

AILG

Association of Irish Local Government
Aontas Rialtas Áitiúil na hÉireann

Association of Irish Local Government – AILG

Induction Training Elected Members July 2024

Thursday 11th July 2024

Mission Statement



“The AILG is a national representative body that proudly represents and supports local democracy. We the elected Councillors provide a strong voice for local communities through effective local government”

Goals of the Association

- The goal of the Association is to represent the collective interests of the Elected Members of the Local Authorities which constitute its membership.

- As a representative voice of local government in Ireland, the Association aims to;
 - a) to protect and support democratic local government
 - b) promote democratic leadership of our Elected Councillors and our Elected Councils
 - c) to promote the welfare and good government of the people of Ireland

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Cllr. Gail Dunne, President AILG 2023/2024



Cllr. Jason Murphy, Vice President AILG 2023/2024



Cllr. Pat Fitzpatrick, Immediate Past President AILG

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Meet the AILG Team



Liam Kenny
AILG DIRECTOR

Liam Kenny is a strong advocate for the heritage of local democracy which has roots in the first County Council elections of 1899. He has spoken and written widely on how Ireland's pioneering County Councillors created a legacy which has benefited the Irish public to the present day. Liam has been Director of the Association of Irish Local Government and its predecessors for twenty-three years.



Tommy Moylan
AILG DIRECTOR

Tommy is a qualified accountant by profession and has a wide range of experience in local government having served as a public representative for 15 years. Tommy was a member of the working group for engagement with Local Authority Representative Associations working with the Department of Environment Community & Local Government on Local Government policy in relation to the Local Government Reform Act 2014. In July 2015, following a national recruitment process he was appointed co-director of the AILG.



Elaine Lynch
AILG COMMUNICATIONS & OFFICE ADMINISTRATOR

Elaine has a wide range of experience in Events, Sales & Marketing and the Tourism and Hospitality sector which has given her varied skills and the ability to work with many different types of people and build long lasting relationships with internal & external stakeholders. Elaine worked for Diageo at the Guinness Storehouse for the past 5 years prior to joining the AILG team in July 2020.

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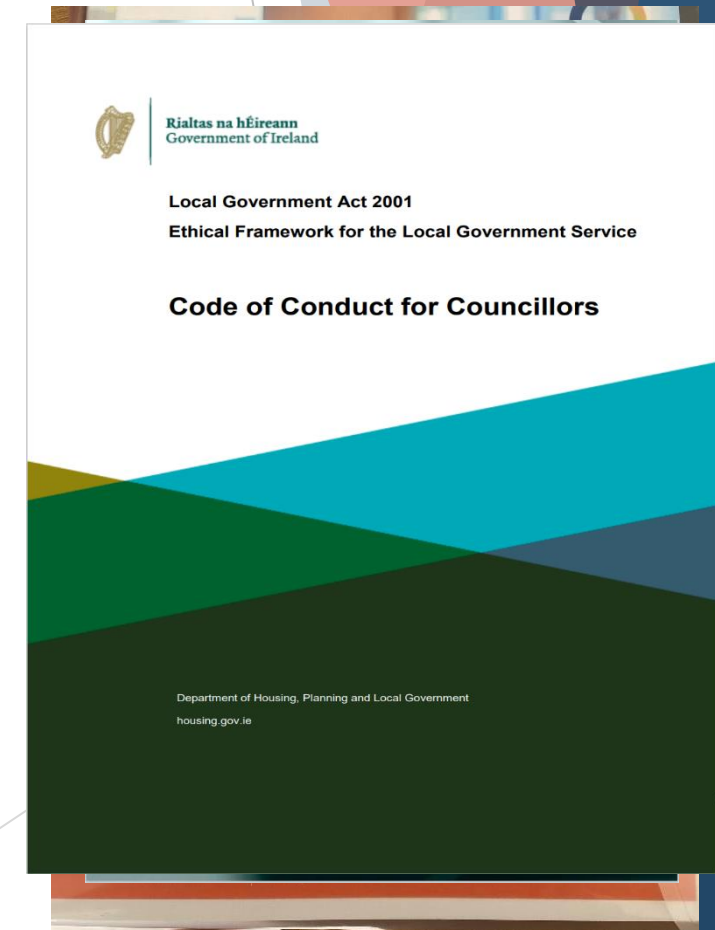
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Elected Members Induction Training

Launch of AILG Elected Member Induction Pack

- AILG Elected Member's Guidance Handbook
- AILG Annual Activity Report 2023
- AILG Elected Member Information Leaflets (10)
- GDPR – Guidance Documents for Public Representatives including:-
 - Elected Member's and GDPR
 - Guidelines on the processing of Personal Data by Elected Reps
 - Constituency Office – Best Practice in the Workplace
- Code of Conduct



Elected Members Induction Training

- ❖ Post Local Elections Statutory Returns
- ❖ Elected Member Code of Conduct
- ❖ Introduction to AILG & AILG Communications
- ❖ Elected Member Remunerations and Other Pay & Non-Pay Supports

Election Expenditure & Donations Returns – General Overview

- ❑ The Local Elections (Disclosure of Donations and Expenditure) Act 1999 (including subsequent Amendments & Regulations), provides for an expenditure and donations disclosure regime at local elections.
- ❑ The Act sets out the statutory obligations for all candidates at local elections in terms of expenditure & donations returns & disclosures/declarations.
- ❑ 2024 Local Election Regulations announced by the Minister on 9th April last
- ❑ Obligations under these regulations for a successful candidate at the election are;
 - ✓ Submit a statement of expenditure on the prescribed form with a statutory declaration, to the local authority within 90 days of polling day.
 - ✓ Successful First time candidate – submit your Declarable Interest Declaration/Code of Conduct Declaration and Donations Declaration with 6 weeks of receipt of forms from the Local Authority Ethics Register.

Election Expenditure Returns – Spending Limits

- ❖ Depending on the population of the local electoral area (LEA) concerned, the current spending limit for candidates at local elections are either €15,350, €13,600 or €11,500.
- ❖ All election spending incurred during the election expenditure period, between 8th April & 7th June 2024 must be disclosed by candidates and is subject to these spending limits.
- ❖ The spending limits for local elections apply to individual candidates in the first instance.
- ❖ However, candidates nominated by a political party will be deemed to automatically allocate 10% of their spending limit to the party's national agent.
- ❖ For example, a party candidate with a limit of €13,600 would be deemed to automatically allocate €1,360 for use by the party. Their effective limit would therefore be €12,240.

Election Expenditure Returns – Spending Limits

Therefore spending limits for candidates from political parties are as follows;

Local Electoral Area	Candidate Spending Limit	10% of Limit to be Allocated to National Agent (Political Party Candidates)	Effective Spending Limit (Political Party Candidates)
Local electoral area with a population in excess of 35,000	€15,350	€1,535	€13,815
Local electoral area with a population of between 18,001 and 35,000	€13,600	€1,360	€12,240
Local electoral area with a population of 18,000 or less	€11,500	€1,150	€10,350

NOTE: Candidates may have agreed an alternative percentage of a candidate’s limit (other than 10%) to assign to their political party, this must be agreed in writing between the candidate and the national agent of the political party.

Election Expenditure Returns – Expenditure Categories

Election expenses are defined as expenditure for electoral purposes, incurred in connection with an election, in order to promote or oppose, directly or indirectly,

- 1.The interests of a political party
- 2.The election of a candidate or to solicit votes for or against a candidate
- 3.Or to otherwise influence the outcome of the election

Election Expenditure Returns – Expenditure Categories

Expenditure	Details
Advertising (any medium)	Expenses in respect of such advertising include agency fees, design costs and other costs incurred in connection with preparing, producing, distributing or otherwise disseminating such advertising.
Publicity	Expenses in respect of that matter include expenses incurred in respect of party political broadcasts, the provision of any services or facilities in connection with press conferences or other dealings with the media, media advice and training and photography.
Election posters	Expenses in respect of such material include the costs of the design, production, printing, erection and removal of election posters.
Other election material	Expenses in respect of such material include the design, production, printing and dissemination of such material (other than posters), including canvas cards, election leaflets, election manifestos, newsletters and other promotional election material.
Office and Stationery	Expenses in respect of those matters include costs incurred in the rental or use of an office premises or meeting rooms for election purposes (other than for the purposes of annual or other party conferences) and the costs of heating, electricity, insurance, purchase or rental of office equipment, telephones, stationery and postage.

Election Expenditure Returns – Expenditure Categories

Expenditure	Details
Transport and travel	Expenses in respect of those matters include expenses incurred on transport and travel (by any means), petrol and diesel, rental or use of campaign vehicles, rental or use of vehicles for transport of voters on polling day, accommodation costs, taxi and hackney services and courier services.
Market research	Expenses in respect of that matter include expenses incurred in the taking of an opinion poll or other similar survey relating to an election within the period of 60 days before polling day at the election by or on behalf of a political party or a candidate at the election.
Campaign workers	Expenses in respect of that matter include payments to campaign workers, insurance and other costs

- If property, goods or services are provided to a candidate at a local election without payment or other commercial consideration or at a price which is less than the commercial price, the provision of these items shall be deemed to be an election expense, and to have been provided at the commercial price and shall be accounted for accordingly.

Election Expenditure Returns – Expenditure Categories

- ❖ What expenditure is **excluded** from the definition of election expenses?
- Expenses incurred in relation to nomination requirements for seeking election
- Purchase of copies or parts of the register of electors
- Reasonable living expenses
- Reimbursement individual's own resources for any minor expenses, (not exceeding €126.97 in any one payment) - Minor out of pocket expenses - €50 per person per day on refreshments, etc. is permitted
- Expenses incurred in the provision of property, goods or services which were provided for a previous election and included in an election expenses statement furnished to the Standards in Public Office Commission or to a local authority in respect of a previous election
- A service rendered by an individual, including the use of the individual's motor vehicle, on behalf of a candidate at a local election where the service provided is gratuitous
- A service rendered at a local election by an individual in the employment of a political party
- Publications on issues of public interest – Press releases
- Radio and television broadcasts on behalf of a political party or a candidate at an election.

Post Election Expenditure Returns & Declarations

- ❑ Section 13 of the Act requires that a written statement of all election expenses (whether paid or not) incurred in relation to a local election must be furnished in person by a candidate to a local authority **within 90 days after polling day** at that election
- ❑ The Act provides that the election expenses statement must be accompanied by a statutory declaration to be made by the candidate.
- ❑ In a statutory declaration, the candidate declares that, to the best of their knowledge and belief, the statement is correct in every material respect and that they have taken all reasonable action in order to be satisfied as to the accuracy of the statement. The declaration must be witnessed by a Commissioner for Oaths, a Notary Public, a Peace Commissioner or a Practising Solicitor.
- ❑ Section 13(3) of the Act requires that it is the “duty of every candidate who furnishes a donation/election expenses statement and makes a statutory declaration to make such enquiries and maintain such records as are necessary for the purpose of furnishing the statement and making the statutory declaration”. A local authority is empowered to make such enquiries as it considers appropriate and may require any person to furnish any information, document or thing in the possession or procurement of the person which the local authority may require for the purposes of its duties under the Act. This includes documentation relating to donations, election expenses statements etc.

Your Obligations

- ❖ You must return your completed statement of all election expenses (Election Expenses Statement) within 90 days after polling day (on or before 5 September 2024).
- ❖ Your election expenses statement must be accompanied by a statutory declaration to be made by the candidate.
- ❖ The declaration must be witnessed by a Commissioner for Oaths/Peace Commissioner/Practicing Solicitor etc.
- ❖ You must maintain and all records as are necessary for the purpose of furnishing the statement.
- ❖ Your local authority is empowered to make such enquiries as it considers appropriate and may require you to furnish any information or document.

STATEMENT OF DONATIONS AND ELECTION EXPENSES AT THE LOCAL ELECTIONS ON (insert date)

IN ACCORDANCE WITH SECTION 13 OF THE

LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND EXPENDITURE) ACT 1999

STATEMENT BY CANDIDATE

1. Name of Candidate

_____ Political Party (if any) _____

2. Address

3. Contact (telephone/fax/email)

4. Local authority and local electoral area

Local authority _____

Local electoral area _____

5. Assignment of spending limit from a candidate to the national agent of a political party (this part only applies to candidates of a political party)

For a candidate of a political party, section 12A(1)(c)(i) of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 allows for the national agent of a political party to incur 10% of the amount of the election expenses which that candidate is entitled to incur at that election, or such alternative percentage of the amount as may be agreed in writing between the candidate and national agent of the political party.

(a) Was a written agreement made between the candidate and national agent to agree that an alternative percentage (other than 10%) of the candidate's election expenses be incurred by the national agent (Yes / No)

(b) Where a written agreement was made, please include details of the alternative percentage and amount agreed in writing between the candidate and national agent

% _____

€ _____

Note: Where relevant, a copy of the written agreement made between a candidate and the national agent should be retained in the event of it being required by the local authority.

6. Expenditure

Expenditure Items	Cost €
(a) Advertising (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs incurred in connection with preparing, producing, distributing or otherwise disseminating such advertising.	
Subtotal Advertising:	
(b) Publicity. Expenses in respect of that matter include expenses incurred in respect of party political broadcasts, the provision of any services or facilities in connection with press conferences or other dealings with the media, media advice and training and photography.	
Subtotal Publicity:	
(c) Election Posters. Expenses in respect of such material include the costs of the design, production, printing, erection and removal of election posters.	
Subtotal Election Posters:	

Expenditure Items	Cost €
(d) Other Election Material. Expenses in respect of such material include the design, production, printing and dissemination of such material (other than posters), including canvas cards, election leaflets, election manifestos, newsletters and other promotional election material.	
Subtotal Other Election Material:	
(e) Office and Stationery. Expenses in respect of those matters include costs incurred in the rental or use of an office premises or meeting rooms for election purposes (other than for the purposes of annual or other party conferences) and the costs of heating, electricity, insurance, purchase or rental of office equipment, telephones, stationery and postage.	
Subtotal Office and Stationery:	
(f) Transport and Travel. Expenses in respect of those matters include expenses incurred on transport and travel (by any means), petrol and diesel, rental or use of campaign vehicles, rental or use of vehicles for transport of voters on polling day, accommodation costs, taxi and hackney services and courier services.	
Subtotal Transport and Travel:	
(g) Market Research. Expenses in respect of that matter include expenses incurred in the taking of an opinion poll or other similar survey relating to an election within the period of 60 days before polling day at the election by or on behalf of a political party or a candidate at the election.	

Expenditure Items	Cost €
Subtotal Market Research:	
(h) Campaign Workers.	
Expenses in respect of that matter include payments to campaign workers, insurance and other costs.	
Subtotal Campaign Workers:	
TOTAL ELECTION EXPENSES INCURRED:	

7. Source of Income to Meet Expenditure

Funds used to meet election expenses	€
Own Resources	
Other Resources	

8. Donations Exceeding €600 (TO BE COMPLETED BY UNSUCCESSFUL CANDIDATES)

List details of individual donations exceeding a value of €600, or an aggregate value of €600 from the same person in connection with the local election and used to meet election expenses.				
Value of Donation €	Nature of Donation	Name of Donor	Description of Donor	Postal Address of Donor

9. Statutory Declaration

THE FOLLOWING STATUTORY DECLARATION MUST BE MADE BY THE CANDIDATE

I do solemnly and sincerely declare that the above statement is, to the best of my knowledge and belief, correct in every material respect and that I took all reasonable action in order to be satisfied as to its accuracy. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed[candidate]

Declared before me.....[*name in capitals*] a [notary public] [commissioner for oaths] [peace commissioner] [practising solicitor] by[*name of candidate*]

who is personally known to me,

or

who is identified to me by who is personally known to me

or

whose identity has been established to me before the taking of this Declaration by the production to me of

passport no.[*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*], which is an authority recognised by the Irish Government

or

national identity card no.[*identity card number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no.(document equivalent to a passport) [*passport number*] issued on[*date of issue*] by the authorities of[*issuing state*] which is an authority recognised by the Irish Government

or

refugee travel document no.[*document number*] issued on[*date of issue*] by the Minister for Justice, Equality and Defence

or

travel document (other than refugee travel document)[*document no.*] issued on[*date of issue*] by the Minister for Justice, Equality and Defence

at..... [place of signature]

this.....day of[*date*]

.....
[signature of witness]

PENALTIES

A person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both.

Sanctions for Breaching Statutory Obligations

What happens if a candidate exceeds the spending limits at a local election?

- Under the Act, a candidate at a local election shall be guilty of an offence if he or she directly, or through any other person, incurs election expenses in excess of the relevant spending limit.
- Section 21 of the Act provides for penalties for breaching the spending limits. A person who infringes the spending limits is liable on conviction on indictment to a fine of up to €25,000 or to a term of imprisonment of up to 3 years or to both the fine and imprisonment.
- Section 20(5) of the Act provides for the disqualification from membership of a local authority for a candidate who breaches the spending limits. This is in addition to any penalty that a court may impose. The disqualification in such a case will apply and have effect for the remainder of the term in office of the members of that authority.
- This provision also applies to a conviction in relation to the failure to furnish or furnish a misleading certificate or statement in respect of a political donations account.

Sanctions for Breaching Statutory Obligations on Elections Spending

What happens to an elected member who does not furnish an election expenses statement and statutory declaration within 90 days of polling day?

- Section 20 of the Act provides that where an elected member fails to furnish an election expenses statement and statutory declaration to a local authority within 90 days after polling day, he or she will be suspended from membership of the local authority for 7 days or lesser period until the statement and statutory declaration is provided.
- If the statement and statutory declaration is not provided within that 7 day period, the elected member will be disqualified from membership, including co-option, by any local authority, until the next local elections.
- This provision also applies to a conviction in relation to the failure to furnish a certificate or statement in respect of a political donations account.

Annual Declarations

- ❑ It is the duty of the Ethics Registrar, under with Part 15 Section 174 of the Local Government Act 2001, to issue a notice informing all members (and staff) of their obligations under section 171 of the Act i.e. to submit an annual declaration of declarable interests.
- ❑ Section 171 obliges Councillors to prepare and furnish to the Ethics Registrar an annual written declaration containing particulars of your “declarable interests” within the meaning of section 175 of the Act.
- ❑ The declaration form should be completed and furnished to the Ethics Registrar no later than the **last day of February and failure to do so is an offence under the Act.**
- ❑ The form is to be completed in respect of your declarable interests held during the period between the date of your previous declaration and the date of this declaration – normally a calendar year.
- ❑ Form must be signed and dated and witnessed
- ❑ **Successful First time candidate** – submit your Declarable Interest Declaration/Code of Conduct Declaration and Donations Declaration with 6 weeks of receipt of forms from the Local Authority Ethics Register following a local election.

Annual Declarations

- ❑ The onus is on each councillor to complete and furnish the annual declaration. If you do not have an interest you must 'nil' on the form, where appropriate.

- ❑ Section 169 of the Act states that each member shall have regard to and be guided by the Code of Conduct in the exercise of his or her functions. The annual declaration form includes –
 1. A declaration that you have read the Code of Conduct for Councillors and that you understand its meaning, and
 2. An undertaking to have regard to and be guided by the Code of Conduct for Councillors in the exercise of your functions.

Declarable Interests

- ❑ Declarable interests cover both financial and certain other interests such as land, etc.

- ❑ **Section 175** sets out what is meant by a “declarable interest” to be included in the annual declaration.
These interests are summarised below -

- any profession, business or occupation of dealing in or developing land
- any other paid employment or occupation
- any interest in land, within the State, including any contract for sale or purchase of land or any option to do so
- any business of dealing in or developing land by a company or body of which the person or their nominee is a member
- shares or investments over €12,697.38 in any company or enterprise
- a directorship or shadow directorship of any company

Note - “Land” includes all property including buildings, dwellings, etc. All land interests in the State should be declared.

Declarable Interests

- a gift, including foreign travel facilities, but excluding gifts from a relative or friend for personal reasons, or gifts less than €634.87
- property or a service supplied or lent at less than commercial rates or free of charge, where the commercial price/consideration was more than €634.87
- a contract or contracts worth more than €6,348.69 for supply of services or goods to a local authority with which the person was any way concerned, directly or indirectly
- a paid position of political adviser, consultant or lobbyist
- any other interest set out in regulations by the Minister (none to date) or any other interest which the person wishes to volunteer.

Donations Statement

- Under the terms of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 as amended by the Electoral (Amendment) (Political Funding) Act 2012, Members of a Local Authority are required to furnish the Local Authority a donation statement not later than 31st January each year.
- The Local Authority is required to have your donation statement publicly available, within 14 days of the latest date for receipt of your donation statement.
- The Local Authority must publish a notice in a newspaper giving details of the time and place where the Statements can be inspected and the names of any Members who have not furnished Statements
- Donation Statement must be signed and witnessed by a Commissioner for Oaths / Notary Public / Peace Commissioner / Practicing Solicitor.

Donations Statement

- The maximum donation that may be accepted by a member of a local authority is €1,000 (in any 12 month period)
- The threshold above which donations must be reported by Members is €600
- The maximum amount that can be accepted as an anonymous donation is €100
- A member of a local authority who receives, a monetary donation of more than €100 must open and maintain a political donations account in a financial institution in the State.
- There is a ban on the acceptance of a donation in excess of €200 from a corporate donor unless the donor has registered with the Standards in Public Office Commission and a statement is furnished to the recipient confirming that the donation has been approved by the corporate donor concerned
- Where a donation is given through an intermediary, the identity of the person on whose behalf the donation is made must be provided to the recipient. It is an offence to fail to provide this information.
- a member is prohibited from accepting a cash donation of an amount which exceeds €200.
- A member cannot accept a foreign donation – from an individual other than an Irish citizen or company not operating in Ireland

Annual Declaration Obligations – Recap

- ❑ On an annual basis Elected Members of Local Authorities must complete and return annual declaration forms – by the end of February each year.
- ❑ Submit a Donation Statement by the end of January each year
- ❑ **Successful First time candidate** – submit your Declarable Interest Declaration/Code of Conduct Declaration and Donations Declaration with 6 weeks of receipt of forms from the Local Authority Ethics Register following a local election.
- ❑ Annual Declarations include;
 - Declaration of Declarable Interests – Occupation/Profession, Property, Land, Company Business, Directorships, Shares, Gifts, Local Authority Contracts,
 - Code of Conduct for Councillors
 - Donations
- ❑ Ethics Registrar of each local authority is required to maintain a public register of interests
- ❑ The particulars contained in the annual declarations shall be entered in the register of interests.

Post Local Elections Statutory Returns

**Happy to take
any Questions?**

