

COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

DREACHT- SCÉIM na gCOISTÍ
um BEARTAIS
STRAITÉISEACHA
DRAFT STRATEGIC POLICY
COMMITTEE SCHEME

DRAFT

The role of the Strategic Policy Committees

The statutory basis for Strategic Policy Committees (SPCs) is set out in Section 48 of the Local Government Act 2001, as amended by Section 41 of the Local Government Reform Act 2014.

The role of the Strategic Policy Committees is to “*consider matters connected with the formulation, development, monitoring and review of policy, which relate to the function of the local authority and the advise the authority on these matters.*”

Kerry County Council, and all local authorities in Ireland have established SPCs which bring together both elected members, and people actively working with social, economic, cultural and environmental bodies to develop and review policies related to council services.

The SPCs provide elected members with external views as they discharge their strategic role in the development of the local authority, including their policy development and oversight roles within the local authority. The SPC system provides them with a better focus and enhanced capacity for involvement in policy formulation, review and evaluation, with inbuilt assistance of relevant sectoral interests and the support of a Director of Services.

SPCs prepare the groundwork for policies which are then decided on by the local authority, including as appropriate at municipal district level. Accordingly, local sectoral interests, including the trade union, farming, environmental and community/voluntary sectors, along with the business community, are members of the SPCs, along with the Elected Members.

Section 48(1A) of the 2001 Act requires that at least one of the SPCs that is established shall be to consider matters which relate to the functions of the local authority in relation to economic development and enterprise support. Accordingly, each local authority shall form an SPC entitled the “SPC for Economic Development and Enterprise”.

The functions of this SPC are to include the preparation of the economic elements of the Local Economic and Community Plan (LECP), the implementation and review of the economic elements of the LECP and the oversight by the elected members of the operation of the Local Enterprise Office (LEO).

SPCs assist Kerry County Council in the formulation, development, monitoring and review of policy. This means that SPCs should be involved at the earliest stages in the policy making cycle, from the initiation and development of policies to address local challenges or opportunities, to the monitoring and evaluation of the implementation of those policies.

- **Policy formulation** – The process by which policy alternatives to address particular local challenges or opportunities are identified and narrowed down.
- **Policy development** – The process by which a particular policy is to be most effectively implemented: by whom, using what financial and other resources, within what timeframe, with what measurable anticipated outcomes or results, etc.

- **Monitoring and review of policy** during and after a policy is implemented to evaluate whether the policy objectives are being achieved and the outcome of the policy approach taken.

The Corporate Policy Group

The statutory basis for Corporate Policy Groups (CPGs) is set out in section 133 of the Local Government Act 2001, as amended by Section 48 of the 2014 Act.

This provides that the CPG may:

- (a) “advise and assist the elected council in the formulation, development, monitoring and review of policy for the local authority and for that purpose propose arrangements for the consideration of policy matters and the organisation of related business by the elected council”

and

- (b) “make proposals for the allocation of business as between strategic policy committees and for the general coordination of such businesses”.

The role of the CPG is strategic and it links and co-ordinates the work of the different SPCs. Membership of the CPG consists of the Cathaoirleach of Kerry County Council, the Chairs of the Strategic Policy Committees and where a Municipal District is not represented either by the Cathaoirleach or a Chair of an SPC, by a representative nominated by the Members of that Municipal District.

The CPG, like an SPC, is a committee of the council. Its task is to advise and assist the council, with full decision-making authority remaining with the council. Acting as a link between the SPCs and the full council, the CPG plays an active role in the following areas:

- It plays a key role in preparing the draft budget;
- Provides input to full council on any matter of general concern to the council either on its own initiative or following a request from the council;
- Determines responsibility for discharge of reserved functions as between the municipal district level (or a specific municipal district) and the local authority, where a question of consistency or avoidance of unnecessary duplication is referred to it by the Chief Executive;
- Monitors the overall performance of a local authority, including in relation to matters of governance and oversight, in particular through consideration of reports of the Audit Committee, Local Government Auditor and National Oversight and Audit Commission (NOAC), and in accordance with the Local Government Code of Governance;

- Deals with overall issues in relation to service delivery plans, customer service, value for money, etc., (individual SPCs would deal with such issues in their work insofar as their particular service remit was concerned);
- Approves the work programmes of the SPCs and monitor their achievement;
- Co-ordinates the work of the SPCs;
- Requests SPCs to consider particular policy issues; where appropriate; and
- Provides feedback to the SPCs on council policy and views in areas relevant to the SPCs.

The Cathaoirleach reports to the full Council on the work of the CPG, and also on the work (including proposals) of the SPCs on a quarterly basis (although this may be more frequent depending on circumstances). The Chairs of each SPC report back to their Committees similarly, as do the representatives of each municipal district to their fellow municipal district members.

Framework Configuration for Strategic Policy Committees

Kerry County Council will establish five Strategic Policy Committees which will cover the range of services provided by the Council. The five SPCs, including the main policy areas covered, are as follows:

1. Economic Development, Enterprise, Tourism and Community SPC

- Business Support (LEO)
- Economic Planning
- Tourism
- Urban & Rural Regeneration
- Recreation Policy
- Climate Action

2. Roads & Transportation SPC

- Transport Policy
- Road Safety
- Active Travel & Public Realm
- Climate Action

3. Environment, Climate Action, Marine and Emergency Planning SPC

- Planning and Sustainable Development
- Climate Policy
- Biodiversity
- Environment
- Emergency Planning
- Water Quality
- Energy
- Marine

4. Housing SPC

- Housing
- Climate Action

5. Culture, Heritage and the Gaeltacht SPC

- Culture
- Heritage
- Arts
- Library
- Archives
- Irish language
- Gaeltacht Areas
- Commemorative Events
- Climate Action

Climate

Guidance from the Department of Housing, Local Government & Heritage states that each SPC is required to consider climate action and climate impacts as part of any and all

policies that form part of its work programme. As a result, an SPC dealing specifically with climate action and climate impacts is not recommended.

In addition, there is a requirement on each SPC to have regard to the Regional, Spatial and Economic Strategies (RSES) prepared by the Regional Assembly.

Other factors to be taken into account in determining the overall framework of SPCs for Kerry County Council includes:

- The total number of elected members on the council;
- The range of sectoral and other interests to be represented, including facilitating a reasonable spread of interests;
- The desirability of allowing adequate opportunity for participation by councillors and sectoral interests;
- The organisational arrangement of service groupings within the authority and the remit envisaged for each SPC;
- The need to ensure that the organisational and financial resources of the particular local authority are not over-stretched; and
- Integration with other meeting requirements and committee structures and ensuring streamlined procedures generally.

Regard must also be had to the Local Community Development Committee (LCDC), including its membership and remit.

SPC Work Programme

Following the approval of the SPC Scheme, and the membership of each SPC finalised, each SPC is required to adopt a multi-annual work programme, which is linked to Kerry County Council's Corporate Plan and the objectives included within. The SPC Members should be fully involved in the process of drawing up the work programme.

Once a suitable draft work programme has been prepared for an SPC, it should be circulated to the SPC membership for their observations, comments and feedback. At least 4 weeks shall be allowed for the SPC Members to return responses on the draft work programme. Having considered any responses from SPC members, the work programme should be finalised and submitted to the CPG.

The role of the CPG is to approve the work programmes of the SPCs and they may, as appropriate, recommend issues to be considered by the SPCs. A review of SPC work programmes should be carried out by the CPG in the third year of the Council term.

Representation on Strategic Policy Committees

The membership of Strategic Policy Committees will comprise of Elected Members and representatives from sectoral groups in County Kerry. These sectoral representatives will bring the knowledge and expertise of people working with social, economic, cultural and Environmental Bodies throughout the county into the operation and strategy of Kerry County Council.

Approaches to stimulate greater citizen engagement should complement rather than diminish, compete with, or substitute for local representative democracy and the primary responsibility and accountability for decision-making within the local authority will remain with the elected council. However, decisions by local authorities will be informed and strengthened by more effective community/citizen engagement and increased public participation in local government. The following factors are requirements in determining sectoral representation on the Strategic Policy Committees.

- The need to foster economic and social development generally;
- A stated commitment to working towards gender balance and to encouraging as full as possible gender balance in representation from the sectors;
- The need to ensure a pro-active approach to having as many relevant sectors as possible across the SPC system;
- The need for balance between divergent interests;
- The need for a comprehensive audit of groups within the local authority area to facilitate the fullest possible consultation with each sector;
- The priority concerns of each sector and the appropriateness of the SPCs to these concerns;
- The relationship between the number of SPCs and the range of interests which can be represented;
- A commitment to the fostering of social inclusiveness and equality;
- A commitment to have a pro-active information strategy to inform the public on the renewal of local government;
- The desirability of facilitating relevant organisations to be part of the nominating constituencies.

Sectoral Representation

The sectors which will be represented on the Strategic Policy Committees are:

- Agriculture / Farming
- Environmental / Conservation
- Development / Construction
- Business / Commercial
- Trade Union
- Community / Voluntary
- Social Inclusion
- Tourism
- Marine
- Approved Housing Bodies
- Údarás na Gaeltacht

The sectors will be represented on the Strategic Policy Committees as follows:

Economic Development, Enterprise, Tourism and Community SPC

- Community / Voluntary
- Trade Union
- Business / Commercial
- Tourism
- Údarás na Gaeltachta
- Development / Construction

Roads, & Transportation SPC

- Agriculture / Farming
- Business / Commercial
- Community / Voluntary
- Environment / Conservation

Environment, Climate Action, Marine and Emergency Planning SPC

- Environmental / Conservation
- Business / Commercial
- Agriculture / Farming
- Social Inclusion
- Marine

Housing SPC

- Community / Voluntary
- Development / Construction
- Approved Housing Bodies
- Social Inclusion

Culture, Heritage and the Gaeltacht SPC

- Environment / Conservation
- Agriculture / Farming
- Community / Voluntary - The Gaeltacht
- Social Inclusion

Membership of Strategic Policy Committees

Name	KCC Elected Members	Sectoral Interests	Total
Economic Development, Enterprise, Tourism and Community SPC	7	6	13
Roads & Transportation SPC	6	5	11
Environment, Climate Action, Marine and Emergency Planning SPC	6	4	10
Housing SPC	6	4	10
Culture, Heritage and the Gaeltacht SPC	5	4	9
Total	30	23	53

Selection of Councillors

Elected Members who have been nominated as representatives on the Local Community Development Committee (LCDC) will not serve as representatives on the SPCs, with the exception of the one member of the LCDC, who will be nominated as a representative on the Economic Development, Enterprise, Tourism & Community SPC, thereby establishing linkages between the two economic development policy committees of Kerry County Council.

- Elected Members may not be nominated to represent sectoral interests.
- A person ceasing to be an Elected Member will automatically cease membership of the Strategic Policy Committee.
- Elected Members, as a matter of equity and good practice should be given the opportunity to serve on more than one SPC during a Council term. Accordingly, in the third year of the electoral cycle, SPC membership can be reviewed to give Elected Member an opportunity to seek the Membership of another SPC. Members will not be permitted to sit on more than one SPC.

Selection of Sectoral Representatives

Following the adoption of the Strategic Policy Committees for County Kerry, the sectors will be requested to make nominations to the Strategic Policy Committees. The nomination process for the agricultural / farming sector will be facilitated by the farming and agricultural organisations pillar, the business / commercial and development / construction sectors will be facilitated by the business and employers organisations pillar. The trade union sector will be facilitated by the trade union pillar.

Nominations in relation to the Approved Housing Bodies will be sought from the Approved Housing Bodies Local Forum for Kerry. Nominations in relation to the Marine sector will be sought from the Department of the Marine. Nominations will also be sought in respect of the Tourism sector. Údarás na Gaeltachta will also be requested to nominate a member to represent that organisation.

The environmental / conservation sector will be facilitated by the environmental pillar and the associated Environmental College under the Public Participation Network arrangements. To join the Environment Electoral College under the Public Participation Network, an organisation's primary objectives and activities must be environmental (i.e. ecological) protection and/or environmental sustainability. Membership of this Electoral College will be validated by the environmental pillar at a national level. The environmental / conservation, community / voluntary, the Gaeltacht and social inclusion sectors will be determined on the basis of the local nomination process through the Public Participation Network.

Principles for the Selection of Sectoral Representatives

There exists a wide range of interests throughout County Kerry and the involvement of such groups in the Strategic Policy Committee structure will foster a higher degree of community relevance and local participation. The following principles will be used in the selection of Groups and Associations for a particular sector:

1. Groups/Associations must be active within the area of the Local Authority and have a countywide impact or at a minimum, relevance in a locality or a number of localities in the area.
2. Groups/Associations must be open to new members, hold Annual General Meetings and regular meetings and must be broadly representative and accountable.
3. Single interest groups may be considered e.g. groups focused on the disabled or elderly. Groups formed around specific local issues will not be considered for inclusion.
4. Nominations from the Community/Voluntary Sector will only be considered by groups registered on the Kerry Public Participation Network Register in accordance with the rules of the Register.
5. Local Development Agencies will be represented on the Local Community Development Committee and accordingly, will not be represented on the Strategic Policy Committees. Clear communication between Strategic Policy Committees and Local Development Agencies will be facilitated in order to keep both informed of their respective movements/activities.

Each sector will select its own nominees. A nomination of a sectoral representative is the sole responsibility of each particular sector. However, Kerry County Council may recommend that such nominees have broad knowledge of a particular nature. Each sector will be asked to nominate the appropriate number of representatives as set out in the adopted scheme of the Strategic Policy Committees.

Kerry County Council will, as far as possible, facilitate the process of nomination, through the provision of facilitators and other resources as necessary. The final decision in relation to the preferences for the Strategic Policy Committees will rest with Kerry County Council, having regard to the degree of interest and the number of Strategic Policy Committee spaces available. The confirmation of the sectoral representatives is a reserved function for the Elected Members of Kerry County Council.

Membership of Strategic Policy Committees

The Chairs of the Strategic Policy Committees will be appointed by the Full Council from among the Council appointees to the Strategic Policy Committees. The Strategic Policy Committee Chair will hold office for a minimum of three years.

It is desirable that sectoral nominees would retain membership for the life of the Strategic Policy Committees which will be for the life of the Council. Each nominating sector will have the right to deselect its nominee and to notify the Council accordingly whereupon the person will cease to be a member. In such cases, the relevant sector will nominate a new representative. Casual vacancies will, likewise, be filled by the relevant sector.

Strategic Policy Committee Councillor membership will reflect the proportionality and the distribution of elected representation on the full Council.

The allocation of Strategic Policy Committee Chairs will also reflect equitably the spread of elected representation on the Council. Where the agreement of the Council on the selection of the Strategic Policy Committee Chairs is not possible, the Group of Strategic Policy Committee Chairs to be appointed will be treated, for appointment purposes, as if it has constituted a separate Committee in accordance with Section 51 of the Local Government Act 2001 (as amended).

Timescale

Following the adoption by Kerry County Council of the Strategic Policy Committee Scheme nominations will be sought from the National Pillar contacts in respect of Business, Trade Unions, Farming and other relevant interests.

The exact mechanism for selecting nominees will be a matter for the National Pillars. The selected members should, however, be representative of local organisations active in County Kerry.

Nominations from the Community/Voluntary Social Inclusion, Culture/Heritage and Environmental / Conservation Sectors will be obtained through the Public Participation Network.

Lobbying Act 2015 – Transparency Code

The Regulation of Lobbying Act 2015 (the Act) is designed to provide information to the public regarding who is lobbying whom about what. Individuals and organisations who participate in Strategic Policy Committees established by local authorities may have obligations under the Act.

A critical element of public policy formulation by the Strategic Policy Committees is the availability to the local authorities of expertise, skills and knowledge from persons outside of the public service. Where membership of the Committee comprises of at least one person who, for the purposes of the Act is a Designated Public Official, it may be the case that communications within the group could be considered lobbying communications. The person making these communications may be required to register as a lobbyist and to submit a return of this communication to the Lobbying Register.

However, the Act provides for an exception from the requirement to register in such cases once specified transparency criteria have been put in place. A transparency code was published by the Minister for Finance and Public Expenditure and Reform to address this situation. Communications between members of Strategic Policy Committee about the work of the Committee would be exempt where the group in question complies with the Transparency Code.

Miscellaneous

Each Strategic Policy Committee will regulate its own business and proceedings including the fixing of dates and times for meetings and will at its first meeting agree the manner in which its business and proceedings would be conducted having regard to the guidelines and directions currently available.

Standing Orders

Kerry County Council will adopt a set of standing orders for SPC meetings, to help ensure that SPC members have a clear understanding of procedures and give necessary detail to clarify to members the workings of the SPC and SPC meeting procedure.