

MAYO COUNTY COUNCIL STANDING ORDERS, 2002 & PROVISIONS GOVERNING MEETINGS OF MAYO COUNTY COUNCIL

Since 17th July, 2002, the law governing local authority meetings is contained in the Local Government Act, 2001 and the Local Government Act, 2001 (Meetings) Regulations, 2002. The rules and procedures governing meetings of local authorities and committees of local authorities are contained in the above enactments and Standing Orders which each local authority is obliged to put in place in order to regulate its meetings. Most of the requirements are set out in Schedule X of the Local Government Act, 2001 which also specifies what type of matters are to be contained in Standing Orders.

This booklet contains the following documents:-

1. Mayo County Council Standing Orders, 2002.
2. Schedule X of the Local Government Act, 2001.
3. The Local Government Act, 2001 (Meetings) Regulations, 2002.

The Standing Orders and the Schedule need to be read together in order to establish what the rules are regarding any particular aspect of a meeting. These Standing Orders were adopted by Mayo County Council on 24th June, 2002 to come into effect on 17th July, 2002.

MEETINGS

Every year the Council is obliged to hold an annual meeting, a budget meeting (estimates meeting) and such number of ordinary meetings as are necessary to transact the business of the Council. Mayo County Council currently holds monthly meetings on the second Monday of each month with the exception of the month of August. A second meeting is also held on the fourth Monday of each month. The Council may, by resolution, decide to hold Special Meetings from time to time. Meetings of Mayo County Council are normally held in the Council Chamber, Áras an Chontae, The Green, Castlebar and normally commence at 4:00 p.m. and conclude no later than 8:00 p.m. The Council may, from time to time, hold meetings at locations other than the Council Chamber in Castlebar.

SPECIAL MEETINGS

The Cathaoirleach or, in his absence, the Leas Cathaoirleach, may, in writing, requisition a special meeting of the Council to be held. Any five Councillors may request the Cathaoirleach to hold a special meeting and if he does not act on that request within seven days, they may requisition the special meeting themselves. Such a requisition must be in writing and must be delivered to the Meetings Administrator and should contain a statement of the business to be transacted at the special meeting. It shall also specify a date and time for the special meeting, which shall be not less than three days, after it is delivered to the Meetings Administrator.

NOTICE OF MEETINGS

Agendas are normally issued to every councillor at least three clear days before the meeting is held. Agendas are also put on display at the Council offices not less than three days before the meeting for public inspection. It is also intended to make agendas and minutes of meetings available on the Council's website, i.e. www.mayococo.ie.

QUORUM

Since 17th July, 2002, a quorum for Mayo County Council consists of nine members. Prior to 17th July, 2002, the quorum was eight.

BUSINESS OF MEETING

Normally, the only business, which can be transacted at a meeting, is that included on the Agenda. Standing Orders, however, provide an exception for urgent business, which can be dealt with, with the approval of sixteen members. The Standing Orders also provide that a committee of the Council may adopt their own Standing Orders. Committees are, however, subject to the provisions of Schedule X of the Local Government Act, 2001 and the Local Government Act, 2001 (Meetings) Regulations, 2002.

PROCEDURE AT MEETINGS

One of the main purposes of Standing Orders is to help to ensure that business at meetings is conducted in an efficient and orderly fashion. Standing Orders provide, for example, that no member of the Council may speak on any motion for more than three minutes. The provision is also included in the Standing Orders to enable members of the Council to submit notices of motion for consideration, to be placed on the Agenda for a council meeting. However, no member may submit more than two notices of motion for any particular meeting.

SUSPENSION OF STANDING ORDERS

Standing Orders may be suspended in exceptional circumstances provided the resolution to suspend Standing Orders has the support of at least twenty members of the Council.

This booklet has been prepared for the assistance of councillors, officials and others who attend or are interested in the proceedings of meetings of Mayo County Council. It is intended to revise this booklet from time to time to reflect changes in legislation and any amendments, which the council may make to its Standing Orders.

STANDING ORDERS

Regulating the Proceedings of the Council

INDEX FOR STANDING ORDERS

Suggested Standing Order No(s)	Content
1	Meetings of the Council
2	Hour of Meeting
3	Place of Meeting and Address of Principal Offices
4 and 5	Constitution of Meeting
6	Order of Business
7 to 12	Notices of Motion including Revocation of Resolutions/Urgent Business
13	Adjournment of Council
14 to 20	Motions and Amendments
21 to 31	Order of Debate
32	Deputations
33 to 36	Questions, Votes and Divisions
37 to 40	Attendance of Public and Media
41	Committees
42	Suspension of Standing Orders
43	Casual Vacancy
44	Miscellaneous

MAYO COUNTY COUNCIL
STANDING ORDERS
REGULATING THE PROCEEDINGS OF THE COUNCIL

Meetings of the Council

1. Unless upon any occasion when it is otherwise fixed by statute or by resolution of the Council, Ordinary Meetings of the Council shall be held on the second Monday of each month. A schedule of Ordinary Meetings of the Council for the ensuing year shall be approved at each Annual Meeting. The Council may by resolution decide to hold Special Meetings from time to time.

Hour of Meeting

2. The hour of meeting of the Council shall be from 4.00 p.m. or at such other hour as may from time to time be fixed by resolution of the Council. The Council shall rise not later than 8.00 p.m.

Place of Meeting and Address of Principal Offices

3. In so far as practicable the place for holding meetings of the Council shall be the principal offices of the local authority and meetings shall normally be held there, provided that the Council may from time to time by resolution appoint an alternative location for a particular meeting. The Cathaoirleach or the Council by resolution may hold a meeting at another location.

The address of the principal offices for the purposes of these Standing Orders is Aras an Chontae, The Mall, Castlebar, Co. Mayo.

Constitution of Meetings

4. The Chair shall be taken by the Cathaoirleach at a meeting of the Council within fifteen minutes after the time appointed for such meeting or in his / her absence by the Leas-Cathaoirleach 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-Cathaoirleach. At an Annual Meeting in an election year, where the office of Cathaoirleach is vacant, the meeting shall be chaired by the meetings administrator until a Leas-Cathaoirleach is elected.
5. The names of the members attending shall be recorded by the Member signing the Attendance Register, which shall be located near the entrance to the Council Chamber.

Order of Business

6. The Order of Business at all meetings other than Annual Meetings, Local Authority Budget 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 Council 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 the Council 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 .

Priority, as high as is practicable, shall be given to items which have been deferred or adjourned from a previous meeting.

Notices of Motion

7. 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 least ten clear days before the date of such meeting.

8. 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.

9. No member shall be permitted to have more than two motions (including adjourned motions) on the Agenda for any one meeting and the name of a member shall not appear more than twice 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.

Motions to Amend or Revoke Resolutions

10. A motion to revoke or amend a resolution of the Council 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 Council within six months of the date of the adoption of such resolution except with the written assent of not less than twenty members of the Council. 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 Council that not less than twenty members vote in favour and subject to any statutory requirements.

11. Subject to Standing Order 10 any matter decided by the local authority by motion on notice or on the report of a committee shall not be re-opened within 6 months of the date of such decision.

Motion for Purpose of Dealing with Urgent Business

12. 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 local authority, subject to the requirement that not less than sixteen members vote in favour.

Adjournment of Council

13. A motion for adjournment of the Council 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 Council 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

14. 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.
15. 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 Council 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.

16. An amendment which has been proposed and seconded may be withdrawn only on leave obtained from a majority of the Council members present at the meeting at the request of the member concerned.
17. 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.
18. 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.
19. 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.
20. 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

21. Except with the permission of the Chair no member shall address the Council for more than three minutes. 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.
22. 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.
23. 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.
24. The Chair shall ascertain that a motion is seconded before the proposer is permitted to speak to it.
25. A motion "that the Council 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 council 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.

26. 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.
27. When two or more members at the same time offer to speak, the member called upon by the Chair shall have precedence.
28. A member while speaking shall address only the Chair.
29. 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.
30. 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.
31. The Chair is the sole judge of order in the Council 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.

Deputations

32. The Council may by resolution decide to receive a deputation. Subject to the direction of the Chair, two persons may speak on behalf of the deputation for not more than ten minutes, unless permitted by the Chair.

No deputation shall be received unless a request for the deputation has been approved by the Council at a previous meeting.

The deputation may only be questioned by members of the Council but shall not be entitled to ask questions.

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

The Council may, by resolution, decide to receive a deputation without notice, provided two-thirds of the members present vote for the resolution.

Questions, Votes and Divisions

33. Every question shall be determined by a show of hands, unless three 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.
34. 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, s/he is entitled if s/he thinks fit to take a second vote on the matter, especially if s/he considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.
35. Each member present at a meeting of the Council shall have a vote unless prohibited by any enactment.
36. 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 Council which are reserved functions or questions duly coming or arising before a meeting of the Council shall be determined 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).

Attendance of Public and Media

37. Members of the public and representatives of the media will occupy the parts of the Meeting Room allotted to their use.
38. Members of the public shall be seated and maintain silence and observe any directions given by the Chair or by any employee in attendance upon the Council. 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 Council 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.

39. No cameras of any kind or sound recording or communication equipment may be used at meetings of the Council without the prior approval of the Council.
40. The use of mobile phones shall not be permitted at meetings of the Council.

Committees

- 41.** Committees appointed by the Council shall adopt their own Standing Orders and these Standing Orders shall comply with all relevant provisions of the Local Government Act, 2001.

Suspension of Standing Orders

- 42.** Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, except Nos. 10, 12, [and 14 to 31 if so decided by Council] 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 Council, subject to the requirement that at least twenty of the members present vote in favour..

Casual Vacancy

- 43.** A casual vacancy shall be filled in accordance with Section 19 of the Act. Where the vacancy occurs in respect of a member of the Council who is not nominated from election by any political party, it shall be necessary that the person co-opted to fill the vacancy shall receive not less than twenty votes.

Miscellaneous

- 44.** A member or members appointed to outside bodies and boards may from time to time submit reports to the Council on matters arising in such bodies or boards which have relevance to the Council and shall in any event do so in accordance with the requirements of Section 141, Local Government Act, 2001.

SCHEDULE 10

Meetings and Proceedings of Local Authorities

Local authority meetings.

1. – (1) In every year a local authority shall hold –

- (a) an annual meeting as provided for in *paragraph 3*,
- (b) a local authority budget meeting as referred to in *paragraph 5*,
- (c) such other meetings as are necessary for the transaction of its business, which meetings are in this Act referred to as ordinary meetings.

(2) In addition, a local authority may hold such special meetings as may be requisitioned by virtue of *paragraph 6* or *section 140* or as may be decided by resolution.

(3) This Schedule shall as regards a special meeting convened for the purposes of *section 34* or *146* be read subject to and in accordance with the requirements of the relevant section.

Place, date and time of meetings.

2. – (1) A local authority shall provide or arrange for the provision of accommodation for the holding of meetings.

(2) In so far as practicable, the place for holding of meetings is the principal offices of the authority and meetings shall normally be held at such place.

(3) Subject to this Act, meetings shall be held on such days and at such times as the local authority shall by resolution appoint or shall fix by standing orders.

(4) In so far as practicable, a local authority shall fix a regular schedule for the holding of ordinary meetings, which may be set out in standing orders or appointed by resolution.

(5) Subject to this paragraph, different days, times and places (whether within or without the administrative area of the authority) may be appointed from time to time by resolution or fixed by standing orders for different meetings.

Day of annual meeting.

3. – (1) In every year in which a local election is held, the annual meeting of a local authority shall be held –

- (a) if the local authority is a county council, on the fourteenth day, and
- (b) in any other case, on the tenth day, after the polling day or, where the poll is for any reason counter-manded, interrupted or adjourned, after the day on which the poll is completed or the fresh poll is held.

(2) Where the fourteenth day or tenth day referred to in *subpara-graph (1)* is an excluded day, the meeting shall be held on the next following day which is not an excluded day. 202

- (3) In every other year, the local authority shall hold an annual meeting on such day, in the month of May or June, as the local authority shall by resolution appoint or fix by standing orders.
- (4) Whenever an annual meeting of a local authority is for any reason not held on the day appointed or fixed by or by virtue of this paragraph for the holding of such meeting, the meetings administrator shall, following consultation, if practicable, with the Cathaoir-leach, or if the office of the Cathaoirleach is vacant or the Cathaoir-leach is unable to act, with the Leas-Chathaoirleach, convene a meeting of the local authority for a convenient hour on the day which appears to such administrator to be the earliest convenient date for that purpose and a meeting so held shall be deemed for all purposes to be an annual meeting held on the day appointed under *subpara-graph (1), (2) or (3)* as appropriate.

Business and public notice of annual meeting.

- 4. – (1) At an annual meeting in an election year the meetings administrator shall read out the names of the persons duly elected as members of the local authority and where relevant the name of the Cathaoirleach elected by direct election.
- (2) Subject to *subparagraph (1)*, the election of a Cathaoirleach in accordance with *sections 36 and 37* is to be the first business at an annual meeting, except in a case where such Cathaoirleach has been elected by direct election in which case the election of the Leas-Chathaoirleach shall be the first business.
- (3) Where the Cathaoirleach is elected in accordance with *sections 36 and 37* the next business shall be the election of the Leas-Chathaoirleach.
- (4) In the case of the annual meeting of a local authority in an election year the business to be transacted shall, subject to this para-graph, include the consideration of the election, appointment or nomination of members of joint bodies or other bodies elected, appointed or nominated by such local authority.
- (5) Every member of a joint body who has been elected, appointed or nominated by a local authority and is in office as such member at the date of an election to such local authority shall continue to hold office as such member of such joint body until his or her successor is appointed unless he or she sooner dies, resigns, is disqualified, removed from office or otherwise ceases to be a member of the local authority or a member of the joint body, as the case may be, other than by way of reaching the ordinary day of retirement of members of a local authority.
- (6) (a) In an election year a local authority shall publish a notice of its annual meeting in at least one newspaper circulating in its administrative area which –
 - (i) states the date of the annual meeting and where appropriate that the first business of the meeting will be the election of the Cathaoirleach, and;
 - (ii) specifies the joint bodies and other bodies to which the local authority is entitled to make appointments at that meeting or subsequently.
- (b) In this paragraph " appointments" includes –
 - (i) appointments of members of the local authority, whether by virtue of holding a particular office or by way of nomination, election or otherwise, and
 - (ii) appointments of persons who are not members of the local authority.
- (7) (a) The notice under *subparagraph (6)(a)* of the annual meet-ing shall be in a form and published within a period, pre-scribed by the Minister by regulations.
- (b) Regulations under this subparagraph may also provide for the publication by a local authority of a subsequent public notice within such period as may be specified, listing the appointments made by it to joint bodies or other bodies referred to in *subparagraph (6)(a)*, or indicating that such a list

may be inspected at the principal offices of the local authority.

- (c) Failure by a local authority to publish a notice of the annual meeting as required by this paragraph or to publish it with any omission or error in it does not invalidate any meeting of the local authority or any appointment made or other thing done at the meeting.

Local authority budget meeting.

- 5.— A local authority shall hold its budget meeting in accordance with *section 103* within the period prescribed by regulations made by the Minister for the purposes of that section.

Special meetings.

- 6.— (1) A requisition to have a special meeting of a local authority convened (in this paragraph referred to as a "requisition") may be made—
- (a) by the Cathaoirleach,
 - (b) if the office of Cathaoirleach is vacant, or the Cathaoirleach is unable to act, by the Leas-Chathaoirleach, or
 - (c) by the Cathaoirleach on foot of a request presented to him or her by any 5 members.
- (2) Where the Cathaoirleach refuses or neglects to act on foot of a request referred to in *subparagraph (1)(c)* within 7 days of it being presented to him or her, the members making the request may convene the meeting in accordance with this paragraph.
- (3) A requisition shall be made in writing and be delivered by the Cathaoirleach, the Leas-Chathaoirleach or in a case where *subparagraph (2)* applies by the members making the requisition, as the case may be, to the meetings administrator.
- (4) A requisition shall be signed by the person or persons making it, as the case may be, and shall—
- (a) contain as an agenda a statement of the business which it is proposed to transact at the meeting, and
 - (b) specify a day, (other than an excluded day), which is not less than 3 clear days after the day on which it is received by the meetings administrator, for the holding of the meeting.
- (5) On receipt of a requisition, the meetings administrator shall, unless it is a case to which *subparagraph (6)* applies, issue a notification under *paragraph 7* and give public notice under *paragraph 8* for the special meeting required by the requisition.
- (6) Where—
- (a) a requisition under *subparagraph (1)(c)* specifies a day for the holding of a special meeting, and
 - (b) an ordinary meeting of the local authority is to be held on a day within the period of 10 days after the day on which the meetings administrator receives the requisition, the business stated in the requisition shall be considered at that ordinary meeting and the special meeting shall not be convened.

Notification of meeting and agenda.

- 7.—(1) A notification to attend a meeting, other than a local authority budget meeting, shall—
- (a) be sent or delivered to each member of the local authority concerned,
 - (b) specify the place, date and time of the meeting, and
 - (c) give not less than 3 clear days notice of the meeting.
- (2) *Paragraph 5* applies to a local authority budget meeting.

- (3) In the case of a meeting requisitioned under *section 140* or convened under *section 34* or *146* the relevant section applies in relation to such meeting.
- (4) (a) A notification shall include or be accompanied by an agenda listing the business proposed to be transacted at the meeting.
- (b) An agenda which has been sent or delivered for the purposes of *subparagraph (1)* may be altered (whether by way of addition, deletion or otherwise) if an agenda paper 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.
- (5) In the case of a special meeting convened under *paragraph 6*, a copy of the requisition shall be sent with the notification.
- (6) Subject to *subparagraph (7)*, 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 local authority.
- (7) 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.
- (8) For the purposes of this paragraph "signature" includes a facsimile of a signature by whatever process reproduced or a printed version, whether original or facsimile, of the name of the meetings administrator and a printed version of that name, whether original or facsimile, shall be deemed to have been duly placed on the document by or with the consent of the meetings administrator until the contrary is proved.
- (9) The meetings administrator shall, where practicable, advise the Cathaoirleach as regards the business of a meeting.

Public notice of meetings.

- 8.— (1) (a) Notice of the place, date, and time of a meeting other than a local authority budget meeting shall be displayed not less than 3 clear days before the day of the meeting in or at the principal offices of the local authority in a position convenient for public inspection during normal office hours.
- (b) A notice referred to in *clause (a)* shall include the agenda for the meeting or shall specify a place where the agenda can be inspected and in the case of a meeting requisitioned under *paragraph 6* or under *section 140* the agenda shall include or be accompanied by a copy of the requisition.
- (c) *Paragraph 5* applies in the case of a local authority budget meeting.
- (2) (a) On request, a local authority shall supply a copy of a public notice and agenda to any person seeking such copy.
- (b) A local authority may make arrangements for the supply to the media of copies of a public notice and agenda referred to in *clause (a)*.
- (c) A local authority may charge such fee, if any, as it may fix for the supply of the copy of the public notice and agenda but no fee shall exceed the reasonable cost of providing the copy.
- (3) By resolution or standing orders, a local authority may make such additional arrangements for the giving of public notice of meetings, including display of notice at additional locations, including but not limited to public libraries, or publication in a newspaper, electronically or otherwise, as it considers appropriate.

- (4) Failure to display or to supply a copy of a notice by virtue of this paragraph does not affect the validity of a meeting or of any act or thing done at the meeting.

Business of meeting.

- 9.— Subject to *paragraph 16*, no business shall be transacted at a meeting other than that specified in the agenda which relates to the meeting or business required by this Act or otherwise by law to be transacted at the meeting.

Chairing of meetings.

- 10.— (1) If present at a meeting, the Cathaoirleach shall chair it.
- (2) If and for so long as the Cathaoirleach is not present, or the office of Cathaoirleach is vacant, the Leas-Chathaoirleach shall chair the meeting if he or she is present but shall leave the chair on the arrival at the meeting of the Cathaoirleach or, in the case of a meeting to fill a casual vacancy in the office of Cathaoirleach in accordance with *section 38* or *41(2)*, following the election of a Cathaoirleach at that meeting.
- (3) In any other case, the meeting shall proceed to the election of one 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.
- (4) It is the duty of a Cathaoirleach, Leas-Chathaoirleach or any other member who is required in accordance with this paragraph to chair a meeting to take the chair and to proceed with the business of the meeting.
- (5) The procedure for the chairing of an annual meeting in an election year until the election of a Cathaoirleach at such meeting by virtue of *section 36* shall be specified in standing orders and may include provision, subject to *subparagraph (6)*, for the taking of the chair for this period by a member or by an employee of the local authority concerned.
- (6) Any member selected to chair an annual meeting under *subparagraph (5)* shall not have a second or casting vote and the employee of the local authority, if so selected in accordance with that subparagraph, shall not have any vote.

Quorum.

- 11.— (1) The quorum for a meeting of a local authority is one-fourth of the total number of members of the local authority 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.
- (2) Whenever a meeting of a local authority is abandoned owing to failure to obtain a quorum, the names of those members 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.

Doing of acts and determination of questions.

- 12.— (1) Each member present at a meeting of a local authority shall have a vote unless prohibited from voting by this or any other enactment.

- (2) All acts of a local authority which are reserved functions or questions duly coming or arising before a meeting of a local authority shall be determined –
 - (a) by a majority of the votes of the members present and voting, or
 - (b) 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).

- (3) This paragraph is without prejudice to the other provisions of this Act (including provisions required to be included in standing orders by virtue of *paragraph 16*) or of any other enactment, 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.

- (4) Nothing in this paragraph shall be read as prohibiting a local authority from setting out in standing orders the procedures and methods of voting including when a roll call vote is to be taken.

Disorderly conduct.

13. – (1) If –

- (a) in the opinion of the person chairing a meeting (in this paragraph referred to as 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
 - (b) 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.
- (2) Where a local authority decides in accordance with *subparagraph (1)* 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.
 - (3) Where in the opinion of the chair –
 - (a) there is general disorder which impedes the orderly transaction of business, or
 - (b) where a member against whom it was resolved that he or she leave the meeting by virtue of this paragraph refuses to do so, the chair may adjourn the meeting for such period as he or she considers necessary in the interests of order.

Minutes.

14. – (1) Minutes of the proceedings of a meeting of a local authority shall be drawn up by the meetings administrator.

(2) The minutes shall include –

- (a) the date, time and place of the meeting,
- (b) the names of the members present at the meeting,
- (c) a list 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, and
 - (g) such other matters considered appropriate. 208
- (3) A copy of the minutes of a meeting shall be sent or given by the meetings administrator to each member of the local authority.
- (4) 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.
- (5) 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.
- (6) Until the contrary is proved, every meeting in respect of the proceedings of which minutes have been confirmed shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to be duly qualified.
- (7) A copy of the minutes of a meeting when confirmed in accordance with *subparagraph (5)* shall be open to inspection at the principal offices of the local authority and any person may inspect and make a copy of, or abstract from, the minutes during the usual office hours of the authority.
- (8) A copy of the minutes shall be provided to any person applying for them on payment of such reasonable sum, if any, being a sum not exceeding the reasonable cost of supplying the copy, as may be fixed by the local authority.
- (9) Each local authority shall make proper arrangements for the safe keeping of the minutes of the authority.

Record of attendance at meetings and address for correspondence.

15. – (1) Each local authority is responsible for the maintenance of a record of attendance at its meetings.
- (2) The attendance of each member present at a meeting shall be entered by that member in a record kept for that purpose by the local authority.
 - (3) Where any provision of this Act provides for the delivery or sending of a document to a member such document shall be sent to the address supplied in writing by the member.
 - (4) Where any provision of this Act provides for the delivery or sending of a notice to the manager, meetings administrator or to the principal offices of a local authority such notice shall be sent or delivered to the address of such office of the local authority as shall be fixed for that purpose by the manager and such address shall be included in the standing orders of the local authority.

Standing orders.

16. – (1) (a) A local authority shall, subject to this Act and by resolution for which at least one-half of the total number of members of the authority vote in favour, make standing orders for the regulation of its meetings and proceedings.
- (b) A local authority may include in standing orders all such incidental, consequential or supplementary provisions as may appear to the local authority to be appropriate for that

purpose.

- (c) A local authority shall in making standing orders comply with *section 19(3)(c)*.
- (2) A local authority may, by resolution for which at least one-half of the total number of members of the authority vote in favour, amend or revoke standing orders and make new standing orders.
- (3) (a) A copy of standing orders shall be sent or delivered by the meetings administrator to each member on his or her coming into office, or as soon as practicable thereafter, and as soon as may be practicable after new standing orders have been made.
(b) A copy of any amendment to standing orders shall likewise be supplied to each member.
- (4) Without prejudice to the generality of *subparagraph (1)*, a local authority shall include in standing orders provisions for the following:
 - (a) a schedule of ordinary meetings;
 - (b) commencement, adjournment and termination of meetings;
 - (c) the chairing of an annual meeting in an election year where the Cathaoirleach falls to be elected in accordance with *section 36*;
 - (d) the revocation of resolutions subject to a requirement that such number of members as is specified in standing orders, which shall be at least one-half of the total number of members of the authority, vote in favour and subject to such other requirements as may be so specified;
 - (e) dealing with urgent business related to a function of the local authority, subject to a requirement that such number of members as is specified in standing orders, which shall be at least one-half of the total number of members of the authority, vote in favour and subject to such other requirements as may be so specified;
 - (f) 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 vote is to be taken;
 - (g) the suspension of any provision of standing orders other than those to which *clauses (d), (e) and (f)* relate and subject to a requirement that at least two-thirds of the members present vote in favour and to such other requirements as may be specified in standing orders;
 - (h) the address for the purposes of *paragraph 15(4)*.
- (5) The Minister may issue general directions to local authorities in relation to standing orders and the provisions to be included in them.
- (6) (a) Subject to this Act and to any other relevant enactment, standing orders of a local authority may include provisions to regulate the proceedings and business of committees established by the authority, as it may consider appropriate.
(b) Subject to *clause (a)*, a committee may regulate its own business and proceedings by way of its own standing orders or otherwise. 210

Committees.

17. – (1) *Paragraphs 12, 13, 14 and 15, and paragraph 16* in so far as it is relevant, apply in relation to a

committee of a local authority or a joint committee with any necessary modifications.

- (2) The quorum for a meeting of a committee shall be such as may be fixed by the local authority which established it but in no case shall be less than 3.

Right to form groups for certain appointments.

18. – (1) Where 2 or more persons are to be appointed by a local authority to a body to which this paragraph applies, then –

- (a) any group of members who are present at the meeting at the time when the business of making the appointments is reached and comprising the number of members necessary for the purposes of this paragraph may nominate a person to be a member of that body and the person shall be so appointed on that nomination without any vote being taken, and
- (b) the members of the body then remaining to be appointed shall be appointed successively by the members of the local authority who are not members of any group referred to in *clause (a)* and who were present at the meeting at the time when the business of making the appointments was reached.
- (2) (a) Subject to *clause (b)* the number of members necessary to form a group for the purposes of this paragraph shall be obtained by dividing the total number of members present at the meeting of the authority at the time when the business of making the relevant appointments is reached by the number of the appointments to be so made, or, where the number so obtained is not a whole number, the whole number next above the number so obtained.
- (b) No member of a local authority shall be a member of more than one group for the purposes of this paragraph.

(3) This paragraph applies to the following bodies:

- (a) a committee of a local authority;
- (b) a joint committee or joint body of one or more local authorities;
- (c) a vocational education committee within the meaning of the Vocational Education Act, 1930;
- (d) a harbour authority within the meaning of the Harbours Act, 1946;
- (e) a school attendance committee within the meaning of the School Attendance Act, 1926;
- (f) a regional authority established by order under section 43 of the Local Government Act, 1991;
- (g) a regional tourism organisation;
- (h) the General Council of County Councils;
- (i) the Association of Municipal Authorities of Ireland;
- (j) a county enterprise board within the meaning of the Industrial Development Act, 1995;
- (k) a LEADER group established in the framework of an EU community initiative for rural development;
- (l) the Dublin Transportation Office Advisory Committee;
- (m) an Area Partnership Board;
- (n) such other body or bodies as may be specified by order of the Minister either generally or in respect of one or more specified local authorities.

(4) (a) This paragraph applies to the appointment of –

- (i) members of a local authority, and
- (ii) other persons who are not members (where such appointment is authorised by or under any enactment), to a body referred to in *subparagraph (3)*, whether by way of nomination or election.

- (b) *Clause (a)* does not apply as regards the appointment of persons who are not members of a local authority to membership of a strategic policy committee, a municipal policy committee, a local consultative committee, a vocational education committee or a school attendance committee.
- (5) This paragraph shall not be read so as to make unnecessary for appointment to any office, post or position, the possession of any special knowledge, experience or other qualification the possession of which is required by law for appointment to the office, post or position.
- (6) This paragraph shall not be read so as to affect the entry to or tenure of membership of any body, or any other office, held by virtue of being an office holder.
- (7) Section 5 of, and the relevant provisions of the Second Schedule to, the Health Act, 1970, shall have effect in relation to appointments by a local authority to a health board.

Equity in appointments, etc.

19. — (1) A local authority shall seek to promote the objective of an appropriate gender balance in the making of appointments by it to bodies to which *paragraph 18* applies and to other bodies.
- (2) The Minister may issue guidelines as regards the objective referred to in *subparagraph (1)*, and a local authority shall comply with any such guidelines in the making of its appointments to the bodies concerned. 212
- (3) A local authority may by resolution make rules for the purpose of ensuring that appointments made by it to bodies to which *paragraph 18* applies and to other bodies are made fairly and equitably, taking account of the various interests represented on the authority and the totality of the appointments to be made to those bodies.
- (4) Nothing in this paragraph shall be read as prohibiting the operation of *paragraph 18* by any group of members except that any member who voted for a resolution under this paragraph shall not —
- (a) form any part of a group by virtue of *paragraph 18* in relation to a body to which rules referred to in *subparagraph (3)* apply, or
 - (b) vote in accordance with *paragraph 18* in relation to an appointment to such body.

STATUTORY INSTRUMENTS

S.I. No. 66 of 2002

**LOCAL GOVERNMENT ACT, 2001
(MEETINGS) REGULATIONS, 2002**

Available from Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2, or by mail order from Government Publications, Postal Trade Section, 4/5 Harcourt Road, Dublin 2. (Telephone: 01-6476834/35/36/37 Fax: 01-4752760) or through any bookseller.

PN. 11283

Price €1.27

S.I. NO. 66 of 2002

**LOCAL GOVERNMENT ACT, 2001
(MEETINGS) REGULATIONS, 2002**

The Minister for the Environment and Local Government in exercise of the powers conferred on him by section 4 and section 54 of, and Schedule 10 to, the Local Government Act, 2001 (No. 37 of 2001) hereby makes the following Regulations:

1. These Regulations may be cited as the Local Government Act, 2001 (Meetings) Regulations, 2002.
2. These Regulations shall come into operation on 17 July 2002.
3. (1) In these Regulations, except where the context otherwise requires –
 - “the Act” means the Local Government Act, 2001;
 - “election year” means a year in which a local election is held;
 - “joint body” has the meaning given by the Act;
 - “local authority” has the meaning given by the Act;
 - “local elections or local election” means an election under Part 4 of the Act.
- (2) In these Regulations, a reference to a sub-article is a reference to a sub-article of the article in which the reference occurs.
4. (1) (a) The attendance of members of the public and representatives of the media at meetings of a committee of a local authority, other than a corporate policy group within the meaning of section 133 of the Act, is permissible except in the case of such committee as may be determined by resolution of the local authority concerned pursuant to section 54(1)(c)(ii) of the Act.
 - (b) It is necessary for the passing of such resolution that at least one-half of the total number of members of the local authority concerned vote in favour and that not less than 7 days notice of the proposed resolution is given to the members of that authority.
- (2) Sub-article (1) shall apply to meetings of a joint committee with such modifications as may be necessary.

5. (1) The annual meeting of a local authority to be held in 2003 shall be held on a day not being more than 14 days either before or after the anniversary of the first annual meeting (held in 1999), as the local authority shall by resolution appoint or fix by standing orders, provided that where such 14th day after the anniversary day or such 14th day before the anniversary day is an excluded day, the meeting may be held on the next following day (or preceding day, as appropriate,) which is not an excluded day.
- (2) Every subsequent annual meeting shall be held in accordance with paragraph 3 of Schedule 10 to the Act.
- (3) In this article “excluded day” has the meaning given to it by section 2 of the Act.
6. (1) In accordance with paragraph 4(6) and (7) of Schedule 10 to the Act a local authority shall publish notice of its annual meeting in an election year in at least one newspaper circulating in its administrative area.
- (2) Such notice shall specify the joint bodies and other bodies to which it is entitled to make appointments at that meeting or subsequently. The notice shall be in the general form set out in the Schedule to these Regulations, subject to such adaptations as may be necessary for the particular circumstances of the local authority in question.
- (3) Such notice shall be published not less than 3 days before the annual meeting.
- (4) In this article and in article 7 “other bodies” includes
 - a county enterprise board,
 - a harbour authority,
 - the Eastern Regional Health Authority,
 - a health board,
 - a LEADER Group,
 - a partnership company,
 - a regional authority,
 - a university,
 - a vocational education committee,
 - a body to which section 225 or section 226 of the Act applies, or
 - any other body whether established by or under statute or not, to which a local authority is required, requested or otherwise entitled to make appointments.
7. A local authority shall maintain a list of appointments made by it to joint bodies and other bodies which shall be open for public inspection during normal office hours at the principal offices of the local authority.

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations deal with matters relating generally to meetings of local authorities including public and media access to their committee meetings.