



**AILG**

Association of Irish Local Government  
Aontas Rialtas Áitiúil na hÉireann

## **Councillor Seminar – June 2014**

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# Role of the Councillor

## General Overview

- Representational Role – democratically elected
- Policy Role – extensive range of policy matters decided by Councillors
- Local Government Act, 2001, is Principal Act as amended by Local Government Reform Act, 2014
- 2001 Act provided for holding of local elections every 5 years, an Elected Council with a Cathaoirleach and Leas Cathaoirleach, sets out local government functions including it's representational role and it's role in the promotion of the interests of local community.

# Role of the Councillor

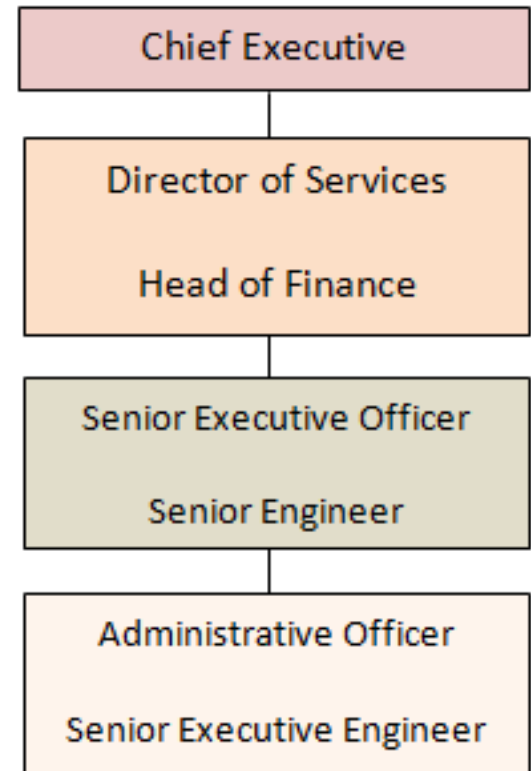
## General Overview

- Councillors also have a right of representation on a range of other public organisations which operate locally such as Education Training Boards, Joint Policing Committees and Local Community Development Committees (LCDC's)
- Elected Council is policy-making area of the local authority acting by 'reserved functions'
- Reserved Functions are defined by law and mainly cover areas of policy (e.g. Annual Budget, Development Plan, Bye-Laws etc.)

# Role of the Councillor

## General Overview

- Day to day management of the local authority vested in Chief Executive and delegated staff e.g. Director of Services and Heads of Department
- Exercise 'executive functions' in line with policy parameters set down by Councillors



# Role of the Councillor

## Meetings of the Council

- Cathaoirleach presides at meetings of local authority where he/she may exercise a casting vote except in the case of the election of Cathaoirleach
- Four types of meetings:
  - Annual Meeting
  - Ordinary Meeting
  - Budget Meeting
  - Special Meeting

# Role of the Councillor

## Standing Orders

- Rules determining how meetings are conducted including:
  - Schedule of ordinary meetings
  - Commencement, adjournment and termination of meetings
  - Procedures for dealing with urgent business
  - Procedures for voting
  - Procedures for suspension of Standing Orders

# Role of the Councillor

## Quorum

- Minimum number of Councillors to be present at meeting
- Quarter ( $\frac{1}{4}$ ) of the total number of Councillors plus one (where  $\frac{1}{4}$  is not a whole number, the Quorum is the next highest number plus one)



# Role of the Councillor

## Conduct of Meetings

- Meeting Administrator assigned responsibility for procedural matters relating to notification and organisation of meetings
- Chief Executive may attend meetings, take part in discussions but may not vote
- Councillor or a group of Councillors can take a 'notice of motion' at meetings – a proposal requesting or directing a certain course of action

# Role of the Councillor

## Conduct of Meetings

- Standing Orders will specify the number of Notices of Motion which may be submitted by any Councillor and the latest date for submission
- Only items that can be discussed at meetings are those items on agenda or those required to be dealt with by law
- Standing Orders may provide for urgent issues to be discussed

# Role of the Councillor

## Conduct of Meetings

- Decision of a local authority, which is a reserved function, is determined by a simple majority of those Councillors present and voting subject to some exceptions
- Code of Conduct for Councillors attending meetings
- Minutes of meetings drawn up by Meeting Administrator and presented for confirmation as an accurate record at the next meeting

# Role of the Councillor

## Conduct of Meetings

- Public and media have a statutory right to attend meetings. However, Council can decide to meet 'in committee' due to nature of meeting or business to be discussed

# Role of the Councillor

## Local Authority Committees

### Corporate Policy Group (CPG)

- Chairperson of each SPC and Cathaoirleach make up Corporate Policy Group (CPG)
- New provision in 2014 Act whereby any Municipal District not represented by Cathaoirleach or Chair of SPC must be added to CPG
- CPG is chaired by Cathaoirleach and supported by Chief Executive
- CPG has a strategic role to co-ordinate work of SPC's and where Council policy can be discussed and agreed for submission to full Council
- CPG must be consulted by Chief Executive in preparation of the corporate plan and draft local authority budget

# Role of the Councillor

## Local Authority Committees

### Strategic Policy Committees (SPC's)

- Strategic Policy Committees (SPC's) reflect various local authority programmes e.g. Housing, Environment, Planning etc.
- 2014 Act provides for specific SPC on Economic Development and Enterprise
- Each Councillor serves on at least one SPC
- Councillors form approx.  $\frac{2}{3}$  of membership and remainder made up of sectoral interests e.g. community, business, farming, environmental, trade union etc.
- Chairperson must be a Councillor appointed for a minimum of 3 years
- Purpose of SPC's is to provide for greater input into policy development of local authority

# Role of the Councillor

## Policy Role of the Elected Council

- Major decisions of policy rests with Elected Council through reserved functions including the following:
  - Adopting the annual budget
  - Determining the annual level of commercial rate to be charged
  - Borrowing money
  - Making or varying a development plan
  - Adopting a scheme of letting priorities

# Role of the Councillor

## Policy Role of the Elected Council

- Chief Executive must act in a way which is consistent with the policy established by the Elected Council, having regard to any statutory requirements
- Duty of Chief Executive to advise and assist Elected Council in the performance of their reserved functions



# Role of the Councillor

## Representational Role

- 2001 Act expressly recognises the representational role of Councillors
- Role can include communicating the view of the Elected Council to other public bodies on local issues and the right of representation on other public agencies

# Role of the Councillor

## General Powers of Councillors

- The Elected Council have powers to do the following in relation to the functions of the Chief Executive:
  - Require the Chief Executive to attend a meeting of the local authority or a committee of same
  - Require the Chief Executive to inform the Elected Council before performing any specified executive function (other than in respect of staff)
  - Require the Chief Executive to submit plans, specifications and cost estimates of particular works

# Role of the Councillor

## General Powers of Councillors

- Require the submission of statements of the financial position of the authority
- New provision in 2014 Act for Chief Executive to prepare monthly management reports for Elected Council on or before the seventh day of each month
- Report will set out the performance of the Chief Executive's executive functions during the preceding month including:
  - Implementation of policy or other matters required by the Council in the exercise of its reserved functions and
  - The provision of services by the Council

# Role of the Councillor

## Municipal Districts

- Envisaged that Municipal District Members would meet monthly and that the local authority would meet every 2 months or quarterly as business needs require
- Municipal District Members must adopt their own Standing Orders
- Chief Executive to assign duties of meetings administrator for Municipal Districts to local authority employee
- Chief Executive will consult with Municipal District Members in preparation of local authority draft budget
- Draft budgetary plan will allow the Members of each Municipal District determine the manner in which the General Municipal Allocation will be spent

# Role of the Councillor

## Municipal Districts

- Quorum at each Municipal District meeting is  $\frac{1}{4}$  of total number of members plus one
- Reserved functions can be performed exclusively by Municipal District Members or by Municipal District Members or the Plenary Council or by the Plenary Council only
- Reserved functions of Municipal District Members include:
  - Consideration and making amendments to a draft budgetary plan
  - Consideration and adoption of an annual schedule of proposed works to be carried out in the district

# Role of the Councillor

## Municipal Districts

- Establishing a community fund for the purpose of supporting community initiatives
- The making of an order declaring a road to be a public road, abandoning a public road or extinguishing a public right of way
- Making of certain bye-laws
- In the event of any doubt, CPG to be consulted as to level at which reserved function should be performed.

# Role of the Councillor

## **Ethics; Declaration of Interests; Code of Conduct**

- Ethics Framework in place for Councillors and staff
- Duty of every Councillor and employee to maintain proper standards of integrity, conduct and concern for the public interest
- Provides for an annual declaration of interests, disclosure of any interest in matters which come before the local authority and a public register of interests
- Interests include holdings of land or other property, shareholdings, directorships, contract with a local authority etc.

# Role of the Councillor

## **Ethics; Declaration of Interests; Code of Conduct**

- Any Councillor who has a pecuniary or other beneficial interest in a matter arising at a Council meeting or other meeting must disclose that interest, withdraw from the meeting, take no part in discussion or consideration of matter and cannot vote
- Failure to comply annual declaration and disclosure requirements is an offence
- Any person may make a complaint to Standards in Public Office Commission about an alleged 'specified act' by a Councillor or employee



# Role of the Councillor

## **Ethics; Declaration of Interests; Code of Conduct**

- Ethics Framework also includes Code of Conduct which sets out standards and principles of conduct and integrity for Councillors
- Under the Local Elections (Disclosure of Donations and Expenditure) legislation, all Councillors must make a return to the local authority of local election expenditure within 90 days of polling.  
Councillors must also make a return each year of political donations received.

# Role of the Councillor

## Financial and other supports for Councillors

- LG Circular Letter 12/14 dated 30<sup>th</sup> May 2014
- Representational payment (salary type payment)
- Fixed annual allowance (towards meetings and other expenses)
- Ad hoc expenses (conferences and other events)
- Cathaoirleach's allowance
- Allowance for SPC Chairpersons
- Allowance for Municipal District Chairpersons
- Retirement gratuity and lump sum on retirement

## Any Questions

