

# INDUCTION TRAINING ELECTED MEMBERS JULY 2019

**AILG**

Association of Irish Local Government  
Aontas Rialtas Áitiúil na hÉireann



Presented by

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Induction Training  
Elected Members  
July 2019



- 1. Role of the Elected Member**
- 2. Reserved Functions**
- 3. Ethics & Governance**
- 4. Code of Conduct**



# 1. Role of the Elected Member – General Overview

❖ The public face of our local authorities are the democratically Elected Councillors.

❖ The Elected Council is in law the policy-making arm of the local authority with councillors having the role of creating the overall policy framework that the council's executive and staff work within.



❖ Aligned with that, a significant role of Councillors is to represent the views of their communities.

# **1. Role of the Elected Member – General Overview**

- ❖ The Councillor's role and responsibilities include:-
  - Representing the electoral area for which they are elected and the local authority as a whole
  - Decision-making and developing and reviewing council policy
  - Regulatory and statutory duties.
- ❖ They also have a key role in community leadership and engagement.



# **1. Role of the Elected Member – General Overview**

- ❖ The powers of the Elected Members are derived primarily from their reserved functions which are performed at both council and municipal/metropolitan/borough district level.
- ❖ Elected Members have powers to represent the interests of their local community and to promote generally the interests of their local community.
- ❖ The Members have specific policy roles and adopt the major guiding policy documents of the local authority, which dictate the direction and functions of the local authority.
- ❖ The various reserved functions of Plenary Council and Municipal/Metropolitan/Borough Districts are set out in Schedule 3 of the Local Government Reform Act, 2014. (Please refer to the AILG Elected Member Guidance Manual)

# **1. ROLE OF THE ELECTED MEMBER**

- I. The Statutory & Policy Role of the Elected Member**
- II. The Oversight and Directional Role of the Elected Member**
- III. The Representational Role of the Elected Member – Including Civic & Community Leadership Role**
- IV. Appointment to Boards and Other Bodies**





# **1. ROLE OF THE ELECTED MEMBER**

## **I. The Statutory & Policy Role of the Elected Member**

- a) The performance of local authority functions are shared between the Elected Members and the Chief Executive, the Elected Members carrying out Reserved Functions and the Chief Executive carrying out Executive Functions.
- b) Reserved functions primarily relate to issues of policy, e.g. the adoption of the County Development Plan, Local Area Plans and importantly the adoption of the Annual Budget.
- c) The policy framework within which the Chief Executive exercises Executive Functions is determined by the Elected Members. This process of policy-formulation is conducted in a structured format through the Strategic Policy Committees, the Corporate Policy Group and the Elected Council as a whole.

# **1. ROLE OF THE ELECTED MEMBER**

## **I. The Statutory & Policy Role of the Elected Member (cont'd)**

- d) Most of the major decisions of the Local Authority are reserved as the exclusive prerogative of the Elected Members including oversight over the financial affairs of the Authority.
- e) In addition to the Reserved Functions the Elected Members have a role in overseeing and directing the activities of the Local Authority in general and the 2014 Reform Act introduced a structured reporting relationship between the Chief Executive and the Elected Members.
- f) Elected Members are directly elected by the people and therefore have a mandate from the people in relation to the communities that they represent. They can initiate action to promote the community interest and are ideally placed to provide civic leadership.



# **1. ROLE OF THE ELECTED MEMBER**

## **II. The Oversight and Directional Role of the Elected Member**

Elected Members have various powers in relation to functions the Chief Executive carries out and can make directions/set requirements in relation to obtaining information on any business or transaction of the Local Authority.

For example, the Elected Members have the power to:-

- a) Require the Chief Executive to attend a meeting of the Local Authority or a committee of the Local Authority
  
- a) Obtain information from the Chief Executive in relation to any business or transaction of the Council

# **1. ROLE OF THE ELECTED MEMBER**

## **II. The Oversight and Directional Role of the Elected Member (cont'd)**

- c) Inspect the Chief Executive's Orders
- d) At monthly Council meetings the Chief Executive must submit a monthly management report on the performance of executive functions including implementation of policy and the provision of services.
- e) Require the Chief Executive to inform the Elected members before performing any specified executive function (other than in respect of staff) and also to submit plans, specifications and cost-estimates of particular works.
- f) Require that a particular act, matter or thing be done by the Chief Executive (Section 140 of the Local Government Act, 2001)



# **1. ROLE OF THE ELECTED MEMBER**

## **III. The Representational Role of the Elected Member – Including Civic & Community Leadership Role**

- a) The representational role of Councillors is implicit in their status as local elected representatives of the electorate.
- b) Section 64(1) of the Local Government Act 2001 states “As a forum for the democratic representation of the local community, a local authority may represent the interests of such communities in such manner as it thinks appropriate”.
- c) The local authority elected members have the democratic legitimacy to speak on behalf of and represent the interests of the area and its people either individually or collectively.

# **1. ROLE OF THE ELECTED MEMBER**

## **III. The Representational Role of the Elected Member – Including Civic & Community Leadership Role (cont'd)**

- d) Elected Members have the function of representing the people in their area and have the right to make an input on behalf of the community to the other public bodies, the activities of which affect their area.
- e) In essence, Councillors act as watchdogs on how decisions affecting the local electorate are made. They voice their opinion on issues of which they have a very close knowledge on.
- f) Each Elected Member has a mandate to represent the community which elected them and to represent smaller areas within their own electoral area and across the wider local authority areas. They also may make representations directly on behalf of both groups and individuals to the local authority and to other bodies.



# **1. ROLE OF THE ELECTED MEMBER**

## **IV. Appointment to Boards and Other Bodies**

- a) Section 141 of the Local Government Act 2001 - 2014 provides for the appointment and nomination of Elected Members to various public bodies or boards which may or may not be established by or under statute, for example the Educational Training Boards, Health Forums and Regional Assemblies.
- b) Appointment to boards and other bodies may also include local boards/companies and committees including boards to local community centres, arts centres, public swimming pools etc.
- c) There is a statutory duty on the Member to represent the local authority and to report annually or at any time as requested by resolution of the Council or by the Cathaoirleach.

# Councils and Councillors

Ireland has 31 councils -  
26 county councils, 3 city councils,  
& 2 city and county councils.  
There are 949 councillors in the country.

## Services provided by councils



Housing



Road, Transport & safety



Recreation & Amenity



Planning



Library services



Water



Environmental Protection



Economic Development



Fire Services



Register of Electors

## Who makes decisions

### Elected Council

Policy decisions are made by the elected councillors during council meetings. These decisions may be made at 2 levels:

- Full council (plenary level)
- Municipal/metropolitan/borough district level/area committee level

### The Chief Executive

The chief executive, assisted by a senior management team, manages a local authority on a day-to-day basis. It is the duty of the chief executive to advise and assist the elected council.

**Both councillors and the chief executive have a common interest in serving the community.**

## Decisions made by councillors at full council



Approving an annual budget



Housing policy decisions



Variation in Local Property Tax Rate



Local economic & community plans



Commercial rates



County/City Development Plans

## Decisions made by councillors at district level



Adopting economic statements for full council to consider



Annual schedule of proposed works



Funds for community initiatives



Litter prevention & control



Charges for council amenities, facilities & services



School wardens' arrangements

## Decisions made by councillors at full or local level



Civic Honors



Protected Structures



Local Area Plans



Flood Risk Management



Housing Services Plans



## **2. Reserved Functions**

- a) The Elected Members derive their powers by exercising reserved functions.
- b) Reserved functions relate primarily to issues of policy, e.g. the adoption of the County Development Plan and the adoption of the annual budget, essential in the determining the overall financial activities of the Council over a broad range of services.
- c) The various reserved functions are set out in Schedule 3 of the Local Government Reform Act, 2014. (A list of Reserved Functions are set out at appendix 1 of the AILG's Elected Member Guidance Manual)

## **2. Reserved Functions**

- d) Certain functions can be carried out at Plenary Council Level only, at Municipal/ Metropolitan/ Borough District Level only and there are certain functions that can be carried out by either.
- e) Section 131A and schedule 14A of the Local Government Act, 2001 (as inserted by section 21 (3) and 21 (4) of the Local Government Reform Act, 2014) sets out a comprehensive listing of reserved functions which are to be:-
  - I. Performed exclusively by Municipal/ Metropolitan/Borough District Members



## 2. Reserved Functions

II. Performed by Municipal/Metropolitan/Borough District Members or by the Plenary Council

III. Be performed by the Plenary Council only.

f) The functions set out in no. 1 above, do not have to be formally 'assigned' to the Municipal/Metropolitan/Borough Districts. However, it is necessary to determine in each case, and in accordance with the relevant provisions, whether a function is to be performed by the Municipal/Metropolitan/Borough District or the Plenary Council.

**For the full list of Reserved Functions please see:  
<http://www.irishstatutebook.ie/eli/2014/act/1/schedule/3/enacted/en/html#sched3>**

# **3. Ethics & Governance**

**The Local Government Act 2001 (Part 15) sets out an ethical framework and imposes a statutory duty on all in the local government service to maintain proper standards of integrity, conduct and concern for the public interest.**

## **ROLE OF ETHICS REGISTRAR**

- ❑ The Ethics Registrar has a duty to notify members and relevant employees of the requirement to submit their annual declaration and must compile the public register of interests.**
- ❑ In the first week of January every year the Ethics Registrar must send to each member and relevant employee a notice/declaration informing them of the requirement to furnish an annual declaration.**



# **3. Ethics & Governance**

**SECTION.171, 2001 Act - An annual declaration of interests must be made in respect of the following:**

- a) Profession, Occupation etc.**
- b) Other profession, Occupation etc.**
- c) Any activities relating to dealing in, or developing land**
- d) Land (ownership, interest) (includes all property e.g. buildings, dwellings etc.)**
- e) Company Business of dealing in land etc.**
- f) Shares – value in excess of €12,697.38**
- g) Directorships**

# **3. Ethics & Governance**

- h) Gifts, Property and Services in excess of €634.87**
- i) Local Authority Contracts in excess of €6,348.69**
- j) Political or Public Affairs, Lobbying etc.**
- k) Any other Additional Interests**

**The Register of Interests is a Public Register and may be viewed by a member of the public on request. Copies of completed declaration forms are published on the Council Website**



# **3. Ethics & Governance**

- ❑ The Annual Declaration also draws attention to the elected members that they must declare that they have read the Code of Conduct for Councillors, that they declare that they understand its meaning, sign it and give an undertaking to have regard to and be guided by the Code of Conduct in the exercise of their functions.**
- ❑ The annual declarations must be returned to the Ethics Registrar no later than the last day of February and entered into the register.**
- ❑ In a local election year, the Ethics registrar must send the notice and annual declaration form to each councillor who was not a member of the local authority in question immediately prior to the local election.**

# **3. Ethics & Governance**

## **DISCLOSURE OF INTERESTS AT MEETINGS BY COUNCILLORS – Sec. 177**

- I. Each Elected Member must disclose a pecuniary (i.e. financial) or other beneficial interest, of which he/she has “actual knowledge” of, or a connected person has, in a matter which arises at a meeting of the local authority or a meeting of a committee, joint committee or joint body of a local authority. He/she must take no part in the discussion or consideration of the matter. If he/she has “actual knowledge” that such a matter will arise at a meeting at which he/she will not be present, he/she must make a disclosure in writing to the Ethics Registrar in advance of the meeting.**
  
- I. An Elected Member is prohibited from influencing or seeking to influence a decision of the local authority in respect of any matter in which he/she (or a connected person) has ‘actual knowledge’ of a pecuniary or other beneficial interest.**

**NB: A connected person means a brother, sister, parent, spouse or civil partner**

**Failure to comply with the requirement of Section 171 or 177 of the Act is an offence.**



# **3. Ethics & Governance**

## **Local Elections (Disclosure of Donations and Expenditure) Act 1999 DONATION STATEMENTS**

Every person who, in the preceding year, was a member of a local authority is required, under section 19E of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 to furnish to their local authority, not later than January 31st, a donation statement indicating whether during the preceding calendar year the member received (from the same person), a donation exceeding €600 in value.

- The maximum amount that can be accepted as a donation in the same calendar year by a member of a local authority or by a local election candidate from the same source is €1,000.
- Details of donations which exceed €600 must be disclosed in a statement made to the relevant local authority.
- A candidate or member of a local authority that receives a monetary donation that exceeds €100 must open and maintain a political donations account in a financial institution in the State.

### **3. Ethics & Governance**

- It is prohibited to accept a donation from an anonymous source which exceeds €100.
- Donations from persons resident outside of the State (other than Irish citizens) irrespective of their value are prohibited.
- Donations in cash which exceed €200 are also prohibited
- There are specific rules covering corporate donations which exceed €200 – the donor must be registered with the Standards in Public Office Commission and evidence that the donation was approved by the corporate body must be provided



## 4. Code of Conduct

- ❑ The Minister issued a Code of Conduct for Councillors under S.169 of the Local Government Act 2001 in 2004 (Revised 2019).
- ❑ The purpose of the code is to set out principles, and standards of conduct and integrity for councillors, to inform the public of the conduct it is entitled to expect and to uphold public confidence in local government.
- ❑ This code is complemented by a separate code which applies to local authority staff.

# 4. Code of Conduct

Main Features of the Code Include:

1. General Conduct and Behaviour
2. Conflict of Personal and Public Interest
3. Planning
4. Gifts
5. Hospitality
6. Personal Dealings with Local authority
7. Regard for Council Resources
8. Satisfactory Working Relationships
9. General



Whatever you  
are, be a good  
one.

Abraham Lincoln



**THANK YOU  
FOR YOUR  
ATTENTION.  
QUESTIONS?**

