



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



LG 11/2014

30 May 2014

**Local Government Act 2001
and
Local Government Reform Act 2014**

Suggested Rules of Procedure for Municipal Districts

Dear Manager

1. I am directed by the Minister for the Environment, Community and Local Government to refer to the changes brought about by the Local Government Reform Act 2014 in relation to the rules of procedure as they apply to municipal districts.
2. I attach the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014), which provide for the application of a number of provisions to municipal districts and to municipal district members.
3. The Appendices to this circular outline the provisions which are now being brought into operation in respect of municipal district members (Part A); Part B contains Suggestions for Standing Orders and Part C related guidance notes to the suggested standing orders.

First Meetings of Local Authorities and Municipal District Members

4. It will be noted that paragraph 3 of Schedule 10, as amended by section 57 of the 2014 Act, requires the first meeting of all local authorities to be **on** the 14th day after polling day, which in 2014 will be on 6 June 2014 for those local authorities where polling was completed on 23 May 2014. The business to be transacted at this first meeting of the local authority includes the fixing, **within** 10 days, of the first meeting of **all** municipal district members. It is recommended that the local authority coordinates these meetings to assist officials to service them efficiently and effectively.

Frequency of meetings

5. While it is not provided for in legislation, it is understood that a number of local authorities envisage that the municipal district members would meet monthly, and that the local authority would meet every 2 months or quarterly as business needs require. This would appear to be consistent with the devolution of functions to municipal district members and the strategic role of the local authority.

Standing Orders

6. The law governing meetings of municipal district members is now contained in Part 6 and Schedule 10 to the 2001 Act as amended by the Local Government Reform Act 2014 and as applied by the Local Government (Application of Certain

Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014).

7. Municipal district members must make standing orders in accordance with the Act. To assist municipal district members in that regard Suggestions for Standing Orders (SSO) which take account of the requirements of the Act and draw on guidance given previously regarding standing orders for local authorities. To the extent possible, and having regard to the provisions of the Local Government Reform Act 2014 and the extent of the functions of the municipal district members, the SSO apply the SSO contained in circular letter LG 4/02 of 7 March 2002. The SSO are included as Part B of the attached notes and it is hoped that these will prove useful to municipal district members in formulating their own standing orders.
8. It is of course a matter for municipal district members to decide by resolution on its own standing orders and the matters to be included therein, subject to such mandatory provisions as are required by the Act. (Para. 16, Sch. 10)

Meetings Administrator

9. Your attention is drawn to section 46 which provides that the chief executive assign the duties of meetings administrator to a local authority employee.

Circulation

10. Please ensure that this circular and accompanying documentation are brought to the attention of the municipal district members and the persons responsible for dealing with meetings and proceedings of municipal district members.
11. Any queries in relation to matters covered by this circular letter should be directed to Sean O'Suilleabhain (Tel. 01 888 2800 or email sean.osuilleabhain@environ.ie). Local Government Policy Section, Custom House, Dublin 1.

Yours sincerely



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

To: each County / City Manager (other than Cork Dublin and Galway City Councils;
Dun Laoghaire-Rathdown, Fingal and South Dublin County Councils)

cc: Association of Irish Local Government
County and City Management Association

Local Government Act 2001 And Local Government Reform Act 2014

Notes for the Assistance of Local Authorities

Suggestions for Standing Orders in respect of Meetings of Municipal District Members

Part A provides an outline of the provisions of the 2001 Act, as amended by the 2014 Act, being applied to meetings of municipal district members

Part B consists of Suggestions for Standing Orders [SSO]

Part C contains guidance notes to certain elements of the Suggestions for Standing Orders.

Meetings and Proceedings of Local Authorities

Section 22 of the Local Government Reform Act 2014 provided for the application of certain provisions of the 2001 Act and the 2014 Act to municipal district members. The approach in applying these provisions was to apply the existing provisions to local authorities to the extent possible, adjusting these as required by the provisions of the 2014 Act in relation to municipal district members. As municipal district members will be discharging many of the functions of local authorities under the 2001 Act, this has not required extensive changes to the provisions in relation to the Suggestions for Standing Orders (SSO). Certain changes, such as the exclusion of the provisions in relation to joint committees and joint bodies, which remain the within the remit of the local authority rather than municipal district members, have been made, but provisions in the 2001 Act in relation to, for instance, the quorum, have not been changed.

In the following, the reference to “Section 22 Regulations” is to the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014), which provide for the application of a number of provisions to municipal and to district members municipal districts.

Application of Part 6

Article 8(1) of the Section 22 Regulations applies Section 44, which applies the provisions of **Part 6 and Schedule 10** to the meetings and proceedings of municipal district members.

Section 44(2) provides for the use of **Irish or English** or both at meetings of municipal district members.

Attendance of Public and Media at Meetings

Section 45, as applied by regulations 8(2) and 8(3) of the Section 22 Regulations, provides a **right of attendance at meetings of municipal district members for members of the public and representatives of the media** and restricts the circumstances in which municipal district members may meet in private. Where for special reasons municipal district members consider it appropriate to meet “in committee” and that this is not contrary to the overall public interest a resolution must be passed (for which at least one half of the total membership vote in favour): section 45(3) and (4) apply. [See SSO 50 – 54].

Meetings Administrator

Section 46, as applied by article 8(4) of the Section 22 Regulations, require the local authority to assign a **meetings administrator** for meetings of municipal district members.

Schedule 10
Meetings and Proceedings of Local Authorities
Paragraphs 1 – 19

Paragraph 1 of Schedule 10, applied by article 8(5)(a) of the Section 22 Regulations: Municipal district members are required to hold an **annual meeting, a budget meeting and such other ordinary meetings** as are necessary for the transaction of its business. In addition it may hold such special meetings as may be decided by resolution or requisitioned under the Act.

Paragraph 2 of Schedule 10, applied by article 8(5)(b) of the Section 22 Regulations: There is flexibility as to place, **date and time of meetings** but a regular schedule of ordinary meetings is insofar as practicable to apply, which is to be set out in Standing Orders or determined by resolution of the municipal district members. For reasons of efficiency, it is envisaged that existing meetings facilities of the local authority would be used where available, including those of former Borough or Town Councils, and for the municipal district which includes the principal office of the local authority, the Council Chamber.

Paragraph 3 of Schedule 10, applied by article 8(5)(c) of the Section 22 Regulations: In an election year the **annual meeting** of all local authorities is to be held on the 14th day after the polling day. Where the day of the annual meeting as so fixed falls on an excluded day¹, it is to be held on the next following day.

Paragraph 3(3) of Schedule 10, applied by article 8(5)(c) of the Section 22 Regulations, provides that in every other year the **annual meeting** is to be held on a day in May or June appointed by resolution of the municipal district members or fixed by SO.

Paragraph 4 of Schedule 10, applied by article 8(5)(d) of the Section 22 Regulations, sets out the **business of the annual meeting** including the dates for the first meetings of municipal districts. The business of the first meeting of the local authority includes the fixing of the first meetings of municipal district members within 10 days (paragraph 4(4)(b) of Schedule 10 of the 2001 Act, as inserted by section 57(b) of the 2014 Act). The business at the first meeting of municipal district members includes the election of the Cathaoirleach and Leas-Chathaoirleach. The names of the members elected need not be read out, as this will have occurred at the meeting of the local authority. The requirement on a local authority to publish notice of the first annual meeting after an election has not been extended to municipal district members' first annual meeting.²

Paragraph 5 of Schedule 10, applied by article 8(5)(e) of the Section 22 Regulations: The municipal district members' meeting to consider the draft budgetary plan is to be held

¹ Defined in section 2(1) of the 2001 Act.

² It would be good practice for the Standing Orders to include a requirement that the notice of the first meeting be put on the local authority website immediately after the local authority has agreed the schedule of municipal district members' meetings.

within the period directed by the Minister, in accordance with Section 102, the Local Government (Finance and Audit Procedures) Regulations 2014, and associated Guidance in relation to the budgetary process.

The Chief Executive will consult with the municipal district members in the preparation of the draft local authority budget and for this purpose a draft budgetary plan will be prepared. This draft budgetary plan will allow the members of each municipal district determine the manner in which the General Municipal Allocation will be spent. The draft budget plan must be considered by the municipal district members within the period determined by the Minister and they must conclude their deliberations at least 21 days prior to the date set for the local authority budget meeting.

Paragraph 6 of Schedule 10, applied by article 8(5)(f) of the Section 22 Regulations, provides that the Cathaoirleach of the municipal district members may **requisition a special meeting**. Subject to the requirements of paragraph 6 this may also be done by the Leas-Chathaoirleach or by at least one third of the total number of municipal district members, subject to a minimum of 3 members, and a maximum of 5, where the $\frac{1}{3}$ rd provision would exceed 5. The equivalent provision in relation of local authorities is “by any 5 members”, and the change is in recognition of the smaller size of municipal district members, subject to the minimum quorum for municipal district members. A requisition must be in writing, signed by the person(s) making it, state the business of the meeting and specify a day for the meeting. In certain circumstances the business concerned may fall to be dealt with at an ordinary meeting.

Paragraph 7 of Schedule 10, applied by article 8(5)(g) of the Section 22 Regulations: A **notification** to attend a meeting is to be sent or delivered to each member specifying the place, date and time of the meeting. It should have the signature (includes a printed version) of the meetings administrator; give not less than 3 clear days notice; and incorporate or be accompanied by an **agenda** listing the business of the meeting.³ Where practicable the meetings administrator is to advise the Cathaoirleach of such business. In the case of a special meeting a copy of the requisition is to accompany the notification. This paragraph also contains savers in relation to defects in a notification or to its non-receipt by any member. The application of this paragraph to municipal district members excludes reference to meetings requisitioned under section 140 (requirement that a particular thing be done) and section 146 (suspension and removal of chief executive), neither of which are matters for municipal district members.

Paragraph 8 of Schedule 10, applied by article 8(5)(h) of the Section 22 Regulations: A **public notice** of a meeting must be displayed at the normal place of meeting of the municipal district members, and at the principal local authority offices, if different, in a position convenient for public inspection during normal office hours. It should include the agenda or state where it can be inspected. By resolution or Standing Orders, municipal district members may arrange for the display of such notice at additional locations e.g. libraries, newspaper. It is good practice to include on the local authority website a copy of the agenda and associated papers as soon as these are received by the municipal district members, including receipt by email. Municipal district members are to supply a copy of the notice and agenda to a person on request: there may be charge for the reasonable costs. Municipal district members may also arrange for the supply of copies to the media.

³ Suggested Standing Orders 7 & 8 provide for the sending of the agenda by email.

Paragraph 9 of Schedule 10, applied by article 8(5) of the Section 22 Regulations: This paragraph sets out the general rule that **no business is to be transacted at a meeting other than that specified in the agenda or required by law**. However Standing Orders may provide for special arrangements whereby urgent business may be transacted. It is expected that such urgent business provisions would only be used very sparingly and in wholly exceptional circumstances.

Paragraph 10 of Schedule 10, applied by article 8(5) of the Section 22 Regulations: A meeting of municipal district members is **chaired by the Cathaoirleach**; or the Leas-Chathaoirleach if the former is not present; otherwise those present elect the chair.

Paragraph 11 of Schedule 10, applied by article 8(5)(i) of the Section 22 Regulations: The **quorum for a meeting** of municipal district members is one quarter of the total number of members plus one. When one quarter is not a whole number, the next highest whole number (i.e. round up in all cases) plus one applies. This is the same rule as applies to local authorities. Quorums for municipal districts with the following numbers of members are:

- 6 → quorum 3
- 7 → quorum 3
- 8 → quorum 3
- 9 → quorum 4
- 10 → quorum 4
- 12 → quorum 4
- 13 → quorum 5
- 18 → quorum 6
- 21 → quorum 7

Paragraph 12 of Schedule 10, applied by article 8(5)(j) of the Section 22 Regulations: The “doing of acts and determination of questions” is by way of **simple majority** of those present and voting; with the chair of the meeting having a second or casting vote. This rule applies in all cases unless indicated otherwise in the Act or by SO (paragraph. 12(3)). The method of voting and circumstances in which a roll call vote will apply must be set out in SO, but there is no requirement that these differ from the circumstances applicable in the local authority. See footnote under in relation to cases where a more stringent requirement than a simple majority vote is necessary.⁴ Also special provisions apply in respect of the election of the Cathaoirleach under section 37, applied by article 6 of the Section 22 Regulations.

⁴ There are certain instances where, rather than a simple majority of those present and voting, a specially weighted majority is required or where a specified number of municipal district members must be present. These include

- (i) relevant provisions of the Act which contain such a requirement viz section 34(5) removal of Cathaoirleach; section 45(4): decision to meet “in committee”; suspension of a municipal district members (paragraph 13 of Schedule 10, as applied by article 8(4)(k) of the Section 22 Regulations; paragraph 16(1) of Schedule 10: adoption/amendment of SO.
- (ii) arrangements which the municipal district members are required to set out in its own SO dealing with revocation of resolutions; urgent business and the suspension of SO. (Para. 16, Sch. 10).

In any case, such as those mentioned above, where the Act requires that at least a specified proportion of the total number of municipal district members is necessary in relation to the doing of any particular act, then where such proportion consists of a whole number and a remainder, the whole number is itself sufficient (i.e. round down). See section 21(3). This general rule of rounding down does not apply in the case of determining the quorum under paragraph 11(1) of Schedule 10, or the calculation of group size under paragraph 18(2).

Paragraph 13 of Schedule 10, applied by article 8(5)(k) of the Section 22 Regulations, deals with **disorderly conduct**. The municipal district members have all the powers of suspension of a municipal district member, other than to suspend remuneration or to suspend the member from meetings of the local authority or from committees of the local authority.

A municipal district member disrupting a meeting may be named by the chair of the meeting. When such a member is ‘named’, then the chair or any member may move “that the member named leave the meeting”. Such a motion, if seconded, shall be put to the members present and decided on without discussion.

When it is decided by the elected members that a municipal district member must leave the meeting, he or she must do so immediately. He or she will not be entitled to speak or to take any further part in that meeting on that day.

The chair can adjourn a meeting if a named member refuses to leave the meeting of the municipal district members following a resolution to do so.

If, following the adjournment of a meeting on account of a municipal district member against whom it was resolved that he or she leave the meeting because he or she disrupted it, the chair expresses the further opinion that the member has continued to

- be disorderly by disregarding the ruling of the chair, or
- behave irregularly, improperly or offensively, or
- otherwise obstruct the business of the meeting, and

the chair expresses this opinion to the municipal district members present by again naming the member concerned, then the chair or any member may move “that the member named be suspended for [a specified period]” and the motion, if seconded, shall be put and determined without discussion. The [specified period] must be at least one month but can be no more than 6 weeks in the first instance.

Where at least two-thirds of the municipal district members present and voting decide that the member be suspended, he or she shall be suspended with immediate effect from all meetings of the municipal district members and any committee of the municipal district members, for a period of at least one month, but not exceeding 6 weeks.

If within 3 months of the end a period of suspension, where at least two-thirds of the municipal district members present and voting decide that the member concerned be again suspended, he/she shall be suspended with immediate effect from all meetings of the municipal district members and any committee of the municipal district members, for a period of at least 6 weeks, but not exceeding 10 weeks.

In all cases, the behaviour which causes the suspension of the member must be for clearly identifiable and identified disorderly behaviour, or persistent disregard for the rulings of the chair, or improper behaviour or offensive behaviour, such as insulting or bullying other members or the staff of the local authority. The provisions of paragraph 13 do not allow the suspension of a member to be for political or other purposes.

However, the municipal district members may at the meeting following a suspension pass a resolution to lift a suspension; this may not be passed at the meeting at which the member was suspended.

Paragraph 14 of Schedule 10, applied by article 8(5)(k) of the Section 22 Regulations, deals with **minutes**. Minutes when confirmed, as an accurate record, are available for public inspection and a copy may be obtained by any member of the public during normal office hours (and as an exception to provide for municipal district members meeting in a venue not normally open to the public, during the hours of their meeting). The municipal district members are responsible for maintaining their own minutes, and copies of these minutes must be available for inspection and the taking of copies by members of the public, for no more than the reasonable cost of making the copy, as determined by the municipal district members. Copies for these purposes must be maintained in both the normal place of meeting of the municipal district members and the principal offices of the local authority. It would be good practice for the local authority to maintain a copy of the minutes of all meetings of municipal district members, and accompanying documentation, on its website.

Paragraph 15 of Schedule 10, applied by article 8(5)(m) of the Section 22 Regulations, requires that a **record of attendance** at meetings, including at meetings of committees of the municipal district members, is maintained by the municipal district members. The requirements are essentially the same as apply to maintenance of records of attendance at meetings of the local authority and its committees.

In this regard it should be noted that the public register maintained under the Local Government (Representational Payment for Members) Regulations (SI No. 552 of 2001) is to include information on the level of attendance at meetings of municipal district members and committees, as provided for in the Local Government (Representational Payment for Members)(Amendment) Regulations (SI No. 235 of 2014).

Paragraph 15 also provides for the **address of for the service of documents** to the chief executive, meetings administrator or the principal offices of the local authority. The address shall be fixed by the chief executive at such office of the local authority as he or she shall determine (and can be the offices of the municipal district members if appropriate), and the address must be maintained in the Standing Orders of the municipal district members.

Paragraph 16 of Schedule 10, applied by article 8(5)(n) of the Section 22 Regulations requires that municipal district members make **Standing Orders** and sets out at 16(4) certain matters which must be included.

See Part B of these notes for Suggestions for Standing Orders.

Paragraph 17 of Schedule 10, applied by article 8(5)(o) of the Section 22 Regulations applies certain provisions of Schedule 10 to **committees**. Reference to joint committees is not included, as municipal district members do have a power to create such committees. Paragraph 17(2) requires that municipal district members, in establishing a committee, fix the quorum, subject to a minimum of 3.

Paragraph 18 of Schedule 10, applied by article 8(5)(p) of the Section 22 Regulations, continues the **'grouping system'** in relation to the making of appointments by municipal

district members to a committee or other body. The Minister has ordered in this article of the Section 22 Regulations that the body or bodies specified for the purposes of this provision shall be a body or bodies of a local nature in or related to the municipal district, or related primarily to the municipal district, and where the local authority does not make any appointment to such body or bodies.

1. Under this system it is open to any 'group' to obtain such an appointment. The number necessary to form a group is calculated by dividing the number of members present at the meeting at the time when the business of making the appointments to the body in question is reached by the number of appointments to be made. Where the number so obtained consists of a whole number and a remainder the next highest whole number applies. A person nominated by such group automatically stands appointed on nomination and without a vote. A person may not be a member of more than one group.
2. Once any group appointments are made the succeeding appointments are made by way of majority vote of those members who did not form part of any group for the purposes of appointments to the committee/body in question.
3. The grouping system also applies to the appointment of non-councillors to committees of municipal district members.
4. While the operation of the grouping system is optional, it remains as a right for any group wishing to operate those procedures and cannot be removed or interfered with. However some local authorities have in the past by way of general agreement devised their own rules to promote fairness and equity across the totality of appointments to be made by the authority and thus reflect a high degree of proportionality with the various interests represented on the council. By agreement, municipal district members may wish to apply the general agreement used by the council to appointments being made by the municipal district members. Paragraph 19, applied by article 8(5)(q) of the Section 22 Regulations, in particular paragraph 19(3), makes clear that municipal district members are free to devise such local arrangements.

Paragraph 19(1) of Schedule 10, applied by article 8(5)(q) of the Section 22 Regulations, provides that municipal district members shall seek to promote the objective of an appropriate **gender balance** in the making of appointments by it to committees and other bodies.

Part 7 of 2001 Act
Committees
Sections 48 – 54

Committees [SSO 74 – 88]

Section 51 of the 2001 Act, applied by article 9 of the Section 22 Regulations contains general powers for municipal district members to **establish committees**. As required by section 47, applied by article 9(2) of the Section 22 Regulations, the aim must be that the operation of meetings of municipal district members and committees is organised and operates so as to promote effectiveness and efficiency in the discharge of business. Committee structures and procedures generally should be reviewed periodically in light of that objective.

Access to Committee Meetings

Under section 54 of the 2001 Act, as applied by article 8(3) of the Section 22 Regulations, **access is permitted to committee meetings**, other than to meetings as may be designated by resolution of the municipal district members, for which not less than one half of the total membership vote in favour. While the decision to designate such committee, if any, is a matter for the municipal district members, it is not the intention that it would be widely availed of. It is however recognised that there may be certain cases, where in view of the sensitive nature of the issues involved, that on balance such a designation may be considered appropriate by the municipal district members, bearing in mind overall public interest considerations. In the same way and subject to the same special requirements as apply to full meetings of municipal district members under section 45, it is open to any committee, on occasion, to meet in private. [See SSO 81].

PART B

<p>SUGGESTIONS FOR STANDING ORDERS</p>

<p>Regulating the Proceedings of the Municipal District Members</p>
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These suggestions for standing orders are based on the Suggestions for Standing Orders circulated by the Department of the Environment, Community and Local Government in March 2002 (Circular Letter LG 4/02), adapted to reflect the requirements in relation to meetings of municipal district members as provided for in the 2001 Act, as amended by the 2014 Act.

The numbering of the Suggestions for Standing Orders follows the numbering in the 2002 Suggestions, and missing Suggestions for Standing Orders below reflects the fact that certain Standing Orders are not relevant to the functions of municipal district members.

This document (Part B and C) is not, or does not purport to represent a legal or definitive interpretation of the law.

PART B**INDEX TO SUGGESTIONS FOR STANDING ORDERS**

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PART B
TITLE OF MUNICIPAL DISTRICT
SUGGESTIONS FOR STANDING ORDERS
REGULATING THE PROCEEDINGS OF THE MUNICIPAL
DISTRICT MEMBERS

Meetings of the Municipal District Members

1. Unless upon any occasion when it is otherwise fixed by statute or by resolution of the municipal district members, Ordinary Meetings of the municipal district members shall be held on the of each month. A schedule of Ordinary Meetings of the municipal district members for the ensuing year shall be approved at each Annual Meeting.⁵
[Paras. 2(4) and 16(4)(a), Sch. 10]⁶

Annual Meeting

2. In every year in which a local election is held the Annual Meeting shall be held on the date specified by the local authority, which shall be not later than ten days after the Annual Meeting of the local authority, and not on an excluded day.
[Para. 4(4)(b), Sch. 10]

In every other year the Annual Meeting shall be on such day, in May or June, as appointed by resolution or fixed by standing orders [insert date if so fixed].

Note 2

Whenever an Annual Meeting is for any reason not held on the appointed day the meetings administrator shall, following consultation with the Cathaoirleach, or if the office of Cathaoirleach is vacant or he/ she is unable to act, with the Leas-Chathaoirleach, convene a meeting for a day which the administrator considers to be the earliest convenient date for that purpose.

In an election year, the municipal district members shall publish a notice of their Annual Meeting on the website of the local authority immediately upon the setting of the date for this meeting by the local authority. The notice shall state the date and venue of the Annual Meeting, that the first business of the meeting will be the election of the Cathaoirleach, and where appropriate specify the bodies to which the municipal district members are entitled to make appointments at that meeting or subsequently. The notice shall be in a similar form to that published by the local authority advising of its Annual Meeting.

Note 3A

⁵ Municipal district members may agree not to meet in the normal holiday period e.g. no monthly meeting in August.

⁶ All references to paragraphs, Schedules or sections of, or to the ‘Act’, are to the Local Government Act, 2001, as amended by the 2014 Act and as applied by the Section 22 Regulations 2014.

In the case of an Annual Meeting in an election year and until the election of the Cathaoirleach at such meeting, the Chair for this period shall be taken by a municipal district member, or an employee of the local authority selected by the meeting for this purpose. Any member selected to chair an annual meeting under this subparagraph shall not have a second or casting vote and any employee of the local authority if so selected in accordance with this subparagraph shall not have any vote.

Note 3

[Para. 10(5), Sch.10]

At an Annual Meeting in an election year the election of a Cathaoirleach is to be the first business of an Annual Meeting and the next business, the election of a Leas-Chathaoirleach.

In the case of the Annual Meeting in an election year, the business to be transacted after the election of the Cathaoirleach and the Leas-Chathaoirleach shall include the consideration of the election, appointment or nomination of members of bodies elected, appointed or nominated by the municipal district members.

[Paras. 3 and 4, Sch. 10]

Meeting to consider Draft Budgetary Plan

3. The Chief Executive shall consult with the municipal district members in the preparation of the draft local authority budget and for this purpose a draft budgetary plan will be prepared. This draft budgetary plan will allow the municipal district members determine the manner in which the General Municipal Allocation will be spent. The draft budget plan shall be considered by the municipal district members within the any period determined by the Minister and the deliberations shall be concluded at least 21 days prior to the date set for the local authority budget meeting

[Para. 5, Sch.10]

Special Meeting

4. A Special Meeting of the municipal district members may be convened at any time by the Cathaoirleach or if the office of Cathaoirleach is vacant or the Cathaoirleach is unable to act, by the Leas-Chathaoirleach, or by the Cathaoirleach on foot of a request in writing presented to him or her by any⁷ municipal district members.

Where the Cathaoirleach refuses or neglects to act on foot of a request within 7 days of it being presented to him/her, the municipal district members making the request may convene a meeting. The provisions of paragraph 6 of Sch. 10 apply in relation to calling of such meeting.

[Para.6, Sch. 10]

⁷ Insert number calculated by formula: "at least $\frac{1}{3}$ rd of the members, subject to a minimum of 3 members, and where $\frac{1}{3}$ rd would exceed 5 members, by any 5 members".

Hour of Meeting

- 5. The hour of meeting of the municipal district members shall be..... or at such other hour as may from time to time be fixed by resolution of the municipal district members. The municipal district members shall rise not later than..... *Note 4*

Place of Meeting and Address of Principal Offices

- 6. In so far as practicable the place for holding meetings of the municipal district members shall be [.....]⁸ and meetings shall normally be held there, provided that the municipal district members may from time to time by resolution appoint an alternative location for a particular meeting.

The address of the principal offices of the local authority for the purposes of these Standing Orders is [.....]⁹ *Note 5*
 [Paras. 2 and 15(4), Sch.10]

Summoning of Meeting

- 7. A notification to attend a meeting, other than a meeting to consider the draft budget plan shall (a) be sent by email or otherwise delivered to each municipal district member, (b) specify the place, date and time of the meeting, and (c) give not less than 3 clear days notice. The 3 clear days shall only exclude (i) normal day for receipt of the notice, and (ii) the day of the meeting.

In the case of a draft budget plan meeting, 7 days’ notice shall be given.

A notification shall include or be accompanied by an Agenda listing the business to be transacted at the meeting. Subject to Standing Order 20 no business shall be transacted at a meeting other than that specified in the Agenda which relates to the meeting or business required by the Act, or otherwise by law to be transacted at the meeting.

An Agenda which has been sent or delivered for this purpose may be altered (whether by way of addition, deletion or otherwise) if an Agenda specifying the alteration is delivered or sent to each member not less than 3 clear days before the day on which the meeting is to be held.

In the case of a Special Meeting convened by requisition under Standing Order 4, a copy of the requisition shall be sent with the notification.

- 8. A notification shall have the signature of the meetings administrator and any document claiming to have that signature shall be deemed, until the contrary is proved to have been duly issued or given with the authority of the municipal district members.

⁸ Insert address, as determined by resolution of the municipal district members.

⁹ Insert address, as determined by the chief executive. This may be the place of meeting of the municipal district members, or another convenient office of the local authority.

Want of service or non-receipt of a notification by any member or lack of a signature or any other defect in the notification does not affect the validity of a meeting or of any act or thing done at the meeting.

For the purposes of this Standing Order “signature” includes an e-signature or facsimile of a signature by whatever process reproduced or a printed version of the name of the meetings administrator.

[Para. 7, Sch. 10]

Public Notice of Meeting

- 9. Public notice of the place, date and time of a meeting shall be displayed not less than 3 clear days before the day of the meeting in or at the place of meeting of the municipal district members, and the principal offices of the local authority if different, in a position convenient for public inspection during normal office hours.

The Notice shall include the Agenda for the meeting or specify a place where the Agenda can be inspected and in the case of a meeting requisitioned under Standing Order 4 the Agenda shall include or be accompanied by a copy of the requisition.

Note 6

Subject to any arrangements as it may make the municipal district members shall supply a copy of a public notice and agenda to the media.

[Para. 8, Sch. 10]

Constitution of Meetings

- 10. The Chair shall be taken by the Cathaoirleach at a meeting of the municipal district members within minutes after the time appointed for such meeting or in his / her absence by the Leas-Chathaoirleach or otherwise by a member called thereto by general agreement or chosen by vote of the members present to chair the meeting and such member shall leave the chair on the arrival at the meeting of the Cathaoirleach or Leas-Chathaoirleach.

Note 7

- 11. The names of the members attending shall be recorded in the following manner :.....

Note 8

[Para. 15, Sch. 10]

- 12. The quorum for a meeting of municipal district members is one-fourth of the total number of municipal district members plus one or, where one-fourth of such total number is not a whole number, the quorum is the next highest whole number plus one.

Note 8

Whenever a meeting municipal district members is abandoned owing to failure to obtain a quorum the names of those present at the time and place appointed for such meeting shall be recorded by the meetings administrator and they shall for all purposes be deemed to have attended a duly constituted meeting.

If a quorum is not present withinafter the time fixed for the meeting [or at any time during the meeting,] the meeting shall stand adjourned to a day to be named by the Cathaoirleach *Note 9*
[Para. 11, Sch. 10]

Order of Business

13. The Order of Business at all meetings other than Annual Meetings and Special Meetings shall, subject to the provisions of any enactments, be as follows:

- (i) Confirmation of Minutes.
- (ii) Consideration of Reports and Recommendations.
- (iii) Business prescribed by Statute, Standing Orders or Resolutions of the Municipal District Members for transaction at such meeting.
- (iv) Other business set forth in the Notice convening the meeting.
- (v) Notices of Motion.
- (vi) Correspondence.

In the case of a meeting convened for a special purpose the business specified in the Notification for such meeting shall be transacted and no other business.

At any ordinary meeting of municipal district members it shall be proper, if a majority of the members present and voting so decide, to take an item for consideration out of the sequence of listing on the Agenda, provided always that such decision shall not affect any business required by Statute to be done before any other business at the meeting.

Confirmation of Minutes

14. Minutes of the proceedings of a meeting of municipal district members shall be drawn up by the meetings administrator.

The Minutes shall include:-

- (a) the date, place and time of the meeting,
- (b) the names of the members present at the meeting,
- (c) the names of the senior employees of the local authority present at the meeting,
- (d) reference to any report submitted to the members at the meeting,
- (e) where there is a roll call vote, the number and names of members voting for and against the motion and of those abstaining,
- (f) particulars of all resolutions passed at the meeting,
- (g) such other matters considered appropriate.

A copy of the minutes of a meeting shall be sent or given by the meetings administrator to each municipal district member.

Minutes of a meeting shall be submitted for confirmation as an accurate record at the next following ordinary meeting, where practicable, or where not, at the next following meeting and recorded in the minutes of that meeting.

When confirmed with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting they were submitted to for

confirmation and any minutes claiming to be so signed shall be received in evidence without proof. When the question that they be confirmed is put from the Chair, a Member may object to any part thereof as not being an accurate record and upon a motion any question of altering the record shall be determined by the municipal district members by majority vote of those members who were present at the appropriate meeting; provided that no entry shall be made in the Minutes of any protest other than a record of dissent, save in the form of a motion or an amendment.

A copy of the minutes when confirmed in accordance with this Standing Order shall be open to inspection at the principal offices of the local authority [and at the normal place of meetings of municipal district members]¹⁰ and any person may inspect and make a copy of, or abstract from, the minutes during the usual office hours of the authority.

A copy of the minutes shall be provided to any person applying for them on payment of such reasonable sum, being a sum not exceeding the reasonable cost of supplying the copy, as may be fixed by the municipal district members. [Para. 14, Sch. 10]

The minutes, and all related documents, shall be maintained on the website of the local authority.

Notices of Motion

- 15.** Every Notice of Motion dated and signed by the Member or Members giving it shall be delivered to the meetings administrator and shall be recorded in the order of their receipt and shall appear on the Agenda in that order.

No Notice of Motion shall be set down on the Agenda for any meeting unless such Notice of Motion shall have been delivered to the meetings administrator at leastclear days before the date of such meeting.

- 16.** If any Notice of Motion of which notice has been duly given relates to a matter normally dealt with by a Committee or comes within the terms of reference of any Committee or Committees, it shall be referred to such Committee or Committees as the meetings administrator may determine. Any dispute on such reference shall be determined by the Cathaoirleach.
- 17.** No member shall be permitted to have more than motions (including adjourned motions) on the Agenda for any one meeting and the name of a member shall not appear more than times on the Agenda as proposer or co-proposer of motions for any one meeting. Where at a meeting or any adjournment thereof more than one notice of motion appears on the Agenda to be proposed by one or more individual members, no second notice of motion of any such members shall be proposed until after every other member shall have proposed the sole or first notice of motion appearing in the member's name. A similar order of precedence shall apply to any further notices of motion remaining to be proposed by two or more members.

¹⁰ Delete if not relevant.

Motions to Amend or Revoke Resolutions

18. A motion to revoke or amend a resolution of the municipal district members can only be made on notice inserted in the Agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made; but no such motion shall be allowed to appear on the Agenda to revoke or amend any resolution of municipal district members within six months of the date of the adoption of such resolution except with the written assent of not less than municipal district members. A resolution may not be revoked at the meeting at which it has been adopted.

It shall be necessary for adoption of a motion to revoke or amend a resolution of the municipal district members that not less than members [being not less than one-half of the total number of municipal district members] vote in favour and subject to [such other requirements as may be specified in SO] and to any statutory requirements. *Note 10*
[Para. 16(4)(d), Sch. 10]

19. Subject to Standing Order 18 any matter decided by the municipal district members by motion on notice or on the report of a committee shall not be reopened within 6 months of the date of such decision.

Motion for Purpose of Dealing with Urgent Business

20. Notwithstanding any other provisions of these Standing Orders a motion may be proposed without notice for the purpose of dealing with urgent business related to a function of the municipal district members, subject to the requirement that not less than members [being at least one-half of the total number of municipal district members] vote in favour and subject to [such other requirements as may be specified in SO e.g. that such number voting in favour shall be not less than of the members present and voting at the meeting]. *Note 11*
[Para. 16(4)(e), Sch. 10]

Adjournment of Meeting

21. A motion for adjournment of the meeting of the municipal district members may be made at any time and shall be determined without amendment and without debate, except that the mover of the Motion of adjournment and the mover of the Motion immediately affected by it, may each address the municipal district members for not more than five minutes on the question of the adjournment; and when the Motion for adjournment is adopted, the meeting will stand adjourned to a day then named or in the event of no such date being named, to the next occurring ordinary meeting.

A Special Meeting may be adjourned from time to time until its business is concluded.

Motions and Amendments*Note 12*

22. The proposer of a motion not listed in the Agenda or an amendment, and not in common form, shall upon moving the same deliver a copy to the Chair.

23. A motion, notice of which stands in the Agenda and which has been proposed and seconded, may be withdrawn only on leave obtained from a majority of the municipal district members present at the meeting at the request of the member concerned. A motion may either be proposed by the member in whose name it stands or if he or she be absent, by any member authorised by him or her in writing to propose it on his or her behalf, but unless so proposed, and in the absence of a request in writing from the member in whose name it stands to postpone it, the motion shall be dropped and shall not again be set down in the Notice Paper except on fresh notice. A motion or an amendment when not seconded is dropped.
24. An amendment which has been proposed and seconded may be withdrawn only on leave obtained from a majority of the municipal district members present at the meeting at the request of the member concerned.
25. Every amendment shall be relevant to the motion on which it is moved and shall be either (a) to leave out words, (b) to leave out words and insert or add others, (c) to insert or add words. An amendment shall not be in order if it is equivalent to a direct negative or if it is not in fact an amendment of the motion it purports to amend.
26. Whenever an amendment on an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any second or subsequent amendment shall first have been given.
27. When an amendment is affirmed the original motion as amended becomes the substantive motion upon which any further amendment, of which notice has been given may be moved.
28. When an amendment is lost any further amendment of which notice has been given may be proposed, but only one amendment shall be at any time before the meeting and an amendment shall not be in order if the Chair rules it to be substantially the same as an amendment already lost.

Order of Debate

29. Except with the permission of the Chair no member shall address the municipal district members for more thanminutes. A member may speak once upon any item on the Agenda or on any motion except a motion which is to be put without debate. The proposer of a motion has the right to reply whilst the motion remains before the Chair and when the proposer replies the debate on the motion is closed.
30. No member who has spoken to a motion may move or second an amendment, but when an amendment is moved and seconded, a member who has already spoken to the original motion may speak to the amendment.
31. A member may speak more than once on the same motion or amendment for the purpose only of submitting a point of order or making a personal

explanation. The Chair's decision in determining a point of order or personal explanation shall be final.

32. The Chair shall ascertain that a motion is seconded before the proposer is permitted to speak to it.
33. A motion "that the municipal district members proceed to the next business" may be made after any motion has been proposed and seconded. When made it shall be determined without amendment or debate and if it be affirmed the business interrupted by such motion shall not be proceeded with further at that meeting and unless the municipal district members otherwise determine shall be adjourned to the next ordinary meeting. The motion to proceed to next business shall not be made more than once during the debate on any question.
34. At any time during a discussion on a motion a member may move "that the question be now put" and if such leave be given by the assent of the majority of those present and voting, the motion shall be put, subject to the right of reply by the proposer of the original or substantive motion.
35. When two or more members at the same time offer to speak, the member called upon by the Chair shall have precedence.
36. A member while speaking shall address only the Chair.
37. A member speaking shall not be interrupted except upon a question of order, but may give way to a member desiring to make a personal explanation.
38. When a member seeks to make a point of order, the member then addressing the Chair shall give way until the question of order has been determined by the Chair, unless the former seeks to address the Chair upon the question of order.
39. The Chair is the sole judge of order at meetings of municipal district members and has authority to maintain order and enforce prompt obedience to his / her ruling. When during a debate the Chair rises, any member then speaking shall give way to the Chair.

Disorderly, etc behaviour

40. If at a meeting any municipal district member, in the opinion of the Chair notified to the members, misconducts himself or herself by persistently disregarding the ruling of the Chair, or by wilfully obstructing the business of the meeting, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
41. If in the opinion of the Chair any member has been or is disorderly by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively or by otherwise obstructing the business of the meeting, and the Chair has conveyed his or her opinion to the members present by naming the member concerned, then the Chair or any member may move

“that the member named leave the meeting” and the motion, if seconded, shall be put and determined without discussion.

- 42.** Where the municipal district members decides that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.
- 43.** Where in the opinion of the Chair there is general disorder which impedes the orderly transaction of business or where a member against whom it was resolved in accordance with SO 42 that he or she leave the meeting refuses to do so, the Chair may adjourn the meeting for such period as he or she considers necessary in the interests of order.
- 43A.** Where following a motion under SO 41 the member refuses to leave the meeting, and the meeting is adjourned under SO 43, a further motion may be put that the member concerned was the cause of the meeting being adjourned.
- 43B.** If following a motion under SO 43A, the chair expresses the further opinion that the member has continued to
- be disorderly by disregarding the ruling of the chair, or
 - behave irregularly, improperly or offensively, or
 - otherwise obstruct the business of the meeting, and

the chair expresses this opinion to the members present by again naming the member concerned, then the Chair or any member may move “that the member named be suspended for [a specified period]” and the motion, if seconded, shall be put and determined without discussion. The period specified in this motion shall be not less than one month and not more than 6 weeks.

- 43C.** Where at least two-thirds of the elected members present and voting decide that the member be suspended, he/she shall be suspended with immediate effect from all meetings of the municipal district members and any committee of the municipal district members, for the period specified in the motion.
- 43D.** If within 3 months of the end a period of suspension, where at least two-thirds of the elected members present and voting decide that the member concerned has again, or continued to
- be disorderly by disregarding the ruling of the chair, or
 - behave irregularly, improperly or offensively, or
 - otherwise obstruct the business of the meeting,
- on the basis of a motion moved by the Chair or any member “that the member named be suspended for [a specified period]” in accordance with SO 43B, and the motion, if seconded, shall be put and determined without discussion, he or she shall be again suspended with immediate effect from all meetings of the municipal district members and any committee of the municipal district members, for a period of at months,

but not exceeding six months. The period specified in this motion shall be not less than 6 weeks and not more than 10 weeks.

- 43E.** Notwithstanding, SOs 43A to 43D, the municipal district members may at any meeting subsequent to the imposition of the suspension, and during the period of suspension, decide by resolution to lift a suspension. Such resolution, whether under SO15 or SO 20 shall be considered at the earliest point on the agenda possible, subject to the requirement under any enactment in relation to other specified business.
- 43F.** The chair shall indicate to the meeting that the chief executive has sought consultations on arrangements for the exclusion, or where necessary, removal from the meeting, of any member the subject of a motion under this part of the SOs. This shall be as a point of information only and there shall be no debate on this information. *Note 12A*

[Para. 13, Sch. 10]

- 44.** No member shall address the Chair, unless from one of the seats reserved to the use of members.

Deputations

- 45.** The municipal district members may by resolution decide to receive a deputation. Subject to the direction of the Chair, persons may speak on behalf of the deputation for not more thanminutes, unless permitted by the Chair.

Request for a deputation to be heard by the municipal district members shall not be considered unless the subject matter to be raised be notified in writing on the motion of a municipal district member, or direct application by the body concerned, sent to the meetings administrator at least clear days before the date of the meeting. *Note 13*

The deputation may only be questioned by municipal district members but shall not be entitled to ask questions.

When the members of a deputation have addressed the meeting, they shall withdraw from the meeting. *Note 14*

The municipal district members may, by resolution, decide to receive a deputation without notice, providedof the members present vote for the resolution.

Questions, Votes and Divisions

- 46.** Every question shall be determined by a show of hands, unless two members request a division, in which case the names for and against the motion or amendment shall be taken down in writing and recorded in the Minutes.

Note 14A

47. Where the Chair has not formally declared the result of a vote, or is in doubt as to whether his / her declaration is right or wrong, he or she is entitled if s/he thinks fit to take a second vote on the matter, especially if he or she considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.
48. Each member present at a meeting of municipal district members shall have a vote unless prohibited by any enactment.
49. Without prejudice to any enactment or other provisions of these Standing Orders requiring either the presence of a specified number or proportion of the members or that a specified number or proportion should vote in favour for the doing of any particular act, all acts of the municipal district members which are reserved functions or questions duly coming or arising before a meeting of the municipal district members shall be determined - (a) by a majority of the members present and voting or where there is an equality of votes, by a second or casting vote of the person chairing the meeting (which person shall have and may choose to exercise such a vote).
[Para. 12, Sch. 10]

Advice that Exercise of Reserved Functions should be by the Local Authority

- 49A. Where the Chief Executive, following consultation with the Cathaoirleach or Leas-Chathaoirleach advises that any proposed exercise or performance of a reserved function should be by the local authority, no motion or resolution purporting to exercise or perform such function shall be put.
- 49B. A motion to decide to refer the matter to the Corporate Policy Group as to whether the function should be exercised and performed by the elected council of the local authority or by the municipal district members may be proposed and seconded at the meeting and put for decision at that meeting in accordance with Standing Orders 22 and 23.
- 49C. Any reserved function the subject of advice from the Chief Executive in accordance with Standing Order 49A and referred to the Corporate Policy Group in accordance with Standing Order 49C shall not be exercised or performed unless and until the Corporate Policy Group indicates that it may be so exercised by the municipal district members. *Note 14B*

Attendance of Public and Media

50. The right of the public and representatives of the media to attend meetings of municipal district members is subject to the following:- *Note 15*

Where the municipal district members are of opinion that the absence of members of the public and representatives of the media from the whole or part of a particular meeting is desirable because of the special nature of the meeting or of an item of business to be or about to be considered at the meeting or for other special reasons, the municipal district members may, by resolution in respect of which, at least one-half of the total number of municipal district members vote in favour, decide to meet in committee for the whole or part of the meeting concerned. The resolution in this instance shall indicate in a

general way the reasons for the resolution and those reasons shall be recorded in the minutes of the meeting. *Note 16*

- 51. Members of the public and representatives of the media will occupy the parts of the Meeting Room allotted to their use.

The public shall be admitted subject to the following arrangements: *Note 17*

.....
.....
.....

- 52. Members of the public shall be seated and maintain silence and observe any directions given by the Chair or by any employee of the local authority in attendance upon the municipal district members. Such employees are responsible for the execution of all measures necessary for the maintenance of order and decorum in and about the Chamber.

If a member of the public interrupts a meeting at any time or endeavours, without the permission of the municipal district members to address a Meeting, the Chair shall warn him or her and if the interruption continues shall order that person's removal.

In the case of a general disturbance in any part of the Meeting Room open to the public, the Chair shall order that part to be cleared. *Note 17*

- 53. No cameras of any kind or sound recording or communication equipment may be used at meetings of municipal district members without the prior approval of the members. *Note 17*

- 54. The use of mobile phones shall not be permitted at meetings of the municipal district members. [Section 45] *Note 17*

COMMITTEES

- 74. The municipal district members may appoint a Special Committee for a specific purpose. When appointing such a Committee it shall at the same time determine the number and names of members to constitute such Committee and shall also fix the quorum which shall not be less than three. The term of office of a Special Committee shall be for such period as the municipal district members may determine when appointing the Committee.

- 75. Every Special Committee at its first meeting shall appoint a Chairperson from its members and, where practical, fix the day and the hour of future meetings.

- 76. In the election of Committees, candidates shall be proposed and seconded and if the number so proposed and seconded does not exceed the number of vacancies, those proposed and seconded shall be declared elected. Should the

number of those proposed and seconded exceed the number of vacancies a vote shall be taken, and the procedures shall be as follows:

.....
.....
.....

Notwithstanding anything contained above, the provisions of paragraph 18 of Sch. 10, and the requirements of any other enactment will apply to appointments to committees. **Note 23**

- 77. Whenever a vacancy occurs in the membership of any Committee of the municipal district members, by reason of the death, resignation or disqualification of a member, such vacancy shall be filled as soon as circumstances permit, by the municipal district members after due notice.
- 78. In a Committee, a motion or amendment may be proposed without a seconder, and a member may speak more than once to any question, but otherwise the Rules of Order of the municipal district members, so far as they are conveniently applicable, shall govern all proceedings of Committees, and the member in the Chair at any meeting of a Committee shall determine questions of order.
- 79. Every Committee in the whole of its proceedings shall be governed by the Standing Orders or Resolutions of the municipal district members affecting such Committee.
- 80. A copy of every Report of a Committee to be submitted to the municipal district members shall, before the submission thereof, be transmitted to every member at least three days before meetings of municipal district members, save in cases of urgency when reading of the Report to the municipal district members shall suffice.
- 81. Save for meetings of such Committees as the municipal district members may specify from time to time, representatives of the media and the public may be present at meetings of Committees of municipal district members. When confidential matters are under discussion Committees may decide to exclude such representatives from the meeting or the relevant portion of the meeting. **Note 24**
- 82. The meetings administrator shall summon a meeting of any Committee at the request of the Cathaoirleach of the Committee, or any three of its members, or whenever the meetings administrator deems it necessary in special circumstances that such Committee shall meet.
- 83. The Cathaoirleach of the municipal district members shall be ex-officio a member of every Committee except those where membership is fixed by Statute. **Note 25**

- 84. In the absence of the Cathaoirleach of a Committee, the Chair shall be taken by any municipal district member of the Committee agreed at the meeting.
- 85. The Chair of each Committee shall be responsible to the municipal district members for the general management of the business entrusted to such Committee.
- 87. The municipal district members may resolve themselves into a Committee of the whole of the municipal district members for the transaction of business to be specified in the Resolution. {Section 45}
- 88. The decisions of the Committees of the municipal district members shall not become binding, except where otherwise provided in the Standing Orders, until approved by the municipal district members, unless the members specifically empowers these Committees to deal (without further reference to it) with certain matters, subject to the appropriate legal provisions. *Note 26*

Suspension of Standing Orders

- 89. Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, except Nos. 18, 20, 46 to 49 [and 22 to 44 if so decided by the municipal district members] may at any time be suspended on a motion proposed without notice for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the municipal district members, subject to the requirement that at least two-thirds of the members present vote in favour.
[Para. 16(4)(g)] *Note 27*

Miscellaneous

- 91. A member or members appointed to outside bodies and boards may from time to time submit reports to the municipal district members on matters arising in such bodies or boards which have relevance to the municipal district members and shall in any event do so in accordance with the requirements of Section 141 of the Local Government Act 2001, as amended by section 53(1) of the 2014 Act.
- 92. Any other standing orders considered necessary.

PART C
Guidance Notes to Suggestions for Standing Orders for Municipal
District Members
under the

Local Government Act 2001,
as amended by the
Local Government Reform Act 2014

Introduction

Schedule 10 of the Local Government Act, 2001 sets out detailed provisions concerning meetings and proceedings of local authorities, and these have been applied to meetings of municipal district members by the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014).

Municipal district members are required to make Standing Orders under Paragraph 16 of Schedule 10. These must include provisions to deal with the matters set out at paragraph 16(4). Such provisions have been included in the Suggestions for Standing Orders at Part B of these notes. The making, amendment or revocation of Standing Orders is a reserved function of the municipal district members for which not less than one-half of the total number of members must vote in favour. Apart from the mandatory provisions referred to, it is a matter for municipal district members to determine their own Standing Orders taking account of factors such as the number of members, degree of formality, consistency of approach with the Standing Orders for the local authority, and local circumstances generally. Standing Orders are of course subject to statute law. A copy of Standing Orders is to be supplied to each member on coming into office, as is a copy of any amendment.

The guidance notes which follow relate to the Suggestions for Standing Orders (SSO) at Part B.

In common with the Suggestions for Standing Orders themselves, the numbering follows that in Circular Letter LG 4/02 of 7 March 2002, in order to assist in understanding these Notes in relation to the 2002 Suggestions.

Note 2 – SSO 2

The municipal district members may fix the date of the annual meeting either by resolution or provide for it in Standing Orders. The annual meeting in every year which is not an election year shall be on such day in May or June as the municipal district members shall by resolution appoint or fix by Standing Order. [Para. 3(3), Sch. 10]

Note 3A – SSO 2

There is no legal requirement to publish notice of the first meeting of the municipal district members, in recognition of the fact that there may be too short a time between the agreement by the local authority on the schedule of first meetings of municipal district members and the fact that the appointment to statutory bodies will be a matter for the local authority. However, it is good practice to provide information, in the

same form as applies to local authorities, in respect of first annual meetings of municipal district members on the website of the local authority.

Note 3 – SSO 2

The procedure for the chairing of an Annual Meeting in an election year until the election of a Cathaoirleach at such meeting is set out in paragraph 10(5) and (6) of Sch. 10. Attention is drawn to the provision that either a municipal district member or an employee of the local authority can be selected for this purpose, in line with local tradition for the first annual meeting of the local authority. In relation to such selection please note particularly the provisions of paragraph 10(6) that “Any member selected to chair an annual meeting under paragraph (5) shall not have a second or casting vote and the employee of the local authority, if so selected in accordance with that sub-paragraph shall not have any vote”.

Note 4 – SSO 5

The municipal district members the option of fixing these times either by Resolution or Standing Order.

Note 5 – SSO 6

Paragraph 15(4) of Sch. 10 requires that the address of the principal offices of a local authority as fixed by the chief executive shall be included in the Standing Orders of the municipal district members. This is the address to which all notices required under the provisions of the Act to the chief executive, the meetings administrator or to the principal offices must be sent or delivered. This office may be the same as the meeting place of the municipal district members, and it is not a requirement that the same principal office of the local authority be specified for each municipal district.

Note 6 – SSO 9

Public notice of a meeting **must** be given in accordance with Suggested Standing Order 9 by virtue of paragraph 8(1) of Sch. 10. Paragraph 8(3) of Sch. 10 provides that by Resolution or Standing Orders municipal district members **may** make such additional arrangements for the giving of public notice of meetings, including display at additional locations, including but not limited to public libraries, or publication in a newspaper, electronically or otherwise as it considers appropriate.

Note 7 – SSO 10

The time limit in this case is a matter for decision by municipal district members.

Note 8 – SSO 11 and 12

The method of ascertaining that a quorum is present in order to commence a meeting is a matter for municipal district members to decide e.g., roll-call, head count, attendance register etc. In addition paragraph 15(2) of Sch. 10 requires that the attendance of each member present at a meeting shall be entered by that member in a record kept for that purpose by the municipal district members.

Note in the calculation of the quorum (which is fixed by the Act as $\frac{1}{4}$ of total number of members **plus one**) there is rounding up in all cases e.g. $9 \div 4 = 2.25$ rounded up to 3 [+ 1] = 4.

Note 9 – SSO 12

The time limit is a matter for decision for the municipal district members.

Note 10 – SSO 18

Paragraph 16(4)(d) of Sch. 10 requires the number which is necessary to revoke a resolution of the municipal district members be specified in Standing Orders and shall be at least one-half of the total number of members. It also enables the municipal district members to specify additional requirements. Suggested Standing Order 18 is framed on this basis. This standing order dealing with revocation of resolutions cannot be suspended - see paragraph 16(4)(g) of Sch. 10 and draft standing order 89].

Note 11 – SSO 20

Suggested Standing Order 20 is worded to meet the requirement of paragraph 16(4)(e) of Sch. 10. Note the minimum requirement of at least one-half of the total number of municipal district members to vote in favour. There is also provision that the municipal district members may specify further requirements and consideration might be given to including “that such number voting in favour shall be not less than two-thirds of the members present and voting”.

This standing order dealing with urgent business cannot be suspended. [See paragraph 16(4)(g) of Sch. 10 and Suggested Standing Order 89].

Note 12 – SSO 22-44

While Suggested Standing Orders 22 to 44 inclusive are optional, they are the accepted norm for effective and efficient discharge of business at meetings and come within the scope of paragraph 16(4)(f) of Sch. 10 “**procedures to be followed for the doing of acts and the determination of questions**”. It would be open to municipal district members to classify these standing orders under that clause (f). In such circumstances the power to suspend standing orders cannot then be applied to them. [See paragraph 16(4)(g) of Sch. 10 and draft Standing Order 89]

Note 12A – SSO 43-43F

Under these Suggested Standing Orders the municipal district members may suspend a misbehaving member for up to 6 weeks the first time (i.e. covering the typical timespan to the next monthly meeting), following persistent breaches and prior attempts to address the misbehaviour by the chair through naming the member, a motion to suspend the member from that meeting, suspension of the meeting, etc., and 10 weeks the second time (i.e. covering the typical timespan to the next 2 monthly meetings), from meetings of the municipal district and its committees. There is no provision for suspension of pay, and suspension from attending meetings of municipal district members does not extend to attendance at local authority meetings or any committees of the local authority.

Note 13 – SSO 45

The number of clear days specified should be sufficient to allow for the motion or application to be included on the Agenda for the relevant meeting.

Note 14 – SSO 45

This option is without prejudice to the general right of public attendance.

Note 14A – SSO 46

Two members would appear to be the appropriate threshold for requesting a division at meetings of municipal district members with 6 or 7 members. Municipal districts with significantly higher numbers may wish to include a threshold of three, which is the threshold identified in the SSOs for local authorities.

Note 14B – SSO 49A to 49C

The Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014 (S. I. 230 of 2014) provide in article 8 for the chief executive to advise either generally, or in respect of a particular case, that a reserved function should be exercised or performed by the local authority, and for a mechanism for the question to be referred to the CPG for its view by the municipal district members. These Standing Orders provide for no motion or resolution in relation to the relevant function being put to the municipal district members pending the outcome of the consideration by the CPG, should the municipal district members refer the matter to the CPG. Provision is made for the municipal district members to refer the matter to the CPG at the meeting where the chief executive has provided his opinion in relation to the correct forum for performance of the function, should they so wish.

Note 15 – SSO 50

Under Section 45(2) of the Act members of the public and representatives of the media are entitled to be present at a meeting of municipal district members. This entitlement is extended to meetings of committees in accordance with the provisions of article 8(3) of the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014).

Note 16 – SSO 50, 81

Section 45(3) of the Act authorises municipal district members where they are of opinion that the absence of members of the public or representatives of the media from the whole or any part of a particular meeting is desirable because of the special nature of the meeting or of an item of business to be, or about to be considered at the meeting or for other special reasons, by resolution to decide to meet in committee for the whole or part of the meeting concerned, where the municipal district members consider that such action is not contrary to the overall public interest.

It is necessary for the passing of a resolution under section 45(3) that at least one-half of the total number of municipal district members concerned vote in favour of the resolution. Such resolution shall indicate in a general way the reasons for the resolution and those reasons shall be recorded in the minutes of the meeting.

Note 17 – SSOs 51, 52, 53, 54

Section 45(5) of the Act authorises municipal district members to regulate by standing orders the right of members of the public and representatives of the media to be present at meetings and in particular it may –

- (a) taking account of available space, limit the number of persons to be admitted,
- (b) make rules governing the conduct of persons present at meetings,

- (c) provide for the removal of members of the public who interrupt the proceedings or who otherwise misconduct themselves,
- (d) make rules in relation to the taking of photographs or the use of any means for recording or relaying the proceedings as they take place or at a later stage.

While section 45(5) authorises the municipal district members to make Standing Orders regulating the right of members of the public and representatives of the media to be present at meetings, sub-section (6) specifically states that “Nothing in subsection (5) other than paragraph (a) shall be read so as to enable to limit the attendance of representatives of the media, and paragraph (a) shall not be read as enabling municipal district members to prohibit the attendance of such representatives.”

It is a matter for municipal district members to decide in their standing orders on limits and other conditions, if any, to be applied to public attendance in its own particular circumstances.

Note 23 – SSO 76

The election process for Committees is a matter for decision by municipal district members, but it is recommended that membership reflects proportionality and the distribution of elected representation amongst municipal district members. In any event the ‘grouping’ system is available to members in accordance with Para. 18 of Schedule 10.

Note 24 – SSO 81

See Notes 15 and 16. Article 8(3) of the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014 (S.I. No. 230 of 2014) provides a right of access to committee meetings other than those may be designated by resolution.

Note 25 – SSO 83

This Suggested Standing Order is purely optional but it reflects existing arrangements in some local authorities. If municipal district members decide to provide for their Cathaoirleach, by virtue of office, to be a member of Committees as provided for in this Draft Standing Order, it may be prudent and in order to avoid later dispute, to also define the status of the Cathaoirleach and the Cathaoirleach of the Committee at meetings of the relevant committee.

Note 26 – SSO 88

Section 51 enables municipal district members to delegate functions to committees subject to certain exclusions.

Note 27 – SSO 89

The Suspension of Standing Orders is subject to the Act and particularly to paragraph 16(4)(g) of Sch. 10.

Paragraph 16(4)(g) of Sch. 10 requires municipal district members to allow in Standing Orders for the suspension of any provision of Standing Orders subject to a requirement that at least two-thirds of the members present at the meeting vote in

favour and to such **other requirements as may be specified in Standing Orders**. Under the Act certain standing orders provisions cannot be suspended –

- Clause (d) of paragraph 16(4) relates to the revocation of resolutions. See Suggested Standing Order 18 and *Note 10*.
- Clause (e) of paragraph 16(4) deals with urgent business related to a function of the municipal district members. See Suggested Standing Order 20 and *Note 11*.
- Clause (f) of paragraph 16(4) requires Standing Orders to include provisions for the procedures to be followed for the doing of acts and the determination of questions, including the procedures and methods of voting and when a roll-call is to be taken. See Suggested Standing Orders 46 to 49.
- Where the municipal district members have decided that Suggested Standing Orders 22 to 44 inclusive are to be classified as coming within the terms of paragraph 16(4)(f), they are then excluded from suspension in accordance with paragraph 16(4)(g) of Sch. 10). (See Note 12).