



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



LG 20/2014

9 July 2014

Local Government Reform Act 2014 – further clarification of certain matters

Dear Chief Executive

I am directed by the Minister for the Environment, Community and Local Government to refer to recent circular letters regarding the operation of provisions of the Local Government Reform Act 2014 and to provide clarification/reiteration in relation to certain matters on which queries have been raised, as set out under.

Reserved functions

1. While it is necessary to determine in each case, in accordance with the relevant provisions, whether a particular function is to be performed by the municipal district members or the overall local authority, reserved functions do not have to be formally “assigned” to either the plenary council or municipal district members. The statutory assignment of functions is set out fully in and is subject to the Local Government Reform Act 2014 and the Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014 (S.I. 231 of 2014). The position is as follows: -
 - The functions contained in Part 1 of Schedule 14A to the Local Government Act 2001 (as inserted by the 2014 Act) along with paragraphs 1 and 3 of Schedule 14 to the 2001 Act are exercisable in respect of the municipal district exclusively by the municipal district members;
 - The functions contained in Part 2 of Schedule 14A to the Local Government Act 2001 (as inserted by the 2014 Act) along with paragraphs 5, 6 and 7 of Schedule 14 to the 2001 Act are exercisable by either the plenary council or by the municipal district members in respect of the district; and
 - The functions specified in Part 3 of Schedule 14A to the Local Government Act 2001 (as inserted by the 2014 Act), along with paragraphs 2, 4 and 8 of

Schedule 14 to the 2001 Act, can only be performed by the plenary council, subject to possible delegation to municipal district level.

Reserved functions of municipal district members

2. As indicated in circular LG 10/2014 of 29 May 2014 (see in particular Appendix 2, paragraph 3), the reserved functions set out in Part 2 of Schedule 14A to the 2001 Act (as inserted by Schedule 3 to the 2014 Act) and paragraphs 5, 6 and 7 of Schedule 14 are, depending on the circumstances, exercisable by either the plenary council or by the municipal district members in respect of a municipal district. The circumstances in which these functions should be performed by the plenary council (i.e. the overall local authority) are governed by S.I. 231 of 2014 and the ministerial directions issued as part of circular LG 10/2014 and contained in Appendix 3. By way of example, the functions in Part 2 of Schedule 14A to the 2001 Act (as inserted by Schedule 3 to the 2014 Act) relating to sections 74 and 76 Local Government Act 2001 are not exclusively exercisable by either the plenary council or municipal district members (nor are they subject to delegation) but they are potentially exercisable by either depending on the circumstances.
3. It might be noted that the power for the municipal district members to perform the functions set out in Part 2 of Schedule 14A derives directly from the 2014 Act and is not dependent on delegation by the local authority (which may arise in relation to functions set out in Part 3 of Schedule 14A). Similarly, the performance of functions in Part 2 of Schedule 14A by the municipal district members (or indeed of any functions in Part 3 that may be delegated to them) is not subject to approval by the overall council of the local authority. This is specifically provided in S.I. 231 of 2014. Functions performed by the municipal district members in accordance with the Act and regulations are reserved functions of the local authority.

Use of Title of Mayor/Deputy Mayor for cathaoirleach/leas-chathaoirleach

4. The use of alternative titles to Cathaoirleach and Leas Cathaoirleach in the case of city councils, city and county councils and certain municipal districts is provided for in section 32 of the Local Government Act 2001 (as amended by section 37 of the Local Government Reform Act 2014). In relation to municipal districts, the Act provides for the use of the title "Mayor" or "Deputy Mayor" in the case of any district which contains a city, borough or town the population of which, when rounded to the nearest 1,000 as shown in the latest census report of the Central Statistics Office, is equal to or greater than 20,000. For the purpose of calculating the 20,000 population threshold, all of the environs of the town is to be taken into account, including any such environs located outside of the county.

Title for the Mayor/Deputy Mayor (or Cathaoirleach/Leas-Chathaoirleach) of a municipal district

5. These positions should be styled as follows: -

“Mayor/Deputy Mayor (or Cathaoirleach/Leas-Chathaoirleach) of the” –

- *“Metropolitan District of (.....insert name of metropolitan district)”, or*
- *“Borough District of (.....insert name of borough district)”, or*
- *“Municipal District of (.....insert name of municipal district)”,*

as appropriate.

Continued performance of civic roles in respect of municipal districts

6. As in any election year, the adopted budget for the year remains in place until the newly elected members adopt their first statutory budget in the autumn. The budgets of the former town, borough and city councils have been incorporated into the budget of the new local authority to provide for expenditure in the remainder of 2014. Where an amount was provided for civic purposes (for example through a specific budget line, through the chair’s allowance, a combination of both, or through other means), the Minister is agreeable to funding being made available by the relevant county council or city and county council up to the amount which would have been available in dissolved local authorities to enable the continued performance of civic roles in respect of municipal districts containing former city, borough or town councils during the remainder of 2014.

Delegation of Chief Executive’s function under regulations 4(2) and 8 of the Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014

7. The Chief Executive’s function under regulations 4(2) and 8 may be delegated. Note paragraph 18 of the Explanatory Notes contained in Appendix 2 of LG10/2014 which states inter alia that - *“It is envisaged that this function would be delegated by the chief executive to a director of service or meetings administrator.”* Note also paragraph 7 in the Ministerial guidelines contained in Appendix 3 of LG10/2014 which states - *“Where a function in relation to regulation 4 or regulation 8 of S.I. 231 of 2014 is to be delegated by the chief executive to a director of service or meetings administrator, it may be delegated to different persons in respect of different municipal districts.”*

The Department will continue to provide any further information or clarification that may be required and will be willing to provide any other assistance which may be useful to support the implementation of the new local government arrangements.

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

Any queries in this matter may be directed to Michael Murphy (01 8882162) or Sean O'Súilleabháin (01 8882800).

Yours sincerely

Denis Conlan
Principal
Local Government Development Section

To each local authority Chief Executive

Copy for information to AILG