

**AN COMHCHOISTE UM CHOMHSHAOL, CULTÚR AGUS
GAELTACHT**

31Ú DÁIL ÉIREANN / 24Ú SEANAD ÉIREANN

**TUARASCÁIL AN CHOMHCHOISTE MAIDIR LE SCÉIM
GHINEARÁLTA AN BHILLE UM ÚDARÁS FORBARTHA
DUGTHAILTE ÁTHA CLIATH (DÍSCAOILEADH) 2014**

Deireadh Fómhair 2014

**JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE
GAELTACHT**

31ST DÁIL ÉIREANN / 24TH SEANAD ÉIREANN

**REPORT OF THE JOINT COMMITTEE ON THE GENERAL
SCHEME OF THE DUBLIN DOCKLANDS DEVELOPMENT
AUTHORITY (DISSOLUTION) BILL 2014**

OCTOBER 2014

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1. RÉAMHRA / PREFACE

Limistéar stairiúil agus ceantar dílis de chuid Chathair Bhaile Átha Cliath is ea Limistéar Dugthailte Bhaile Átha Cliath. Tá cónaí sa cheantar ar phobal áitiúil bríomhar le blianta fada agus is ann a lonnaíodh tionscadail éagsúla, lena n-áirítear muilleoireacht plúir, monarú gloine, an loingseoireacht agus táirgeadh teicstílí. Tá stair fhada agus éagsúil ag baint leis an áit a chonaic tréimhsí ard-fhostaíochta agus tréimhsí nuair a tháinig meath ar an eacnamaíocht, le leibhéil ísle fostaíochta agus muintir na háite ag fágáil an cheantair le cur fúthu in áiteanna eile.

I gcaitheamh na mblianta, rinneadh iarrachtaí dul i ngleic leis na fadhbanna seo agus stop a chur leis an meath. Ar cheann de na hiarrachtaí is déanaí bhí bunú Údarás Forbartha Dugthailte Bhaile Átha Cliath in 1997. Ó shin i leith, rinne an tÚdarás an-obair don cheantar ach bhí roinnt deacrachtaí freisin maidir leis an gcaoi a raibh sé ag feidhmiú agus is mar gheall ar na deacrachtaí sin a chinn an Rialtas ar é a dhíscaoileadh agus a chuid feidhmeanna a aistriú go Comhairle Cathrach Bhaile Átha Cliath. Is iad príomhchuspóirí an athraithe seo ná an áit a choinneáil mar phríomh-láthair le haghaidh infheistíochta agus le haghaidh forbairt ar ard-luach, nósanna imeachta pleanála cuí a chur ar fáil, ról an phobail áitiúil agus na hearnála gnó áitiúil a chothabháil agus cruthú post a éascú.

Tá bhreithniú déanta ag an gComhchoiste um Chomhshaol, Cultúr agus Gaeltacht ar Scéim Ghinearálta an Bhille trína mbeartaíonn an tAire Comhshaoil, Pobail agus Rialtais Áitiúil na haidhmeanna sin a bhaint amach agus chuaigh an Coiste i gcomhairle le réimse leathan páirtithe leasmhara maidir leis an ábhar.

Tá 16 mholadh ar fad sa Tuarascáil agus tá súil againn go ndéanfaidh an tAire iad a bhreithniú. Tá súil againn go gcuimseoidh sé oiread de na moltaí sin agus is féidir sna pleananna a bheidh aige don cheantar agus más cuí, go gcuirfidh sé na forálacha riachtanacha san áireamh sa Bhille um Údarás Forbartha Dugthailte Bhaile Átha Cliath (Díscaoileadh), 2014 agus in aon Bhille eile de réir mar is gá.

Ós rud é gurb é an pobal féin an ghné is dílse agus is tábhachtaí maidir le forbairt agus cosaint aon cheantair agus ós rud é go bhfuil freagracht ar leith ar an gCoiste seo maidir le cúrsaí 'Pobail', ba mhaith liom aird ar leith a tharraingt ar mholtaí an Choiste i leith an Phobail.

Tagraíonn Moladh 2 do struchtúir na rannpháirtíochta trasphobail agus don ról atá ag ionadaithe an phobail agus i Moladh 4 iarrtar go ndéanfaí leasanna an phobail a chur chun cinn. Ina theannta sin, i Moladh 7 déantar éileamh ar 'ionad ilfhreastail' a bhunú chun éascaíocht a dhéanamh don phobal cónaithe agus don lucht gnó araon.

The Dublin Docklands area is an historic and integral part of the city of Dublin. It is an area that has been home to a vibrant local community for many years and the location of various industries including flour milling, glass manufacturing, shipping and textiles. It has had a long and varied history from times of high employment to times of economic decline, low employment and residents leaving the area to live elsewhere.

Over the years, a number of initiatives have sought to tackle these problems and to reverse the decline, the most recent being the establishment of the Dublin Docklands Development Authority in 1997. Since then, the Authority has served the area well but there have also been a number of difficulties in its functioning and it is for this latter reason that the Government has decided to dissolve it and to transfer its functions to Dublin City Council. The main objectives of this change are to maintain the area as a prime location for investment and high-value development, to provide appropriate planning procedures, to maintain the involvement of the local community and local business sector and to facilitate job creation.

The Joint Committee on Environment, Culture and the Gaeltacht has considered the General Scheme of the Bill through which the Minister for Environment, Community and Local Government intends to achieve these aims and it has consulted with a wide range of stakeholders concerning it.

This report includes 16 recommendations which we hope the Minister will consider. We hope he will include as many of these as possible in his plans for the area and that where appropriate, he will include the necessary provisions in the Dublin Docklands Development Authority (Dissolution) Bill 2014 and any other Bill as necessary.

As the community itself is the integral and most important element in the development and protection of any area and as 'Community' is a particular remit of the Committee, I wish to draw particular attention to the Committee's recommendations concerning the Community.

Recommendation 2 refers to cross-community engagement structures and the role of community representatives while Recommendation 4 calls for the promotion of community interests. In addition Recommendation 7 calls for the operation of a 'one-stop-shop' to facilitate the resident and business community.

Tá éileamh i Moladh 5 ar ionadaíocht a thabhairt do chuideachtaí oiriúnacha ar Fhóram Comhairleach na nDugthailte agus ar shealaíocht a chur i bhfeidhm ar an ionadaíocht seo le himeacht aimsire. Éilítear i Moladh 8 go ndéanfaí 7 mball a ainmniú don Fhóram agus go dtiocfadh na baill seo ó na ceantair seo a leanas: Cé na Cathrach, an Port Thoir, Baile na nGael, an Port Thuaidh, Sráid an Phiarsaigh, an Rinn agus Sráid an tSirriam / Plás Seville. Iarrtar i Moladh 9 go mbeadh cruinnithe rialta ag an bhFóram lena chinntiú, dá réir, go mbeidh leibhéal ard rannphairtíochta san Fhóram ar thaobh an phobail.

Tá an-tábhacht ag baint le fostaíocht áitiúil i bpobal atá bríomhar agus beo agus mar gheall air seo éilítear i Moladh 12 gur ón daonra áitiúil a thiocfaidh ar a laghad 20% den fhórsa oibre a fhostófar in aon fhorbairtí sa cheantar amach anseo. Iarrtar i Moladh 14 breithniú a dhéanamh ar ghealltanais gur tithíocht shóisialta sciar 20% den soláthar tithíochta a chuirfear ar fáil feasta sa cheantar agus baineann Moladh 15 leis an bhfreagracht i leith tithíocht shóisialta a cheannach agus le leasanna an phobail a mhaoiniú.

Ba mhaith liom buíochas a ghabháil leis na daoine agus leis na heagraíochtaí go léir a chuir go mór leis an mbreithniú a rinne muid ar an ábhar seo agus gan an rannpháirteachas uathu ní fhéadfaí tuarascáil chomh cuimsitheach agus éifeachtach a chur le chéile. Ba mhaith liom buíochas a ghabháil leis na páirtithe leasmhara éagsúla as a rannphairtíocht agus a gcomhoibriú, agus as na moltaí a rinne siad. Chuir an Coiste cuid mhór de na moltaí sin san áireamh sa tuarascáil seo.

Is mian liom buíochas a ghabháil le baill an Choiste as an obair a rinne siad agus an tuarascáil seo á hullmhú, le foireann Rúnaíochta na gCoistí agus le Seirbhís Leabharlainne agus Taighde an Oireachtais as an gcomhairle a tugadh don Choiste agus as cuidiú leis an dréacht-tuarascáil a chur le chéile.

Mar fhocal scoir, jarraim ar an Aire Comhshaoil, Pobail agus Rialtais Áitiúil scrúdú a dhéanamh ar an tuarascáil agus, go háirithe, ar na 16 mholadh atá curtha i láthair ag an gCoiste. Tá mé féin agus an Coiste ag súil le bheith i dteagmháil leis an Aire maidir leis an ábhar seo sar i bhfad.



Michael Mc Carthy TD
Cathaoirleach
22/10/2014

Recommendation 5 calls for representation of suitable bodies on the Docklands Consultative Forum and for variation in this representation over time. Recommendation 8 calls for 7 members to be nominated to the Forum and for these to come from the City Quay, East Wall, Irishtown, North Wall, Pearse Street, Ringsend, and Sheriff Street / Seville Place areas. Recommendation 9 calls for the Forum to meet regularly thereby ensuring a high level of community involvement.

Local employment is essential in a vibrant and living community and in this regard Recommendation 12 calls for future developments in the area to employ at least 20% of the workforce from the local population. Recommendation 14 asks for consideration of a commitment to a 20% provision of social housing in the area and recommendation 15 relates to responsibility for purchasing social housing and the funding for community interests.

I would like to thank all the individuals and organisations who contributed to our consideration of this subject and without whose input it would not have been possible to produce such a comprehensive and effective report. I would like to thank the various stakeholders for their participation, cooperation and suggestions, many of which the Committee has included in this report.

I wish to thank the members of the Committee for their work in preparing this report and the staff of the Committee Secretariat and the Oireachtas Library Research Service for their advice to the Committee and their assistance in compiling the draft report.

To conclude, I call on the Minister for Environment, Community and Local Government to study this report and in particular the 16 recommendations the Committee has put forward. I and the Committee look forward to engaging with the Minister on this subject in the near future.

2. INTRODUCTION

On 13 March 2014, Mr Phil Hogan TD, Minister for Environment, Community and Local Government (the Minister) requested the Joint Committee on Environment, Culture and the Gaeltacht (**the Joint Committee**) to engage in pre-legislative scrutiny of the General Scheme of the Dublin Docklands Development Authority (Dissolution) Bill 2014 (**the Bill**). The Joint Committee agreed to this request on 8 April 2014. The Joint Committee invited and met with the following organisations which assisted it in its consideration:-

13 May 2014 Docklands Business Forum, Dublin City Council (**the City Council**), Dublin Docklands Development Authority and Dublin Port Company;

10 June 2014 Dublin City Community Forum, Dublin Docklands Community Liaison Committee, Inner City Renewal Group, and Saint Andrew's Resource Centre;

Department of Environment, Community and Local Government (**the Department**),

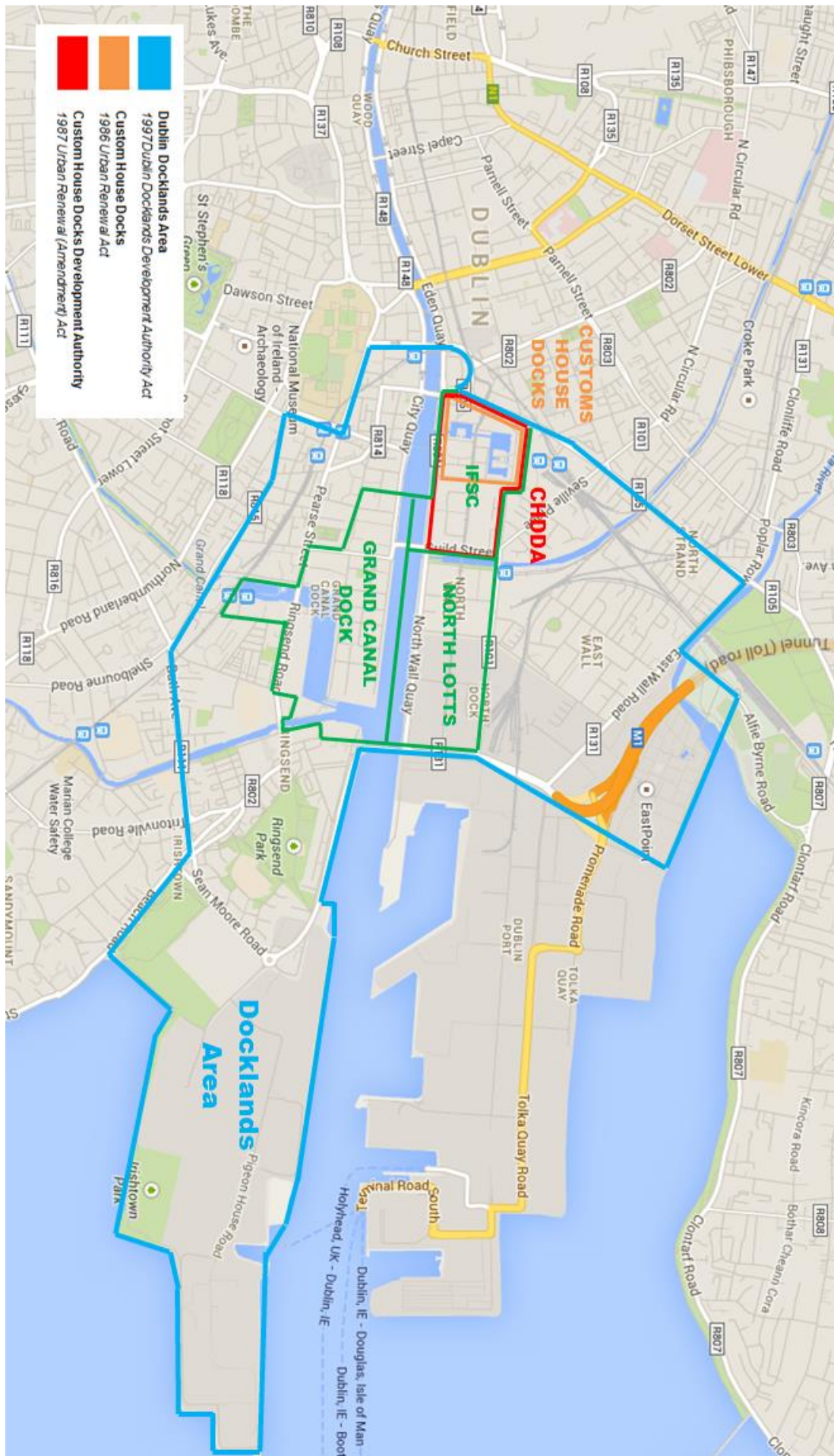
The Joint Committee also invited the Ringsend Community Services Forum to address it on this issue on 10 June 2014 but that organisation was unable to attend that meeting.

The Bill, if enacted, will:-

- (1) Provide the necessary legal arrangements for all aspects of the dissolution of the Dublin Docklands Development Authority (**the Authority**);
- (2) Ensure continued local community and business sector involvement in the regeneration of the Docklands, through the Docklands Consultative Forum (**the Forum**);
- (3) Provide for the transfer of certain responsibilities, rights and liabilities to the City Council;
- (4) Provide certainty in the planning and development framework in the Docklands area.

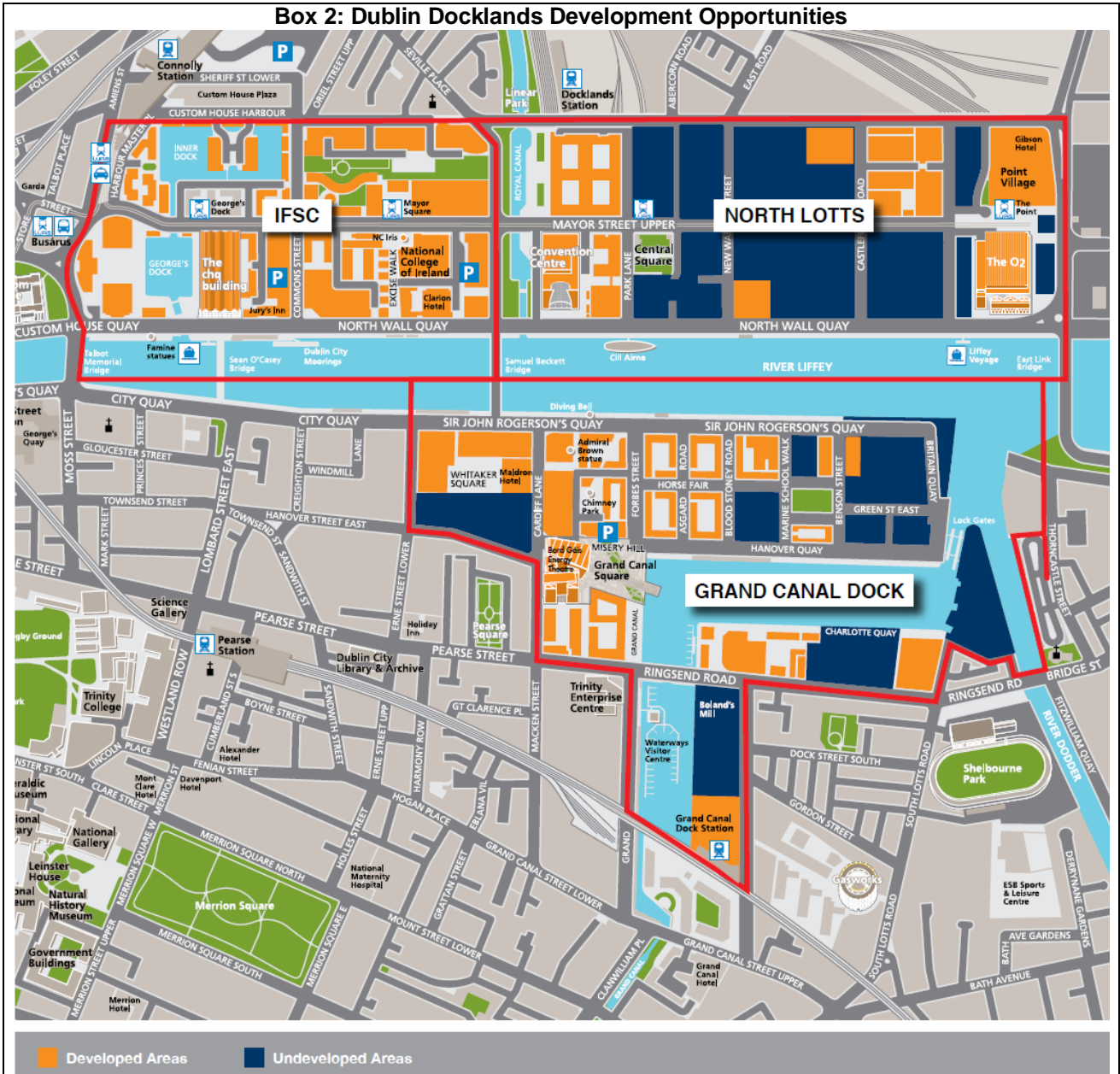
While the Government intends to abolish the Authority it is committed to the continuing regeneration of the Docklands area. Accordingly, the new structures will maintain the area as an attractive and prime location for investment and high value development and will provide appropriate fast-track planning procedures to facilitate this. The continuing involvement of the local community and business sector in the Docklands area and in job creation in the area will be facilitated.

Box 1: Map of Docklands and Custom House Development Areas as defined in Legislation



Source: Produced by Oireachtas Library and Research Service based on 1986, 1987 and 1997 Acts

Box 2: Dublin Docklands Development Opportunities



Source: Dublin Docklands Development Authority (2012). Dublin Docklands – Development Opportunities in Planning Scheme Areas. April 2012. Available at http://www.ddda.ie/files/homepage/images/20120402035324_Docklands%20Potential%20Brochure%20W.pdf

Box 3: Timeline for Dissolution of Dublin Docklands Development Authority

Date	Detail
24 February 2012	The Comptroller and Auditor General (C&AG) published a Special Report on the Authority.
	The Government announced its intention to dissolve the Authority over a transitional period not exceeding 18-months.
31 May 2012	The Minister requested the City Council to prepare a Strategic Development Zone under Section 34 of the Planning and Development Act 2000. <u>Planning and Development Act 2000</u>
June 2012	A new Council and Executive Board were appointed to oversee the transition.
18 December 2012	The Minister announced the designation of 66 hectares, of the overall 520 hectares in the Docklands area, at North Lotts and Grand Canal Dock, as a Strategic Development Zone. This designation replaced two respective section 25 planning schemes at North Lotts and Grand Canal Dock. The Planning and Development Act 2000 allowed for the designation of a Special Development Zone 'where, in the opinion of the Government, specified development is of economic or social importance to the State'. Approximately 22 hectares of the 66 hectares are development sites.
	The Minister specified the City Council as the relevant development agency under the <u>Planning and Development Act 2000 (Designation of Strategic Development Zone: North Lotts and Grand Canal Dock) Order 2012</u> in accordance with Section 166 (3) of the Planning and Development Act 2000.
18 December 2012	The City Council commenced public consultation on the scheme, seeking submissions and observations by 10 May 2013.
25 March 2013	The City Council published a first draft Planning Scheme for the Special Development Zone. This was on public display for 6 weeks and submissions were invited from interested parties.
02 and 03 May 2013	The City Council and the Authority hosted a 2-day Dockland's Conference entitled <u>A Community for All</u> .
July 2013	The Cabinet approved the City Council as successor to the Authority and instructed the Department to put final transitional arrangements in place including enabling legislation, as specified by the Authority to the Dáil Éireann Committee of Public Accounts in February 2014. See Dublin Docklands Development Authority (2014), Opening Statement – Committee of Public Accounts. 6 February 2014. Available at: http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/[PAC-R-1235]-Correspondence-3C.3---Opening-Statement-DDDA.pdf
August and September 2013	Public display of amendments to Special Development Zone draft Planning Scheme by Dublin City Council
05 November 2013	City Council agreed Strategic Development Zone draft Planning Scheme by resolution.
March 2014	An Bord Pleanála held a 7-day oral hearing on matters relating to the Special Development Zone and subsequently issued an Inspectors Report.
30 April 2014	General Scheme of the Bill published.
13 May 2014	Joint Committee held first public hearing on General Scheme of the Bill.
22 May 2014	An Bord Pleanála approved the Special Development Zone.
10 June 2014	Joint Committee held second public hearing on General Scheme of the Bill.

3. RECOMMENDATIONS

- (1) Engage in a comprehensive evaluation of the achievements of the Dublin Docklands Development Authority. This will assist Dublin City Council in identifying performance benchmarks that it can put in place and in assessing its own subsequent performance in respect of its new responsibility in the Docklands area.
- (2) Maintain existing or create new cross-community engagement structures and explicitly outline the role of community representatives in respect of the work of the Docklands Consultative Forum.
- (3) Outline a commitment for the Docklands Consultative Forum to promote enterprise, innovation and investment as an essential element in the regeneration of the Docklands area. Provide for this commitment, either through a provision in primary legislation or by ensuring that this commitment is specifically mentioned and outlined in the terms of reference of the Forum.
- (4) Outline a commitment for the Docklands Consultative Forum to promoting community interests. Provide for this commitment, either through a provision in primary legislation or by ensuring that this commitment is specifically mentioned and outlined in the terms of reference of the Forum.
- (5) Draw up a list of suitable bodies from which five bodies will be selected to nominate individuals to the Docklands Consultative Forum for a given period. Allow different bodies to act as nominators on an alternate basis. Specify the nomination rights of these bodies. This will facilitate the membership of the Forum reflecting the ongoing changing nature of the Docklands area and ensure an ongoing turnover in the membership of the Forum, while at the same time allowing for continuity of service as appropriate.
- (6) Clarify whether the Docklands Consultative Forum, as a standing committee of Dublin City Council, will dissolve at the end of a City Council's term of office.
- (7) Outline a defined policy initiation and implementation role for the Docklands Consultative Forum and give the Forum the power, as part of its statutory functions, to operate as a 'one-stop-shop' for the resident and business community in the Docklands area.
- (8) Allow at least 7 community members to be nominated to the Docklands Consultative Forum and nominate these members from the following areas – City Quay, East Wall, Irishtown, North Wall, Pearse Street, Ringsend, and Sheriff Street / Seville Place.
- (9) Take whatever steps are necessary to monitor and enforce the requirement that the Docklands Consultative Forum meets on a regular basis and in doing so ensures a high level of community involvement in its activities.

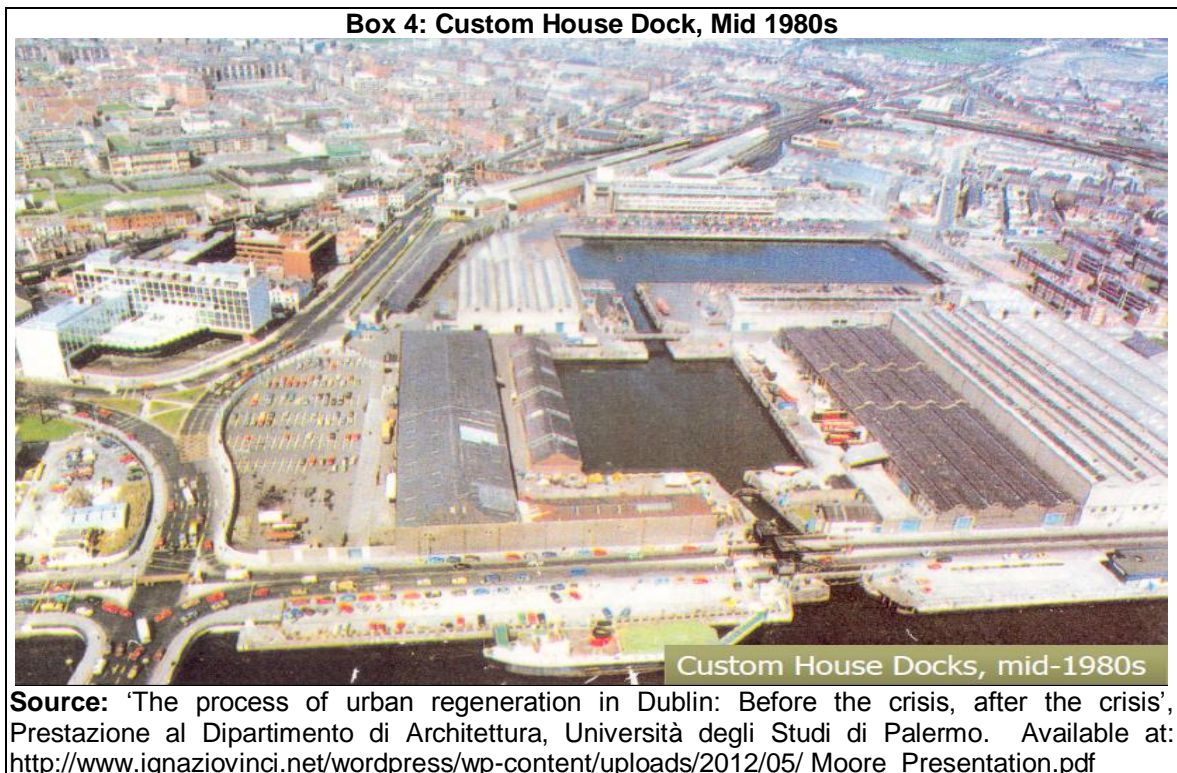
- (10) Following the dissolution of the Dublin Docklands Development Authority and after all its liabilities have been met and subject to there being a surplus remaining, consider the appropriateness of using this surplus if it exists, to establish a central fund to be used for social regenerative purposes by the Docklands Community Trust or by another appropriate body.
- (11) Examine the issue of home owners who have purchased residential properties, through Dublin Docklands Affordable Housing Limited, under an affordable housing scheme in the Docklands area and who are now experiencing negative equity on their homes. Every effort should be made to identify a fair and achievable solution to this problem.
- (12) Include a clause in planning permission for future developments in the Docklands area compelling those developments to employ 20% of their workforce from the local population.
- (13) Regularly review current and future Master Plans for the Strategic Development Zone.
- (14) Consider having a commitment to a 20% provision of social housing included in the current and future Master Plans for the Docklands area.
- (15) Clarify the future structures and roles of the Docklands Housing Trust and the Docklands Community Trust. Clarify whether these bodies will be retained, amalgamated or abolished and if abolished clarify what organisation will be responsible for purchasing social housing for members of the local community and for managing and administering funds to community interests in the Docklands area.
- (16) Retain the Annual Docklands Conference and supplement it by spot check sessions throughout the year.

4. DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY

4.1 Background

Dublin has grown exponentially over the last 100 years: as a capital city and as an administrative, commercial, industrial and residential centre. However, despite this growth the city has also experienced extreme levels of decline and depopulation, interspersed with occasional redevelopments that have had varying degrees of success and failure. The inner city has experienced the worst of these fluctuations and this has resulted in significant levels of dereliction, urban blight and high unemployment. Unemployment in some inner-city residential areas was as high as 60% in the mid-1980s.

Source: MacLaran, A., (1999), 'Inner Dublin Change & Development, Killen, J. & MacLaran, A., (Eds.), (1999), Dublin: Contemporary Trends and Issues for the Twenty-first Century. Dublin.



Specific challenges to the Docklands area are:-

- (1) The containerisation of Dublin Port;
- (2) The increasing use and sophistication of mechanisation;
- (3) The demise of traditional but increasingly uncompetitive indigenous industries such as flour milling, glass manufacturing, textiles, transport / shipping and warehousing;
- (4) Ongoing suburbanisation of industry to purpose-built industrial estates in peripheral, open space areas;

- (5) Ongoing residential suburbanisation to new peripheral housing estates in areas such as Blanchardstown, Clondalkin and Tallaght.

4.2 Urban Development by Private Funding

Due to the serious financial recession in the 1980s and the consequent lack of public funding available for investment, the then Government advocated a policy of promoting urban renewal and development by way of incentivising private sector investment in such areas. This policy extended over a number of years and included urban areas in towns and cities around the country including a number of areas in Dublin, one of these being the Docklands area.

4.3 Urban Development Areas Bill, 1982

The then Government published its Urban Development Areas Bill in 1982. This Bill proposed the establishment of two special commissions within Dublin City which would oversee programmes of renewal and sponsor developments in the Custom House Docks site and in the Liberties area. This model was based on the model adopted in the London Docklands area in Britain in 1981 (See Source for Moore, Niamh (1999) below). Development powers would be exempted from the traditional planning process and would be held by an Inner City Authority rather than the then Dublin Corporation, currently Dublin City Council.

Development in the Docklands area would include the nationalisation of an 11-hectare site on the north side of the river Liffey adjoining the Customs House. Social housing would be provided on this site which was owned by the Dublin Port and Docks Board.

However the Bill lapsed when the then Government fell in November 1982.

4.4 Urban Renewal Act 1986 and Urban Renewal (Amendment) Act 1987

The then Government passed the Urban Renewal Act in 1986. This Act designated a number of urban areas in the centre of a number of towns and cities, including Cork, Dublin, Galway, Limerick and Waterford, as urban renewal areas.

This Act established the Custom House Docks Development Authority and gave it responsibility for the 11 hectare Custom House Docks site including the authority for planning and development on the site. This was the most prominent and most spatially contiguous of a number of areas which had been designated in Dublin.

According to Moore Act was:-

“The first attempt by central Government to intervene in the planning and development process, by empowering the Minister of the Environment to designate specific areas for renewal.”

Source: Moore, Niamh, (1999, page 137), ‘Rejuvenating docklands: The Irish context’, Irish Geography, Volume 32, Issue 2. Available online at: <http://www.tandfonline.com/doi/abs/10.1080/00750779909478607>

The Fourth Schedule Part II of the Finance Act 1986 defined the particular areas designated as urban renewal areas. This was important for the Custom House Docks site and certain other sites, in that it provided it and them with greater incentives than elsewhere.

“The 1986 Acts enable investors / developers, owner occupiers and lessees of new and refurbished commercial and residential development undertaken within a specified time period in the designated areas to qualify for a range of fiscal incentives extending over a ten-year period. Excluding the Custom House Docks and Temple Bar areas where the tax savings are greater (100% capital allowances as opposed to 50% for other Dublin designated areas), the effect of the incentives for investors / developers of new/refurbished commercial buildings in designated areas is to reduce development / refurbishment costs by approximately 20%.”

Source: David, Joseph and Prendergast, Terry, (1995) Dublin. In Berry, James and McGreal, Stanley (Eds.) Planning Systems and Property Markets (pages 187 – 208), Routledge.

The Custom House Docks site was expanded to approximately 30 hectares under the Urban Renewal Amendment Act 1987.

4.5 International Financial Services Centre

The Custom House Docks Development Authority promoted many developments during its 10 years in existence.

The International Financial Services Centre is considered by many to be its major achievement. This development was facilitated by the Finance Act 1987 which provided for rates remissions, rent allowances and tax allowances, including a special 10% corporation tax rate for certified companies. This resulted in the employment of 4,600 people on this 11.5 hectare site by mid-1997.

Two industry associations, Financial Services Ireland and Irish Financial Service Centre Ireland, along with the public sector including Government departments, Enterprise Ireland and the Industrial Development Authority Ireland are currently responsible for promoting and marketing the Centre. The Department of An Taoiseach provides a coordinating role through the Irish Financial Services Centre Clearing House Group and its related structures. The membership of the Clearing House Group includes representatives from Government departments, relevant State agencies and the international financial services industry.

4.6 Establishment of Dublin Docklands Development Authority

4.6.1 Dublin Docklands Development Authority Act 1997

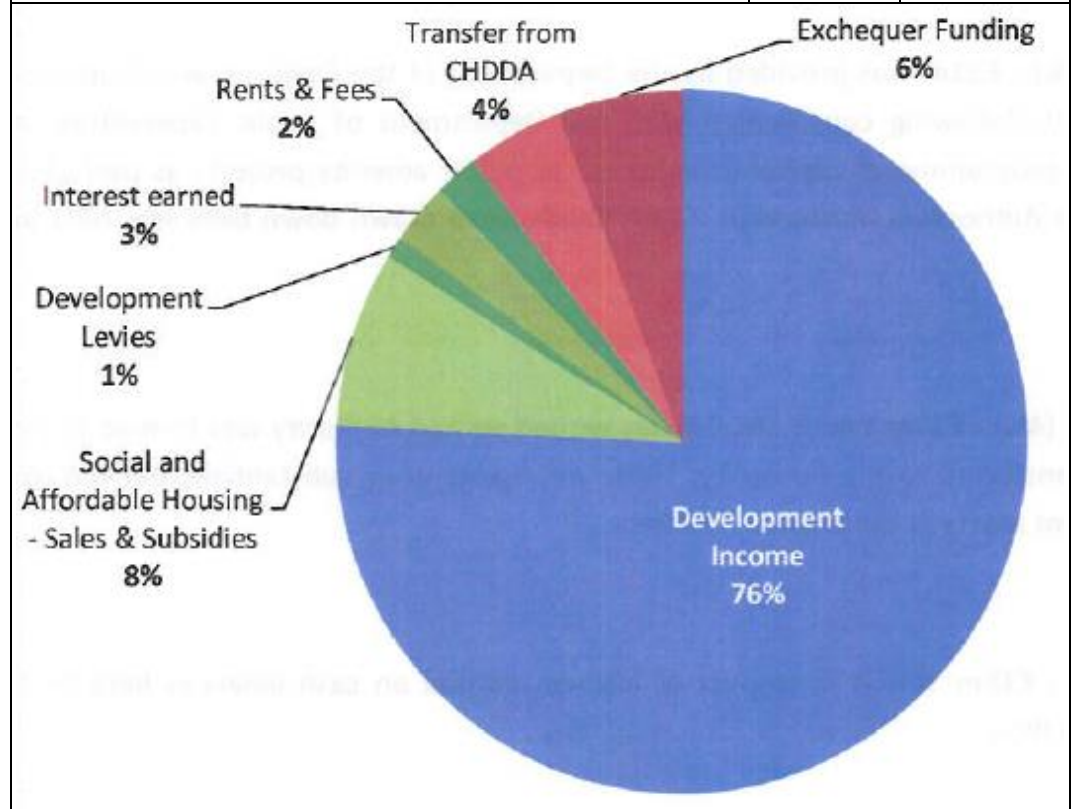
The Dublin Docklands Development Authority Act 1997 dissolved the Custom House Docks Development Authority and transferred the responsibility for coordinating the development of the Docklands area to the new Dublin Docklands Development Authority. The Authority assumed special planning control over an increased Docklands area of 526 hectares. 37.2 hectares of this formed a Planning Scheme area where certification under section 25 of the Act allowed for fast-track planning exemptions, were applicable. The Act specified the boundaries for the Authority and for the overall Docklands area footprint, which would form the Master Plan boundary.

The Authority is comprised of a Docklands Council, a Community Liaison sub-Committee of the Docklands Council and an Executive Board.

4.6.2 Financial Performance

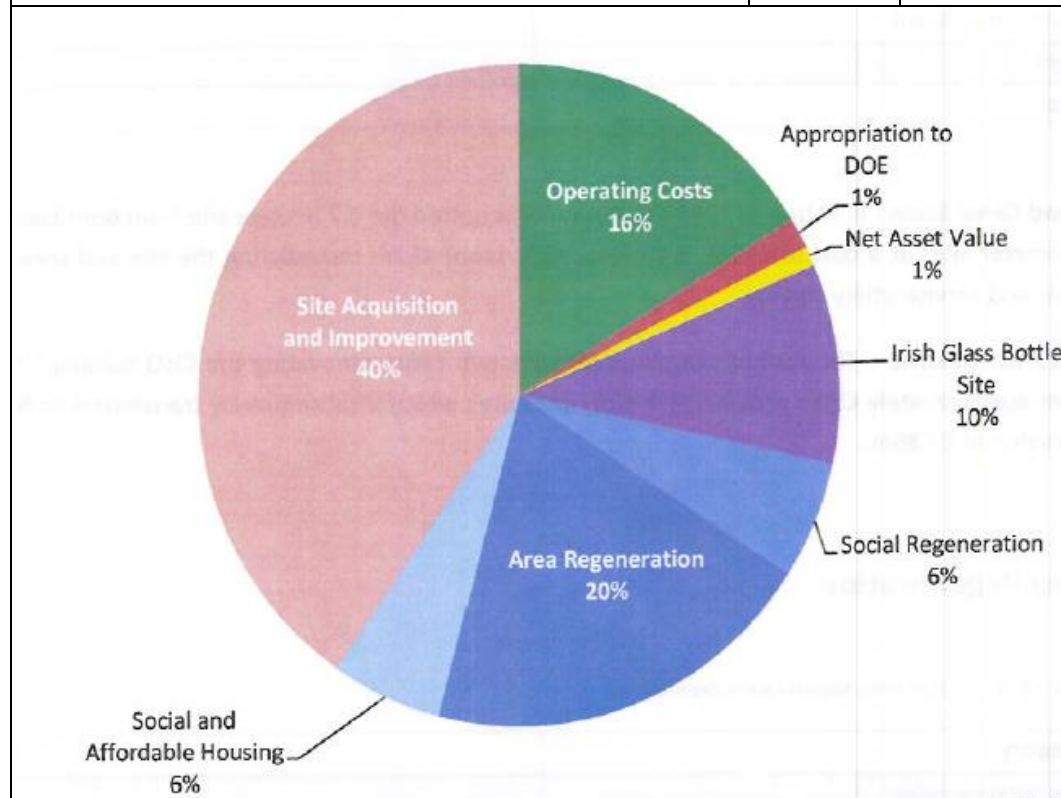
Since its establishment in 1997 the Authority has generated approximately €535 million in revenue. Development income such as site premiums, profits and sale of assets accounts for €405 million. During this period it has had expenditure of approximately €535 million of this. 40% of this is accounted for by Site Acquisition and Improvement and 20% is accounted for by Area Regeneration.

Box 5: Dublin Docklands Development Authority: Revenue 1997 – 2012		
Revenue Category	€ Million	%
Total development income; comprised of:-	405	76
Grand Canal	(232)	(43)
Irish Financial Services Centre / North Lotts	(173)	(33)
Social and affordable housing (sale / subsidies)	43	8
Exchequer funding (infrastructure)	31	6
Transfer from Custom House Docks Development Authority	24	4
Interest earned	15	3
Rent and Fees	11	2
Development levies	6	1
Total	535	100



Source: Dublin Docklands Development Authority, (2014), page 25.
[http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/\[PAC-R-1221\]-Correspondence-3C.1---Briefing-Paper.pdf](http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/[PAC-R-1221]-Correspondence-3C.1---Briefing-Paper.pdf)

Box 6: Dublin Docklands Development Authority: Expenditure 1997 – 2012		
Expenditure Category	€ Million	%
Site acquisition and improvement	216	40
Area regeneration	106	20
Operating costs	87	16
Irish Glass Bottle site	52	10
Social regeneration	31	6
Social and affordable housing	30	6
Appropriate to Department of Environment, Community and Local Government	8	1
Sub total	530	99
Net asset value	5	1
Total	535	100



Source: Dublin Docklands Development Authority (2014), page 27
[http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/\[PAC-R-1221\]-Correspondence-3C.1---Briefing-Paper.pdf](http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/[PAC-R-1221]-Correspondence-3C.1---Briefing-Paper.pdf)

4.6.3 Dissolution

The Special Report of the Comptroller and Auditor General Special Department of the Environment, Community and Local Government Dublin Docklands Development Authority (February 2012) examined the overall financial status and administration of the Authority. It examined the administration of the Authority's overall planning function in general and the management of its investment in the Irish Glass Bottle site in particular.

Box 7: Comptroller and Auditor General Special Report Department of Environment, Community and Local Government Dublin Docklands Development Authority – Summary of Findings

Financial management

The Comptroller and Auditor General (C&AG) concluded that the Authority had achieved progress in implementing his earlier recommendations, notably in addressing a current liability of €32 million at the end of 2010. However, a reduced level of operations might require the Authority to review its risk and controls to achieve optimal and efficient control of current resources. The C&AG noted that the Authority's performance was reliant on external events.

Irish Glass Bottle Site

The C&AG noted that the failure to develop the Irish Glass Bottle site on the Poolbeg peninsula had impacted on the Authority's financial position. In November 2006 a joint venture had spent €431 million (€412 million plus stamp duty and other costs) to acquire a freehold interest in a 10-hectare site from the Dublin Port Company. The Authority participated in this joint venture and provided a guarantee which, in January 2011, the National Asset Management Agency (NAMA) called in. The Authority's overall outlay was €52.1 million including assets transferred to NAMA. The C&AG criticised the lack of detailed analysis into the valuation of the site and the subsequent accounting and reporting to the Department.

Management of Board Business

The C&AG noted conflicts of interest can occur particularly:-

“Where Boards include persons with an interest in the business that is regulated by a State body or who provide services to the body, there is an increased risk of conflicts of interest occurring. Because some Board members disclosed their connections with banks that were providing finance for the Irish Glass Bottle site joint venture, the Authority took steps to assure itself that its decision-making in relation to the Becbay Limited funding decisions was in accordance with its own Code of Conduct.”

The C&AG stated that ‘direction is necessary’ to maintain the public record by ensuring that all parties to a decision or business discussion are subsequently identifiable.

Planning

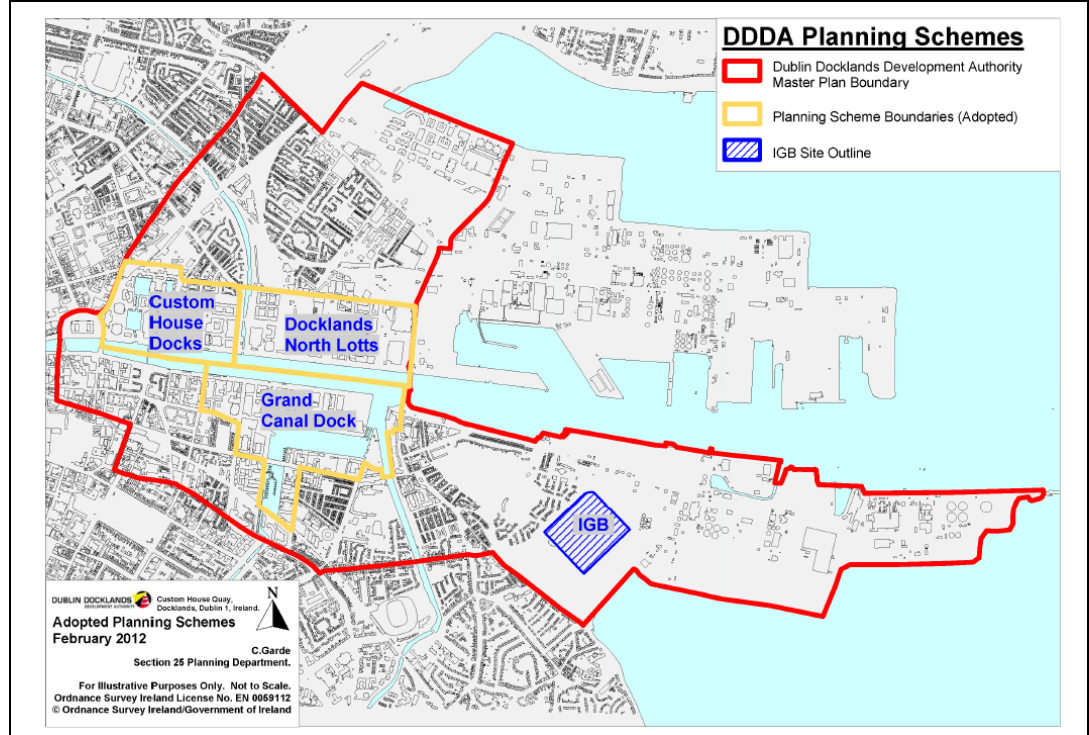
The C&AG stated that the Authority had amended its Section 25 process following an earlier issue related to its handing of applications. That had since been revised.

General conclusions

The C&AG stated that the structure of the Authority's balance sheet, whereby long-term assets are financed by short-term funding, means, that it “faces ‘growing concern’ challenges for the foreseeable future”.

Source: Special Report of Comptroller and Auditor General as above

Box 8: Map of Irish Glass Bottle Site



The Government announced its decision to dissolve the Authority on 31 May 2012. It intends to implement this decision over a transitional period not exceeding 18-months. The Minister stated that the Government had made its decision following consideration of a special report on the Authority prepared by the Comptroller and Auditor General, together with the Authority's Annual Report and Financial Statements for 2011 (Source: Department of Environment, Community and Local Government, (2012)). The Minister responded to the findings of his report:-

“The report published today includes some damning findings, particularly in relation to the Authority's assessment and decision making processes surrounding its decision in 2006 to become involved in the purchase of the former Irish Glass Bottle site. The failure of the Authority to obtain its own independent valuation of the site prior to deciding on the bid to be made is particularly serious, as is the fact that ultimately some €52m[illion] of the Authority's resources have been lost arising from its involvement in the project”.

Source:

<http://www.enviro.ie/en/DevelopmentHousing/PlanningDevelopment/DublinDocklandsDevelopmentAuthority/News/MainBody.30423.en.htm>

The 2012 Annual Report and Financial Statements of the Authority can be accessed at: http://www.ddda.ie/files/business-planning/20131126050652_DDDA%20FINANCIAL_STATEMENTS_2012.pdf

The Minister highlighted the absence of value-for-money considerations and previously identified corporate governance weaknesses, concluding:-

“Taking account of the reports which have been published today, a standalone DDDA [Dublin Docklands Development Authority] is no

longer considered to be a viable vehicle, financially or otherwise, for this purpose in the medium to longer term.”

The Minister proposed prioritising the following key objectives:-

- (1) Maintaining and enhancing the Docklands brand and its international marketability as an attractive and prime location for investment and high-value development;
- (2) Providing appropriate ‘fast-track’ planning procedures;
- (3) Continuing the involvement of the local community and local business sector;
- (4) Facilitating job creation.

Source: DECLG (2014) ‘Minister Hogan publishes General Scheme of the Dublin Docklands Development Authority (Dissolution) Bill’. Available at: <http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/DublinDocklandsDevelopmentAuthority/>

The Government has now published the General Scheme of the Bill, the purpose of which is to dissolve the Authority and to transfer its functions to the City Council. This is in line with the Government’s stated objective of rationalising the number of Government agencies and the number of such agencies under the aegis of the Department from 21 to eight by the end of 2014.

In the next chapter the Joint Committee outlines the evidence it heard from witnesses and its conclusions and recommendations following its consideration of the Heads of the Bill.

5. CONSIDERATION OF HEADS OF BILL

5.1 Head 1 – Short Title, Collective Citations, Constructions and Commencement

To provide that:

- (1) This Bill may be cited as the Dublin Docklands Development Authority (Dissolution) Bill 2014.
- (2) This Bill and the Dublin Docklands Development Authority Act 1997 (as amended) may be cited as the Dublin Docklands Development Acts 1997 to 2014.
- (3) This Bill shall come into operation on such day or days as the Minister may appoint by order either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
 - (a) (g) a board or other body established by or under statute
 - (b) (h) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or
 - (c) (i) a company in which all shares are held by a board, company, or other body referred to in paragraph (g) or (h) of this definition

Head 1 provides the Short Title of the Bill, the collective citation of the Bill and the Dublin Docklands Development Authority Act 1997, and enables the Minister to bring provisions of the Bill as enacted into operation as required.

5.2 Head 2 – Interpretation

To provide that:

In this Bill –

“Act of 1997” means the Dublin Docklands Development Act 1997

“Act of 2000” means the Planning and Development Act 2000

“Act of 2001” means the Local Government Act 2001

“the Authority” means the Dublin Docklands Development Authority

“Dublin Docklands Area” has the meaning assigned to it under section 4 of the Act of 1997

“development” has the meaning assigned under section 3 of the Planning and Development Act 2000

“the City Council” means Dublin City Council

“land” includes any structure and any land covered with water and any estate, right or other interest in, on or over land or water, including any wayleave or other easement

“the Minister” means the Minister for the Environment, Community and Local Government

“statutory body” means –

- (a) a Minister of the Government
- (b) the Commissioners of Public Works in Ireland
- (c) a local authority
- (d) a harbour authority within the meaning of the Harbours Act, 1964, or a company established pursuant to section 7 of the Harbours Act,
- (e) the Health Service Executive (established under the Health Act 2004) 5
- (f) a vocational education committee within the meaning of the Vocational Education Act 1930
- (g) a board or other body established by or under statute
- (h) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or
- (i) a company in which all shares are held by a board, company, or other body referred to in paragraph (g) or (h) of this definition

Head 2 provides an explanation of the specific terms and expressions used in the Bill.

5.3 Head 3 – Orders

To provide that:

Every order made by the Minister under this Bill shall be laid before each House of the Oireachtas as soon as may be after it is made.

Head 3 provides that all orders made by the Minister under this Bill will be laid before both Houses of the Oireachtas as soon as possible after they have been made.

5.4 Head 4 – Dissolution of Authority

To provide that:

- (1) The Minister shall, by order, appoint a day to be the dissolution day (in this Bill referred to as the “dissolution day”) for the purposes of this Bill.
- (2) The Authority shall stand dissolved on the dissolution day.

Head 4 provides for the Minister to appoint a day to be the dissolution day for the Authority and for the Authority to be dissolved on that day. It allows flexibility in appointing a dissolution day to facilitate a coherent transition in relation to planning arrangements, in particular in relation to the Docklands Strategic Development Zone process, and to ensure no unintended legacy issues arise.

5.5 Head 5 – Regeneration of Docklands Area

To provide that:

As and from the dissolution day the City Council shall be responsible for leading the social, economic and physical regeneration of the Docklands Area.

Head 5 provides for the City Council to be the lead body with responsibility for social, economic and physical regeneration in the Docklands area. This does not exclude any role that other state agencies such as Dublin Port, the Health Service Executive, Waterways Ireland or education bodies have in this regard.

The Joint Committee considered the various options open to the City Council in assuming the functions and responsibilities of the Authority after the Authority had been dissolved. In this regard it noted the contents of a report entitled 'Regeneration in European cities Making connections' by Christopher Cadell, Nicholas Falk and Francesca King. This report analysed a number of successful urban regeneration schemes in Europe, including in France, the Netherlands and Sweden and compared these with a number of schemes in Britain.

See: http://media.urbed.coop.ccc.cdn.faelix.net/sites/default/files/get_binary_doc_object_1.pdf.

From 1981 to 1998, the London Docklands Development Corporation led the development of Rotherhithe, in the Borough of Southwark. Appointed by the British Government, the Corporation was initially funded by central government and subsequently by the phased sale of development land within its jurisdiction. It replaced the planning authorities within its designated area.

See: <http://www.lddc-history.org.uk/other/eastsideresearchpaper0709.pdf>

In Kop van Zuid in the Netherlands, Rotterdam City Council was given responsibility, under the Dutch Major Cities Policy, for public investment and for implementing a strategic vision to create a new revived city quarter from an abandoned area of docklands.

The Joint Committee agreed that the City Council should engage in a comprehensive evaluation of the achievements of the Authority. This would assist the City Council in identifying performance benchmarks that it could put in place and in assessing its own subsequent performance in respect of its new responsibility in the Docklands area.

The Joint Committee noted that local communities had contributed greatly to the success of the Authority and that cross-community engagement structures were an integral element of this. The Joint Committee agreed that these or similar structures should be maintained and the role of community representatives should be explicitly outlined. In this regard it noted the appropriateness of the recommendations in the October 2013 Council Report drafted by the Authority for the City Council.

5.5.1 Strategic Development Zone

Box 9: Strategic Development Zones

Strategic Development Zones are designated by the Government on a proposal from the Minister for Environment, Community and Local Government. The Order designating a zone must, under the Planning and Development Act 2000, specify a person or a body to prepare a Planning Scheme for the zone. Special rules apply to developments in a zone which make it significantly easier to obtain planning permission if they are consistent with the Planning Scheme in that zone. If not, planning permission is prohibited. There is no right of appeal to An Bord Pleanála on these decisions. Planning authorities may acquire land, by compulsory purchase order if necessary, in a Strategic Development Zone.

Source: AL Goodbody,

http://algoodbody.com/insightpublications/Dublin_Docklands_Strategic_Development_Zone

The Committee noted that the Authority has, to date, created three distinct Planning Scheme areas for development within which fast-track planning mechanisms operate. These include the Custom House Dock (the International Financial Services Centre), Grand Canal Dock and the North Lotts. Grand Canal Dock and North Lotts still have development opportunities and are included in the new Strategic Development Zone which An Bord Pleanála approved on 22 May 2014. The fast track planning mechanism will continue to operate in this zone and the planning authority must grant permission in respect of an application which is consistent with the respective Planning Schemes.

See: <http://www.irishtimes.com/business/sectors/commercial-property/bord-plean%C3%A1la-approves-fast-track-planning-for-dublin-docklands-1.1805715>

According to the current draft Planning Scheme 22.8 hectares of this 66 hectare zone are available for development. The City Council, which will devise a Planning Scheme for it, envisage that a final scheme will be in place by November 2013, which could include the development of 305,000 square metres of commercial floor space and 2,600 residential units.

Box 10: Development Areas Created by Dublin Docklands Development Authority		
Planning Scheme	Total Area	Development Opportunity
Irish Financial Services Centre / Custom House Docks	24.01 hectares	-
North Lotts	32.35 hectares	13.20 hectares
Grand Canal Dock	32.32 hectares	9.60 hectares
Total	88.68 hectares	22.8 hectares

Source: Dublin Docklands Development Authority (2014), page 3127
[http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/\[PAC-R-1221\]-Correspondence-3C.1---Briefing-Paper.pdf](http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2014-meeting1140602/[PAC-R-1221]-Correspondence-3C.1---Briefing-Paper.pdf)

5.5.2 Enterprise, Innovation and Investment

The Joint Committee noted that the words ‘enterprise’ ‘investment’ and ‘innovation’ did not feature in the Heads and agreed that a commitment to these concepts was essential to the regeneration of the Docklands area. It agreed that the Minister should provide for this, either through primary legislation or by a specific commitment in the terms of reference of the Forum. The Joint Committee agreed that the Forum should also be committed to promoting community interests and that this also should be

provided for, either through primary legislation or by a specific commitment in the terms of reference of the Forum.

Docklands Business Forum highlighted that Head 5 did not acknowledge, in specific terms, the central role enterprise has played in regenerating the Docklands area and it expressed concern that this omission could impact on maintaining the correct focus on resources.

Dublin Docklands Community Liaison Committee stated that this Head diluted the power and influence of the representatives of the Docklands community.

Dublin Port Company stated that Head 5 was in keeping with its Strategic Plan 2012 – 2016 and its vision to ensure the Company retained the capacity to service the needs of its customers and the wider economy.

Inner City Renewal Group stated that the Heads did not identify how social regeneration in the Docklands area would be funded. It stated that, given the numerous demands on the City Council budget, it was not possible to ensure that funding raised in the Docklands area would be spent in that area. The Group questioned whether the City Council and its committee, the Forum, had sufficient resources to effectively implement this remit. As this remit could be extensive, it questioned whether additional resources would be required to meet it fully.

5.6 Head 6 – Docklands Consultative Forum

To provide that:

- (1) The City Council shall establish a committee which shall be known as The Dockland Consultative Forum (the forum) to assist the City Council in discharging its functions under head 5.
- (2) The forum shall consist of –
 - (a) A Chairperson nominated by the City Council
 - (b) five persons nominated by organisations which in the opinion of the City Council are representative of persons concerned with community development in the Docklands Area, with the promotion of the social, economic or general interest of communities in that Area or are represent the general interests of residents of that Area,
 - (c) five persons nominated by organisations which in the opinion of the City Council, are representative of persons engaged in the promotion or carrying out of economic activity (including employment) in the Docklands Area;
 - (d) one person nominated by organisations which, in the opinion of the City Council, are representative of persons involved in the promotion or carrying out of educational activities in the Area;
 - (e) five persons nominated by statutory bodies;
 - (f) four members of the City Council, nominated by that City Council, being members elected to that City Council from electoral areas which are included in, or any part of which is included in, the Dublin Docklands Area,
 - (g) the Dublin City Manager or an officer of the City Council nominated by the Manager.

Head 6 establishes the Forum and outlines its membership. This is in line with the Local Government Act 2001, which gives local authorities, including the City Council, the statutory power to establish committees, by resolution. However the 2001 Act does not specify the terms of reference of such committees or the methods of nominating members to such committees. Head 6 of this Bill does this in respect of the Forum. The Forum will assist the City Council in discharging its functions in respect of the Docklands area and will be the lead body responsible for the regeneration of this area. In this regard, the Minister may make Regulations to prescribe its role, duties and functions.

The Joint Committee noted that this Head provided for five persons to be nominated to the Forum by statutory bodies. It agreed that membership of the Forum should reflect the ongoing changing nature of the Docklands area and that a list of suitable bodies should be compiled from which these five bodies should be selected for a given period. It agreed that different bodies should be selected on an alternate basis. This would ensure an ongoing turnover in the membership of the Forum, while also allowing continuity of service as appropriate. The Joint Committee agreed that the nomination rights of these bodies should be specified.

The Joint Committee noted that under Section 51 of the Local Government Act 2001 it was assumed the Forum, as a standing committee of the City Council would dissolve at the end of a City Council's term of office. The Joint Committee agreed that this issue should be clarified.

The Joint Committee agreed that this Head should outline a defined policy initiation and implementation role for the Forum and that the Forum should have the power, as part of its statutory functions, to operate as a 'one-stop-shop' for the resident and business community in the Docklands area.

The Joint Committee agreed that the Forum should meet on a regular basis to ensure a high level of community involvement. The Joint Committee agreed that the Minister should take whatever steps were necessary to monitor and enforce this requirement.

Box 11: Proposed Composition of Docklands Consultative Forum		
Number	Position	Nominated By
1	Independent Chairperson	The City Council.
5	Members	Organisations which, in the opinion of the City Council, are representative of persons concerned with community development, the promotion of the social, economic or general interest of communities and the general interests of residents in the Docklands area.
5	Members	Organisations which, in the opinion of the City Council, are representative of persons engaged in the promotion or carrying out of economic activity, including employment, in the Docklands area.
1	Member	Organisations which, in the opinion of the City Council, are representative of persons involved in the promotion or carrying out of educational activities in the Docklands area.
5	Members	Statutory bodies, defined as 'infrastructure bodies and Government Departments in the explanatory notes to the General Scheme of the Bill.
4	Members	The City Council, being Members of the City Council who have been elected to the City Council from electoral areas which are included in, or any part of which is included in, the Docklands area.
1	Member	Either the Dublin City Manager or an officer of the City Council nominated by the Dublin City Manager.
22 members in total		

The Joint Committee noted that this Head proposed that the City Council will establish a committee known as the Docklands Consultative Forum. The Forum will effectively replace the current Docklands Council. However while the Docklands Council has a community representation of 8 out of 26 members, this Head proposes that the community representation on the Forum will be 5 out of 22 members. The current number on the Docklands Council allows ostensibly for each 'village' in the Docklands area to be represented and given this, the Joint Committee agreed that the Forum should include at least 7 community members. These representatives should be nominated from the following areas – City Quay, East Wall, Irishtown, North Wall, Pearse Street, Ringsend, and Sheriff Street / Seville Place.

Box 12: Definition of Statutory Body as per Head 2 of the General Scheme of the Dublin Docklands Development Authority (Dissolution) Bill 2014

- (a) A Minister of the Government;
- (b) The Commissioners of Public Works in Ireland;
- (c) A local authority;
- (d) A harbour authority within the meaning of the Harbours Act 1964, or a company pursuant to section 7 of the Harbours Act;
- (e) The Health Service Executive established under Health Act 2004;
- (f) A vocational education committee within the meaning of the Vocational Education Act 1930;
- (g) A board or other body established by or under statute;
- (h) A company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government; or
- (i) A company in which all shares are held by a board, company, or other body referred to in paragraph (g) or (h) of this definition.

Department of Environment, Community and Local Government stated that although the Forum would be a committee of the City Council it would have statutory recognition under the proposed Bill. This guaranteed its role. The Department did not wish to be 'too prescriptive in the legislation, as doing so could hamstring the Forum' in its terms if reference. Further regulations might be necessary following the establishment of the Forum.

Docklands Business Forum questioned which 5 statutory bodies of the 'over 500 in Ireland' were eligible to nominate members to the Forum. It proposed, as with elected representatives, that business and residential representatives on the Forum be connected to the Docklands area. It proposed that the Forum be transparent, equally representative of new and indigenous residential communities and have significant representation from the business community. It proposed that term limits apply to membership of the Forum to ensure new ideas were generated and members were aware that they had a set period in which to make their contribution.

“...the consultative forum will need more specific powers and more specific budget influence, and it needs to be representative of large companies, small companies, traditional industry, the internet companies but also these start-up hubs.”

Dublin City Community Forum recommended its inclusion by the City Council as a nominating body to select community members of the Forum.

Dublin City Council stated that, under this Head, 'the Minister may prescribe by Regulation, the duties and functions' of the Forum.

Dublin Docklands Community Liaison Committee noted that this Head proposed having 5 community representatives on the Forum rather than the 8 community representatives under the current structure. It recommended that the Minister, rather than the City Council appoint the independent chairperson of the Forum, who should be answerable to the Minister. It recommended that members of the Forum serve for a fixed time.

Dublin Docklands Development Authority highlighted that its own Docklands Council had proposed and endorsed the structure outlined in this Head. Appointments to the Forum would 'be a matter for the City Council'.

Dublin Port Company stated that this Head was in keeping with its Master Plan 2012–2040 for integrating Dublin port and city and facilitating 'effective community engagement'. The Forum should develop and enforce a 5-yearly renewable master plan which would also facilitate the renewal of its membership at 5-year intervals. The Company highlighted its concerns regarding the Forum:-

- (1) Lack of clarification on representation from the north and south sides of the city;
- (2) Its powers within the City Council;
- (3) Lack of defined term limits for membership.

Inner City Renewal Group believed that the replacement of the Authority, dedicated to developing the Docklands area, by an 'advisory committee' of the City Council would limit the involvement of local communities and reduce their role from that of partner to interested commentator. It questioned why the current list of approximately 70 nominating bodies could not be used, as prescribed by the Minister under the Dublin Docklands Development Authority Act 1997, rather than having the City Council draw up a new list.

Saint Andrews Resource Centre proposed having 8 community representatives on the Forum in line with the current structures, and not 5, as proposed. These representatives should be drawn from the City Quay, East Wall, Irishtown, North Wall, Pearse Street, Ringsend, and Sheriff Street / Seville Place areas. The Dublin Docklands Community Liaison Committee was comprised of 7 members, all of whom were also the community representatives on the Docklands Council. The new arrangements should provide a separate Community Liaison Committee Subgroup. The Department's nomination list of representative bodies active in the Docklands 'was extremely successful in getting a broad representation on the Council' and should be used, rather than drawing up 'an entirely new list'. The Forum should have a 5-year lifespan to allow for frequent turnover and to keep it 'dynamic and fresh'.

5.7 Head 7 – Transfer of Land and Other Property

To provide that:

- (1) On the dissolution day, all land that, immediately before that day were vested in the Authority, and all rights, powers and privileges, relating to, or connected with such lands shall without any conveyance or assignments, stand vested in the City Council for all the estate or interest therein that, immediately before the dissolution day, was vested in the Authority, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.
- (2) On the dissolution day, all property, (other than land referred to in subhead (1) and any item referred to in subhead (4)) including choses-in-action, which immediately, before that day vested in the Authority shall, stand vested in the City Council without any assignment.
- (3) Every chose-in-action vested in the City Council by virtue of subhead (2) may, on and from the dissolution day, be sued on, recovered or enforced by the City Council in its own name and it shall not be necessary for the City Council to give notice to the person bound by any such chose-in-action of the vesting effected by that subhead.
- (4) The Minister, with the consent of the Minister for Public Expenditure and Reform, shall transfer any money, stocks, shares or securities that immediately before the dissolution day were standing in the name of the Authority, to such other body or bodies as the Minister deems appropriate.

Head 7 provides for the transfer of all land, including public areas, infrastructure, and other property, excluding money, stocks, shares and securities, currently owned by the Authority to the City Council. All lands and other property including records currently held or under the ownership of the Authority shall transfer to the City Council.

The Joint Committee considered the establishment of a central fund to be used by the existing Docklands Community Trust for social regenerative purposes. This fund could be established by transferring any surplus funds held by the Authority to the Trust after any liabilities had been met. The Joint Committee agreed that the establishment of such a fund would depend on there being a surplus at that time and as this was not determinable at this stage, it agreed that the Minister should follow this up with the City Council at the appropriate time when all the liabilities of the Authority had been met.

Department of Environment, Community and Local Government stated that it expected there to be a surplus of liquid assets of ‘between €4.5 to 5 million’ and an outstanding pension liability of between ‘€7.5 to €8 million’ at the conclusion of the current asset disposal programme. This would leave ‘a deficit of €3 million’ rather than any surplus.

“...when we get to final dissolution, any transfer of money will be a policy decision for the Minister, with the consent of the Minister for Public Expenditure and Reform. There is flexibility in the Bill and it can be provided through ministerial order.”

Docklands Business Forum stated that any remaining surpluses should be invested in programmes and bodies which would further develop the docklands ‘as a nationally important location for international commerce, entrepreneurial innovation and maritime tourism’.

Inner City Renewal Group stated that any remaining surpluses should be given to the Docklands Community Trust which had been established by the Authority. The Trust invested in education and assisted students in the Docklands area in achieving educational success. This contributed to the long term sustainability of social regeneration within this area. This structure was already in place and the Trust only spent the income from the interest it earned on the capital sum it held.

5.8 Head 8 – Transfer of Rights and Liabilities

To provide that:

- (1) All rights and liabilities (apart from liabilities under head 14 – pensions) of the Authority arising by virtue of any contract or commitment (expressed or implied) entered into by it before the dissolution day shall on that day stand transferred to the City Council.
- (2) Every right and liability transferred by subhead (1) to the City Council may, on and after the dissolution day, be sued on, recovered or enforced by or against the City Council in its own name, and it shall not be necessary for the City Council to give notice to the person whose right or liability is transferred by that subhead of such transfer.
- (3) Every lease, licence, wayleave, or permission granted by the Authority in relation to land or other property vested in the Authority, shall, upon dissolution, continue in force as if granted by the City Council.

Head 8 provides for the transfer of all the Authority’s rights and liabilities, including those which may exist in any Joint Venture and / or in any agreement for lease in respect of a development. All current rights and liabilities, including any such relating to pensions schemes of the Authority, will transfer to the City Council.

The Joint Committee noted that Ms Jan O’Sullivan TD, Minister of State for Housing and Planning in the Department of Environment, Community and Local Government stated in Dáil Éireann on 4 December 2013:-

“Since the introduction of affordable housing schemes in 1999 qualifying applicants were enabled to become home owners through purchase of designated affordable units, including through the shared ownership scheme. This involved the purchaser entering into a shared ownership lease with the local authority on a property at a significant discount from market value. In these cases, as with all affordable housing sales, a clawback was introduced to prevent short-term profit taking on the resale of the house to the detriment of the objectives of the schemes.”

See: <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2013120400071>

The Joint Committee noted that the Housing Agency had outlined the clawback:-

“Generally, if you sell within the first 10 years, you must pay back the full percentage from the sale that you got as a discount when you bought your home. After 10 years, the percentage you must pay back reduces by one-tenth for each full year you live in your home. If you sell your home after 20 years, you do not have to pay any clawback to the local authority.”

See: <http://www.housing.ie/Housing-Information/Home-Ownership/Living-in-an-Affordable-Home>

The Joint Committee noted that although all affordable housing schemes had been discontinued following the Government's 2011 Housing Policy Statement and pending a full review of Part V of the Planning and Developments Acts 2000 – 2013, the clawback still applied to existing properties purchased under the affordable housing scheme put in place by the Authority.

The Joint Committee considered the position of home owners who had purchased residential properties under affordable housing schemes in the Docklands area. Generally, under affordable housing schemes owners were obliged if they sold a property, to return to the local authority the full discount or part of the discount they had received from it at the time of the purchase. The discount equalled the difference between the sale price and the market value of the property at the time of the purchase. The Authority had sold affordable units under this scheme through its wholly-owned subsidiary, Dublin Docklands Affordable Housing Limited. The Joint Committee agreed that every effort should be made to assist home owners who had experienced negative equity and agreed to request the Minister to examine this issue carefully and to try to identify a fair and achievable solution to this problem.

Dublin Docklands Community Liaison Committee stated that the City Council policy differed to the policy of the Authority and that under Part V of the Planning and Development Act 2000 a number of alternatives were open to developers. Since the introduction of affordable housing schemes in 1999, qualifying applicants could become home owners through the purchase of designated affordable housing. This included shared ownership leases with local authorities.

5.9 Head 9 – Preservation of Existing Contracts

To provide that:

- (1) Every bond, guarantee or other security of a continuing character made or given by the Authority to another person or by any person to the Authority and in force immediately before the dissolution day and every contract or agreement in writing made between the Authority and any other person and not fully executed and completed before the dissolution of the Authority, shall notwithstanding the dissolution of the Authority, continue in force on and after the dissolution day but shall be construed and have effect as if the City Council was substituted therein for the Authority.
- (2) Every other document granted or made by the Authority which is in force immediately before the dissolution of the Authority shall continue to be in force on and after the dissolution as if it had been granted or made by the City Council and shall be construed and have effect and be enforceable by or against the City Council accordingly.

Head 9 provides that every bond, guarantee or other security and every written contract, agreement or document of the Authority in force at the dissolution shall continue in force after the dissolution.

5.10 Head 10 – Liability for Loss before Commencement and Continuance of Legal Proceedings

To provide that:

- (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance of the Authority, before the dissolution day, shall on and after that day, lie against the City Council.
- (2) In all legal proceedings to which the Authority was a party and pending immediately before the dissolution day, the name of the City Council shall be substituted in proceedings for that of the Authority and the proceedings shall not abate by reason of such substitution.
- (3) Where, before the dissolution of the Authority, agreement has been reached between the parties concerned in settlement to a claim to which subhead (1) relates, the terms of the agreement have not been implemented, or judgement in such a claim has been given in favour of a party but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Authority, be enforceable against the City Council.
- (4) Any claim made or proper to be made by the Authority in respect of any loss or injury arising from the act or default of any person before the dissolution day shall, on and after the dissolution, be regarded as having been made by or proper to be made by the City Council.
- (5) Subsection 11(1) of the Act of 1997 is amended by substituting 'Dublin City Council' for 'Authority' where first mentioned in this subsection.

Head 10 provides for the City Council to be answerable for any claim in respect of any alleged loss or injury suffered during the performance of the Authority.

5.11 Head 11 – Provisions consequent upon Transfer of Assets and Liabilities

To provide that:

All books, records and other documents directed or authorised by or under any enactment to be kept by the Authority and which, immediately before the dissolution day, would be receivable in evidence shall, notwithstanding the dissolution of the Authority, be admitted in evidence on or after the dissolution day and the right and duty to supply such evidence shall rest with the City Council.

Head 11 provides that anything, including a contract or on-going negotiation, which has not been completed by the Authority before its dissolution, can be carried on by the City Council. It ensures that any instrument relating to a function which is to be transferred continues in force. It provides that where the Authority is mentioned in a memorandum or an Article of Association of a company or trust this shall be constructed as a reference to the City Council.

5.12 Head 12 – Admissibility in Evidence of Documents of Authority

To provide that:

All books, records and other documents directed or authorised by or under any enactment to be kept by the Authority and which, immediately before the dissolution day, would be receivable in evidence shall, notwithstanding the dissolution of the Authority, be admitted in evidence on or after the dissolution day and the right and duty to supply such evidence shall rest with the City Council.

Head 12 provides that records or documents of the Authority that were admissible as evidence before the dissolution will remain admissible as evidence after the dissolution. The City Council will have the right and duty to supply such evidence.

5.13 Head 13 – Transfer of Pension Liabilities

To provide that:

The pension payments and other superannuation liabilities of the Authority in respect of its former employees become on the dissolution day liabilities of a person or body to be specified by the Minister, by order, with the consent of the Minister for Public Expenditure and Reform.

Head 13 provides that the pension liability of existing and future pensioners of the Authority will be transferred, by order of the Minister, to a body to be specified by the Minister. This will be done with the consent of the Minister for Public Expenditure and Reform.

5.14 Head 14 – Final Accounts

To provide that:

- (1) As soon as may be after the dissolution day, but not later than six months thereafter, the City Council shall, in respect of the period specified under subhead (3), cause to be prepared final accounts of the Authority.
- (2) Accounts prepared pursuant to this head shall be submitted as soon as may be by the City Council to the Comptroller and Auditor General for audit, and, immediately after the audit a copy of the accounts as audited and a copy of the Comptroller and Auditor Generals' report on the accounts shall be presented to the Minister who shall cause copies of those audited accounts and that report to be laid before each House of the Oireachtas.
- (3) For the purposes of subhead (1) the Minister may specify a period that is longer or shorter than a financial year of the dissolved body.
- (4) The Minister may by order extend the time period referred to in subhead (1).

Head 14 provides that the City Council shall, within six months of the dissolution of the Authority, prepare the final accounts of the Authority. The Final Accounts shall be audited by the Comptroller and Auditor General who will present his report on them to the Minister. The Minister shall lay this report before each House of the Oireachtas. The Minister may, by order, extend this time period.

5.15 Head 15 – Final Report

To provide that:

- (1) As soon as may be after the dissolution day, but not later than six months thereafter, the City Council shall cause to be prepared a final report of the Authority's activities in respect of such period as has not already been the subject of such a report ending immediately before the dissolution day.
- (2) The Minister shall cause copies of the report referred to in subhead (1) to be laid before each House of the Oireachtas.

Head 15 provides that the final report of the Authority shall be prepared within six months of the dissolution day and laid before each House of the Oireachtas. The period of this report will include 2013 and that part of 2014 up to the dissolution.

5.16 Head 16 – Records of the Authority

To provide that:

Each record held by the Authority, in any medium, including electronic format, immediately before the dissolution day shall, on and from that day, stand transferred to the City Council and shall, on and from that day, be deemed to be held by the City Council.

Head 16 provides that all records held by the Authority will be transferred and held by the City Council.

5.17 Head 17 – Cessation of Master Plan, Planning Schemes and Applications under Section 25 of the Dublin Docks Development Authority Act 1997

To provide that:

- (1) The Master Plan prepared in accordance with section 20 of the Act of 1997 shall cease to be valid.
- (2) The Planning Schemes prepared in accordance with the Master Plan shall cease to be valid.
- (3) The Authority shall not accept applications for certificates in respect of development pursuant to section 25(7) of the Act of 1997.
- (4) This Head shall come into operation on a day appointed by the Minister, by order.

Head 17 provides for the cessation of the Master Plan for the Docklands area prepared under the Dublin Docklands Development Authority Act 1997 and for the cessation of the Planning Schemes prepared in accordance with the Master Plan. The Authority will no longer accept applications for fast track planning arrangements for parts of the Docklands Area under section 25 of the 1997 Act. This Head will commence by Order of the Minister and its commencement should coincide with the coming into operation of the Strategic Development Zone.

The Joint Committee noted that, currently, planning applications for developments in the Docklands area must be submitted to the Authority for its approval, under the 1997 Act. The Authority grants approval if and when it ensures that the proposed development is consistent with its Master Plan / Planning Strategies. It then issues a Section 25 certificate, which removes the requirement to obtain planning permission. As a condition of granting this exemption, the Authority imposes development levies on behalf of itself and other external agencies.

The Joint Committee agreed that a clause should be included in planning permission for future developments in the Docklands area compelling those developments to employ 20% of their workforce from the local population. It agreed that this provision should be modelled on the Grangegorman Employment Charter which, among other features, stated that a minimum of 20% of new jobs created on projects will be on offer to residents of the Grangegorman neighbourhood in the first instance and after that, of the surrounding areas. The Joint Committee agreed that procedures should be put in place to facilitate regular reviews of the success of and compliance with such a clause.

The Joint Committee agreed that the current and future Master Plans should be regularly reviewed.

The Joint Committee agreed that the Minister should consider having a commitment to a 20% provision of social housing included in the current and future Master Plans for the Strategic Development Zone.

The Joint Committee agreed that the Minister should clarify the future structure and role of the Docklands Housing Trust and the Docklands Community Trust. The Minister should clarify whether these bodies will be retained, amalgamated or abolished and if abolished the Minister should clarify what bodies will be responsible for purchasing social housing for members of the local community and for managing and administering funds to community interests.

The Joint Committee agreed that the Annual Docklands Conference should be retained and supplemented by spot check sessions throughout the year.

Dublin Docklands Community Liaison Committee recommended that development plans be monitored and reviewed. It stated that a number of recommendations featured in a report entitled Dublin Docklands Development Authority by Prendergast, Terry and Curley, Emma (2013)) were not incorporated in the Heads. That report was not publicly available. In its Introduction, that report stated that the City Council had asked the Docklands Council to prepare a report setting out its views on the issues in the Dublin Docklands 2008 Master Plan that were still relevant and on other issues that were relevant to any other planning framework in the Docklands area. It followed two workshops held in the offices of the Authority on 3 and 11 September 2013 and subsequent discussions by the Docklands Council on 2 October 2013. It recommended the necessity to devise and adopt a standalone integrated planning strategy for the wider Dockland area.

Under section 25 planning powers, strategies or schemes refer to specific planning responsibilities for parts of the Docklands area. The Authority produces these strategies or schemes for designated areas through a public consultation process and endorsement by the Minister.

See: <http://www.ddda.ie/index.jsp?n=124&p=631>.

The Liaison Committee highlighted the 'particular concern' of community representatives that the cessation of the Master Plan could impact on existing elements including social housing. In relation to local employment, it recommended following the Grangegorman Development Agency model which had established and adopted a Charter to ensure that a minimum of 20% of employment on projects would be offered to existing residents.

See: <http://www.dit.ie/media/gllf/documents/Guidelines%20for%20Contractors.pdf>

Saint Andrews Resource Centre advised that any new Master Plan should not have regressive consequences on recent progress related to community development and social regeneration. If the policies underlying the current 2008 plan were to be discontinued 'the momentum of raising quality of life and expectations for our young people will bring us backwards and we will lose the many gains and benefits [which have been achieved] over the 15 years'. The current Master Plan should be reviewed and subsequent Plans regularly reviewed thereafter. The Annual Docklands Conference should be continued and supplemented 'by spot check sessions throughout the year'. A minimum of 20% of the labour required should be recruited from local labour and two employment centres in the area, the Inner City Renewal Group in Amiens Street and the Saint Andrews Job Centre in Pearse Street, should be utilised to achieve this.

Dublin City Community Forum recommended that developments, including residential developments, within the Strategic Development Zone accommodate the existing City Council policy, GC16, as defined in the City Council's Development Plan (2011 – 2017):-

"To support the provision of community gardens / allotments / local markets / pocket parks where feasible and in particular as temporary use on vacant, under-utilised or derelict sites in the city."

The Community Forum stated that following the publication of the Dublin Docklands Area Master Plan (2008), Section 25 applications to the Authority were subject to certain conditions including the requirement for a 20% provision of social and affordable housing. As per the Planning and Development Act 2000, this authorised local authorities to set levels of up to 20% as a condition of planning permission.

See: <http://www.ddda.ie/AffordableHousing>

And: http://www.dublincity.ie/development_plan/appendix.pdf

The Community Forum stated that the City Council has and will retain responsibility for the assessing applicants for social housing and for managing housing lists in the Docklands area. In addition, the Authority is involved in two charitable trusts. The Docklands Housing Trust purchases social housing for members of the local community and the Docklands Community Trust manages and administers funds to community interests, including educational initiatives.

Inner City Renewal Group stated that the omission of a commitment to a 20% provision for social and affordable housing in the Heads was a 'disappointment in the Sheriff Street area' where the 20% commitment related to Spencer Dock and had not yet been delivered. Handing control of the Docklands Housing Trust and the Docklands Community Trust to the City Council:-

“effectively means that the City Council will be deciding on 4 of the 7 members of the board ... if the City Council controls the Dockland’s Housing Trust, there will be great pressure on the board to pursue City Council policy which is to sell the units to the people living in them ... [this would] defeat the purpose of the 20% social housing provision and the initial establishment of the trust.”

5.18 Head 18 – Treatment of Section 25 Applications on Hand at Dissolution

To provide that:

- (1) From a date appointed by the Minister, by order, applications for certificates in respect of development pursuant to section 25(7) of the Act of 1997, which have not been decided upon by the Authority, in accordance with the provisions of that section, shall be deemed to be invalid.
- (2) In respect of all applications referred to in subhead 1 the Authority shall notify the applicant in writing as soon as practicable, but not later than 20 working days, after the commencement of this head, that the application is invalid.
- (3) Any fees, all particulars, plans drawings and maps remitted to the Authority in respect of an application voided under subhead (1) shall be refunded to the applicant.

Head 18 renders any existing applications under Section 25 invalid, facilitating a ‘clean break between old and new planning procedures’. It details the notification and refund procedure for current applications.

Box 12: Section 25 Certification

Section 25 certification is issued in respect of particular developments which are consistent with the Master Plan for the Dublin Docklands Development Area. It exempts a development from the requirement to obtain planning permission from a Local Authority. It facilitates:-

- (1) A much shorter lead time from conception to completion of a development (generally);
- (2) An integrated and economically viable strategic approach to local development addressing local infrastructure and site specific issues;
- (3) Local commitment to and ownership of the development strategy through prior consultation with local community and business sector.

There are four stages in obtaining section 25 certification 25 certificate:-

- (1) Pre-Application,
- (2) Registration,
- (3) Third Party Submission & Assessment,
- (4) Presentation & Board Decision.

Since its establishment, the Dublin Docklands Development Authority has developed a number of Master Plans for the Docklands Development Area; in 1997, 2003 and 2008.

Source: AL Goodbody (April 2013) and [Dublin Docklands Development Authority](#)

5.19 Head 19 – Treatment of Non-Commenced Section 25 Certificates

To provide that:

- (1) Certificates for development issued pursuant to section 25(7) of the Act of 1997 shall cease to be valid where substantial works have not been carried out in respect of the development.
- (2) This Head shall commence on a day appointed by the Minister, by order.

Head 19 renders existing Section 25 applications which have been granted, but on which substantial works have not been carried, invalid. Again, this facilitates a 'clean break between old and new planning procedures'. Applicants may re-apply under the new planning framework for the Strategic Development Zone

5.20 Head 20 – Limit of Duration of Section 25 Certificates for Development where Substantial Works have been carried out

To provide that:

- (1) A certificate granted under section 25(7) of the Act of 1997 under which substantial works have been carried out, shall, on the expiration of the appropriate period, but without prejudice to the validity of anything validly done pursuant thereto prior to the expiration of that period, cease to have effect as regards that part of the development that is not completed within that period.
- (2) The "appropriate period" means 3 years.
- (3) This head shall commence on a day appointed by the Minister, by order.

Head 20 allows an extension of an 'appropriate period' of 3 years, in cases where substantial works have been carried out. It allows the holder of the Certificate to complete unfinished aspects of the development and will cease to be valid for any part of the development not completed within 3 years. The holder will have the option, under the Planning and Development Act 2000, to apply to the City Council for permission to complete the development.

5.21 Head 21 – Option to apply for Section 34 Permission in respect of Section 25 Certificates where Substantial Works have been carried out

To provide that:

- (1) A holder of a certificate issued under section 25(7) of the Act of 1997 where substantial works have been carried, out may apply to the City Council for permission for the completion of the development in accordance with section 34 of the Act of 2000.
- (2) The grant of a permission under section 34 of the Act of 2000 in relation to development referred to in subhead (1) supersedes the section 25 certificate but is without prejudice to the validity of anything validly done pursuant thereto prior to the grant of permission.

Head 21 allows the holder of a section 25 Certificate to apply for permission in accordance with the Planning and Development Act 2000. This facilitates applications for development in the Strategic Development Zone. If permission is granted it supersedes the original Certificate without prejudice to any part of the development which has already been validly completed.

5.22 Head 22 – Consent for Future Development

To provide that:

Where a development has been completed pursuant to section 25(7) of the Act of 1997 any subsequent applications for alterations or amendments to that development shall be made in accordance with section 34 of the Act of 2000.

Head 22 provides that where a development has been completed under an existing section 25 certificate any future application for alterations or amendments to that development must be made in accordance with existing statutory provisions under the Planning and Development Act 2000. This facilitates applications in both a Special Development Zone and in an area that is not a Special Development Zone.

6. REFERENCES

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- (2) Dublin Docklands Development Authority Act 1997
- (3) Finance Act 1986
- (4) Local Government Act 2001
- (5) http://www.algoodbody.com/insightspublications/Dublin_Docklands_Strategic_Development_Zone
- (6) <http://www.ddda.ie/AffordableHousing>
- (7) http://www.ddda.ie/files/business-planning/20131126050652_DDDA%20FINANCIAL_STATEMENTS_2012.pdf
- (8) <http://www.ddda.ie/index.jsp?n=124&p=631>
- (9) <http://www.dit.ie/media/gllf/documents/Guidelines%20for%20Contractors.pdf>
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- (19) MacLaran, A. (1999, page 22) 'Inner Dublin Change & Development' in Killen, J. & MacLaran, A. (Eds.) (1999) Dublin: Contemporary Trends and Issues for the Twenty-first Century. Dublin.
- (20) Moore, Niamh (1999, page 137) '*Rejuvenating docklands: The Irish context*'. Irish Geography. Vol. 32, <http://www.tandfonline.com/doi/abs/10.1080/00750779909478607>
- (21) Oireachtas Library and Research Service based on 1986, 1987 and 1997 Acts http://www.ddda.ie/files/homepage/images/20120402035324_Docklands%20Potential%20Brochure%20W.pdf
- (22) Planning and Development Act 2000
- (23) Special Report of the Comptroller and Auditor General Special Department of the Environment, Community and Local Government Dublin Docklands Development Authority
- (24) Urban Renewal Act 1986
- (25) Urban Renewal Amendment Act 1987

APPENDIX 1 – TERMS OF REFERENCE OF COMMITTEE

a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
 - (c) Estimates for Public Services, and
 - (d) other matters as shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas—
 - (a) matters of policy for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy in respect of bodies under the aegis of the Department,
 - (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill published by the Minister,
 - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

- (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and
 - (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
- (a) European Union draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for European Union legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any European Union institution in relation to European Union policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant European Union Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees—
- (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
 - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.
- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments—
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70])

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.

- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.
- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

APPENDIX 2 – MEMBERS OF COMMITTEE

Mr James Bannon TD	(Fine Gael)	
Mr Noel Coonan TD	(Fine Gael)	Leas-Chathaoirleach
Ms Ruth Coppinger TD	(Independent)	
Ms Marcella Corcoran Kennedy TD	(Fine Gael)	
Mr Barry Cowen TD	(Fianna Fáil)	
Mr Robert Dowds TD	(Labour)	
Mr Michael Mc Carthy TD	(Labour)	Cathaoirleach
Mr Tony Mc Loughlin TD	(Fine Gael)	
Mr Éamonn Maloney TD	(Labour)	
Ms Michelle Mulherin TD	(Fine Gael)	
Ms Catherine Murphy TD	(Independent)	
An t-Uasal Seán Ó Fearghaíl TD	(Fianna Fáil)	
Mr Brian Stanley TD	(Sinn Féin)	
An t-Uasal Peadar Tóibín TD	(Sinn Féin)	
Vacancy TD	(Fine Gael)	
Senator Cáit Keane	(Fine Gael)	
Senator Denis Landy	(Labour)	
An Seanadóir Fiach Mac Conghail	(Neamhspleách)	
Senator Hildegarde Naughton	(Fine Gael)	
An Seanadóir Labhrás Ó Murchú	(Fianna Fáil)	
Senator Ned O'Sullivan	(Fianna Fáil)	