



# **Adopted Standing Orders**

**Kilkenny**

**Local Community Development Committee**

**11<sup>th</sup> September, 2015.**

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### *Definitions*

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

**Committee** means a Local Community Development Committee;

**LCDC** – Local Community Development Committee

**Functional area of a Committee** means the administrative area of Kilkenny 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

**Plan** means the Local Economic and Community Plan

**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;

### ***Introduction***

The purpose of these standing orders is to ensure the orderly and effective conduct of Kilkenny Local Community Development Committee (LCDC) meetings.

The Standing Orders for the Kilkenny 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.

Whilst the LCDC is an official Committee of Kilkenny 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 Officer*** of the Local Community Development Committee will have responsibility for carrying out, managing and controlling the administration and business of the LCDC.

### ***Ordinary Meetings of the LCDC***

2. In so far as is practicable, the place for holding Meetings of the Committee shall be the offices of Kilkenny County Council and meetings shall normally be held in the Council Chamber, County Hall, John Street, Kilkenny. The Committee may from time to time, by resolution, appoint an alternative location for the holding of its meetings.
3. The LCDC shall meet a minimum of 6 times per annum or more often by agreement and a schedule of meetings shall be agreed at the first meeting of the year.
4. Meetings shall commence at 10.30 am and finish no later than 1pm on the fourth Friday of the month. However, the LCDC may, by resolution, vary the starting time. There will be no Ordinary Meetings held in the month of August.

### ***Summoning of Meeting***

5. Members of the LCDC will be notified via 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.
6. Want of service of a notice of a meeting on any Member or Members shall not affect the validity of the meeting.
7. All available documents associated with the work of the Committee shall be circulated by email at least 5 clear working days in advance of the meeting.
8. A meeting, when arranged, shall not be cancelled, save in exceptional circumstances and with the agreement of the chairperson. When the meeting is cancelled, the date, time and place of the next meeting shall be fixed, with the agreement of the chairperson.

### ***Special Meetings of the LCDC***

9. A Special Meeting of the LCDC members may be convened at any time by the Chairperson or if the office of Chairperson is vacant or the Chairperson is unable to act, by the Vice-Chairperson.
10. 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, (i.e.13) request the Chief Officer to convene a special meeting of the Committee.
11. If the Chairperson does not within 7 days convey a request to convene a meeting requested in accordance with paragraph 10, 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.

12. 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.

### ***Quorum***

13. The quorum for a meeting of the LCDC shall be 50% 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.

### ***Election of Chairperson/Vice Chairperson***

14. The Chairperson will be selected at the first meeting of the LCDC. The Chief Officer will act as Chairperson until a Chairperson is selected.
15. 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. The 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 as Chairperson. There is no limit on the number of consecutive periods that may be served as Vice Chairperson.
16. The Chair shall be taken by the Chairperson at a meeting of the LCDC members within **ten minutes** after the time appointed for such meeting or in his / her absence by the Vice-Chairperson or otherwise by a member called thereto by general agreement of the members present to chair the meeting and such member shall leave the chair on the arrival at the meeting of the Chairperson or Vice-Chairperson

### **Membership of LCDC**

17. Each Member shall serve a three year term serving a minimum three year term in the first instance following the establishment of the LCDC to allow for the rotation of Members.
18. Arrangements for the rotation of Members shall be put in place by the Chief Officer.
19. 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.
20. Local Authority Members/Officers may serve on the LCDC for the lifetime of the Council. Once a member/Officer ceases to be a local authority member/official they will automatically cease to be a member of LCDC.

### **Attendance at LCDC Meetings**

21. Members shall, where practicable, notify the Chief Officer in good time in the event that they are unable to attend a meeting of the LCDC.
22. 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 to seek a new nomination to represent their organisation.
23. If considered appropriate by the LCDC, a non-member may be invited to attend a meeting and speak on a specific agenda item.
24. 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.

25. Alternates for LCDC members are not permitted except in the cases of the Public Participation Network representatives, who may nominate alternate members for their positions on the LCDC. To ensure continuity the alternates must be named in writing at the beginning of each calendar year.
26. Members of the public and the media shall not be permitted to attend meetings of the LCDC.
27. 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 e.g. 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.

#### **Special Committees of LCDC**

28. The LCDC may appoint a Special Committee for a specific purpose. When appointing such a Committee it shall at the same time determine the number and names of members to constitute such Special Committee and shall also fix the quorum which shall not be less than three. The term of office of a Special Committee shall be for such period as the LCDC may determine. See Appendix 1

#### **Participation, Decision Making and Procedures**

29. The Chairperson will endeavour to ensure meaningful, focused and inclusive participation by all LCDC Members in the decision-making process.
30. Matters for discussion at Board Meetings will be related to the functions of the LCDC and listed on the Agenda.
31. The **Order of Business** at all meetings other than Annual Meetings and Special Meetings shall, subject to the provisions of any enactments, be as follows:
  - (i) Confirmation of Minutes.
  - (ii) Consideration of Reports and Recommendations.
  - (iii) Business prescribed by Statute or Standing Orders.
  - (iv) Other business set forth in the Notice convening the meeting.
  - (v) Correspondence
  - (vi) Any other Business.
32. In the case of a meeting convened for a special purpose the business specified in the Notification for such meeting shall be transacted and no other business.
33. At any ordinary meeting of the LCDC it shall be proper, if a majority of the members present and voting so decide, to take an item for consideration out of the sequence of listing on the Agenda, provided always that such decision shall not affect any business required by Statute to be done before any other business at the meeting.

#### **Decisions of a Committee**

34. **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. See **Appendix 2**. In this case, decisions are made by a majority of votes of the members present and eligible to vote. Only matters identified on the agenda as requiring a decision shall, if consensus is not possible, be decided by vote.
35. 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.

36. 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.

#### **Revocation of a LCDC Decision**

37. A proposal to revoke or amend a decision of the LCDC can only be made in writing and cannot be considered within six months of making such decision. At least 10 or more of the total number of members of the LCDC must vote in favour subject to any statutory requirements.

#### **Confirmation of Minutes and Record of Attendance**

38. 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. The minutes of LCDC meetings shall be kept electronically and placed on website.
39. The minutes will include:
  - date, time and place of the meeting
  - names of the Members 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
40. 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.
41. When confirmed with or without amendment, the minutes of a meeting shall be signed by the chairperson to whom they shall be submitted for confirmation and minutes claiming to be so signed shall be received in evidence without proof.
42. Appropriate arrangements will be made for safe keeping of the minutes by the nominated Chief Officer.
43. A record of attendance at meetings shall be maintained by the Chief Officer.

#### **Disorderly Conduct**

44. 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.

**Declaration of Interests**

- 45. Upon appointment each member shall provide the Chief Officer 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.
- 46. Each Member shall 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 anyone connected with the Member, might benefit directly or indirectly from a Member of the LCDC.
- 47. 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.

**Standing Orders**

- 48. Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, may at any time be **suspended** on a motion proposed without notice for the purpose of enabling any specific business defined in the suspension motion to be considered and dealt with by the LCDC members, subject to the requirement that at least **half** of the members present vote in favour.
- 49. These standing orders shall continue in force until altered or amended by a majority vote of the LCDC and shall come into force on the date adopted.
- 50. The interpretation of these Standing Orders shall be a matter solely for the Chief Officer of the LCDC meeting.
- 51. The Chairperson shall have power to deal with any matter not covered by standing orders
- 52. A **special Resolution** may be enacted by the LCDC on any matter not included on the Agenda by not less than two thirds of the members of the Committee, rounded to the nearest whole number, (i.e.13).

\_\_\_\_\_  
The Standing Orders document was approved by the Kilkenny Local Community Development Committee on

\_\_\_\_\_  
(Date)

Signed : \_\_\_\_\_  
Chairperson

## Appendix 1

### Special Committees

- 1) Every Special Committee at its first meeting shall appoint a Chairperson from its members and, where practical, fix the day and the hour of future meetings.
- 2) Whenever a vacancy occurs in the membership of any Special Committee of the LCDC , by reason of the death, resignation or disqualification of a member, such vacancy shall be filled as soon as circumstances permit, by the LCDC members after due notice.
- 3) Every Special Committee in the whole of its proceedings shall be governed by the Standing Orders or Resolutions of the LCDC.
- 4) A copy of every Report of a Special Committee shall be submitted to the LCDC members at least three days before meetings of the LCDC, save in cases of urgency when reading of the Report to the LCDC members shall suffice.
- 5) The Chief Officer shall summon a meeting of any Special Committee at the request of the Chairperson of the Committee, or whenever the Chief Officer deems it necessary in special circumstances that such Special Committee shall meet.
- 6) The Chairperson of the LCDC shall be ex-officio a member of every Committee except those where membership is fixed by Statute.
- 7) In the absence of the Chairperson of a Committee, the Chair shall be taken by any member of the Special Committee agreed at the meeting.
- 8) The Chair of each Committee shall be responsible to LCDC for the general management of the business entrusted to such Committee.
- 9) The decisions of the Committees shall not become binding, except where otherwise provided in the Standing Orders, until approved by the LCDC members, unless the members specifically empowers the Special Committees to deal (without further reference to it) with certain matters, subject to the appropriate legal provisions.



## Appendix 2

### Decision Making Process

1. 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.
2. If the members are divided on a recommendation/decision item, the Chief Officer 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.
3. 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.
4. The Chair and all members of the committee should encourage active participation by all committee members in discussions and decision-making.
5. 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.
6. Members with a conflict of interest are prohibited from participating in deliberations and other decisions related to the conflict of interest.
7. 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.
8. A quorum must be in place for a decision to be voted upon i.e. 11 persons. The quorum number of 11 will only be valid where there is a minimum of 5 public sector representatives and 6 private sector representatives.
  - Where the numbers present for a decision exceeds the quorum, a minimum of 5 public sector representatives must be present for the voting decision to be valid
  - Where the numbers present for a decision exceeds the quorum, there shall be a step down procedure for the public sector representatives where they exceed the private sector representatives to ensure there is always a minimum of one more private sector representative than public sector representative.
  - There will be no step down procedure for the private sector representatives even where they exceed the public sector by more than 1 provided the minimum of 5 public sector representatives are present.
9. 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 19 members board a minimum of 11 members must be present and participate in a decision with 5 from the public sector and 6 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 will invite public 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 in the order outlined in A below. In the case, where a member from the 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