



**Coiste Forbartha Pobail
Áitiúil Chiarraí
Kerry Local Community
Development Committee**

Coiste Forbartha Pobail Áitiúil Chiarraí

Orduithe Seasta

(Alt 36, An tAcht Rialtais Áitiúil 2014)

Kerry Local Community Development Committee

Standing Orders

(Section 36, Local Government Act 2014)

Updated by the LCDC at their meeting of 1st October 2018

Sainmhínithe **Definitions**

Ciallaíonn an Príomh-Oifigeach an duine a ainmnítear amhlaidh ag Príomhfheidhmeannach an Údaráis Áitiúla

Chief Officer means the person designated as such by the Chief Executive of the Local Authority

Ciallaíonn Coiste an Coiste Forbartha Pobail Áitiúil

Committee means a Local Community Development Committee;

LCDC – Coiste Forbartha Pobail Áitiúil

LCDC – Local Community Development Committee

Ciallaíonn Limistéar Feidhmeach an Choiste limistéar feidhmeach Comhairle Contae Chiarraí

Functional area of a Committee means the administrative area of Kerry County Council

Ciallaíonn Clár forbartha áitiúil agus pobail aon ghníomh, idirghabháil, clár, scéim nó aon tacaíocht, airgeadas nó eile, a bhainfidh le leas pobal áitiúil a cur chun cinn

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

Ciallaíonn An Plean an plean áitiúil eacnamaíoch agus pobail

Plan means the local economic and community plan

Ciallaíonn Comhlacht mhaoinithe go poiblí aon chomhlacht a fhaigheann maoiniú, go díreach nó go hindíreach agus go hiomlán nó ar shlí, ó chiste Stáit chun a cuid feidhmeanna a chur i gcrích

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

Comhthéacs

Cheadaigh an Rialtas Tuarascáil Deiridh an Ghrúpa Stiúrtha Ailínithe mar chuid de ‘Tús Áite do na Daoine’ – Clár Gnímh do Rialtas Áitiúil Éifeachtach. I ‘Tús Áite do na Daoine’ leagtar síos athchóiriú a fheabhsóidh soláthar seirbhísí don saoránach, a chuirfidh le héifeacht is le héifeachtúlacht agus a thabharfaidh ról lárnach don rialtas áitiúil maidir le forbairt áitiúil agus pobail.

De réir polasaí an rialtais, bunaíodh Coiste Forbartha Pobail Áitiúil Chiarraí (LCDC) i limistéar feidhme Chomhairle Contae Chiarraí. Páirtíocht phoiblí-príobháideach leasa idir shóisialta agus eacnamaíochh is ea an LCDC mar a bhfuil ionadaithe ón údarás áitiúil, áisínteachtaí eile Stáit, an earnáil pobail agus deonach chomh maith le páirtithe eacnamaíoch agus sóisialta.

Beidh an LCDC freagrach as eadráin um phleanáil straitéiseach agus maoirsiú forbairt áitiúil agus pobail ag leibhéal an Chontae. I gcomhar le Comhairle Contae Chiarraí tá sé freagrach as Plean Áitiúil Pobail agus Eacnamaíoch go ceann sé bliana a fhorbairt don Chontae agus, ar bhonn ceantair, as réimse caiteachas áitiúil is pobail a bhreith le chéile ó chlár agus ó struchtúir éagsúla. Dá réir sin, le himeacht aimsire táthar ag súil go mbeifear freagrach as cistí forbartha áitiúla agus pobail a bhainistiú is a dháileadh agus gur ar an LCDC a bheidh sé na hacmhainní a roghnú chun teacht le tosaíochtaí aitheanta áitiúla.

Tá sé i gceist go mbeidh lánchumhacht ag an LCDC um Chlár nua Cuimsiú Sóisialta agus Gníomhaíocht Phobail (SICAP) idir mhonatóireacht agus rialú airgeadais ó mhí Aibreán 2015 amach.

Réamhrá

Is ar mhaithe le cruinnithe an Choiste a stiúradh go héifeachtach agus in ord, agus chun a chuid feidhmeanna a chur i gcrích i gcoitinne atá na rialacha seasta seo.

Context

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

In line with government policy, the Kerry Local Community Development Committee (LCDC) was established in Kerry County Council’s administrative area. The LCDC is a public-private partnership of socio-economic interests comprising representatives of the local authority, other State agencies, the community and voluntary sector, and economic and social partners.

The LCDC will have responsibility for strategic planning and oversight of local and community development interventions at County level. It is responsible in conjunction with Kerry County Council for developing a 6-year Local Economic and Community Plan for the County and pulling together, on an area basis, a range of local and community development spending from different programmes and structures. Accordingly, over time it is expected that it will have oversight responsibility for the management and disbursement of local and community development funds and that the matching of resources to locally identified priorities will rest with the LCDC.

It is intended that the LCDC will have full monitoring and financial control of the new Social Inclusion and Community Activation Programme (SICAP) from April 2015.

Introduction

The purpose of these standing orders is to ensure the orderly and effective conduct of the meetings of the Committee and facilitate the performance of its functions generally.

I gcás aon cheist nach gclúdaítear sna hOrduithe Seasta seo nó chun a leithéid de cheist a shoiléiriú tagrófar don Acht Athchóirithe Rialtais Áitiúil 2014 agus d'aon Rialacháin nó Treoracha ina dhiaidh sin a eiseofar faoin Acht céanna.

Cé gur Coiste oifigiúil de chuid Comhairle Contae Chiarraí é an LCDC, tá sé neamhspleách ó thaobh feidhmiú de. Beidh baill an Choiste ar chomhghradam.

Feidhmiú an Choiste Forbartha Pobail Áitiúil

1. Ainmneoidh Príomhfheidhmeannach Comhairle Contae Chiarraí fostaí nó fostaithe de chuid an údaráis áitiúla:

(a) chun cabhrú leis an gCoiste a chuid feidhmeanna a chur i gcrích, agus

(b) ainmneoidh an príomhfheidhmeannach duine amháin acu siúd mar Phríomh-Oifigeach an Choiste a bheidh freagrach as riarachán agus gnó an Choiste a bhainistiú is a rialú agus as socruithe cuí riaracháin, rúnaíochta agus eile a sholáthar.

Láthair Chruinnithe & Seoladh na bPríomh-Oifigí

2. Chomh fada agus is féidir, beidh oifigí Comhairle Contae Chiarraí mar láthair chruinnithe ag an gCoiste agus is iontusan a thionólfar cruinnithe de ghnáth

3. Chun críocha na nOrduithe Seasta seo is é seoladh na bpríomhoifigí ná Áras an Chontae, Ráth Theas, Trá Lí, Co. Chiarraí.

Cruinnithe

4. Beidh ar a laghad sé chruinniú in aghaidh bliana ag an LCDC agus aontófar sceideal

The Local Government Reform Act 2014 and any Regulations issued under same and thereafter any Guidelines will be referred to in relation to any matters not covered within these Standing Orders or for the purposes of clarification of any matters.

Whilst the LCDC is an official Committee of Kerry County Council, it is independent in the performance of its function. All members of the Committee shall have equal standing.

Operations of the Local Community Development Committee

1. The Chief Executive of Kerry County Council shall assign an employee or employees of the local authority:

(a) to assist the Committee in performing its functions, and

(b) one of those persons shall be designated by the Chief Executive to be the Chief Officer of the Committee, and have responsibility for carrying out, managing and controlling generally the administration and business of the Committee and arranging for the provision of appropriate administrative, secretarial and other support.

Place of Meeting & Address of Principal Offices

2. In so far as is practicable, the place for holding meetings of the Committee shall be the offices of Kerry County Council and meetings shall normally be held there

3. The address of the principal offices for the purposes of these Standing Orders is Áras an Chontae, Rathass, Tralee, Co. Kerry.

Meetings

4. The LCDC shall meet a minimum of 6 times per annum and a schedule of meetings will be

roimh ré a chuimseoidh dátaí agus amanna.

5. Chomh fada agus is féidir ní leanfaidh aon chruinniú coiste níos faide ná dhá uair a chloig.

6. Féadfaidh an Coiste a bheartú go mbeadh leas le baint as breis cruinnithe thairis iad siúd a leagfar amach, ina leithéid de chás aontófar an t-am agus an dáta ag cruinniú an LCDC.

7. Féadfar cruinniú speisialta den LCDC a fhógairt chun ábhar áirithe tábhachtach a phlé. Féadfaidh an Cathaoirleach, as a stuaim féin nó ar iarratas sínithe ar a laghad ag dhá dtrian de bhaill an choiste, an líon maolaithe go dtí an slánuimhir is gaire i.e. 13, iarradh ar an bPríomh-Oifigeach cruinniú speisialta den Choiste a thionól.

8. Muna seolann an Cathaoirleach aon iarratas ar chruinniú a thionól de réir a bhfuil mínithe anso thuas laistigh de sheacht lá, féadfaidh aon dhá dtrian de bhaill an choiste, an líon maolaithe go dtí an slánuimhir is gaire, iarradh ar an bPríomh-Oifigeach, tar éis na seacht lá, a leithéid de chruinniú a thionól.

9. Seolfar sonraí trí r-phost chuig baill an LCDC maidir le dáta, am agus láthair cruinnithe maraon le clár oibre an LCDC ar a laghad cúig lá oibre roimh an cruinniú, nó trí lá i gcás cruinniú speisialta.

10. Muna bhfaigheann Ball nó Baill fógra cruinnithe ní chuirfidh sé sin isteach ar bhailíocht an chruinnithe.

11. Is trín r-phost a sheolfar na doiciméid go léir a bhainfidh le hobair an Choiste.

12. Ach cruinniú a bheith socruithe, ní chuirfear ar ceal é, ach amháin i gcás dálaí eisceachtúla agus le toil an Chathaoirligh. Ina

agreed in advance for the year. This will include the dates and times of meetings.

5. Meetings shall, so far as is possible end two hours after commencement.

6. The Committee may decide that additional meetings above those scheduled would be of value, in which case, the date and time will be agreed at a meeting of the LCDC.

7. Special meetings of the LCDC may be called to discuss matters of particular importance to it. The Chairperson may, on her/his own initiative, or upon request to do so by a requisition signed by not less than two thirds of the members of the committee, rounded to the nearest whole number i.e. 13 request the Chief Officer to convene a special meeting of the Committee.

8. If the Chairperson does not within 7 days convey a request to convene a meeting requested in accordance with the above, any two thirds of the members of the Committee, rounded to the nearest whole number, may, upon expiration of those 7 days, make a request to the Chief Officer to convene such a meeting.

9. Members of the LCDC will be notified by email of the date, time and place of a meeting along with the agenda listing the business of the LCDC at least five working days before the meeting, and three days in respect of a special meeting.

10. Want of service of a notice of a meeting on any Member or Members shall not affect the validity of the meeting.

11. All documents associated with the work of the Committee shall be circulated by email

12. A meeting, when arranged, shall not be cancelled, save in exceptional circumstances and with the agreement of the Chairperson.

leithéid de chás aontófar dáta, am agus láthair an chéad chruinniú eile le toil an Chathaoirligh.

Córam

13. Is é an córam do chruinniú an LCDC ná 50% de na baill, maolaithe go dtí an slánuimhir is gaire móide a haon, i.e. 11. Muna mbíonn an córam i láthair laistigh de thríocha neomat ón uair a bhí ceaptha do thús an chruinnithe, cuirfear an cruinniú ar athló go dtí dáta a shocróidh an Cathaoirleach.

When the meeting is cancelled, the date, time and place of the next meeting shall be fixed, with the agreement of the Chairperson.

Quorum

13. The quorum for a meeting of the LCDC shall be 50% of the members of the total membership, rounded up to the nearest whole number, plus one i.e. 11. If a quorum is not present within thirty minutes of the time appointed for the meeting, the meeting will be adjourned to a date to be fixed by the Chairperson.

Every effort should be made to ensure LCDC members are physically present at meetings. However, an LCDC may decide to allow members attend meetings and take decisions via telephone or other video conferencing facility and this attendance may be included to meet the quorum requirement. This should be the exception rather than the norm. The member(s) attending by telephone / video conferencing facilities must be capable of speaking to and be heard by all attendees. The minutes of the meeting should record the names of those who attend via telephone or video conferencing facility and the pillar they represent. "

Cathaoirleach/ Leas-Chathaoirleach

14. Roghnóidh baill an LCDC an Cathaoirleach orthu féin de réir cuid 22 de na Rialacháin (Alt 128E) Coiste Forbartha Pobail Áitiúil 2014.

Chairperson/ Vice-Chairperson

14. The Chairperson of the LCDC will be selected in accordance with section 22 of the Local Community Development Committee (Section 128E) Regulations 2014 by the members of the LCDC.

15. Do phoist an Chathaoirligh agus an Leas-Chathaoirligh, má mholtar beirt nó níos mó is má bhíonn gá le vótáil, beidh ballóid rúnda ann.

15. If two or more persons are proposed and seconded and a vote is required, voting for the positions of Chairperson and Vice-Chairperson will be by secret ballot.

16. Ceapfar an Cathaoirleach/Leas-Chathaoirleach go ceann tréimhse trí bliana, ansin éireoidh sé/sí as an bpost. Ní chaithfidh aon bhall dhá théarma i ndiaidh a chéile mar

16. The Chairperson/Vice-Chairperson will be appointed for a period of three years, whereupon s/he shall retire as Chairperson. A member may not serve two consecutive terms

Chathaoirleach.

17. Raghaidh an Cathaoirleach sa Chathaoir 10 neomat tar éis an uair a bhí ceaptha do thús na cruinnithe. Muna mbíonn an Cathaoirleach i láthair lena linn sinn, feidhmeoidh an Leas-Chathaoirleach mar Chathaoirleach ar an gcruinniú go dtí go dtagann an Cathaoirleach, má thagann. Más rud é go mbíonn an Cathaoirleach agus an Leas-Chathaoirleach as láthair i gceann na tréimhse úd (10 neomat), roghnóidh na baill eile ball chuige sin a bheidh sa Chathaoir ar an gcruinniú nó go dtagann an Cathaoirleach nó an Leas-Chathaoirleach.

Clár Oibre

18. Mar seo a leanas a bheidh clár oibre na gcruinnithe: -

Tinreamh/Leithscéalta

Deimhniú Miontuairiscí agus Gnó a thagann astu

Gnó ceaptha faoi Reachtanna, Orduithe Seasta

Gnó a bheidh aontaithe ag an gCathaoirleach/Príomh-Oifigeach lena chur faoi bhráid an chruinnithe sin. Caithfear a leithéid de mhíreanna don Chlár Oibre a chur isteach i scríbhinn chun go mbeidh siad ag an bPríomh-Oifigeach ar a laghad 14 lá roimis an chéad chruinniú eile.

Comhfhreagras

Sceideal na gcruinnithe/dáta an chéad chruinniú eile a dheimhniú

Aon Ghnó Eile

Cáipéisí a chur i bhfeidhm ar son an Choiste

19. Cuirfear cáipéisí i bhfeidhm ar son an Choiste le:

Síniú an Chathaoirligh (agus an Leas-Chathaoirligh má tá an Cathaoirleach as láthair) i bhfianaise an Phríomh-Oifigh, nó Séala an Choiste i bhfianaise an Chathaoirligh (agus an Leas-Chathaoirligh má tá an Cathaoirleach as láthair) de réir an Phríomh-Oifigh

as Chairperson.

17. The Chair at each meeting shall be taken within 10 minutes after the time appointed for the start of the meeting. If the Chairperson is not present at the expiration of 10 minutes after the appointed time, the Vice-Chairperson shall act as Chairperson for that meeting until and if the Chairperson joins the meeting. In the event of both the Chairperson and Vice-Chairperson not being present after the said period (10 minutes), the Chair for the Meeting or until the Chairperson or Vice-Chairperson joins the meeting, shall be taken by a member selected by the members present for this purpose.

Order of Business

18. The order of business at all meetings shall be as follows: -

- Attendance / Apologies
- Confirmation of minutes and Matters Arising
- Business prescribed by Statute, Standing Orders
- Business agreed by the Chairperson /Chief Officer for transaction at that meeting. Items for consideration for the Agenda must be provided in writing and received by the Chief Officer at least 14 days before the next meeting of the committee
- Correspondence
- Schedule of meetings / confirm date for next meeting
- AOB

Execution of Documents on behalf of the Committee

19. The execution of documents on behalf of the Committee shall be either:

- by signature of the Chairperson (and in his/her absence, the Vice-Chairperson), witnessed by the Chief Officer, or
- by the affixing of the seal of the Committee witnessed by the Chairperson (and in his/her absence,

the Vice-Chairperson) as deemed appropriate by the Chief Officer.

Orduithe Seasta a chur i Leataobh

20. Féadfar na hOrduithe Seasta a chur i leataobh ar iarratas ó bhall nó le cead an Chathaoirligh maidir le haon ghnó áirithe a bhíonn faoi chaibidil ag an gcruinniú chomh fada is go vótálann ar a laghad dhá dtrian de na baill i láthair ar son é sin a dhéanamh.

Ballraíocht

21. Chun go ndéanfar uainíocht ar na Baill, ar dtús tar éis bunú an LCDC is go ceann téarma trí bliana a fhanfaidh gach Ball lena mbaineann Alt 30.

22. Bunóidh an Príomh-Oifigeach socruithe d'uainíocht na mBall.

23. Féadfar Baill a théann ar Scor a ainmniú is a cheapadh arís. Is fíor, áfach, nach mbeidh cead ag aon Bhall níos mó ná dhá théarma i ndiaidh a chéile a chaitheamh ar an LCDC.

24. Má bhíonn Ball an Bhoird as láthair ó trí chruinniú i ndiaidh a chéile gan chúis sách oiriúnach, scríobhfaidh an Príomh-Oifigeach chuig an comhlacht ainmnithe faoin gceist.

25. Mas cuí, i dtuairim an LCDC, féadfar cuireadh chun labhairt leis an gcruinniú faoi mhír áirithe ar an gclár oibre a thabhairt do dhuine nach bhfuil mar bhall.

26. Nuair a éireoidh na Baill Tofa agus an Príomh-Oifigeach (nó a ainmnitheach) as a bpost faoi seach beidh siad mar bhaill ex officio den Choiste nach mbeidh ina mbaill den LCDC.

27. Aon ionadaí comhlacht phoiblí a bhíonn freagrach as seirbhísí a sholáthar do nó laistigh de limistéar riaracháin an Choiste, ní bheidh sé/sí mar bhall den

Suspension of Standing Orders

20. Standing Orders may at the request of a member or with the permission of the Chairperson be suspended as regards any particular business under consideration at any meeting provided not less than two-thirds of the members present vote in favour of such suspension.

Membership

21. Each Member to which Section 30 relates shall serve a three year term in the first instance following the establishment of the LCDC to allow for the rotation of Members.

22. Arrangements for the rotation of Members shall be put in place by the Chief Officer.

23. Retiring Members will be eligible for re-nomination and appointment. However, no Member will be entitled to serve on the LCDC for more than two consecutive terms.

24. In the event of a Board Member failing to attend three consecutive meetings without adequate reason, the Chief Officer shall correspond with the nominating body on this issue.

25. If considered appropriate by the LCDC, a non-member may be invited to attend a meeting and speak on a specific agenda item.

26. The Elected Members and the Chief Executive (or his/her nominee) will be ex officio members of the Committee who will cease to be Members of the LCDC when they cease to hold their respective positions.

27. A representative of a public authority with responsibility for providing services to or within the administrative area of the Committee and who ceases to be so employed

Choiste ach amháin má leantar den bhfostaíocht chéanna.

28. Níl sé ceadmhach malartú a dhéanamh ar bhaill LCDC.

29. D’ainneoin aon fhorálacha eile ballraíochta, déanfaidh an Príomh-Oifigeach athbhreithniú go rialta ar an mballraíocht chun ceann a thógaint d’athruithe a thiocfaidh ar chuspóirí LCDC agus más cuí beidh rogha ann bailleagraíochtaí “a tharraingt siar”. Mar shampla, muna mbíonn gá straitéiseach a thuilleadh le heagraíocht toisc feidhm a bheith i gcrích, má bhíonn gá straitéiseach le heagraíocht nua nó má bhíonn eagraíocht ann nach mbíonn i láthair go rialta.

Fochoistí/Meithil Oibre

30. Féadfaidh an LCDC fochoistí/fo-ghrúpaí nó fostruchtúir eile a bhunú mar is cuí chun cúnamh a thabhairt maidir le feidhmeanna a chur i gcrích. Má smaoinítear ar ghá a bheith lena leithéid de choistí is de struchtúir, níor mhór cuimhneamh ar an méid seo a leanas:

- (a) ba chóir tasc agus tréimhse ama a chinntiú d’aon fhostruchtúr is ba chóir deireadh a chur leis ach an obair a bheith déanta; agus
- (b) ní mór ionchur nó ionadaíocht a éascú ó na hearnála éagsúla.

31. De ghnáth is ball reatha de bhord an LCDC a bheidh mar Chathaoirleach ar a leithéid d’fhochoiste.

Rannpháirtíocht agus Tógaint Cinntí

32. Ní bheidh cead isteach i gcrúinnithe LCDC ag an bpobal ná ag na meáin.

33. Déanfaidh an Cathaoirleach iarracht ar gach aon bhall LCDC a bhreith isteach sa

shall cease to be a member of the Committee.

28. Alternates for LCDC members are not permitted.

29. Notwithstanding other provisions relating to membership, the Chief Officer shall carry out a regular review of the membership to account for changing LCDC objectives with the option of “standing-down” of member organisations, where this is appropriate. For example, where the strategic need for member organisations has been satisfied or new member organisations are required to meet a specific strategic need or member organisations are not attending on a regular basis.

Sub-committees/Task Groups

30. The LCDC may establish appropriate sub-committees/task groups or other sub-structures to assist in the carrying out of their functions. In considering the need for such committees and structures, regard should be had to the following:

- (a) sub-structures should be task-specific with a clear timeframe and wound-up once the task is completed; and
- (b) Input or representation from the various sectors should be facilitated.

31. Any sub-committee so established will normally be chaired by an existing board member of the LCDC.

Participation & Decision Making

32. Members of the public and the media shall not be permitted to attend meetings of the LCDC.

33. Chairperson will endeavour to ensure meaningful, focused and inclusive participation

phróiseas cinntithe ar bhonn ciallmhar, cruinn agus cuimsitheach.

34. Beidh baint ag na hábhair a phléitear ag Cruinnithe Boird le feidhmeanna an LCDC.

35. Ó am go ham féadfaidh an LCDC na horduithe seasta a leasú agus leasófar iad chun teacht leis an Acht is leis na Rialacháin chúí.

Vótáil

36. Ba chóir don LCDC, chomh fada agus is féidir, teacht ar aon intinn faoi chinneadh agus níor mhór vótáil a sheachaint. Munab amhlaidh a bhíonn, aontófar modheolaíocht na vótála. Muna mbítear ábalta a bheith ar aon intinn faoi ghnó aitheanta ar an gclár oibre a éilíonn cinneadh, is ansin amháin a thógfar an cinneadh trí vótáil.

37. Muna mbíonn an Cathaoirleach tar éis toradh vótáil a fhógairt go foirmiúil, nó má tá sé/sí in amhras faoin bhfógairt, beidh sé/sí i dteideal, má cheapann sé/sí go mba chóir é sin a dhéanamh, vótáil eile a reachtáil ar an gceist chéanna, go háirithe má cheapann sé/sí nar léirigh an chéad vótáil mothú an chruinnithe lena linn sin de dheasca míthuisceana.

38. Beidh vóta ag cách a bhíonn i láthair ag crunniú den LCDC ach i gcás cosc a bheith ar dhuine de réir dlí. Beidh cead staonadh ó vótáil agus déanfar taifead ar a leithéid de staonadh sna miontuairiscí. Má bhíonn vótáil chothrom ann, féadfar cinneadh a thógaint maidir le ceist a bhíonn faoi bhráid cruinnithe trín tarna vóta nó vóta réitigh a bheith ag an té a bheidh sa chathaoir.

39. Ní féidir a mholadh go gcúlghairmtear ná go leasaítear aon chinneadh a thógann an LCDC gan an moladh a bheith seolta

by all LCDC Members in the decision-making process.

34. Matters for discussion at Board Meetings will be related to the functions of the LCDC.

35. The standing orders issues may be amended by the LCDC from time to time and shall be amended to ensure conformity with the relevant Act and Regulations.

Voting

36. The LCDC should arrive at decisions, as far as is possible, by agreement, and votes should be avoided. Where this is not possible, Board members shall vote using an agreed methodology. Only matters identified on the agenda as requiring a decision shall, if consensus is not possible, be decided by vote.

37. Where the Chairperson has not formally declared the result of a vote, or is in doubt as to whether his/her declaration is right or wrong, s/he is entitled if s/he thinks fit to take a second vote on the matter, especially if s/he considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.

38. Each member present at a meeting of the LCDC shall have a vote unless prohibited by any enactment. A member may abstain from voting, and such abstention shall be recorded in the minutes. Where there is an equality of votes, a matter before a meeting may be determined by a second or casting vote of the person chairing the meeting.

39. A proposal to revoke or amend a decision of the LCDC can only be made if submitted in advance for inclusion in the Agenda. The

roimh ré lena chur ar an gClár Oibre. Luafar an cinneadh sa mhír ar an gClár Oibre agus míneofar go cruinn an moladh nua. Caithfear fanacht go ceann sé mhí ó thógtar aon chinneadh sular féidir a leithéid de mholadh um chúlghairm ná um leasú a chur ar an gClár Oibre ach amháin má aontaíonn ar a laghad cúig bhall den LCDC i scríbhinn go bhfuiltear ar son an ghnímh. Ní féidir cinneadh a chúlghairm sa chruinniú céanna ina bhfuiltear díreach tar éis glacadh leis.

40. Faoi réir aon riachtanais reachtúla, sula nglactar le moladh i dtreo cinneadh LCDC a chúlghairm nó a leasú caithfidh go mbeidh ar a laghad 10 (is é sin ar a laghad a leath acu) de líon iomlán ball an LCDC tar éis vóta a chaitheamh ar son an mholta.

Easaontacht Leasa & Cód Cleachtais do Bhaill an Choiste

41. Agus é/í ceaptha tabharfaidh gach ball sonraí a leasa tairbhiúla go léir, leasa fostaíochta, gnó agus pobail san áireamh, a d'fhéadfadh cur le heasaontacht leasa nó dul i bhfeidhm go hábhartha ar Bhall o thaobh a c(h)uid feidhmeanna de mar Bhall den LCDC. As san amach in aghaidh na bliana beidh dualgas ar gach ball foirm a líonadh agus a sheoladh a léireoidh a c(h)uid leasa de réir an Acht Rialtais Áitiúil 2001 agus an Acht Eitice 2005.

42. Má bhíonn leas tairbhiúil mar a leanas ag Ball ní mór dó/di é sin a fhógairt ag an gcruinniú cuí den LCDC:

- iarratas ar mhaoiniú nó ar thacaíocht eile faoi réir cinneadh LCDC
- tionscadal ar bun ag an LCDC
- aon bhaint atá ag an mBall nó ag éinne a bhaineann leis an mBall go díreach nó go hindíreach le haon chonradh (comhaontú dlíthiúil seirbhíse) nó conradh molta; nó

Agenda item shall state the decision to be revoked or amended and detail the terms of the new proposal to be made. No such proposal may appear on the Agenda to revoke or amend any decision of the LCDC within six months of making such decision except with the written assent of not less than 5 of the total number of members of the LCDC. A decision may not be revoked at the meeting at which it has been adopted.

40. In order to adopt a proposal to revoke or amend a decision of the LCDC at least 10 (being not less than one-half) or more of the total number of members of the LCDC must vote in favour subject to any statutory requirements.

Conflicts of Interest & Code of Conduct for Committee Members

41. Upon appointment each member shall provide the Chief Executive of the Council 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 LCDC. Each member must complete and return each year a form setting out his or her interests in accordance with the Local Government Act, 2001 and Ethics Act 2005.

42. Each Member should declare at the relevant meeting of the LCDC any interest they have in:

- an application for funding or other support for decision by the LCDC
- any initiative taken by the LCDC
- any contract (service legal 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

- aon ábhar a bhféadfadh an Ball nó éinne a bhaineann leis an mBall leas go díreach nó go hindíreach a bhaint as ó Bhall den LCDC.

43. Má bhíonn eolas iarbhír ag aon bhall ar an bhfíric go bhfuil leas airgid nó tairbhiúil eile aige/aici nó ag éinne a bhaineann leis/léi (i.e. deartháir, deirfiúr, tuismitheoir, céile, páirtí nó leanbh leis an duine nó leis an gcéile/páirtí) i ngnó a bheidh faoi bhráid cruinniú LCDC, fo-choiste nó meitheal oibre bunaithe ag an LCDC, caithfidh an Ball an leas úd a nochtadh agus an cruinniú a fhágaint fad is a bheidh an gnó úd á phlé; ní bheidh aon bhaint ag an mball leis an díospóireacht ar an ngnó céanna ná ní bheidh cead vótála aige/aici.

44. Nuair a tharlaíonn easaontacht leasa, fágfaidh an(na) ba(i)ll an cruinniú agus ní bheidh aon bhaint ag an mball leis an díospóireacht ar an ngnó céanna ná leis an gcinneadh. Ní mór cóimheá na mBall a bhíonn i láthair agus i dteideal vótála a thromú i gcónaí i bhfábhar na mball ón earnáil phríobháideach. Dá bhrí sin, chun an cóimheá cuí a choimeád idir Bhaill ón dá earnáil phoiblí agus príobháideach bheadh Baill eile ann uaireanta a chaithfeadh a bheith as láthair ón gcruinniú agus ón vótáil ar cheisteanna áirithe.

Ina leithéid de chás, cuirfear roghnú na mBall ón earnáil chuí ar crainn. An chéad uair roghnófar ar crainn ball ón gcomhionadaíocht rialtais áitiúil (seachas Príomhfheidhmeannach an údaráis áitiúla). Má bhíonn gá lena thuilleadh ball a bheith as láthair, roghnófar ar crainn ball ó na háisínteachtaí stáit. Má bhíonn gá leis an dtríú duine, fillfear ar an earnáil rialtais áitiúil, ansin arís ar an earnáil stáit agus leanfar mar sin go dtí mbaintear amach an líon cuí staonta.

anyone connected with the Member, might benefit directly or indirectly from a Member of the LCDC.

43. Any member who has actual knowledge that s/he or a connected person (i.e. brother, sister, parent, spouse, partner or child of the person or of the spouse/partner) has a pecuniary or other beneficial interest in a matter arising at an LCDC meeting or any sub-committee or task group established by the Committee, must disclose that interest, withdraw from the meeting for so long as the matter is discussed and take no part in the discussion or consideration of the matter and cannot vote.

44. Where a conflict of interest arises, the member(s) must absent themselves and are prohibited from participating in deliberations and decisions related to the relevant item. The balance of Members attending and eligible to vote on issues must be weighted in favour of the private sector members at all times.

Therefore, in order to maintain the appropriate balance between public and private sector Members it may be necessary for other members to absent themselves from the debate and vote on issues.

In this instance, lots will be drawn to select the Members from the appropriate sector to be absented. In the first instance a member from the combined local government representation (excluding the CE of the local authority) will be chosen by lot. If additional members are required to be absented, the next Member will be chosen by lot from the state agencies. If a third member is required to absent themselves, it will revert to the local government sector, and then the state sector until the required number of abstentions is

Agus na Baill a fhágfaidh an cruinniú á roghnú, chomh fada agus is féidir beidh ionadaithe i láthair mar a leanas:

- Feidhmeannacht na Comhairle
- Comhairleoirí Tofa
- Áisínteachtaí Stáit

Agus, ní bheidh ar Chathaoirleach an LCDC é nó í féin a chur as an áireamh chun tromlach i bhfabhar na hearnála príobháidigh a bhaint amach.

Miontuairiscí agus Rolla Tinreamh

45. Scríobhfaidh an Príomh-Oifigeach na Miontuairiscí do gach cruinniú LCDC agus dáilfear iad ar an gCoiste ar a laghad cúig lá oibre roimh an chéad chruinniú eile den Choiste.

46. Cuimseofar sna miontuairiscí:

- dáta, am agus láthair an chruinnithe
- ainmneacha na mBall a bhí i láthair ag an gCruinniú
- liosta na ndaoine eile a bhí i láthair ag an gCruinniú
- easaontas leasa a cuireadh in iúl don chruinniú agus sonraí na mbearta a tharla dá réir
- sonraí na gcinntí/vótaí a tharla ag an gcruinniú, agus
- aon ghnó eile a mheastar a bheith cuí

47. Nuair a lorgaíonn an Cathaoirleach deimhniú na miontuairiscí féadfaidh aon bhall agóid i gcoinne aon mhír a cheaptar a bheith míchruinn mar thaifead. Le toil na mball a bhí i láthair ag an gcruinniú céanna féadfar na miontuairiscí a athrú dá réir.

48. Ach na miontuairiscí a bheith deimhnithe, leasaithe nó a mhalairt, tabharfar don Chathaoirleach iad lena

achieved.

The Members chosen to be absented from the voting shall avoid as far as practicable the complete absence of representation from the following:

- Council Executive
- Elected Members
- State Agencies

Also, the Chairperson of the LCDC will be excluded from having to absent himself/herself to achieve the weighting balance in favour of the private sector.

Minutes and Record of Attendance

45. Minutes of all LCDC meetings will be drawn up by the Chief Officer and circulated to the Committee not less than 5 working days in advance of the next Committee meeting.

46. The minutes will include:

date, time and place of the meeting

- names of the Members present at the meeting
- a list of other attendees present at the meeting
- conflicts of interest notified to the meeting and particulars of the steps taken

particulars of all decisions/ votes taken at the meeting, and other matters considered appropriate

47. When the Chairperson asks for confirmation of the minutes a member may object to any part of the minutes as not being an accurate record. The minutes may then be altered by the agreement of those members who were present at the appropriate meeting.

48. When confirmed with or without amendment, the minutes of a meeting shall be signed by the Chairperson to whom they shall

ndeimhniú is lena síniú agus is leor a leithéid de shíniú a éileamh chun go nglacfar leo mar fhianaise gan chruthúnas.

49. Déanfar socruithe cuí chun go gcoimeádfaidh an Príomh-Oifigeach ainmnithe na miontuairiscí go sábháilte.

50. Coimeádfaidh an Príomh-Oifigeach rolla tinrimh na gcruinnithe.

Míiompar

51. I dtuairim an Chathaoirligh, má tá nó má bhíonn ball den LCDC míiomprach trí neamhshuim a dhéanamh de rialú an Chathaoirligh, nó trí iompar neamhrialta, míchuí nó déistineach, nó trí chur isteach in aon slí eile ar ghnó an chruinnithe, agus má chuireann an Cathaoirleach a t(h)uairim in iúl do na baill i láthair trín mball atá i gceist a ainmniú, ansin féadfaidh an Cathaoirleach, nó aon bhall eile atá i láthair a mholadh “go bhfágfaidh an ball ainmnithe an cruinniú” agus má thacaítear leis an moladh tógfar an cinneadh gan a thuilleadh plé.

Má chinntíonn an LCDC de réir an chleachtais anso thuas go bhfágfaidh ball an cruinniú, fágfaidh an ball an cruinniú gan chead labhartha ná páirt a ghlacadh sa chruinniú úd ar an lá céanna.

I dtuairim an Chathaoirligh – má bhíonn mí-ord ginearálta a chuireann bac ar ghnó a chur i gcrích go pointeáilte, nó

má chinntítear de bhrí an ailt seo go bhfágfaidh ball an cruinniú agus má dhiúltaíonn sé/sí é sin a dhéanamh

féadfaidh an Cathaoirleach an cruinniú a chur ar athló ar son riail a choimeád.

be submitted for confirmation and minutes claiming to be so signed shall be received in evidence without proof.

49. Appropriate arrangements will be made for safe keeping of the minutes by the nominated Chief Officer.

50. A record of attendance at meetings shall be maintained by the Chief Officer.

Disorderly Conduct

51. 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 – there is general disorder which impedes the orderly transaction of the business, or 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.