Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

LG 06/2014

28 May 2014

Newly elected local authorities

Dear Manager

I am directed by the Minister for the Environment, Community and Local Government to refer to the newly elected councils that will come into office following the local authority elections. The purpose of this circular is to give advance notice in respect of certain related matters that follow from those elections. Notes are accordingly enclosed in relation to the annual meeting, documentation for incoming members, strategic policy committees and gender balance in the making of certain appointments.

A copy of this circular, which is available on the SharePoint system, should be given to each elected member.

In particular new members should, as soon as may be after the local elections, receive familiarisation training, particularly in relation to procedures for appointment to committees and other bodies and should be provided with information packs containing relevant material.

Any queries may be directed to Sean O'Suilleabhain (Tel. 01 888 2800 or email sean.osuilleabhain@environ.ie).

Yours sincerely

Donal A. Enright

_____

Donal Enright
Principal
Local Government Policy/ Motor Tax Section
01 8883960

To each County and City Manager

Copy for information to: AILG and LAMA

In these Appendices –

"2001 Act" means the Local Government Act 2001; and

"2014 Act" means the Local Government Reform Act 2014.

APPENDIX I

ANNUAL MEETING

1. Ordinary Day of Retirement for Outgoing Elected Members

The ordinary day of retirement (section 17 of the 2001 Act, as amended by section 28(3) of the 2014 Act refers) for the purposes of the 2014 elections, is the 2014 establishment day or the transfer date, as provided for in the 2014 Act. The 2014 establishment day and the transfer date have been set for 1 June 2014.

2. Day of Annual Meeting

Paragraph 3 of Schedule 10 to the 2001 Act, (as amended by section 57(a) of the 2014 Act) specifies that date on which the annual meeting of a local authority is held shall be the 14th day after polling day, which is –

- Friday, 6 June 2014 in respect of all local authorities except Monaghan County Council, and

- Monday, 23 June 2014 in respect of Monaghan County Council.

2 Public Notice of Annual Meeting

Paragraphs 4(6) and 4(7) of Schedule 10 to the 2001 Act provide that a local authority shall in an election year publish notice of the annual meeting in a newspaper circulating in their area. This notice must specify –

- the date of the meeting
- the fact that the first business of the meeting will be the election of the Cathaoirleach
- the joint bodies and other bodies to which it is entitled to make appointments at that meeting or subsequently. A local authority must maintain a list, open for public inspection, of all such appointments made by it.

Circular LG 4/02 of 7 March 2002 enclosed a copy of the Local Government Act 2001 (Meetings) Regulations 2002 (S.I. No. 66 of 2002). The Schedule to S.I. No. 66 of 2002 sets out the general form of the newspaper notice.

3 Business of Annual Meeting

In accordance with paragraph 4(1) of Schedule 10 to the 2001 Act, the meetings administrator shall read out the names of the persons duly elected and the first business of the meeting, which is the election of the Cathaoirleach, shall follow (paragraph 4(2)).

The procedures set out in section 37 of the 2001 Act apply to the election of a Cathaoirleach.

The next business shall include the election of the Leas Chathaoirleach and the consideration of appointments to the various bodies to which the local authority makes appointments (paragraph 4(4)) of Schedule 10, as amended by section 57(b) of the 2014 Act).

As regards the making of appointments, while the operation of the grouping system is optional (see paragraph 18 of Schedule of 10), it remains as a right for any group wishing to operate those procedures and may not be removed or interfered with. However, it is open to a local authority, as an alternative, to devise its own procedures by way of general agreement to promote fairness and equity across the totality of all appointments to be made by the authority. See paragraphs 19(3) and 19(4) of Schedule 10.

Following the amendment of paragraph 4(4) of Schedule 10 to the 2001 Act, the Agenda should include setting the day or days for the first meetings of the municipal district members for each of the municipal districts within the functional area of the local authority, so long as the day or days so fixed shall not be later than 10 days after that annual meeting of the local authority and shall not be an excluded day. In that context, the first meetings of all municipal districts will have to have taken place no later than Monday, 16 June 2014, except in respect of Monaghan County Council where the first meetings of all municipal districts will have to have taken place no later than Thursday, 3 July 2014.

Furthermore, among the Agenda Items to be included is "Induction Training for Elected Members". In order to facilitate training of all elected members following the implementation of the reform programme and the establishment of the new structures a motion as follows, or similar –

> "That _____ Council nominates [List all elected members of the local authority] to attend the training seminar being organised by the Association of Irish Local Government for all elected members to take place on 17/19/25/26* June in [Sligo/ Dublin / Tullamore / Cork**]".
>
> * select relevant date
> ** select relevant location.

should be put before the elected members. There is further information at **Appendix V**.

4 Appointment to Education and Training Boards

Local authorities will be advised shortly by the Department of Education and Skills regarding arrangements for the appointment of members to Education and Training Boards.

APPENDIX II

DOCUMENTATION FOR COUNCILLORS

1 Information Booklet

The information booklet *Local Government and the Elected Member*, which is being finalised, should be circulated to all councillors as soon as the electronic version is distributed to local authorities, **prior** to the annual meeting. Hard copies, where required should be printed by local authorities. It is suggested that consideration be given to sending a short accompanying note with the booklet, advising councillors on practical local issues, meeting arrangements, etc., and other material which might prove helpful. In addition, an informal briefing, and question and answer session could also be arranged.

Copies of the authority's standing orders under Schedule 10 to the Act should also be available to councillors.

2 Ethics – Annual Declaration Forms

Under section 171(1) of the 2001 Act, every member must furnish to the Ethics Registrar an Annual Declaration in writing containing –

(a) particulars of his or her declarable interests, and
(b) an undertaking to have regard to and be guided by the relevant Code of Conduct in the exercise of his or her functions.

In addition, under section 171(2), he or she must furnish an annual declaration and statement that none of the grounds for disqualification referred to in section 13 or 182 of the 2001 Act, or under section 20 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 apply.

For persons who are elected to a local authority and who were not, immediately prior to the 2014 local elections, members of that authority, a new Annual Declaration must be completed and returned no later than 6 weeks from the ordinary date of retirement i.e. Friday 11 July 2014 (as the 6 weeks from the ordinary day of retirement falls on Sunday 13 July 2014) – article 6 of Local Government Act 2001 (Part 15) Regulations 2004 refers). Persons who are re-elected to the same local authority and therefore have previously completed an Annual Declaration for 2014 should not be issued with a further such Declaration Form until January 2015, when it should be re-completed in the normal way.

The Ethics Registrar should issue, within two weeks of the ordinary date of retirement (i.e. no later than Friday 13 June 2014), a notice to each new councillor (as appropriate) regarding the requirement on them to complete an Annual Declaration (section 174(1) of the Act, and article 7 of the Regulations refer).

A copy of the Code of Conduct for Councillors, issued by the Minister for the Environment, Community and Local Government under section 169 of the 2001 Act should also be provided to every councillor.

APPENDIX III

STRATEGIC POLICY COMMITTEES

Section 48 of the 2001 Act (as amended by the 2014 Act)) provides the statutory basis for the establishment of Strategic Policy Committees. Revised guidelines, *Strategic Policy Committees – Guidelines for the Establishment and Operation*, are being finalised and will issue shortly

Note in these Guidelines specific guidance on that the establishment of a Strategic Policy Committees for Economic Development and Enterprise Support, which is a statutory requirement under section 48(1A), of the 2001 Act, as inserted by section 41(a) of the 2014 Act.

APPENDIX IV

BETTER GENDER BALANCE
APPOINTMENTS TO COMMITTEES, ETC

1 The 2001 Act (Paragraph. 19(1) of Schedule 10) requires a local authority to seek to promote the objective of an appropriate gender balance in the making of appointments to its own committees and to other bodies. The objective of successive Governments has been to work towards a minimum target of 40% female representation on State appointed boards, agencies, committees, etc.

2 A local authority is permitted, in the case of appointments to its own committees and in certain instances to other bodies, to appoint non- members with relevant knowledge or experience. In keeping with the objective set out in paragraph 1, local authorities can where relevant avail of this mechanism to work towards improved gender balance in the making of its appointments and this should be kept in mind at all times.

3 Over the coming 5 year local authority term, casual vacancies may on occasion arise from time-to-time, and in filling such vacancies local authorities should seek to promote the objective of securing an improved gender balance on the council.

APPENDIX V

INDUCTION TRAINING FOR COUNCILLORS

In order to facilitate training of all elected members following the implementation of the reform programme and the establishment of the new structures the Association of Irish Local Government will be organising a series of training seminars for all elected members. The locations for this training has have been assigned as follows –

Date	Location	Council
17 June 2014	Sligo (Sligo Park Hotel)	Cavan Donegal Galway City Galway County Leitrim Mayo Roscommon Sligo
19 June 2014	Dublin (Red Cow Moran's Hotel)	Dublin City Dunlaoghaire/Rathdown Fingal South Dublin
25 June 2014	Tullamore (Tullamore Court Hotel)	Kildare Laois Longford Louth Meath Monaghan Offaly Westmeath Wicklow
26 June 2014	Cork (Silver Springs Hotel)	Carlow Clare Cork City Cork County Kerry Kilkenny Tipperary Waterford Wexford

In order to facilitate smooth operation of the training event at each the above locations, local authorities should provide details of all attendees to Tom Ryan of the Association of Irish Local Government (AILG) by email to director@amai.ie as soon as possible.

Where an elected member chooses to attend a training seminar at a location other than that assigned for members of his/her authority, any travel and subsistence that may be payable shall not exceed the amount that –

- would have been payable if attending at the assigned location, or
- payable in respect of the location where training was undertaken,

whichever is the lower.

APPENDIX VI

Indicative Timeframe for Events/Activities Referenced in the Appendices (not an exhaustive list)

Date	Event/Activity
03/06/2014	Last day for publication of Notices of Annual Meetings, as required by Local Government Act 2001 (Meetings) Regulations 2002 (S.I. No. 66/2002), by all local authorities, except Monaghan County Council
06/06/2014	All local authorities, except Monaghan County Council to hold Annual Meeting
13/06/2014	Ethics Registrar should have issued a notice to each new councillor (as appropriate) regarding the requirement on them to complete an Annual Declaration
16/06/2014	All Municipal Districts to have held first meeting, except in respect of Monaghan County Council
17/06/2014	Induction Training - Sligo
19/06/2014	Induction Training - Dublin
20/06/2014	Last day for publication of Notice of Annual Meeting, as required by Local Government Act 2001 (Meetings) Regulations 2002 (S.I. No. 66/2002), by Monaghan County Council
23/06/2014	Monaghan County Council to hold Annual Meeting
25/06/2014	Induction Training - Tullamore
26/06/2014	Induction Training - Cork
03/07/2014	All Municipal Districts of Monaghan County Council to have held first meeting
11/07/2014	Each new councillor (as appropriate) should have completed and returned an Annual Declaration to the Ethics Registrar