



STATUTORY INSTRUMENTS.

**S.I. No. 234 of 2014**

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THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE (SECTION  
128E) REGULATIONS 2014

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by sections 4 and 128E of the Local Government Act 2001, hereby order as follows:

*Citation*

1. These Regulations may be cited as the Local Community Development Committee (Section 128E) Regulations 2014.

2. These Regulations come into operation on 1 June 2014.

*Definitions*

3. (1) In these Regulations—

“the Act” means the Local Government Act, 2001 (No.37 of 2001), as amended by the Local Government Reform Act, 2014 (No.1 of 2014);

“Chairperson”, in relation to a Committee, means the Chairperson for the time being of a Local Community Development Committee;

“Member” means a member, for the time being, of the Committee;

“public sector member”, in relation to a Committee, means a member, for the time being, of the Committee, to which sub-paragraphs (a), (b) or (c) of section 128C(2) of the Act relate;

“private sector member”, in relation to a Committee, means a member, for the time being, of the Committee, to which sub-paragraphs (d), (e) or (f) of section 128C(2) of the Act relate;

*Establishment*

4. (1) The local authority shall adopt a resolution establishing a Local Development Committee or Local Community Development Committees, as the case may be, and shall nominate members of the local authority to such a Committee or Committees, as the case may be, no later than the first meeting of the local authority following the formation of the Corporate Policy Group.

(2) The list of recommended nominees to the Committee, to which section 128C(3)(a) of the Act relates, shall be submitted for resolution of the local authority no later than the first meeting of the local authority following the meeting at which the members of the local authority were nominated to the Committee.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd June, 2014.*

(3) A Committee shall convene its first meeting no later than 30 days following the appointment of the nominees to that Committee in accordance with section 128C(3) of the Act.

*Matters Relating to the Office of the Chief Officer*

5. The chief officer shall not be a member of the Committee, but shall be entitled to attend all Committee meetings, including all meetings of any sub-committees, task-groups or such other groups as the Committee may establish from time to time, or any other meetings attended by a member of the committee, such a member acting in their capacity as a member.

*Membership*

6. The chief officer shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of the Committee.

7. (1) Subject to paragraph (2), the membership of the Committee shall consist of no more than 21 persons.

(2) Where the total number of members of a local authority is 40 or fewer, the membership of the Committee shall consist of no more than 17 persons.

8. (1) The public sector members of a Committee comprising 15 or fewer persons shall include—

- (a) a minimum of 2 members of the local authority,
- (b) a minimum of 2 persons employed by, or seconded to, the local authority, and
- (c) a minimum of 2 persons representing public authorities with responsibility for providing services to or within the administrative area of the Committee.

(2) The public sector members of a Committee comprising more than 15 persons, but no more than 17 persons, shall include—

- (a) a minimum of 3 members of the local authority,
- (b) a minimum of 2 persons employed by, or seconded to, the local authority, and
- (c) a minimum of 2 persons representing public authorities with responsibility for providing services to or within the administrative area of the Committee.

(3) The public sector members of a Committee comprising more than 17 persons shall include—

- (a) a minimum of 5 members of the local authority,

- (b) a minimum of 2 persons employed by, or seconded to, the local authority, and
- (c) a minimum of 2 persons representing public authorities with responsibility for providing services to or within the administrative area of the Committee.

9. (1) The private sector members of a Committee comprising 15 or fewer persons shall include—

- (a) a minimum of 2 persons representing community and voluntary interests within the administrative area of the Committee,
- (b) a minimum of 2 persons representing social inclusion interests within the administrative area of the Committee,
- (c) a minimum of 1 person representing environmental interests within the administrative area of the Committee,
- (d) a maximum of 3 persons representing local development or community development bodies operating within the administrative area of the Committee, subject to a maximum of 1 representative per local development or community development body,
- (e) such number of persons representing local and community interests and social partners as may be considered appropriate by the chief officer in consultation with the Corporate Policy Group.

(2) The private sector members of a Committee comprising more than 15 persons, but no more than 17 persons, shall include—

- (a) a minimum of 2 persons representing community and voluntary interests within the administrative area of the Committee,
- (b) a minimum of 2 persons representing social inclusion interests within the administrative area of the Committee,
- (c) a minimum of 1 person representing environmental interests within the administrative area of the Committee,
- (d) a maximum of 3 persons representing local development or community development bodies operating within the administrative area of the Committee, subject to a maximum of 1 representative per local development or community development body,
- (e) such number of persons representing local and community interests and social partners as may be considered appropriate by the chief officer in consultation with the Corporate Policy Group.

(3) The private sector members of a Committee comprising more than 17 persons, shall include—

- (a) a minimum of 2 persons representing community and voluntary interests within the administrative area of the Committee,
- (b) a minimum of 2 persons representing social inclusion interests within the administrative area of the Committee,
- (c) a minimum of 1 person representing environmental interests within the administrative area of the Committee,
- (d) a maximum of 3 persons representing local development or community development bodies operating within the administrative area of the Committee, subject to a maximum of 1 representative per local development or community development body,
- (e) such number of persons representing local and community interests and social partners as may be considered appropriate by the chief officer in consultation with the Corporate Policy Group.

10. A Committee may be established and act notwithstanding any vacancy or vacancies in its membership, including any vacancy or vacancies arising where nominations sought by the chief officer in respect of any particular sectoral interest or interests have not been made.

11. Subject to regulation 18, the proceedings of the Committee shall not be invalidated by any vacancy or vacancies among its members or any defect in the appointment of the Committee or any member thereof.

12. A member of a local authority who ceases to be such shall also cease to be a member of the Committee where they were nominated to the Committee by virtue of their being a member of the local authority.

13. An official of a local authority who ceases to be so employed shall cease to be a member of the Committee where their membership of the Committee was by virtue of their being such an official.

14. 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 shall cease to be a member of the Committee where their membership of the Committee was by virtue of their being so employed.

15. A member of the Committee representing private sector interests shall cease to be a member where their nominating body withdraws their nomination of that member to the Committee.

16. A member of the Committee shall cease to be such and shall be disqualified from being a member of the Committee where such member—

- (1) on conviction on indictment by a court of competent jurisdiction, is sentenced to a term of imprisonment;
- (2) is convicted of an offence involving fraud or dishonesty, or

(3) is disqualified or restricted from being a director of any company.

*Decisions of a Committee*

17. Each member present at a meeting of the Committee shall have a vote unless prohibited from voting under the terms of these Regulations or any other enactment.

18. (1) At decision making level neither public authorities nor any single interest group shall represent more than 49% of the voting rights of the Committee.

(2) Any vote taken where any single interest group or public authority represent more than 49% of the voting rights on the Committee at that meeting shall be deemed invalid.

19. All acts of the Committee, and all questions coming or arising before the Committee, shall be determined—

(1) by consensus of those members present and eligible to vote, or

(2) where consensus cannot be achieved, by a majority of the votes of the members present and eligible to vote.

20. (1) Procedures should be set out in the standing orders of the Committee to deal with matters of conflict of interest in the carrying out of the Committee's functions.

(2) The standing orders of the Committee may also set out procedures in relation to members of any sub-committees or task-groups established by the Committee, and advisors to the Committee, to govern matters of conflict of interest in the carrying out of the Committee's functions.

*Matters Relating to the position of the Chairperson and Vice-Chairperson*

21. The members of the Committee shall select one of their number to be Chairperson at the first meeting of the Committee.

22. The position of Chairperson of the Committee shall be filled in the following manner—

(1) the proceedings shall begin by a member or members of the Committee being proposed and seconded by other members of the Committee for the position of Chairperson and every person so proposed and seconded, and no other person, shall be considered for the position;

(2) where there is only one person so proposed and seconded, such person shall be deemed to be selected;

(3) where two or more persons are proposed and seconded a poll shall be taken;

(4) if such a poll yields a majority for any one person, that person shall be deemed to be the Chairperson of the Committee;

(5) if such a poll does not yield a majority for any one person, the person receiving the least amount of support shall be excluded from the process and, subject to the provisions of paragraph (4), one or more further polls, as may be necessary, shall be taken;

(6) Paragraphs (4) and (5) shall apply in relation to such further poll or polls;

(7) Where only two persons are proposed and seconded or where, as a result of one or more polls, all those proposed and seconded except two have been eliminated, the question as to which person shall be deemed to be Chairperson shall be put to the members of the Committee present and whichever of such persons receives the majority support of the members on such question shall be deemed to be Chairperson;

(8) If, because of an equality of support, any question arises as to which of such persons is to be eliminated or as to which of such persons shall be the Chairperson, such question shall be decided by the drawing of lots.

23. The Committee shall, immediately following the selection of the Chairperson, select a Vice-Chairperson to the Committee in the same manner as the selection of Chairperson.

24. The Chairperson and Vice-Chairperson shall be appointed for a maximum period of 3 years, whereupon they shall retire as Chairperson or Vice-Chairperson, as the case may be.

25. Without prejudice to the generality of regulation 24, the Chairperson or Vice-Chairperson shall cease to hold office where—

(1) they cease to be, or become disqualified from being, a member of the Committee, or

(2) the Committee, by resolution of not less than two-thirds of its members, rounded to the nearest whole number, determine to terminate their appointment as Chairperson or Vice-Chairperson, as the case may be.

26. The Chairperson or Vice-Chairperson of the Committee may resign their position at any time, such resignation to be notified to the chief officer and taking effect from the date specified therein or upon receipt of the notification by the chief officer, whichever is the later.

27. A former Chairperson of the Committee may not hold that position again for a period of 3 years after their tenure as Chairperson has ended.

28. (1) If present at a meeting of the Committee, the Chairperson shall chair it.

(2) If, and for so long as, the Chairperson is not present, or the position of the chair is vacant, the Vice-Chairperson shall chair the meeting, but shall leave the chair upon the arrival at the meeting of the Chairperson, or, in the case of the filling a casual vacancy in the position of Chairperson, following the selection of Chairperson at that meeting.

*Tenure of Office*

29. The chief officer shall, in consultation with the Corporate Policy Group and the Chairperson, review the membership of the Committee not less than every three years, or upon instruction to do so by the Minister.

30. The chief officer shall, in consultation with the Corporate Policy Group, agree arrangements with the relevant nominating bodies and structures for the rotation of members representing—

- (1) community and voluntary interests;
- (2) social inclusion interests;
- (3) environmental interests; and
- (4) local community interests and social partners.

31. Members of the Committee to whom regulation 30 relates shall serve no more than 2 consecutive 3-year terms.

32. If a member of the Committee dies, resigns, becomes disqualified or for any other reason ceases to be a member of the Committee, the chief officer shall seek to fill the casual vacancy so occasioned in the same manner as governed the appointment of the member of the Committee who occasioned the casual vacancy.

33. A member of the Committee shall cease to be such upon their being requested to resign their membership by the chief officer.

34. (1) A member of the Committee may resign their membership at any time, such resignation to be notified to the chief officer and taking effect from the date specified therein or upon receipt of the notification by the chief officer, whichever is the later.

(2) The chief officer shall notify the Chairperson of the Committee of any resignation received at the earliest practicable date.

35. (1) Nominating bodies may de-select their representative members on the Committee by giving notice in writing to the chief officer and such de-selection shall take effect from the date specified therein or upon receipt of the letter by the Chairperson, whichever is the later.

(2) The chief officer shall notify the Chairperson of the Committee, at the earliest practicable date, of any notice received from nominating bodies de-selecting their representative or representatives on the Committee, as the case may be.



36. Where a member of the Committee is absent from three consecutive meetings without adequate reason, as determined by the Chairperson, the chief officer shall request—

- (1) that member to resign as a member of the Committee, and
- (2) the member's nominating body to provide a replacement nominee to the Committee.

*Standing Orders*

37. The Committee shall adopt standing orders governing the procedures to be followed at its meetings and the performance of its functions generally.

*Scheduling and Notification*

38. (1) The frequency, location and timing of ordinary meetings of the Committee are matters for the determination of the chief officer in consultation with the Chairperson.

(2) In so far as is practicable, these shall be held according to a regular schedule set out in the standing orders of the Committee.

(3) The Committee shall hold such and so many meeting as may be necessary for the performance of its functions.

39. Notification of meetings of the Committee shall—

- (1) be sent or delivered to each Committee member;
- (2) specify the place, date and time of the meeting; and
- (3) give not less than 5 days clear notice of the meeting.

40. Members shall, where practicable, notify the chief officer in good time in the event that they are unable to attend a meeting of the Committee.

41. Without prejudice to the generality of regulation 18, the quorum for the Committee shall be 50% of the membership of the Committee, rounded to the nearest whole number, plus one.

42. Where the chief officer ascertains that it shall not be possible to raise a quorum of the Committee, they shall, in consultation with the Chairperson, notify the members of such and postpone and reschedule the planned meeting.

43. Standing orders shall make provision for the calling of special meetings of the Committee to discuss matters of particular importance to it.

44. Where a special meeting is convened, notice must issue at least 3 days in advance of the meeting containing the time and place of the meeting and specifying the business to be transacted thereat to every member of the Committee.

45. (1) The Chairperson may, on their own initiative, or shall 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, request the chief officer to convene a special meeting of the Committee.

(2) If the Chairperson does not within 7 days convey a request to convene a meeting requested in accordance with paragraph (1), 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.

*Agenda*

46. The agenda and all documentation relevant to the business of the Committee shall be circulated to all members not less than 3 working days in advance of any meeting of the Committee.

*Minutes*

47. The Committee shall approve arrangements in respect of the minutes of the proceedings of meetings, and such arrangements should include provision for—

- (1) recording and drafting of minutes,
- (2) content and format of minutes,
- (3) circulation of minutes to members,
- (4) procedures in respect of the approval of minutes,
- (5) publication of minutes, and
- (6) arrangements for the safekeeping of minutes.

*Record of Attendance at Meetings and Address for Correspondence*

48. Arrangements for recording the attendance of members at a meeting shall be included in the standing orders of the Committee.

*Business of the Committee*

49. A member shall not receive any remuneration for acting as a member of the Committee or as a member of any sub-committee or task-group of the Committee.

50. Travelling and subsistence expenses arising for members representing public authorities with responsibility for providing services to or within the administrative area of the Committee, or for any private sector member of the Committee, shall not be met by the local authority, unless arranged by the chief officer in consultation with the local authority.

51. A person shall not, without the consent of the Committee, disclose any information deemed by the Committee to be of a commercially sensitive or confidential nature obtained by that person while performing, or as a result of having performed, duties as a member of the Committee or any sub-committee

or task-group of the Committee, or as an advisor to the Committee, as the case may be.

*Functions of the Committee*

52. Subject to regulation 56, the chief officer shall support the Committee and such support may include making proposals to the Committee on any matter relating to its functions and activities.

53. In order to facilitate the discharge of the functions of the Committee there may be established such sub-committees and task-groups as may assist and advise the Committee where—

(1) a sub-committee or task-group so established by the Committee may comprise solely of members of the Committee, or of members of the Committee and of persons who are not members of the Committee.

(2) a sub-committee or task-group so established shall act in accordance with any and all directives as may be given it by the Committee;

(3) any expenditure of monies to be incurred by such a sub-committee or task-group shall be subject to the approval in advance of the Committee; and

(4) the Committee may dissolve a sub-committee or task-group established under these Regulations.

54. (1) The Committee may from time to time engage such consultants or advisors as it considers necessary for the performance of its functions.

(2) Any fees due to a consultant or advisor engaged under this Regulation shall be paid by the Committee, as the case may be, out of monies at its disposal, or by the local authority where such expenditure has been approved in advance by the chief officer.

55. Expenditure by the Committee shall not exceed the funds at its disposal.

*Administration of the Committee*

56. The chief officer shall arrange for the provision of such administrative and secretarial support to the Committee as it requires to fulfil its functions under the Act, such support including, but not limited to—

(1) arranging for the establishment of the Committee;

(2) assisting in seeking nominations for membership of the Committee;

(3) arranging for meetings of the Committee to be convened, including such meetings of any sub-committees and task-groups as may be necessary to carry out the work of the Committee;

(4) arranging for the provision of accommodation for the holding of such meetings as specified at paragraph (3) above;

(5) making necessary preparations for Committee meetings, including drafting and circulating agendas and taking, drafting and circulating meeting minutes as required under these Regulations;

(6) maintaining records of all meetings of the Committee, its sub-committees and task-groups, in the manner prescribed in these Regulations;

(7) preparing, generating or circulating documentation to the Committee as required;

(8) providing support to the Committee in the development of the community elements of the Plan including support in—

(a) drafting the Plan;

(b) managing consultation processes, and preparing and publishing reports in respect of such processes;

(c) assisting the Committee in the preparation and submission of a statement on the economic elements of the Plan; and

(d) co-ordinating and supporting generally the work of the Committee in respect of the community elements of the Plan;

(9) assisting the Committee in the preparation and administration of standing orders;

(10) providing support and advice to the Chairperson of the Committee, as required;

(11) managing the rotation of members of the Committee, including the putting in place of arrangements for the rotation of members in accordance with regulation 30 and the filling of vacancies in the membership of committees as may arise from time to time;

(12) managing the review of the membership of the Committee in accordance with regulation 29;

(13) assisting the Committee in the preparation, adoption and submission of its annual report to the local authority, and any other such reports as may be required from time to time;

(14) assisting the Committee in administering and monitoring the resources at its disposal;

(15) ensuring the Committee complies with lawful requests for information concerning its functions in a timely manner; and

(16) generally providing logistical, organisational or support activities to the Committee, as may be required.

*Disorderly Conduct*

57. Procedures for dealing with disorderly conduct by members of a Committee shall be set out in the standing orders of the Committee.



GIVEN under my Official Seal  
29 May 2014.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation.)*

These Regulations provide the instructions to local authorities on the composition, membership and operation of their Local Community Development Committees (LCDCs).

BAILE ÁTHA CLIATH  
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