



Circular No: 04 - 2020
From: LEADER Policy and Operations Unit
To: All LAGs and Implementing Partners
Date Issued: 16 March 2020
Subject: Prepayment Site Visits, LAG decisions to extend contract, Appeals and LEADER Mailboxes

1. Derogations relating to Prepayment Site Visits and LAG decisions to extend contracts

Owing to the difficulties posed by the Covid-19 virus, from the date of issue of this Circular until further notice, the Department has decided to permit the following derogations:

i. Prepayment Site Visit

The Article 48 User may decide not to conduct an on-site inspection where:

- Less than 75% of the LEADER amount has been claimed;
- The LEADER grant amount is less than €5,000 as the operation in question is a small investment.
- The Article 48 Checking Body is satisfied that the report and photos submitted, together with the other Article 48 checks undertaken, indicate that the “risk that the conditions for receiving support are not met is low, or that the risk that the investment has not been realised is low” .
- The project does not involve construction, acquisition or improvement of immovable property or the purchase of new machinery and equipment.

However, due to the Covid-19 Virus, it may not be possible for a Prepayment Project Site Visit to happen and therefore, no Project Site Visit Report and Photographs will be submitted to the Article 48 User for examination. From the date of issue of this Circular, these Prepayment Project Site Visits will not be required to be carried out until further notice.



Where the required Site Visit Report and Photographs cannot be submitted due to difficulties posed by the Covid-19 Virus, the Site Visit Commentary Box must be completed with the following text:

- Owing to the difficulties posed by the Covid-19 virus, it is not possible to carry out the required Prepayment Site Visit for this project.

Note

For projects where Site Visits have not taken place, they may be subject to post payment inspection by the Department.

ii. LAG decisions to extend Contracts

Per Section 8.4 of the LEADER 2014 – 2020 Operating Rules, the LAG may not extend a completion date by more than 12 months in total and the LAG Decision Making Members must approve all extensions which are greater than 6 months from the agreed completion date.

Owing to the difficulties posed by the Covid-19 virus, from the date of issue of this Circular until further notice, the LAG decision Making Members may approve contract extension dates by Written Procedure until further notice. The requirement that Individual LAG members can only vote by written procedure in a maximum of one out of every four consecutive LAG meetings is being removed **only** where a decision on contract extensions is being decided.

Where written Procedure for contract extensions is being utilised by the LAG, **all** of the following must be observed:

- All LAG Decision Making Members **must** be provided with the relevant documentation and given adequate time to return their Voting ballot to the LAG Authorised Officer (the closing date for the ballot **must** be stated in the documentation);
- The returned voting ballot **must** contain the name and Sector of the LAG Decision Making Member casting the Vote and be dated by that Member.
- The returned Voting ballots **must** be opened after the stated closing date for the ballot and in the presence of the LAG Chair and LAG Authorised Officer (evidence of this must be provided);
- Voting Ballots dated by the LAG Decision Making Member after the stated closing date are invalid.



- The decision for each project extension **must** be recorded in a document showing:
 - the correspondence issued to the LAG Decision Making Members; and
 - the date the correspondence issued to the LAG Members and the final date for receipt of Decision Making Members Voting ballots; and
 - The Date the Voting ballots were opened; and
 - A list containing the name of each LAG Decision Making Member, the Sector they represent and their recorded Vote; and
 - The Collective Decision of the Decision Making Members; and
 - This document **must** be signed and dated by the LAG Chair and uploaded onto the LEADER IT System; and
 - The result **must** be read into the minutes of the next LAG meeting.
- The Voting **must** be in line with ***LAG decisions*** as set out in Section 5.3 of the LEADER 2014 – 2020 Operating Rules (see below)

LAG Decisions

For the purposes of securing an inclusive and representative decision-making process, any decisions on contract extensions taken by the LAG must –

- be voted on by at least 50% (rounded up to the nearest person) of LAG members – this applies to decisions validated by the LAG membership after all relevant conflict of interest issues have been addressed; and
- be voted on the basis that at least 50% of those voting on a decision are non-public sector partners; and
- be carried by majority vote; and
- be non-discriminatory and transparent

The Chairperson does not have a casting vote. Where there is a tied vote, a motion is deemed not to be carried.

Decisions taken where the above governance requirements are not met will be deemed invalid. Where the above governance requirements are not in place, the decision should be postponed until such time as these governance requirements are in place.



It should be noted that the above relates only to contract extensions.

2. Changes set out below in relation to Appeals and LEADER Mailboxes:

Appeals

Please note that due to the difficulties posed by the Covid-19 virus, where Appeals are submitted, notification of the decisions on such Appeals will take longer than the stated one month in Section 21.3 of the LEADER 2014 – 2020 Operating Rules. Every effort will be made to have decisions on such Appeals notified to the LAG at the earliest possible opportunity. All project promoters should be notified of this revised timeframe.

LEADER Mailboxes

Owing to the Covid-19 virus situation, some staff in the Unit may be deployed to other areas of the public service. This deployment may affect response times to queries posted to LEADER mailboxes. During this time every effort will be made to respond to the mailbox queries as quickly as possible.

LEADER Policy & Operations Unit