

**Minutes of 6<sup>th</sup> Meeting of Tipperary Local Community and Development Committee at 10.00 a.m. on Tuesday 7<sup>th</sup> April, 2015 at Littleton Community Centre, Thurles.**

**Present:-**

Public Sector: Cllr. John Carroll, Cllr. Joe Hannigan, Donal Mullane, Adrian Cunneen, Cllr. Mary Hanna Hourigan, Angela Joy.

Private Sector: Tim Cullinane, Charles Stanley-Smith (Chair), Michael Murray, Sara Bourke, Frank Higgins, John Lupton, Brian Cleary

**Apologises:-**

Public Sector: Joe Mac Grath, Rita Guinan, Fionuala Mc Geever.

Private Sector: Niall Morrissey, Brian O'Donnell, Anita Clancy.

**1. Approval of Draft Agenda**

It was agreed to take items number 4, 5, and 6 on the agenda before item No. 3 (Local Development Strategy) to ensure that these items were dealt with before members departed the meeting due to a conflict of interest around the Expression of Interest, (Local Development Strategy).

**2. Confirmation of Minutes of Tipperary LCDC meeting – 12<sup>th</sup> March, 2015 & Matters Arising:-**

John Lupton queried why the following items from the previous meeting had not been addressed in the agenda-

- Requested an update on the LCDC Sub-Committees
- Requested an update on the LECP Advisory Steering Group meeting dated 20<sup>th</sup> March, 2015

Sinéad Carr, Chief Officer addressed Mr. Lupton's queries as follows; Ms. Carr informed the members that it was decided to hold this meeting to deal mainly with the Local Development Strategy as the time lines were tight for the call regarding the expression of interest. Ms. Carr confirmed that it was difficult to achieve a quorum for this meeting and that it was decided to hold the other items over until the next meeting when, it was hoped the full membership would be in place. In addition, Ms Carr informed the meeting that the Sub Committees could not be formed until such time as the permanent PPN representatives were in place. Ms. Carr

confirmed that the next meeting would have a full agenda: A draft briefing paper on the LCDC Sub Committees will be presented at the next meeting.

In relation to the LECP Advisory Steering Group meeting that was arranged for 20<sup>th</sup> March, it was noted that this meeting was cancelled and a new date will be arranged. Ms. Carr confirmed that a report on both of these items raised by Mr. Lupton will be brought to the next meeting for discussion.

The Minutes of 12<sup>th</sup> March, 2015 meeting were agreed on the Proposal of: John Lupton and Seconded by: Cllr John Carroll

It was also noted that the SICAP Contract was signed by the Programme Implementers on the 25<sup>th</sup> March, 15.

Mr. Stanley-Smith raised the issue of funding for the PPN and the members discussed writing to the Minister to raise the importance of the issue. It was noted that this funding is critical for the development and operation of the PPN. Ms. Carr, Chief Officer recommended that the Local Authority Members of the LCDC could raise this matter at the next Council meeting to request that Tipperary Co. Co. contact the Minister's Office seeking an update on its commitment to resource the PPN.

Michael Murray requested that the SICAP Programme Implementers arrange to meet with Ms. Carr, Chief Officer and the SICAP Staff, Tipperary Co. Co. to develop and agree a set of protocols for the rolling out of the 2015 SICAP Programme. This was agreed.

#### **4. Draft LCDC Annual Report**

Ann Ryan referred to the draft LCDC Annual Report that was previously circulated. The LCDC is required by the Local Government Act 2001 and Circular Letter AL 03 2015 to produce a 2014 Annual Report. To set out their role and function, confirming membership details and detailing their activities to date. The Members agreed the content of the Annual Report, and confirmed that this Report be submitted to the May County Council meeting for information purposes. However, Ms. Ryan invited members to come back with any additional minor comments on the LCDC Annual Report by Friday 10<sup>th</sup> April, 15.

#### **5. AOB**

Mr. Stanley, Smith, Chair referred to the draft Framework Policy for Local and Community Development which was recently issued by Minister Alan Kelly's Office. Following discussion on this matter, It was agreed that Sinéad Carr, Chief Officer would make a submission on behalf of the LCDC

prior to the closing date of Friday 10<sup>th</sup> April, 2015. It was agreed that a copy of this submission would be circulated to Members.

### **6. Date of next meeting**

It was agreed that the next meeting of the LCDC would take place on Friday 8<sup>th</sup> May, 2015, to consider the Expression of Interest submission for the Local Development Strategy (RDP 2014-2020).

### **3. Local Development Strategy**

Ms. Carr updated the Members on the current situation regarding discussions that were held with the Local Development Companies over the last number of weeks. Ms Carr informed the Members that she would be going through the 3 Option Papers which were considered by the 9 Members Group (comprising of the 2 Chairs & 2 CEO and nominated Members from both Local Development Companies, the Chief Executive, Tipperary County Council, the Chief Officer and the Chair of the LCDC) and this group agreed these papers be put before each Board.

Ms Carr invited Michael Murray to give an input before he was required to leave due to conflict of interest. Mr. Murray confirmed that the 3 Options were considered by the Group but that the Local Development Companies were not in a position yet to make a decision in relation to the options.

Ms. Carr referred the meeting back to the guidelines as issued by the Department, in line with Government Policy and as enunciated in Putting People First and subsequently in the Local Government Reform Act 2014. All of these stated that Government, would expect the LCDC to bid as an entity for the LDS when the Expression of Interest Call is made (EOI) and preferably in partnership with the Local Development Companies as lead implementing partners. This is on the basis that the LCDC was constituted in a manner to act as a Local Action Group (LAG). It was also indicated that over time, the LCDC will be expected to deliver other programmes as required by various Government Departments. Ms. Carr confirmed that Tipperary LCDC would be making an Expression of Interest bid for the Local Development Strategy but that the preference would be for it to work in partnership with the two Local Development Companies.

Before any decision was held on the Local Development Strategy Michael Murray NTLP departed the meeting.

Ms. Carr confirmed that a number of meetings had taken place between Michael Murray, CEO, NTLP Ltd, Niall Morrissey, CEO, STDC Ltd., and herself. Ms. Carr referred to the 3 Options Papers which were circulated at the meeting and presented papers as follows:-

- **Option 1:** Two X LDCs to become 2 separate LAGS in the county and each in partnership with the LCDC
- **Option 2:** A new joint LDC entity (consisting of the 2 companies effectively merging or the 2 LDC coming together) to form a LAG in partnership with the LCDC - not an option willing to be considered by either LDC and was not worked up any further
- **Option 3:** The LCDC to form an all county LAG in partnership with the 2 LDCs

Ms. Carr also referred to the ongoing discussions with the 9 Member Group, in relation to how the Local Development Strategy can be implemented in the County. This 9 Member Group met on 25<sup>th</sup> March and the model options papers were presented to this group. However, no agreement was reached on the options outlined.

Following Ms. Carr's report on the LDS option papers the following challenges and issues were noted;

The members expressed their concern about the significant reduction in the budget for Tipperary for the Local Development Strategy relative to the last LEADER programme and the implications arising from same.

As a result of the significantly reduced funding, it was agreed that the LCDC will have a vital role in making strategic decisions on how funding will be allocated and that hard decisions would have to be made in the future.

Members discussed the importance on focusing on quality delivery of services and that the focus should not just be on numbers.

Members also noted the importance of ensuring that effective supports continued to be delivered in a timely manner and that any new structures should take account of this. In particular it was noted that strong consideration should be given to one all county evaluation committee.

The Members also noted that there was opportunities for both Development Companies to share best practice in relation to some excellent projects/programmes in each part of the county and that there were probably opportunities to work together in relation to some programmes/projects.

Sinéad Carr concluded by stating that the LCDC would be expected to bid for the LDS. The options for the LCDC was i) that it would bid independently of any other party or ii) that it would bid in partnership with the Local Development Companies. Ms Carr indicated that the latter option (as outlined in Option 3) was being recommended to the meeting.

Ms. Carr confirmed that the closing date for EOI call for the Local Development Strategy is 15<sup>th</sup> May, 2015.

It was noted that the consensus and preference at this meeting was to work with Option 3, (in partnership with the Local Development Companies in the preparation and implementation of the LDS). The Members requested that Ms. Carr request to attend both Local Development Companies meetings arranged for 16<sup>th</sup> April, to outline the 3 Option Papers as presented to this meeting with a view to securing agreement in relation to Option no. 3. It was also noted that in the event of the Local Development Companies not agreeing with Option 3 the LCDC will go ahead and make the bid for the LDS.

The LCDC agreed to seek to continue discussion with the LDCs on the LDS up to 1<sup>st</sup> May, 2015.

### **7. Close of meeting**

This concluded the business of the meeting.

## **Appendix 1- Option Papers**

### **Option 1: Put forward by both LDCs possible template for partnership arrangement between existing Tipperary Local Action Groups (LAGs) and the Tipperary LCDC for the operation of the Rural Development Programme, (LEADER), 2014-2020**

#### **Initial Assumptions:**

Two separate Local Action Groups:

North Tipperary (2 Municipal Districts) - NTLP/TLCDC (NTLP lead partner)

South Tipperary (3 Municipal Districts) – STDC/TLCDC (STDC lead partner)

1. The existing LAG's will prepare a separate Local Development Strategy, (LDS), for each area. There will be cooperation and coordination between both LAG's in the preparation of the LDS's
2. TLCDC must be involved in the preparation and final approval of each LDS to ensure coordination
3. Each existing LAG to apply for LAG status under the RDP 2014-2020 in a joint application with the TLCDC

If both LAG's applications for LAG status are successful, the following points apply to both LAGs

4. LAG prepares terms and conditions for a call for proposals from time to time which can be time based and general or issued on a thematic basis e.g. seeking applications for "Tourism related projects" – Terms and

- conditions to be approved by the TLCDC to ensure coordination between LCDC members and compliance with the LDS objectives
5. LAG supports potential applicants, assesses applications received and prioritises applications
  6. LAG staff make recommendations to the LAG RDP Evaluation Committee (Evaluation Committee to include representative of the LCDC Chief Officer)
  7. RDP Evaluation Committee submits project recommendations to the LAG Board
  8. LAG Board makes final decisions in regard to each application for RDP funding
  9. List of projects approved by the LAG Board submitted to a sub-committee of TLCDC for examination in regard to eligibility and compliance with the LDS – This committee should be serviced and supported by an individual, external to the LAG, and be prepared to meet monthly. This process would be a combination of the Article 28 Check and the process more commonly known as “the 10 day check”, (previously carried out by the DoECLG).

In accordance with procedures and timelines pertaining to the last RDP, it would be vital in terms of service to the public that this process would take a maximum of 10 working days to be completed. A default position should apply i.e. no response within 10 working days would allow the LAG to proceed with Contract offer to the promoter

If a RDP Grant of funding is deemed ineligible, or deficient in an item required under the Article 28 check, by a Department official at some later stage, the responsibility for this file now rests with the Article 28 official and his/her employer.

10. LAG issues offer letter to applicant/promoter
11. RDP Contract signed by LAG and the Promoter
12. Project commences and claims submitted by the Promoter to the LAG
13. Article 28 officer carries out appropriate checks to ensure release of payment(s) is/are in order
14. LAG submits claim to DoECLG or the Local Authority
15. LAG receives funding from the Managing Authority and makes payment to the promoter
16. CEO's of LAG's to present a quarterly report to the TLCDC, outlining the projects approved for funding to date, how those projects comply with the LDS and progress in regard to achievement of KPI's included in the LDS – RDP subcommittee of the TLCDC should also present a quarterly report to the TLCDC
17. The TLCDC will carry out a mid-term review of progress in regard to the objectives included in both LDS's
18. The DoECLG will have to delegate powers to the TLCDC to provide them with the power to deal with underperforming LAG's

NB All Rural Development Programme files must remain on the premises of the LAG. In order to facilitate this objective, both LAG's will provide appropriate accommodation for the Article 28 official as required.

### Overview of Benefits/Risks

Benefit	Comment
LCDC are involved in the process and have not been excluded	
Community Based Approval	
Current timeliness of the decision making process from the applicants perspective can be retained	Given that the Article 28 Checks will be "outsourced", this may delay the timeframe
LCDC will not be held responsible for errors made on the financial side – the LAG will have to carry this	
Sub committee of the LCDC could have a role in checking with compliance	LCDC may not consider it appropriate to take this role on due to risks involved and to the potential duplication of effort
LDC will continue to get the administration and developmental funds to carry out the above work	Similar in both option 1 & option 3

Risk	Comment
Contract holders will be the LDCs which is contrary to the stated preference of Government	
Lack of clarity around the A28 process – if the LCDC is not the contract holder, very unlikely that the LA will take up this role	
Diminished authority of the LCDC in the context of real oversight and management of community development spend	
2 LAGS in the County – would result in double workload for the LCDC ; All other strategies are all county based (LECP; Tourism: CDP; Childcare; Sports etc)	
Different Boards will result in differing work structures and practices – whilst it may be possible to ameliorate this, dependent upon good will of both independent Boards – the LCDC will have no authority to insist on similar reporting templates etc (as they are neither the contract holder or the managing authority of the programme	
LDCs will carry the financial risk and not the LCDC	

### Option 3: Preferred Government Model (with clarifications)

**Possible template for partnership arrangements between existing local development companies and the Tipperary LCDC (LAG) for the operation of the Rural Development Programme (LEADER), 2014 - 2020**

***Initial Assumptions:***

- TLCDC will be the LAG with the 2 LDCs as the lead implementing partners in relation to the RDP.
- Two existing companies will cover the following areas
  - A. Thurles/Templemore Municipal District and Nenagh Municipal District - NTLB.
  - B. Tipperary/Cashel Municipal District, Clonmel Borough District & Carrick Municipal District - STDC
- One LDS will be prepared for the county but with appropriate sub division as per the aerial division set out above.

***Development of the LDS for Tipperary***

1. The 2 LDCs, on behalf of and with the LCDC will lead out on the preparation of the LDS. There will be cooperation and coordination between both LDCs in the preparation of the LDS. The development will involve working with the community, analysis, drafting and proofing of the document
2. TLCDC will be involved in the initial scoping out of the Plan, considering the draft and final approval and submission of the LDS to the Managing Authority
3. The TLCDC will apply for LAG status under the RDP 2014 - 2020 specifically providing a clear lead partnership role for the two LDCs.

***If the TLCDC application for LAG status is successful, the following work area responsibilities to apply***

4. The 2 LDCs, on behalf of the TLCDC to prepare the terms and conditions for a call for proposals from time to time which can be time based and general or issued on a thematic basis. Terms and conditions to be approved by the TLCDC to ensure coordination between LCDC members and compliance with the LDS.
5. The two LDCs to support potential applicants, assess applications, and prioritise
6. The staff of the two LDCs to make recommendations to the LAG Evaluation Committee ( Evaluation committee to include representative of the LCDC Chief Officer - discussion to be had as to whether it should be one or two evaluation committees)



7. Evaluation committee submits project recommendations to the LDC boards
8. LDC Boards to make final recommendation with regard to each application

*8a. Projects over a particular threshold may have to be considered by the LCDC itself*

9. Report to be prepared by the CEO of the LDC for consideration of the Chief Officer of the LCDC re compliance with LDS, and confirmation that it conforms to the financial, audit and administration requirements of the programme, and the Managing Authority.
10. List of projects to be brought to the LCDC with a copy of the CEO LDC project report and a copy of the Chief Officers endorsement report ( re compliance with the LDS) for their consideration and final approval.
11. LCDC to review proposed list in the context of its compliance with the LDS and queries to be raised in this context. Final approval of projects to be made by the LCDC. Detailed discussions on each application will not be envisaged.

*A flow chart process needs to be put in place vis a vis those projects rejected and a process also for appeals*

***ON receiving final approval from TLCDC, the following to apply***

12. LDC to issue letters of offer to applicant/promoter (LDC and TCC logo on paper) - signed by the LDC
13. If letter of offer is acceptable, contract to be signed by promoter, chair of the LCDC and Chair of the relevant LDC as lead implementing partner (contract to have TCC and LDC logo on it ).
13. LDC staff deal with promoter to end of project
14. Project commences and claims submitted
15. Article 28 checks undertaken by Dept or Pobal who will liaise directly with the LDC on project validity and LCDC on financial issues
16. On receipt of affirmation on the Article 28 checks, the LDC submits claim for the project to the LCDC who release same
17. LDC makes payment to the promoter and follows through with the necessary paper work
18. Half year reviews to be undertaken by the TLCDC based on projects approved for funding to date, compliance with LDS, value for money, general compliance with admin and financial requirements and progress with regard to KPI achievements.

19. Mid terms review to also be carried out.

20. Time extensions and minor adjustments to contract to be addressed by the LDC subject to threshold

### **Overview of Benefits/Risks**

<b>Benefit</b>	<b>Comment</b>
The model is broadly in line with the Governments preferred model	
LCDC has met its substantive role in terms of the strategic oversight and management of community development spend in the county	
There is one all county LDS which accommodates the geographic challenges of servicing the entire county – this will allow it to more effectively feed into all other all county strategies (LECP; Transport; food; tourism; sport; CDP etc)	
LDCs are on the LCDC and will be afforded a special recognised partnership status as the lead partner on this programme	
Community Based Approval for projects is maintained as per the current LAG model	Similar in both models
LDCs continue to undertake and provide all of the administration, developmental, community support, individual promoter support and strategy development work that they currently carry out under the existing programme	
LDC will continue to get the administration and developmental funds to carry out the above work	Similar in both Option 1 & Option 3
The LCDC can support the development of a consistent approach to reporting paper work and templates between the 2 LDC	
Relative to Model 1, the LDCs are not carrying the financial risk – this would rest with the LCDC as the LAG	
Current timeliness of the decision making process from the applicants perspective can be retained	Given that the Article 28 Checks will be “outsourced”, this may delay the timeframe
Payment on administration and animation costs will be paid upfront to the LDCs by the LCDC	
Payment on projects will be claimed by the LDC from the LCDC	This is similar to the current situation whereby the LDC seeks payment from the Department for project funds so there should be no significant issue
Model allows the LDC to deal with minor changes in the individual project contract (time extensions and small changes in	

amounts)

Risk	Comment
The LDCs do not have LAG status and therefore consider this undermines their raison d'être	
The LDC Boards are not the final approver of projects	LDCs will issue letter of offer in their name and will also co-sign the contract document
Lack of clarity around the A28 process – workload and workflow needs to be clarified by the Department as this is likely to cause delays in the processing of the paper work	This is an issue with both options but it appears that it will be outsourced to either Pobal or the Department
With 3 structures involved in the assessment process, very significant risk of time delay and duplication of staff time and resources on all structures for the applicant (for sometimes small amounts)	There is potential to address this in more detail if there is broad agreement but the key impact would be where the LCDC would at least have to meet on a monthly basis
The lead financial partner role (potentially the LA) has not been worked up in any great detail and it may potentially cause difficulties	This is being followed up with the Department and is not capable of being developed further until there is clarity on the constraints
Lack of clarity around how to deal with time extensions and/or small changes in contract details	Being followed up with the Department
Different Boards will result in differing work structures and practices – whilst it may be possible to ameliorate this, dependent upon good will of both independent Boards – the LCDC will have no authority to insist on similar reporting templates etc (as they are neither the contract holder or the managing authority of the programme	

### **Broad Overview of Options Considered**

**Option 1:** Two X LDCs to become 2 separate LAGS in the county and each in partnership with the LCDC

**Option 2:** A new joint LDC entity (consisting of the 2 companies effectively merging or the 2 LDC coming together) to form a LAG in partnership with the LCDC - **not an option willing to be considered by either LDC**

**Option 3:** The LCDC to form an all county LAG in partnership with the 2 LDCs

### **Areas of Potential Agreement on options 1 & 3**

Category	Issue	Comment/Note
Strategy	One LDS which could be sub divided along joint MD lines	
Strategy	Preparation of the LDS would be led up by the two LDCs ; TLCDC would be involved in the LDS preparation and it would also be the final approver	
Calls	LDC would prepare terms and conditions for a call for proposals  TLCDC to approve terms and conditions of call to	

	ensure compliance with LDS	
<b>Application Support</b>	LDC would support potential applicants, assess applications and prioritise applications	
<b>Evaluation Committee Action</b>	LDC prepare report and recommend to an Evaluation Committee	Discussion to be had as to whether it would be one or 2 evaluation committees but either way, staff to report and recommend to same
<b>Reporting Procedures to LCDC</b>	LDC s to report on Implementation of the Programme to the LCDC	
<b>Timeliness for Applicants</b>	Need to ensure that efficiencies around the decision making and payment processes are not delayed and at a minimum do not exceed the current timeline of the Development Companies	

### **Remaining Challenges – Where the LDCs are the Contract holder (Option 1)**

	<b>Issue</b>	<b>Comment/Note</b>
1	LCDC is expected to bid for the EOI and by not doing so is working contrary to the purpose for which it was set up and as such is contrary to Government Policy	
2	LCDC would not be the contracting Authority which would significantly diminish its role in terms of management and oversight of all local and community development spend in the County	
3	Notwithstanding any strategic oversight role it would have, the LCDC would not have the teeth to enforce any decision it has made on the LDC programme activity – it would effectively be a “CDB light” structure	An MOU or SLA could be drawn up but even so the risk is still significant in the context that a committee structure would be seen as instructing a private company what it could and could not do
4	Article 28 Check would be undertaken by another body outside of the LCDC structure	Not necessarily an issue for the LDCs or the LCDCs but may be an issue for the Managing Authority
4	2 LDC becoming 2 LAGS in the one unified county	
5	Additional workload for the LCDC sporting two structures	
6	Differing work methodologies in both companies which would need to be understood by the LCDC staff member	
7.	LCDC would still be expected to bid for the LDS which would fracture relationships which are currently good	There would be no options around this for the LCDC
9	The Department is the Managing Authority – where will it fit into the processing of application methodology flow – how would it work under the LCDC contract holding model.	

### **Remaining Challenges being Explored with the Department – Where the LCDC is the Contract holder (Option 3 with clarifications)**

	<b>Issue</b>	<b>Comment/Note</b>
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Contracting out roles	Role cannot be sub contracted out by the LCDC to the LDC as the programme will not allow for that	This issue can be addressed by “allocating” appropriate tasks to the LDC as a stakeholder on the LAG
Existing LDC Role	Role of the existing LDC Board – diminution of its authority if it is not the main contract holder and defined as the LAG	The diminution of its role could be argued to be in name only at this stage with this model as the model addresses the following concerns <ul style="list-style-type: none"> <li>a) Staff in as far as it could have been a factor</li> <li>b) Fragmentation of the programme</li> <li>c) Funding to the LDC – it received virtually all of the animation and administration funding</li> <li>d) Projects – the Board assesses applications in details and makes recommendations</li> <li>e) LDC Board signs letter of offer and is a co-signature on the contract</li> </ul>
Timeliness of Decisions	Timeliness of a decision being made from the applicants perspective –	There is potential for difficulties here – but if managed correctly it can be significantly reduced/eliminated but will mean a monthly meeting of the LCDC
Seeking Changes to the Approved Application	Procedures in the context of the promoter seeking to extend the timeframe for his project or seeks to alter aspects of an already approved application (minor changes or major)	Model allows this to be addressed by the LDC
Article 28 Checks	What will be involved in the Article 28 checks	This will be outsourced to either the Department or Pobal
Role of the Managing Authority	The Department is the Managing Authority – where will it fit into the processing of application methodology flow – how would it work under the LCDC contract holding model.	This needs further work but with the role envisaged by the Department being much the same as is, time frame should not be an issue

Signed/

  
 Charles Stanley Smith,  
 Chair,

Tipperary Local Community Development Committee

Date/ 8<sup>th</sup> May, 2015