plan. LCDCs should also give priority to these structures/committees if establishing sub-committees to work on particular thematic areas or priorities. LCDCs are encouraged to develop and put in place formal protocols with the relevant statutory structure/committees, which could include, but would not be limited to, the aforementioned activities.

9.2.3 Participation by relevant local structures and committees in the work of LCDCs

In the first instance, LCDCs should identify those local statutory structures/committees where a collaborative, partnership, coordinated or shared approach is required and should engage with them as set out above and in the Plan guidelines.

The range of statutory structures, committees, etc. include, but are not limited to—

- Education and Training Boards,
- Children and Young People's Services Committees,

- Traveller Interagency Groups,
- Family Resource Centres,
- Volunteer Centres,
- Joint Policing Committees,
- Local Sports Partnerships,
- Citizen Information Centres,
- Money Advice and Budgeting Services,
- Drugs and Alcohol Task Forces,
- Comhairle na n-Óg, and
- Local Employment Services.

Consideration should be given by LCDCs to inviting officials from such bodies, and others operating in the local authority's area, to attend and participate in LCDC meetings where it facilitates input and expertise in matters of direct relevance to the LCDCs work. This would be additional to sectoral representation.

9.2.4 Support of the Inter-Departmental Group on Local and Community Development

The Inter-Departmental Group on Local and Community Development (Appendix 1) was established to support engagement and collaboration by local bodies and statutory structures in the work of the LCDCs. Securing the buy-in and commitment of LCDC partners and other relevant local statutory structures, committees and bodies involved in local and community development is imperative to the development and implementation of the community elements of the Plan.

To this end, a template for a joint protocol between the LCDCs and such bodies has been developed in conjunction with the Inter-Departmental Group and can be used as a guide to establish engagement arrangements to assist the development and implementation of the community element of the Plan.

9.2.5 Inter-agency cooperation and working

Inter-agency cooperation and working is necessary to achieving successful outcomes for communities, whether that is cooperation between the LCDC members themselves and/or with those agencies/structures referred to in section 9.2.3.

Inter-agency cooperation or working can be defined as any joint action by two or more agencies that is intended to increase public value by their working together rather than separately. It can involve the exchange of information, project development, altering activities, sharing resources, and enhancing of the capacity of other agencies for mutual benefit.

Inter-agency cooperation can be formal or informal, take place across different sectors, and take place at policy, operational or front-line service delivery level. It is an activity that covers a very broad range of actions and can be applied in numerous areas and settings.

It is recognised that inter-agency working is not a given and is a particular skill that needs to be developed. An ethos of collaborative working needs to be fostered so that it is embedded in the culture of an organisation and not viewed as an 'add-on'. This will also need the sustained commitment of central Government.

9.3 CITIZEN AND COMMUNITY ENGAGEMENT WITH LCDCs

In view of the important strategic and operational role of LCDCs in respect of local and community development programming and policy development, formal arrangements should be put in place to facilitate on-going citizen and community engagement with the work of the LCDC and the preparation of the community elements of the Plan. This will be of additional significance where an LCDC covers a broad range of services with limited opportunity for direct sectoral participation on the LCDC, or where it is not possible to accommodate the range of relevant interests. Generally, it will be a matter for the LCDC, taking account of the range of interests already represented, to decide on the appropriate participative arrangements; however, such arrangements should—

- pursue and facilitate participation by those potentially affected by its decisions,
- respect both the public's need for time to consider their input to decisions, and the LCDC's need for timely decision making,
- ensure multiple methods of participation are made available and the appropriate methodology be deployed for different situations,
- use methods of participation that are user-friendly and perceived as fair, just and respectful,
- use venues for public participation that are accessible to all,

- ensure public participation processes provide participants with the information they need to participate in a meaningful and accessible manner,
- make clear the public's role in decision-making and the limits of their influence from the outset,
- demonstrate how the public's contribution has the potential to influence decisions or outcomes,
- communicate to the public how their input affected decisions or outcomes, and
- give the public the opportunity to be involved and/or monitor the implementation of the decision or outcomes.

9.4 STRUCTURED FEEDBACK

The LCDC is a partnership committee of local public and private interests. The members will not be restricted by the same fiduciary and corporate responsibilities that apply to company directors of a company. Accordingly, they will be able to provide more detailed and meaningful feedback to their nominating bodies.

To underpin this and ensure that the views of all relevant interests in the administrative area are represented, it is important that LCDC members feed into the dialogue structures developed for engaging with their nominating body and update them on the work being progressed and information gathered on issues of concern to them. In this regard, the Chief Officer should ensure that each sector has appropriate arrangements in place to facilitate structured feedback between LCDC members and the sectors they represent.

Members nominated through the PPNs should comply fully with the feedback arrangements that apply in the case of those structures.

10. DECISION MAKING BY LCDCs

10.1 DECISION MAKING PROCESS

All acts of the LCDC, and all questions coming or arising before it, will be determined by consensus of those members present and eligible to vote. Where agreement cannot be reached, the members present and eligible to vote will vote on the matter before it.

Neither public authorities nor any single interest group should represent more than 49% of the voting rights. A vote taken or decision reached where any single interest group or public authority represents more than 49% of the voting rights is invalid.

Procedures should be put in place to deal with conflict of interest situations involving LCDC members. It is important to ensure that these procedures deal with situations where LCDC members must absent themselves from the consideration of, or decision-making in respect of, matters before the LCDC because of a conflict of interest. In any event, members with a conflict of interest should be prohibited from participating in deliberations and other decisions related to the conflict of interest.

The balance of members attending and eligible to vote on issues must be weighted in favour of the private sector members at all times. If a private sector member has to absent themselves from deliberations and decision making processes in respect of a particular issue, the balance of members remaining eligible to vote must still be weighted in favour of the private sector members.

Arrangements should be put in place to provide for such scenarios and may require, in some circumstances, some of the public sector members absenting themselves from a vote on issues to ensure that the appropriate balance is maintained. The exact process or arrangements in this regard should be set out in the standing orders.

10.2 QUORUM

The quorum to be present before business can be transacted is 50% of the membership of the Committee, rounded to the nearest whole number, plus one. This quorum shall be maintained for the duration of the meeting. Where members must abstain from decisions, due to conflict of interest for example, this does not affect the quorum.

Programmes under the oversight and management of LCDCs may impose more onerous requirements; these will be set out in the relevant programme guidelines and must be adhered to for programme compliance.

10.3 INDEMNIFICATION OF LCDC AND ITS MEMBERS

The relevant local authority insurance policy will indemnify the Insured in respect of the legal liability of any LCDC for which the Insured is responsible.

Insofar as LCDCs act in a bona fide manner and are not negligent in the performance of their functions, LCDCs collectively and LCDC members individually should be indemnified by the local authority in respect of all actions taken in the performance of those functions. This indemnity should be extended to the members of LCDC sub-committees and LCDC advisory committees as appropriate and also partner members who participate as members of expanded LCDCs for programme implementation purposes.

Controls and verification arrangements will be built into the relevant programmes and LCDC decision-making processes to provide local authorities with the assurances required to provide such indemnifications. Such arrangements will be facilitated through appropriate SLAs or MOUs between the LCDC and the local authority (S128B(3)(a) provides the appropriate legislative basis in this regard). They will allow local authorities to verify the integrity of, and compliance with, LCDC decision-making processes i.e. that LCDCs have observed and implemented all necessary requirements in the performance of their decision-making functions. As the independence and autonomy of the LCDC must be respected, these controls or verification processes cannot interfere with LCDC decisions

10.3.1 Status of the LCDC

LCDCs have a unique, tailored configuration underpinned by the Local Government Act 2001 as amended by the Local Government Reform Act 2014. They do not have a separate corporate status, but they do have specific, independent exercisable powers and functions provided under the Act. For example, S128B(3)(a) explicitly empowers LCDCs to enter into written agreements (e.g. contracts, service level agreements, memoranda of understanding, etc.) for the purpose of managing the implementation of programmes under their remit, while S128B(6) provides that an LCDC has “all such powers necessary for, or incidental to, the performance of its functions...”.

The legislation does not provide LCDCs, however, with the power to sue or be sued. As a local authority committee, therefore, where a legal dispute arises in relation to actions by an LCDC (e.g. a dispute over a contract award), local authorities will either take an action or defend an action on behalf of the LCDC.

10.3.2 Legal Advice

Local authorities are advised to obtain their own legal advice on how best to indemnify LCDCs, LCDC members, LCDC sub-committee members and any partner members who participate for the purposes of programme management.

Evidence of this cover or queries regarding the cover provided is available from the local authority.

10.4 TRANSPARENT PROCEDURES

LCDCs shall prepare and maintain non-discriminatory and transparent decision-making procedures. Procedures should allow for the possibility of appeal against decisions, where relevant. Procedures should also provide for decisions by written procedure.

The Chief Officer will arrange for the keeping of records of all LCDC decisions, including the results of votes taken. This is particularly important in the context of funding decisions by LCDCs.

11. REVIEW AND ROTATION OF MEMBERSHIP

11.1 GENERAL

The Chief Officer, in consultation with the CPG and the Chairperson, will review the membership of the LCDC at least once every three years to ensure the membership is relevant and representative of the work of the LCDC, its aims and objectives (*Regulation 29*).

The Chief Officer should ensure that appropriate arrangements are in place for the rotation, every three-years, of representatives of—

- geographical areas,
- community and voluntary interests,
- social inclusion interests,
- environmental interests, and
- other local community and social partner interests.

Such arrangements should ensure that new members are nominated to the LCDC, while also trying to retain an appropriate continuity of membership. The nomination and selection of new members will allow the LCDC to evolve and adopt new perspectives and viewpoints on a regular basis. In any event, no member nominated to represent the above interests may serve more than two consecutive three-year terms.

11.2 PUBLIC SECTOR MEMBERS

As a general rule, there is no requirement to rotate or renew the public sector members. Local authority officials and State agency representatives are members because of the positions they hold within the organisations represented. Accordingly, it would be neither practical nor logical to seek to rotate these members. However, in the context of State agency representatives, the Chief Officer and the CPG should consider whether particular State agency representation at the time of the review remains relevant and appropriate to the work of the LCDC. It may, for example, be considered necessary to replace one agency with another to ensure the LCDC has the required membership, skills and focus to carry out its functions and deliver on the objectives of the Plan.

Similarly, there is no requirement to rotate local authority members. It is normal practice for local authority members to retain their positions on local authority committees for the lifetime of the council and be replaced, or re-nominated, as the case may be, following the subsequent local elections.

11.3 LOCAL DEVELOPMENT COMPANIES

As is the case with public sector members, local development company representatives are members because of their position with the relevant local development company. Ordinarily, therefore, there is no requirement to rotate such representatives (many of whom may be company CEOs). However, it may be necessary to rotate representation between different local development companies operating in the local authority's area, particularly where the number of companies is greater than the seats available for such representatives. In these circumstances, it is a matter for the companies to agree representation and rotation arrangements between themselves. However, the Chief Officer should ensure that the arrangements, and the manner they are implemented, are equitable, best serve LCDC interests and ensure the views of all the companies concerned are appropriately represented.

Regard should also be had to the requirements vis-à-vis representation set out in 6.6 i.e. that no more than one board member or employee of any single community or voluntary organisation, community development body or local development body represented on the LCDC may be an LCDC member.

11.4 PUBLIC PARTICIPATION NETWORKS

Subject to *Regulation 30*, and the requirements of paragraph 11.1 above, the rotation of PPN members on the LCDC will be carried out in accordance with the relevant regulations and guidance relating to the administration of PPNs.

11.5 OTHER LOCAL COMMUNITY INTERESTS

The Chief Officer, in consultation with the Chair and the CPG, will consider if an appropriate mix of local interests is reflected in the membership and will make changes where necessary.

11.6 DE-SELECTION OF MEMBERS

It is open to each nominating sector to de-select any of its nominees at any time. The nominating body should notify the Chief Officer in a timely manner, whereupon those nominees shall cease to be LCDC members. In such cases, the relevant sector should nominate a new representative, where applicable.

APPENDIX 1

MEMBERSHIP OF INTER-DEPARTMENTAL GROUP ON LOCAL AND COMMUNITY DEVELOPMENT

Government Department or Agency

- Department of Housing, Planning, Community and Local Government (Chair)
- Department of Social Protection
- Department of Children and Youth Affairs
- Department of Justice
- Department of Regional Development, Rural Affairs, Arts and the Gaeltacht
- Department of Jobs, Enterprise and Innovation
- Department of Health
- Health Service Executive
- County/City Managers Association
- Pobal

APPENDIX 2

SOCIAL PARTNER PILLAR CONTACT DETAILS

Pillar	Name and Address	Telephone and e-mail
Business	Mark O'Mahoney	01 4004300
	Director of Policy and Communications Chambers Ireland Newmount House 22-24 Lower Mount Street Dublin 2	mark.omahoney@chambers.ie
Farming	Gerry Gunning	01 4500266
	Executive Secretary The Irish Farmers Association Irish Farm Centre Bluebell Dublin 12	gerrygunning@ifa.ie
Trade Union	Fergus Whelan	01 8897777
	Trade Union Pillar Coordinator Irish Congress of Trade Unions 31-32 Parnell Square Dublin 1	Fergus.whelan@ictu.ie or congress@ictu.ie
Environmental	Michael Ewing	071 9667373
	Coordinator The Environmental Pillar Knockvicar Boyle Co Roscommon	michael@environmentalpillar.ie

APPENDIX 3

LOCAL DEVELOPMENT COMPANIES

1. Avondhu/Blackwater Partnership Limited
2. Ballyfermot/Chapelizod Partnership Company Limited
3. Ballyhoura Development Limited
4. Ballymun/Whitehall Area Partnership
5. Blanchardstown Area Partnership Limited
6. Bray Area Partnership Limited
7. Breffni Integrated Limited
8. Bluebell, Inchicore, Islandbridge, Kilmainham and Rialto Partnership Company Limited (Canal Communities Partnership)
9. Carlow County Development Partnership Limited
10. Cill Dara Ar Aghaidh Teoranta
11. Clare Local Development Company Limited
12. Comhar Chathair Chorcaí Teoranta
13. Comhar na nOileán Teo
14. County Kilkenny Leader Partnership Company Limited
15. County Sligo LEADER Partnership Company Ltd
16. County Wicklow Community Partnership Ltd
17. Donegal Local Development Company Limited
18. Fingal LEADER Partnership Company Limited
19. Forum Connemara Limited
20. Galway City Partnership Limited
21. Galway Rural Development Company Ltd
22. Inishowen Development Partnership
23. IRD Duhallow Ltd

24. Laois Community and Enterprise Development Company Limited
25. Leitrim Integrated Development Company Limited
26. Longford Community Resources Limited
27. Louth LEADER Partnership
28. Mayo North East LEADER Partnership Company Teoranta
29. Meath Community Rural and Social Development Partnership Limited
30. Monaghan Integrated Development Limited
31. North and East Kerry LEADER Partnership Teoranta
32. North Tipperary LEADER Partnership
33. Northside Partnership Limited
34. Offaly Integrated Local Development Company Limited
35. People Action Against Unemployment Limited (PAUL Partnership)
36. Rathmines Pembroke Community Partnership Limited
37. Roscommon Integrated Development Company Limited
38. South Dublin County Partnership Ltd (SDC)
39. South and East Cork Area Development Partnership Limited
40. South Kerry Development Partnership Limited
41. South Tipperary Development Company Limited
42. South West Mayo Development Company Limited
43. Southside Partnership DLR Limited
44. Tolka Area Partnership Limited
45. Waterford Area Partnership Limited
46. Waterford LEADER Partnership Limited
47. West Cork Development Partnership Limited
48. West Limerick Resources Limited
49. Westmeath Community Development Limited
50. Wexford Local Development

CONTACT DETAILS – LOCAL GOVERNMENT & COMMUNITIES

Any queries regarding these guidelines, or other related matters, may be directed to—

Local Government & Communities Division
Department of Housing, Planning, Community and Local Government
Government Offices
Ballina
Co Mayo

email: lcdev@environ.ie

Alternatively you can contact the Division directly on—

Telephone: 096 24316