

Standing Orders

**Tipperary Local Community
Development Committee
(TLCDC)**

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(Updated November, 2015)

DEFINITIONS

Chief Officer means the person designated as such by the County Manager

'Committee' means a Local Community Development Committee;

'LCDC' – Local Community Development Committee

'Functional area of a Committee', means the administrative area of Tipperary County Council

'Local and community development programme' means any action, intervention, programme, scheme or any other support, financial or otherwise, which is concerned with promoting the interests of local communities

'Publicly funded body' means a body whose funds, directly or indirectly and in whole or in part, come out of moneys provided by the Oireachtas for the purpose of performing its functions;

'representatives of local community interests', in relation to the functional area of a Committee, means persons who are representative of community interests that are concerned with promoting the development of aspects of those interests within that area and such representatives may include representatives of non-governmental organisations, development agencies, community based groups, recognised associations, cultural bodies, sporting bodies and social movements and networks

'Plan' means the Local Economic and Community Plan

Introduction & Context

Local Community Development Committees (LCDC)

The Local Government Reform Act 2014(Part 6) provides that each Local Community Development Committee (LCDC) will be established as a committee of the Local Authority. The LCDC will comprise representatives who are members of the Local Authority and representatives who are not. The balance of representation between the sectors is intended to be balanced in favour of the private sector. The LCDC will be independent of the Local Authority in the discharge of its functions.

The Committee will have strategic planning and oversight responsibility for local and community development interventions at County Level and will be responsible for the development of the Local Economic & Community Plan (LECP) for Tipperary as per PT.7 S.44 [2014.] of the Local Government Act 2014.

The Standing Orders for the Tipperary Local Community Development Committee take into account the key provision regarding LCDC's contained in Part 6 of the 2014 Act, the Local Community Development Committee (Section 128E) Regulations 2014 and the Guidelines issued by the Department of Environment, Community & Local Government.

1. Guiding Principles, Purpose & Functions of the LCDC

The work of the LCDC will be guided by the following principles:

- Implement a developmental 'bottom-up' approach in relation to local and community development – encourage meaningful community participation in identifying priorities and solutions, shaping local initiatives and developing a vision for those communities in a manner that is open to the broadest possible range of interests;
- Ensure the democratic mandate of the local elected members on the LCDC, or on any LCDC sub-structures, should be recognised and respected;
- Ensure 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.
- Participation at meetings – Encourage active participation by all the members of the LCDC. All members of the LCDC are considered equal and have equal rights in the discussion and decision making processes. Active listening and respect for other members will be facilitated by the Chair. Members of the LCDC have an equal right to speak at meetings and there will be equality in having their views made known.
- The strengths and experiences of all local stakeholders, working in partnership and collaboration, and the harnessing of existing local and community development infrastructure, are key to ensuring the beneficial, effective and efficient use of resources for citizens and communities;
- The need for consistency with the policies and objectives of the Government or any Minister of the Government or other public authority in so far as they impact on the LCDC's functions
- There should be a clear focus on the need for consultation, cooperation with and the coordination of its activities with those of local authorities, public authorities and publically funded bodies to ensure efficiency and economy in the performance by the committee of its functions.
- There will also be a clear focus on the need for consulting appropriately by using different consultation methods within the resources available to ensure the people of Tipperary and specific target groups/areas are enabled to participate and input into the work of the LCDC and decision that affect them. In particular this will be relevant for groups and individuals that are distant from services and that find participation challenging.

- 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, evidence based approaches to local service planning
- Although there will be a clear focus on value for money, a key principle in relation to the work of the LCDC will be a focus on quality of service delivery and outcomes for the people of Tipperary.
- 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.
- A clear focus on social inclusion – marginalised communities, and the marginalised within communities, should have the opportunity to participate in local decision-making arrangements/processes and have the power to influence and shape local decisions;
- 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
- Voluntary activity and active citizenship will be pursued as vital elements of flourishing communities; and there should be a clear focus on make the best use of available resources and achieving value-for-money – accordingly, there should be a focus on developing integrated, evidence-based approaches to local service planning and delivery that seek to make the best use of public and private sources of funding

Purpose of the LCDC

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 and its constituent members will work to implement a joined-up, cross-sectoral approach to the local and community development programming. The LCDC will, be expected to draw on the expertise and experience of public and private stakeholders 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, the LCDC will—

- Have primary responsibility for coordination, governance, planning and oversight of local development spending, whether the spending is delivered by local authorities or on behalf of the state by other development agencies and structures.
- Bring a more coherent approach to the implementation of local and community development programmes and interventions, seeking to ensure an integrated approach to local community, enterprise and local development services between providers and delivery structures.
- Drive meaningful citizen and community engagement in the scoping, planning, delivery and evaluation of local and community programmes.
- Ensure a more efficient administration of local and community programmes and delivery structures, the appropriate matching of resources to prioritise and the achievement of value-for-money in the delivery and governance of programmes and the management of local delivery arrangements.
- Focus on learning and feedback, enhancing the links between practice and policy development and
- Pursue opportunities for additional funding resources for the county whether Exchequer, EU, private or other sources.

Functions of the LCDC

Section 128B of the Local Government Act 2001 (inserted by Section 36 of the 2014 Act) sets out the functions of LCDCs. These functions are:

- to prepare the community elements of a 6-year Local Economic and Community Plan (the Plan)
- to implement or arrange for the implementation of the community elements of the Plan,
- to review the community elements of the Plan at least once within the period of 6 calendar years and if necessary, to amend the community elements of the Plan,
- to monitor and review on an ongoing 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 community elements of the Plan,
- to co-ordinate, manage and oversee the implementation of local and community development programmes that have been approved either by the relevant local authority or by agreement

between the LCDC and a relevant public authority (e.g. Government Department, State agency etc.),

- to improve the co-ordination of public-funded local and community development programmes and reduce duplication,
- in addition to public-funded programmes, to coordinate generally the local and community development programmes within the operational area of the LCDC,
- to consider a draft of the economic elements of the Local Economic Community Plan (LECP) and adopt a statement for consideration of the Council in this regard,
- to prepare an annual report on the performance of its functions.

Items to be considered in Performance of Functions

Delegation of Local Authority Functions to LCDC

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.

Contractual Capacity 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.

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 co-operation and the co-ordination of its activities with those of local authorities, public authorities and other public-funded bodies,
- the need for consultation with public authorities and publicly funded bodies,
- the need for consistency with the national policies, priorities and objectives in so far as they may impact on the LCDCs' functions,
- the need to integrate sustainable development considerations into policy development and implementation, and
- the need to promote social inclusion.

Independence of LCDC

The LCDC is independent of the local authority in the performance of its functions. Accordingly, 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.

2. Establishment and Dissolution of the LCDC.

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.

The Tipperary LCDC was established on the 14th July 2014 by resolution of Tipperary County Council as per Guidelines for the Establishment and Operation of Local Community Development Committees as issued by the Community Division of the Dept of the Environment, Community and Local Government in July 2014.

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.

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.

3. Membership

Tipperary Local Community Development Committee - (19 Member Committee)- 11th May, 2015

Based on a 19 person LCDC, the maximum number of representatives from the public (statutory) sector will be nine, with a minimum of ten representatives from the Private sector.

The LCDC will comprise a range of Public and Private socio-economic partners drawn from the Tipperary authority administrative area.

Following the Public Participation Network Elections (the count of which took place on 6th May 2015), new representatives and alternates from the community and voluntary sector have been elected onto the LCDC-see names in red below

A new alternate for the business pillar has been nominated-see in blue below

Sector Represented	LCDC Members
Elected Members 3 public	Cllr Mary Hanna Hourigan Cllr John Carroll Cllr Joe Hannigan
Local Government 2 public	Joe MacGrath, Chief Executive Rita Guinan, Head of Local Enterprise Office
State Agencies 4 public	Eileen Condon., Education Officer (Acting), Tipperary Education & Training Board, Donal Mullane, Chief Executive Officer, TEAGASC Adrian Cuneen, Assistant Principal, Dept. of Social Protection. HSE Angela Joy
Local and Community Development- 2 Private	Isabel Cambie, A/CEO, South Tipperary Development Company Michael Murray, CEO, North Tipperary Leader Partnership
Social, Economic and Community Interests 8 private	<p>Community & Voluntary Interests (2) Sara Bourke (Alternate Monica Anglim) Catherine Guest (Alternate Edel Grace)</p> <p>Social Inclusion Interests (2) Clare Cashman (Alternate Anita Clancy) Cora Horgan (Alternate John Lupton)</p> <p>Environmental Pillar (1) Charles Stanley Smith</p> <p>Business Pillar (1) Brian Cleary, CEO., Clonmel Chambers (Alternate John O Shaughnessy)</p> <p>Farming Pillar (1) Tim Cullinane, Alternate William Moloney</p> <p>Union Pillar Brian O'Donnell</p>

Alternate members

The Private sector with the exception of the Development Companies and including the Public Participation Network may nominate alternate members for their positions on the LCDC with a view to supporting as much as possible participation from the Community & Voluntary Sector.

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.

Review and Rotation of Membership

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* of S.I. 234 of 2014).

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

- 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.

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. 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.

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.

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).

Public Participation Networks

Subject to *Regulation 30* of S.I. 234 of 2014, 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.

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.

De-selection of Members

It is open to each nominating sector to deselect 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.

Regular attendance at meetings is expected and members must give apologies and notice if they are unable to attend.

In the event that a member has been absent for 3 consecutive meetings without explanation, the chief officer will consult the nominating body of the member with a view to identifying a replacement.

Membership and Conflicts of Interest

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 Employees* and the *Code of Conduct for Councillors*, published by the Department of the Environment, Community and Local Government under Section 169 the Local Government Act 2001, will apply to local authority members and local authority officials, as appropriate.

A code of conduct for the Tipperary LCDC members has been put in place by the Chief Officer and is attached in Appendix A. It must be signed by all non Councillor and non Local Authority Official LCDC members (and their alternates) annually. A copy of the signed code of conduct form will be sought from Tipperary Local Authority in relation to Councillors and Local Authority Officials on the LCDC.

The code of conduct also covers procedures for disorderly behaviour.

Conflicts of Interest

The provisions contained in section 166 to 182 of the Local Government Act 2001 will apply to LCDC members.

Given the Committee will be responsible for managing and disbursing public monies, there is a need for transparency in all dealings involving the members and the decisions of the Committee. From time to time members may find that personal, family or business interests may touch upon Committee functions. In this context, it is important that comprehensive procedures are established to deal with any potential or actual conflicts of interests that might arise. – See Appendix B for copy of Procedure in relation to Conflict of Interest.

Ethics in Public Office:

The Committee will comply with the requirements of the Ethics in Public Office Acts 1995 and 2001. See <http://www.irishstatutebook.ie/1995/en/act/pub/0022/> for further details.

4. 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* of S.I. 234 of 2014. 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.

Period of Tenure

The Chairperson will serve for a maximum period of three years, where upon 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.

The Role of the Chairperson is outlined in Appendix C.

The Chief Officer will chair the first meeting until the Chair is elected.

The vice-chairperson will be determined in the same manner as for the Chairperson and will serve for a maximum period of three years. There is no limit on the number of consecutive periods that may be served as vice-chairperson.

Members should note that there is no allowance attached to the office of chairperson or vice-chairperson of the LCDC.

If chairperson is not present at a meeting, or the position of chairperson is vacant, the vice-chairperson shall chair the meeting, but shall leave the chair upon the arrival at the meeting of the chairperson, or immediately following the election of a chairperson.

The Chief Officer will work closely with the Chairperson to provide guidance and strategic direction for the LCDC. 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* of S.I. 234 of 2014)).

5. Meetings of the LCDC

Frequency: Meetings of the Tipperary LCDC

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.

General Management of Meetings

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 seven days notice of the meeting,
- Seven clear days at least before any meeting, an agenda and notice of the meeting and all associated documentation shall be emailed to members unless arrangements for posting documentation has been requested by a member.
- meetings are postponed and rescheduled when a quorum cannot be raised,
- there is a quorum at each meeting, a quorum being 50% of the membership rounded to the nearest whole number, plus one (*Regulation 18* of S.I. 234 of 2014),
- 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 and
- attendance at meetings is recorded.

Full participation in meetings (i.e. attending, participating and decision-making) is confined to LCDC members. Where policy matters of particular interest to other local authority members or local interest

groups arise (e.g. proposals affecting a local area), the LCDC should meet with those local authority members or interest groups, as appropriate.

Apart from LCDC members and the Chief Officer, only those persons who are invited to attend and participate should be present at LCDC meetings. Generally LCDC meetings are not open to the media or members of the public.

An annual schedule of meeting dates should be agreed at the first meeting of the year.

Special Meeting for Urgent Business

A Special Meeting of the LCDC may be convened at any time by the Chairperson in conjunction with the Chief Officer to address any urgent business that needs to be dealt with before the next scheduled meeting. A minimum of 5 days notice to members is required for Special Meetings and only the items that are urgent will be put on the agenda of the Special Meeting.

Setting the Agenda for Normal Meetings

In setting an Agenda the following considerations shall be taken into account:

- The agenda for each meeting will be jointly prepared by the Chief Officer and the the Chairperson of the LCDC.
- Any member of the LCDC can propose an agenda item to either of the Chair or Secretary. Any such proposal should be received at least 12 days prior to the date of the meeting.
- The Chair or Secretary may decide if the issue is relevant to the LCDC. If an issue is considered not to be appropriate for the agenda, a reason should be given and suggestion made as to where it can be dealt with
- Issues not on the agenda can be raised under Any Other Business but should not be used to address substantive issues and shall be by the agreement of the Chair
- Items deemed by the Chairperson and Chief Officer to be urgent can be added to the agenda at the beginning of the meeting.
- If there is a dispute regarding the agenda the Chair shall decide on the issue and the Chairs decision shall be final.
- Non-technical summaries of the main points of technical documents should be made available to all members of committees

Minutes:

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,
- details of persons who are not members of the LCDC (other than the Chief Officer) who attended and/or participated in the meeting,
- establishment of 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.

In addition

- The minutes shall be kept electronically.
- The minutes of every LCDC meeting shall be signed by the Chair at such meeting at which the minutes are considered, and shall be kept and certified by the Chief Officer.
- No Minutes shall be considered for confirmation unless a copy thereof have been previously, at least seven days before the LCDC meeting transmitted by the Chief Officer to every member of the LCDC.
- Any discussion on the Minutes except as to their accuracy is out of order and the Chair shall rule accordingly.
- Minutes should reflect the substantive points and decision agreed and should include key relevant technical and discursive detail which formed the basis on which decisions were taken.

Maintenance of Records

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

Expenses

- In general, expenses arising for LCDC members will be met by their nominating bodies.

However, those members from the PPN and Civil Society pillars, whose expenses cannot be met in that manner, will be entitled to travel expenses for attendance at LCDC meetings subject to resources being available. Such expenses will not be met by the local authority unless arranged by the Chief Officer in consultation with the local authority.

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.

Availability of Information

- Information in relation to the LCDC activities will be published regularly. This includes minutes and reports generated by LCDC.
- 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.
- A summary of the main points of the meeting should be agreed at the end for wide and immediate circulation in order to facilitate communication.
- Approval of minutes should be by active not passive agreement of all the members present and should be proposed and seconded.

6. Participation in the Work of LCDCs

Sub-Committee/Task Group Arrangements

The Tipperary 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. 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, and
- 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.

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.

7. 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 as per Regulation 19 of S.I. 234 of 2014.

If the members are divided on a recommendation/decision item, the Chair shall direct that a report on the specific item be prepared and considered at the following meeting where possible and where necessary. Where agreement cannot be reached, decision will be made by majority of the votes of the members present and eligible to vote.

Adequate time will be dedicated to decision of key items at meetings and the Chair will ensure that the views of all members are elicited and considered.

The Chair and all members of the committee should encourage active participation by all committee members in discussions and decision-making.

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.

Members with a conflict of interest are 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.

In some circumstances, some of the public or private sector members may need to absent themselves from a vote on issues to ensure that the appropriate balance is maintained. However a Quorum must be maintained for decisions also, a quorum being 50% of the membership rounded to the nearest whole number, plus one (*Regulation 18* of S.I. 234 of 2014), which in effect means that for a 17 members board a minimum of 9 members must be present and participate in a decision with 4 from the public sector and 5 from the private sector.

Procedure for absenteeism to achieve the required balance

The following is the procedure for members absenting themselves to achieve the correct public /private balance.

In the first instance the Chair would invite public and or private sector members to offer to absent themselves from a vote. Should there be no consensus as to who should go from amongst the members; the following order of procedures will be put in place in relation to public sector imbalance and private sector imbalance in the order outlined in A and B below. In the case, where a member from the private or public sector is already absent because of conflict of interest issues or because they were unable to attend the meeting, the order of priority re members absenting themselves would skip to the next member in the order. E.g. re public sector imbalance – if a LA official was not in attendance at the meeting the next person to absent themselves would be a state agency members.

A) Public Sector imbalance

1. One LA official to absent themselves from the vote
2. One state agency sector to absent themselves from vote (where it is an educational issue, then the DSP or Teagasc shall leave; if it is an agricultural issue, then ETB or DSP would leave etc) – Where the options are not clear and there is no agreement as to which body shall leave, the Chair shall decide.
3. An LA elected member would absent themselves from the vote. Where there is no agreement as to which member shall leave, the Chair shall decide by pulling lots and the lot selected shall be the member to leave
4. Additional LA Official to absent themselves from the vote

B) Private Sector imbalance

1. One of the LDCs to absent themselves from the decision (where there is no agreement, the Chair will determine which LDC shall leave by pulling lots and the lot pulled shall be the body to leave)
2. One PPN member from either the Community, Social or Environmental college shall absent themselves from the vote for decisions relating to the environment, social or community reps shall absent themselves. (Similarly for issues which are socially based only). Where no agreement is reached, the Chair shall decide by drawing lots and the lot pulled shall be the PPN member to leave
3. One of the civil pillars to absent themselves. Where no agreement is reached, the Chair shall decide by drawing lots and the lot pulled shall be the Civil Pillar member to leave.
4. One PPN member from the colleges would absent themselves from the decision as per point 2 above

Additional Decision Making Process in relation to Decision related to the Local Development Strategy

A minimum 60% of LCDC (LAG) members be present during decisions on project funding. This requirement applies to decisions validated by the LAG membership after all relevant conflict of interest issues have been addressed.

Recognising the largely voluntary nature of the individuals involved in LCDC, the requirement for a **60% quorum** for decision making will be supported by a written decision making procedure that allows flexibility and makes it easier to meet the 60% requirement. Individual LCDC members will only be allowed to vote by written procedure in a maximum of 1 out of every four consecutive LAG (relevant LCDC Meeting) meetings. LAG member will be provided with the relevant documentation and indicate his/her vote in advance of the meeting.

As per other LCDC decisions, decisions related to the Local Development Strategy should be made by consensus where possible. The Chairperson of the LAG does not have a casting vote. In instances where there is a tied vote on a motion, the motion is deemed not to be carried. Decisions taken where the above Governance procedures have not been met will be invalid.

Meetings should be postponed and rescheduled when a quorum cannot be raised. The Chairperson is responsible for ensuring that these requirements are met and that all decision making is appropriately documented; all decisions and deliberations of the LAG will be recorded in meeting minutes.

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.

8. Finance & Record Keeping

Accounts

The Executive (Tipperary County Council) will be responsible for ensuring that appropriate records are maintained in relation to all monies received and disbursed by the Tipperary Local Community Development Committee (or Tipperary County Council on behalf of the Committee). The records will be retained by Tipperary Local Authority and will be open to inspection from members at all reasonable times.

The Executive will ensure that all relevant financial records are laid before a general meeting of the Tipperary Local Community Development Committee.

Financial Arrangements

Subject to programme requirements and service level agreements with Central Government Departments/State agencies, responsibility for the disbursement of programme funding will be vested in the Tipperary Local Community Development Committee. To facilitate this, all monies to be disbursed by the Committee will be held on trust for it by Tipperary County Council. Payments to implementing and delivery bodies or, where appropriate, programme beneficiaries will be made by the local authority on behalf of the Committee. Notwithstanding this, the specific arrangements for the management and disbursement of funds, maintenance of bank accounts, audit and control arrangements, etc. will be a matter for agreement with the relevant funders.

Maintenance of Records

Tipperary County Council will be responsible for maintaining all official records relating to the management and operation of the Tipperary Local Community Development Committee.

9. Appendices

Appendix A-Code of Conduct

Code of Conduct for Tipperary Local Community Development Committee (LCDC) 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 Employees* and the *Code of Conduct for Councillors*, published by the Department of the Environment, Community and Local Government under Section 169 the Local Government Act 2001, will apply to local authority members and local authority officials on the Tipperary LCDC.

The following is the Code of Conduct for the other members of the Tipperary LCDC and is based on the relevant section of the *Code of Conduct for Employees* and the *Code of Conduct for Councillors*, published by the Department of the Environment, Community and Local Government under Section 169 the Local Government Act 2001.

Each Member of the Tipperary LCDC must sign annually that they have read the Code of Conduct and agree to implement the Code in carrying out of their functions as a member of the LCDC

OBJECT OF CODE

The purpose of this Code is to set out principles and standards of conduct and integrity required for members of the LDCD, to inform the public of the conduct it is entitled to expect and to uphold public confidence in the LCDC.

Introduction

- 1.1** The public is entitled to expect conduct of the highest standards from all those involved in the LCDC service, be they councillors, county/city managers, other local authority staff or Public (statutory) or Private (voluntary organizations) who are members of the LCDC. The Local Government Act 2001 ("the Act") sets out a new ethical framework and imposes a statutory duty on all in the local government service including Local Government Committees such as the LCDC to maintain proper standards of integrity, conduct and concern for the public interest.
- 1.2** LCDC members must act in good faith and with fairness and impartiality for the common good and to promote the public interest. This Code has been issued in accordance with the Act to promote these principles and to uphold public confidence - so that all members can be seen to act solely in the public interest and within the law. The Code is accordingly to be read in this spirit at all times and not in any selective or restrictive manner contrary to its intent.

2. General conduct and behavior

2.1 The general conduct and behavior of members in carrying out their role is an important yardstick by which the honesty, integrity, impartiality and performance of the LCDC as a local government committee is judged and public trust maintained. It is important therefore that these core values underpin all actions of members affecting LCDC business. LCDC members have a duty to keep faith with the public trust placed in them. This is a personal responsibility and requires them to observe the highest ethical standards in the performance of their role.

2.2 LCDC members in carrying out their role should abide by this Code and:-

- act in a way which enhances public trust and confidence;
- avoid conflicts of interest and never seek to use improper influence;
- make decisions based solely on consideration of the public interest and the common good;
- serve the people of Tipperary conscientiously, honestly and impartially;
- promote equality and avoid bias;
- perform their functions in a responsible and diligent manner;
- treat their fellow members with courtesy and respect.

More generally, members should in all matters seek to ensure that their conduct does not bring the integrity of the LCDC into disrepute.

1.3 Disorderly Conduct

If in the opinion of the chairperson, any member of the LCDC has been or is disorderly by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting, and the Chairperson has conveyed his/her opinion to the members present by naming the member concerned, then the Chairperson, or any member may move “that the member named leave the meeting” and the motion, if seconded, shall be determined without discussion.

Where the LCDC decides in accordance with the above that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.

Where in the opinion of the Chairperson –

- (a) there is general disorder which impedes the orderly transaction of the business, or
- (b) where a member against whom it was resolved that he/she leave the meeting by virtue of this paragraph refuses to do so

The Chairperson may adjourn the meeting for such period as she /he considers necessary in the interests of order.

3. Conflict of personal and public interest

3.1 Members are prohibited from influencing or seeking to influence a decision of a the LCDC in any matter with which the LCDC is concerned in the performance of its functions and in which, or related to which, the members has actual knowledge that she/he or a connected person has a pecuniary or other beneficial interest.

3.2 The Act (and previously the 1976 Planning Act) sets out specific requirements regarding declaration/disclosure of interests by councillors and external members of Local Authority Committees such as the LCDC. All members must complete and furnish to the Chief Officer an annual declaration setting out declarable interests which are maintained in a public register by the Chief Officer of the LCDC. Annual declaration forms are supplied by the Chief Officer. Declarable interests are mainly of a financial/property/business nature and are set out in the Act. This Declaration of Interest is attached.

3.3 Additionally, under the Act councillors, local Authority officials or external members of Local Authority Committees i.e. all members of the LCDC must disclose at a meeting of the LCDC any interest, they or a connected person have in, any matter with which the LCDC which comes before the LCDC meeting. The member must withdraw from the meeting after disclosure and must not vote or take part in any discussion or consideration of the matter.

3.4 The Act also provides that where a LCDC member has actual knowledge that a matter is going to arise at a meeting at which she/he will not be present, but if she/he were, a disclosure would be necessary, then she/he must in advance of the meeting make such disclosure in writing to the Chief Officer.

3.5 The foregoing statutory requirements must be observed at all times and failure to do so is an offence. Analogous statutory requirements also apply to staff; and to external members of committees with the exception of the annual declaration in their case.

3.6 The law as mentioned above sets out a framework for disclosure of what are termed 'pecuniary or other beneficial interests'. However there may be other private or personal interests (not necessarily involving financial matters) which can also pose a real potential for conflict of interest or damage to public confidence in local government and Local Government Committees such as the LCDC. Such interests could include family, close friends or business associates, as well as those arising through a position of responsibility in a club, society or other organisation. Private or personal interests of this kind must not be allowed to conflict with public duty or improperly influence the decision making process. Where such interests, of which a member is aware, arise in relation to a matter which comes before a meeting for consideration they should be dealt with in a transparent fashion. This is necessary

so that public trust and confidence in the LCDC as a local government committee is upheld – disclosure of such an interest is invariably appropriate except where it is of a remote or insignificant nature; if in doubt disclosure should be made. The public perception of the way a member is seen to deal with such matters is important for the maintenance of trust in local government and local government committees such as the LCDC.

3.7 The test to be applied by a member is not just what she/he might think - but rather whether a member of the public knowing the facts of the situation would reasonably think that the interest concerned might influence the person in the performance of his or her functions. If so, disclosure should follow and a member should consider whether in the circumstances she/he should withdraw from consideration of the matter. In this context it is important to ensure that as well as the avoidance of actual impropriety, occasions for suspicion and appearance of improper conduct are also avoided in case of private or personal interests.

3.8 Members must not seek to use their official position so as to benefit improperly themselves, their professional or business interests, or others with whom they have personal, family or other ties. Likewise they must not seek to use or pass on for personal gain or the personal gain of others, official information which is not in the public domain, or information obtained in confidence as a result of their public position.

3.9 The Act provides that it is the duty of every member of a Local Authority Committee i.e. LCDC to maintain proper standards of integrity, conduct and concern for the public interest. Members should base their conduct on a consideration of the public interest and the common good. They are individually responsible for being alert to potential conflict of interest, avoiding such conflicts and for ensuring that their actions, whether covered specifically or otherwise by this Code, are governed by the ethical and other considerations implicit in it.

4. Gifts

4.1 The Act provides that a member is prohibited from seeking, exacting or accepting any remuneration, fee, reward or other favor for any act done or not done by virtue of his or her office. Members in observing this provision must also have regard to this Code's guidance.

4.2 The overriding concern in all cases is that the actions of members in carrying out their duties should be above suspicion and not give rise to any conflict of interest and that their dealings with business and other interests should bear the closest possible scrutiny and avoid any risk of damage to public confidence in local government.

4.3 Subject to the foregoing requirements, the normal presentation of 'official gifts' or tokens exchanged or given as part of protocol (where for instance a member receives a visiting dignitary, or is a speaker at a conference etc.,) would not be precluded; nor would minor infrequent items such as diaries, calendars, pens or other infrequent tokens of modest intrinsic value. All other offers of gifts should be declined, or if this would cause offence, should be handed over to the Chief Officer to deal with.

5. Hospitality

5.1 In their contacts with outside organisations or persons, every care must be taken by members to ensure that any acceptance of hospitality does not influence them, and could not reasonably be seen to influence them, in discharging their functions on the LCDC.

5.2 However, subject to the foregoing, members should not be in a position where in carrying out their official role they cannot accept what are regarded as normal protocol and courtesies such as invitation to and attendance at civic, cultural or festive events in accordance with such local protocol arrangements as may be in place for the LCDC.

6. Personal dealings with LCDC

6.1 Members may have dealings with their LCDC on a personal level for instance as an applicant for funding grant or others supports etc. While they should, of course, enjoy the same rights in their personal dealings as any other person they should not seek preferential treatment.

7. Satisfactory working relationships

7.1 The Act provides that local authorities and local authority committees should organise meetings of the authority and its committees in such a fashion that they operate to promote effectiveness and efficiency in the discharge of business. Meetings should be conducted in a professional and businesslike manner and in a way that would stand up to objective public scrutiny: this criterion should guide all concerned. Members should treat their colleagues with courtesy and respect and obey the rulings of the chair and standing orders.

7.2 It is a matter for the individual member to decide on what view to take on any question to be decided by the LCDC. In reaching decisions, members should take account of what is relevant, have regard to advice tendered to them, and comply with the relevant legal requirements.

8. General

8.1 Given the range and complexity of LCDC activity, a code such as this cannot deal with all situations and eventualities which may arise. If other situations of potential conflict arise between personal and public interest or if instances of perceived questionable conduct arise, members should aim to deal with them in accordance with the principles and intent of the Code.

8.2 A court may have regard to the Code in any proceedings for an offence under Part 15 of the Act, as may the Standards in Public Office Commission in carrying out its functions.

8.3 Members should also have regard to any relevant advice as may be issued from time to time by the Minister for the Environment, Heritage and Local Government or by the Standards in Public Office Commission.

Code of Conduct for Tipperary Local Community Development Committee (LCDC) Committee Members

I _____ as a member of the Tipperary Local Community Development Committee read the Code of Conduct and agree to implement the Code in carrying out of my functions as a member of the LCDC.

Name

Date

Appendix B - Procedure in relation to Conflict of Interest.

A process for dealing with such cases is outlined in the following paragraphs. Upon appointment, each member will provide the Chief Officer with details of all interests, including employment and business interests and community involvement that might involve a conflict of interest or might materially influence a member in relation to the performance of his or her functions as a member of the Committee.

A register of members' interests will be maintained by the LCDC

Each member must declare at the relevant meeting of the Committee any interest they have in:

- An application for funding or other support for decision by the Committee;
- Any initiative taken by the Committee;
- Any contract [service level agreement] or proposed contract that the member, or a person connected with the member may be directly or indirectly involved; or
- Any matter from which the member, or anyone connected with the member, might benefit directly or indirectly from as a member of the Committee.

Where a conflict of interest is declared by a member, that member will leave the meeting and will not be entitled to vote on the matter in which they are interested. Upon returning to the meeting the member will be notified of the decision by the Chair and no further discussion will take place.

No more than one board member and/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, except in the case of the PPN which had its own designated number of seats.

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.

Appendix C – Role of the Chairperson

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 co-ordination role and responsibility for its effective functioning.

The Chairperson's responsibilities will include—

- determining, in consultation with the Chief Officer, schedules, dates, times and locations of meetings,
- agreeing 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,
- ensuring the agenda and all documentation are circulated in a timely manner,
- providing leadership and ensuring LCDC members are aware of, and comply with, their obligations as members,
- reporting on LCDC activities to the council, as required,
- monitoring implementation of the community elements of the Plan and ensuring appropriate action is taken to ensure objectives are met,
- leading consideration and debate on policy matters,
- ensuring appropriate advice and information is available to facilitate decision-making by the LCDC (see Section 4.3),
- leading in planning how and when the LCDC functions will be carried out,
- 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.

Appendix D - Requirements Regarding Disclosure of Interest of Members

Notes on Part 15 of Local Government Act 2001

For Non-Councillor Members of Local Authority Committees, etc.

These notes have been prepared for the assistance of non-councillor members of local authority committees, joint committees, or joint bodies in relation to the provisions of Part 15 of the Local Government Act 2001 which are relevant to them and in particular relate to the disclosure of interests at meetings of such committees.

Part 1 Summary of the relevant provisions of Part 15

Part 2 Disclosure requirements at meetings

Part 3 Code of Conduct for Councillors

In these notes:

“the Act” means the Local Government Act 2001 (No. 37 of 2001) as amended by the Local Government (No. 2) Act 2003 (No. 17 of 2003) and references to sections are references to sections of that Act;

“Part 15 Regulations 2004” means the Local Government Act 2001 (Part 15) Regulations 2004 (SI No. 770 of 2004) which replace Local Government Act 2001 (Part 15) Regulations 2002 (SI No. 582 of 2002) and the Local Government Act 2001 (Part 15) Regulations 2003 (SI No. 73 of 2003).

These notes are for assistance only. They do not purport to be a legal interpretation of the Act or the Part 15 Regulations 2004 which should be consulted.

December, 2004

PART 1

Local Government Act 2001 – Part 15

Non-Councillor Members of Local Authority Committees, etc. – Main Provisions

Section 168

It is your duty to maintain proper standards of integrity, conduct and concern for the public interest.

Section 169

Separate codes of conduct (one for councillors and one for employees) were issued by the Minister in 2004 following consultation with the Minister for Finance and the Standards in Public Office Commission. The Code of Conduct for Councillors includes provisions regarding non-councillor members of local authority committees. See Part 4 of these notes.

Section 170

You are prohibited from seeking, exacting or accepting a fee, reward or favor from anyone (other than the local authority) for anything done or not done by virtue of your membership.

Section 177(4)

You are prohibited from influencing or seeking to influence a decision of the local authority in respect of any matter in which you have actual knowledge that you or a connected person has a pecuniary or other beneficial interest.

Section 177

If such a matter arises at a meeting of your committee or body you must disclose the interest, withdraw and take no part in the proceedings. If you have actual knowledge that such a matter will arise at a meeting at which you will not be present, you must make a disclosure in writing to the ethics registrar in advance of the meeting.

PART 2

Disclosure of interests at meetings of committees, etc. by non-councilor members

1. Who must disclose interests at meetings of a committee, etc.? (Section 177)

Any member of a committee, joint committee or joint body of a local authority is required to disclose pecuniary or other beneficial interests at a meeting of such authority, committee or body. This includes non-councilor members.

2. What interests do I need to disclose at a meeting? (Section 177)

You must disclose any “pecuniary or other beneficial interest” that you have actual knowledge¹ of, that you or that a connected person has in, or which is material to any matter proposed or otherwise arises at a meeting of the committee or other body either as a result of any of its functions or as regards the performance of any of its functions.

3. What is a pecuniary or other beneficial interest? (Section 176)

The Act provides that a “beneficial interest” includes an interest in respect of which -

- a) you or a connected person, or any nominee of yours or of a connected person, is a member of a company or any other body which has a beneficial interest in, or which is material to, any such matter,
- (b) you or a connected person is in a partnership with or is in the employment of a person who has a beneficial interest in, or which is material to, any such matter,
- (c) you or a connected person is a party to any arrangement or agreement (whether or not enforceable) concerning land which relates to any such matter,
- (d) you or a connected person in the capacity as a trustee or as a beneficiary of a trust has a beneficial interest in, or which is material to, any such matter,
- (e) you or a connected person is acting with another person to secure or exercise control of a company which has a beneficial interest in, or which is material to any such matter.

For the purposes of section 176 a “beneficial interest” is also deemed to include a “declarable interest” within the meaning of section 175 in, or which is material to the matter. These declarable interests cover such matters as land ownership, business of dealing in land, etc.

4. What is a connected person? (Section 166)

Your obligation to disclose interests also relates to interests that you have actual knowledge of, of a “connected person”. A “connected person” means a brother, sister, parent or spouse of yours or a child of yours or of your spouse. A spouse includes a person with whom you are co-habiting.

¹ The Act uses the term “actual knowledge” – see section 166.

5. What must I do if I or a connected person, has a ‘pecuniary or other beneficial’ interest? (Section 177)

You must disclose the nature of your interest or the fact of a connected person’s interest at the meeting before discussion or consideration of the matter begins. You must then withdraw fully from the meeting for so long as that matter is being discussed or considered. The Act provides that you shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

6. What happens to disclosures made at meetings? (Section 177(3))

The minutes of the meeting must refer to disclosure(s) made and withdrawal(s) from the meeting. The public register will also record disclosures.

7. When do I not have to disclose an interest at a meeting?

You do not have to disclose an interest where

- (a) your or a connected person’s interest is so remote or insignificant that it could not reasonably be regarded as influencing a person in considering or discussing, or in voting on, any question with respect to the matter or in performing any function in relation to that matter [section 176(3)(a)].
- (b) where your interest or a connected person’s interest is as a result of being a ratepayer or a local authority tenant, service charge payer, etc. and in common with other ratepayers/tenants/payees [section 176(3) (b) and (c) and art. 8, Part 15 Regulations.]
- (c) in circumstances relating to consideration or performance of functions relating to remuneration, allowances or other payments (art. 8, Part 15 Regulations).
- (d) where your or your nominee or a connected person’s interest in land or an interest relating to land or any business of dealing in or of developing land arises solely through a small shareholding in a company etc. (Section 167(3))

8. If I know that I, or a connected person, has an interest in a future meeting at which I know I will not be present what must I do? (Section 177(2))

You must disclose this interest in writing to the ethics registrar in advance of the meeting.

9. Prohibition on seeking to influence a decision where you or a connected person has a pecuniary or other beneficial interest (Section 177(4))

Section 177(4) provides

“A member of a local authority or of any committee, joint committee or joint body of a local authority shall neither influence nor seek to influence a decision of the authority in respect of

any matter which he or she has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, any matter which is proposed, or otherwise arises from or as regards the performance by the authority of any of its functions under this or any other enactment.”

10. Code of Conduct

Your attention is also drawn to the Code of Conduct for Councillors and in particular the provisions of section 10.2 of the Code concerning non – councilor members of local authorities (See Part 3 to these Notes also).

FINAL

Part 3
Code of Conduct for Councillors

The Minister for the Environment, Heritage and Local Government issued separate national Codes of Conduct for councillors and employees under section 169 of the Local Government Act 2001 in 2004. These codes of conduct complete the comprehensive ethics framework for the local government service which was introduced in January 2003. These codes represent a standard against which the conduct of all those involved in local government can be judged in the performance of their duties. They are intended to inform the public of the standards of behavior that they have a right to expect and so help to maintain and enhance public trust and confidence. They add to and supplement the specific requirements under the Act and form an integral part of the new ethics framework.

Section 10.2 of the Code of Conduct for Councillors refers to non-councilor members of committees of local authorities. It provides that in carrying out your role as a non-councilor member that you should abide by the principles set out in the code. In particular the code provides that you should avoid any conflict of interest and are subject to the disclosure requirements of the Act and of the code.

Schedule

Part 1

Form A – Tipperary Local Community Development Committee

Local Government Act 2001 - Part 15 - Annual Declaration

Name	
Position:	
Appropriate period [◇]	

1. I hereby furnish the following particulars of my declarable interests as required by section 171 of the Local Government Act 2001 and which I have set out at paragraphs 1 to 10 of this form.

Signed: _____ Dated:

[◇] **Appropriate Period**

Appropriate period means the period to be covered when giving particulars of declarable interests. For a first declaration this means the period of 12 months leading up to and including the day the form is signed by you. In relation to subsequent declarations it is the period between the date of your previous declaration and the date of the next declaration.

Schedule

Part 2

Declarable Interests

In relation to each of the following declarable interests as specified in section 175 of the Local Government Act 2001, you should provide particulars of any such interests held by you (or your nominee as may be required) during the appropriate period. The amount or monetary value of any declarable interests need not be specified. Notes related to certain declarable interests are at the back of this form.

1. Profession, occupation, etc. relating to dealing in or developing land

Any profession, business or occupation in which you are engaged or employed, whether on your own behalf or otherwise, and which relates to dealing in or developing land during the appropriate period.

Description of profession, occupation etc. relating to land	Business Address

2. Other profession, occupation, etc.

Any other remunerated trade, profession, employment, vocation, or other occupation held by you during the appropriate period.

Description of profession, occupation, etc.	Business Address

3. Land (ownership, interest)

Any estate or interest you have in landⁱ in the State (including the case where you or your nominee, is a member of a companyⁱⁱ or other body which has an estate or interest in land) during the appropriate period and without prejudice to the foregoing an interest in land shall be deemed to include

- (a) your interest in any contract entered into by you for the purchase or sale of land, whether or not a deposit or part payment has been made under the contract; and
- (b) your interest in any option held by you to purchase or sell land, whether or not any consideration has been paid for it, or land in respect of which such an option has been exercised by you but which has not yet been conveyed to you,

but excluding an interest to which section 167(3) of the Act relatesⁱⁱⁱ.

Property Address	Purpose for which used

4. Company business of dealing in land, etc.

Any business of dealing in or developing land^{iv} carried on during the appropriate period by a company or other body of which you, or any nominee of yours, is a member, if not declared elsewhere in this form.

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5. Shares etc.

Any holding^v by you of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking (which does not relate to land or any business of dealing in or developing land) if the aggregate value of the holding exceeded €12,697.38 at any time during the appropriate period.

Name and address of Company where shares etc. are held	Nature of Business of Company etc.

6. Directorships

Any directorship or shadow directorship^{vi} of any company held by you during the appropriate period other than one held by virtue of membership of or employment by a local authority.

Business Address of Company	Nature of Business

7. Gifts, Property and Services

Gifts

- (1) Any gift, including foreign travel facilities, given to you during the appropriate period, but excluding
- (a) a gift given to you by a relative or friend of yours or of your spouse, or of your child or of a child of your spouse [spouse includes a person with whom you are co-habiting] for purely personal reasons only;
 - (b) a gift given to you, or gifts given to you by the same person, during the appropriate period, as respects which the value, or the aggregate value, of the property the subject of the gift or gifts did not exceed €634.87 at any time during the appropriate period;
 - (c) a donation which you have already declared in a current donation statement under the Local Elections (Disclosure of Donations and Expenditure) Act 1999.

Property and Services^{vii}

- (2) (a) Any property supplied or lent, or a service supplied to you, once or more than once by the same person, during the appropriate period, for a consideration or considerations, or at a price or prices less than the commercial consideration or considerations, or the commercial price or prices, by more than €634.87 or which in the aggregate exceeded €634.87; or
- (b) any property supplied or lent, or a service supplied to you, once or more than once by the same person, during the appropriate period, free of charge if the commercial consideration or considerations, or the commercial price or prices was, or were more than €634.87 or which in the aggregate exceeded €634.87; but for both (a) and (b) excluding
- (i) property supplied or lent or a service supplied to you by a relative or friend of yours, or of your spouse, where such supply or loan was in the nature of a gift to you and for personal reasons only,
 - (ii) a donation which you have already declared in a current donation statement under the Local Elections (Disclosure of Donations and Expenditure) Act 1999.

Description of Gift, Property and/or Service	Name and Address of Benefactor, Supplier and/or Lender

8. Tipperary Local Community Development Committee Contracts

Any contract to which you were a party, or were in any other way, directly or indirectly interested for the supply of goods or services to the Local Community Development Committee, during the appropriate period, if the value of the goods or services supplied during the period exceeded €6,348.69 or, in case other goods or services were supplied under such a contract to a Local Community Development Committee, if the aggregate of their value exceeded €6,348.69. Any member or the LCDC who has made (or been involved in); an application for funding, has been approved for or has received funding or support or a contract for an LCDC programme or activity must declare it on this form. In addition any member of the LCDC who has made a tender or has won a tender and is awarded a contract to deliver services/programmes of the LCDC or linked to the work of the LCDC must declare it on this form.

Name and Address of Contractor	Description of Contract	Local Authority Concerned

9. Political or public affairs/lobbyist etc.

Any remunerated position held by you as a political or public affairs lobbyist, consultant or adviser during the appropriate period.

Description of Position	Name and Address of Person / Company / Organisation

10. Any Other Additional Interests

Any other interest which you may wish to volunteer.

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NOTES

Appropriate Period

Appropriate period means the period to be covered when giving particulars of declarable interests. For a first declaration appropriate period means the period of 12 months leading up to and including the day the annual declaration form is signed by you. In relation to subsequent declarations it is the period between the date of your previous declaration and the date of the next declaration.

Non Declaration of Amount(s)

The amount or monetary value of any declarable interest need not be specified. (Section 171(5)) of the Act).

Land

ⁱ“Land” includes all property including buildings, dwellings, etc. All land interests in the State should be declared.

Company

ⁱⁱWhere any body which is a company within the meaning of section 155 of the Companies Act, 1963 is deemed under that section to be a subsidiary of another or to be another such company's holding company, a person who is a member of the first-mentioned such company is deemed also to be a member of the other company for the purposes of annual declaration. (Section 166(3) of the Act).

Non-declaration of certain land interests

ⁱⁱⁱ An interest in land or an interest relating to land or any business of dealing in or developing land does not have to be declared where such interest is by reason only of the beneficial ownership of shares in a company or other body by you or by your nominee and the total nominal value of those shares does not exceed the lesser of €12,697.38, or $\frac{1}{100}$ th part of the total nominal value of either the issued share capital of the company or body or, where that capital is issued in shares of more than one class, the issued share capital of the class or classes of shares in which you have an interest. Section 167(3) of Act refers.

Declarable Interest no. 4

^{iv} See note iii above.

Holding (shares etc.)

^v "Holding" does not include money in a current, deposit or other similar account with a financial institution (see declarable interest no. 5).

Shadow Directorship

^{vi} "Shadow directorship" means the position held by a person who is a shadow director for the purposes of the Companies Acts, 1963 to 1999. (See declarable interest no. 6).

Declarable Interest no. 7

^{vii} Insofar as services at (2) of declarable interest no. 7 relate to legal or medical services, it is only necessary to state that such services were supplied.

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