

# MUNICIPAL DISTRICTS: A REVIEW

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# 1

## INTRODUCTION

### 1.1 FOCUS OF THE STUDY

*Putting People First: Action Programme for Effective Local Government* (Government of Ireland, 2012) resulted in significant changes in local government. Many of the reforms set out in *Putting People First* were introduced with effect from 1 June 2014 under the Local Government Reform Act 2014. Amongst the reforms was the dissolution of 80 town councils, a reduction in the number of elected members from 1,627 to 949, and the establishment of 95 municipal districts. The number of municipal districts increased to 100 following the local elections in 2019.<sup>1</sup>

Despite being in existence for several years now, little has been written about the operation and role of municipal districts. This study examines how municipal districts are operating in practice, looks at their strengths and limitations as an element of local government, and highlights opportunities and challenges for the operation of municipal districts in the future.

### 1.2 TERMS OF REFERENCE AND RESEARCH METHODOLOGY

There is a need for a review of the operation of municipal districts to help identify and promote good practice. The terms of reference set out the aims for the study:

- a) To analyse and outline the role and operation of municipal districts, based on official documentation and legislation, and discussions with key informants.
- b) To gather information on aspects of municipal district operation such as frequency and length of meetings, functions performed at municipal district level, budget allocation, changes to the role and operation of plenary council etc. to illustrate current practice.
- c) To review practice with regard to the operation of municipal districts in a cross section of local authorities, to identify and highlight examples of good practice and challenges.
- d) Based upon the information gathered, to identify opportunities and challenges for the further development of municipal districts, to inform discussion on ways forward with regard to promoting good practice.

The study had the following elements:

- Documentary analysis. Careful review of relevant documentation (reports, background documentation, government policy papers, academic literature etc.) providing background evidence of the establishment and operation of municipal districts. Of particular importance is Circular LG10 / 2014, titled Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014 and Guidelines (Department of Environment, Community and Local Government, 2014a)<sup>2</sup>.

<sup>1</sup> A Local Electoral Area Boundary Committee established on 13 December 2017 recommended the creation of an additional municipal district in each of Carlow, Kerry, Kilkenny, Sligo and Wexford. The Government accepted these recommendations.

<sup>2</sup> We are grateful to the support provided by Alan Reynolds, a student at Maynooth University, in assisting with the documentary analysis.

- Case studies. An examination of practice in 12 local authorities, covering urban/rural and large/small authorities to ensure a spread of experience, facilitating an in-depth look at the operation of municipal districts. Interviews with senior managers in each of the authorities were conducted. The authorities involved (see Appendix 1 for map) were:
  - Carlow County Council
  - Cavan County Council
  - Clare County Council
  - Cork County Council
  - Donegal County Council
  - Laois County Council
  - Limerick City and County Council
  - Louth County Council
  - Meath County Council
  - Roscommon County Council
  - Tipperary County Council
  - Waterford City and County Council
- The chief executives of all other local authorities were written to with a summary of the themes and key questions addressed in the case study interviews. These non-case study local authorities were invited to submit responses in respect of any of the questions if they wished.<sup>3</sup>
- Key informant interviews/focus groups. A small number of interviews/focus groups with personnel involved in the oversight and operation of municipal districts e.g. Department of Housing, Planning and Local Government officials, Association of Irish Local Government (AILG).
- Information from two unpublished surveys carried out in 2016 by the Department of the Environment, Community and Local Government, one of the local authority executive and one of local authority elected members. These surveys asked a number of questions focused on reviewing the local government reforms of 2014, including the introduction of municipal districts<sup>4</sup>.

### 1.3 STRUCTURE OF THE PAPER

Following this introductory chapter, Chapter 2 sets out the background information on the establishment and operation of municipal districts. Chapter 3 provides details about the meetings of municipal districts, while Chapter 4 examines their structure and operations. In Chapter 5 the functions and roles performed by municipal districts are examined. Chapter 6 looks at municipal districts and the budgetary process. Finally, Chapter 7 draws conclusions from the study.

<sup>3</sup> The deadline for the response to the questionnaire coincided with the Covid 19 crisis and associated national response. Only three questionnaires, which had been completed prior to the crisis dominating events, were returned.

<sup>4</sup> For the local authority executive survey, all 31 authorities that existed at that time responded. For the survey of elected members, the survey was sent to all 1,627 elected members and 350 responded, a response rate of 21.5 per cent.

## 2 BACKGROUND<sup>5</sup>

*Putting People First* noted that municipal districts should be based around principal towns, augmented by their hinterlands into a comprehensive system of districts. This was seen as corresponding more closely to the arrangements that apply in many European countries, with local matters decided by councillors at district level (Government of Ireland, 2012: p.55). *Putting People First* went on to say that:

The new arrangement will go beyond both the current town council and county area committee systems which it will replace, since it will involve distinct powers for the elected members at municipal district level, statutorily devolved functions, comprehensive territorial coverage, absence of duplicate roles, and a fully integrated operational structure, deployment of which, at county or municipal district level, will be a management responsibility in accordance with local or national policy requirements (Government of Ireland, 2012: p.57).

### 2.1 MUNICIPAL DISTRICT MEETINGS, STRUCTURE AND OPERATIONS

Most local authority areas are subdivided into two or more municipal districts (for a list of all municipal districts, see Appendix 2). Each municipal district may comprise one or more local electoral areas. The only local authorities not to have municipal districts are Dublin, Cork and Galway city councils and Dún Laoghaire Rathdown, Fingal, and South Dublin county councils, with councillors elected in most of these local authorities meeting in area committees to discuss issues pertaining to that particular area.<sup>6</sup>

Where municipal districts exist, local councillors are elected at local elections to both their respective county council or city and county council and their municipal district. Indeed the *Putting People First* reform programme maintained that local councillors are elected 'in the first instance for the municipal district' (Government of Ireland, 2012, p. 47). Councillors elected to a county council or county and city council that contains municipal districts also become members of a municipal district based on the local electoral area that they are elected in. Thus elected representatives have a dual function – representing the county, and representing the district that they are elected in. Guidance issued indicates that in general municipal districts should have a minimum of six members but, in exceptional circumstances, may have five members.<sup>7</sup>

The boundaries of municipal districts were determined following a review of local

<sup>5</sup> Much of this chapter is drawn directly from Callanan (2018: 36-40; 183-185).

<sup>6</sup> The *Putting People First* programme (Government of Ireland, 2012) suggested that consideration could be given to extending the municipal district arrangements to the Dublin local authorities, and ultimately sub-county arrangements would be a matter for the local council in each area. The programme is silent as to why municipal districts would not apply to Cork city or Galway city, although presumably this is due to the fact there is less of a tradition of area-based decision-making given the relatively small geographical size of both cities at that time (prior to the expansion of Cork city).

<sup>7</sup> Ten municipal districts have five elected members, generally in areas where the population is low and dispersed.

electoral areas conducted by a boundary committee in 2012-13 (Murphy, 2015). The boundary committee was asked to take into consideration the existence of pre-2014 town councils, as well as larger towns without a town council, which could potentially act as the principal town for new municipal district areas. In areas that before 2014 had a borough council (namely Clonmel, Drogheda, Sligo town, and Wexford town), the title 'borough district' may be used instead of municipal district, while in the case of Kilkenny it may use the title 'municipal district of Kilkenny city'. In the cases of the former city council areas of Limerick and Waterford, the title 'metropolitan district' is used, which comprises multiple electoral areas.

The Minister of State, Mr. John Paul Phelan, T.D., appointed two local electoral area boundary committees on 13 December 2017. One committee was tasked to review and make recommendations on the division of each council area (other than Cork, Dún Laoghaire-Rathdown, Galway, Fingal and South Dublin) into local electoral areas, and any consequent changes needed to municipal districts, prior to local elections in 2019. The committee recommended the creation of an additional municipal district in each of Carlow, Kerry, Kilkenny, Sligo and Wexford. The Government accepted these recommendations.

The members within each municipal district elect a Cathaoirleach and Leas-Cathaoirleach. The Cathaoirleach chairs the meetings of the municipal district. The Leas-Cathaoirleach chairs meetings when the Cathaoirleach is not present. Metropolitan districts, borough districts, and municipal districts with a town and environs of 20,000 people or more, may use the alternative titles of Mayor and Deputy Mayor for these positions. The Cathaoirleach or Mayor chairs all meetings of the municipal district.

A single administrative and staffing structure at county level or city and county level supports both the council and municipal districts. Guidance from a Reorganisation Advisory Group (2013) indicated that a director of service should have an overarching role in the context of policy implementation at municipal district level in addition to her/his role at directorate level as part of the senior management team of the local authority. This was seen as necessary in terms of overseeing the important role of each municipal district, ensuring a consistency of approach across districts, maintaining operational as well as a policy focus among directors, and ensuring that issues concerning municipal districts are prioritised on the local authority management team's agenda. It was also envisaged that customers should be able to apply for all services at municipal district customer service centres.

*Putting People First* described the municipal districts as 'in effect... the first level of governance and democratic representation in the State' (Government of Ireland, 2012, p. 55). However, municipal districts cannot be considered a separate tier of local government. They are not separately elected bodies to county, city or city and county councils, and do not have revenue-raising powers (Quinlivan, 2017). The law governing local government does not identify municipal districts as units of local government. Section 10 of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014) refers to the state being 'divided into local government

areas to be known as counties, cities, and cities and counties'. By omission, municipal districts are not specified as local government areas under legislation, but rather can be considered as constituting subdivisions of local authorities. To put it more explicitly, 'a municipal district is not a separate local authority, a corporate entity, or an operational unit. It is, however, a statutory entity, a territorial sub-unit of the county or city and county and a decision making component of the plenary council with specified reserved powers' (Department of the Environment, Community and Local Government, 2014b, p. 117). Quinn (2015) comments that the designation of sub-county structures as 'municipal districts' as opposed to 'municipal district councils' implies a limited status.

On the other hand, the municipal district structure does come closer to reflecting the municipal structure of local government units being primarily based on 'town and hinterland', a model common in most other developed countries. The previous system of pre-2014 town councils typically had boundaries that tended to reflect the demographic profile of the 19th century. Many newer towns of considerable size, particularly in suburban areas on the outskirts of the larger cities, had no town council structure. It could be argued that the previous system of town councils with highly restricted boundaries meant that town government units were essentially divorced from their natural suburban and rural hinterland, and that this manifested itself in a rather unnecessary division and sometimes unhealthy competition in attracting residential and commercial development between areas that are in reality dependent on one another. In that respect, the integrated municipal district model based on town and hinterland offers opportunities for integrated development of urban centres and their surrounding areas.

It is worth noting that the municipal district as a geographical area can be linked to earlier structures, both formal and informal. Town and borough councils existed as separate local authorities at sub-county level until 2014, albeit only existing in certain urban areas. In terms of their territorial profile the immediate antecedents to the municipal districts before 2014 were the area committees that had been established in many county councils. In addition, earlier sub-county structures have included both urban and rural district councils, and the poor law unions, with the latter devised on the basis of the natural hinterland of a main town (based on a defined radius). These 19th century district structures replaced earlier baronies. This reflects Barrington's (1975) observation that the district as a component of Irish local government has a long history.

## 2.2 THE FUNCTIONS OF MUNICIPAL DISTRICTS

*Putting People First* outlined general principles to apply when determining the functions of elected members at municipal district level:

In determining the specific functions of elected members to be assigned to county or municipal district levels, the decisive factor will be the appropriate territorial jurisdiction within which particular matters should be determined



on spatial or strategic grounds, rather than considerations primarily of operational scale or resources. The initial reference point in determining functions for district level will be the existing town council functions. Unless a function requires to be decided on the basis of county-wide (or broader) implications, needs and priorities (for example, matters such as rating or other revenue decisions, development plans and possibly functions relating to overall networks such as roads), it should, in principle, be considered a candidate for decision within the municipal district jurisdiction. As a general principle, functions that are focused particularly on local communities rather than wider territorial jurisdiction, or for which local accountability is a priority, would be appropriate for decision at municipal district level (Government of Ireland, 2012: p.62).

The Local Government Reform Act 2014 and associated guidance, particularly Circular LG10/2014 (Department of Environment, Community and Local Government, 2014), translate these principles into practice, and provide for different categories of functions:

- Certain reserved functions to be determined by elected councillors at municipal district level. Section 1314 of the Local Government 2001 (inserted by section 21(3) of the Local Government Reform Act 2014) provides that a standard or core set of reserved functions will be performed in respect of the municipal district exclusively by the municipal district members. Examples include adopting an annual programme of proposed works to be carried out within the district, decisions regarding road closures or parking bye-laws to apply within the district, or adopting bye-laws on litter and litter management plans.
- Reserved functions that can be carried out by either municipal districts or the local authority. These functions are set out in Part 2 of Schedule 14A to the 2001 Act (as amended by the 2014 Act) along with paragraphs 5, 6 and 7 of Schedule 14 to the 2001 Act. Examples include adopting a local area plan, adopting a housing services plan, or decisions to confer a civic honour.
- Reserved functions to be performed by the local authority. The functions specified in Part 3 of Schedule 14A to the 2001 Act (as amended 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, in accordance with the regulations. Examples include the adoption of the annual local authority budget, removal from office of the Cathaoirleach or Leas-Cathaoirleach or the chairperson of any strategic policy committee, and making the integrated local economic and community plan.

The regulations also specify that municipal districts should not exercise reserved functions where this might entail inconsistencies with local authority policies, unnecessary duplication of work, or where decisions might have significant implications for the wider local authority area.

### 2.3 MUNICIPAL DISTRICTS AND THE BUDGETARY PROCESS

The annual budgetary process normally commences with the preparation of draft budgets for individual service areas by senior managers within the local authority. On the basis of these, the head of finance and chief executive prepare an initial outline budget for the year. Consultations take place with the Corporate Policy Group, and with municipal districts. The elected council must have decided by the end of September whether or not it wishes to vary the basic local property tax (LPT) rate to apply to residential properties in the area for the forthcoming year. Once a draft budget has been prepared, copies must be made available for public inspection.

Also early in the budgetary process, an overall preliminary figure to be set aside as the General Municipal Allocation (GMA) is identified – this is the (usually small) amount of discretionary funding to be made available to be allocated by councillors at municipal district level in those local authorities with municipal districts. The total GMA amount is then divided between individual municipal districts. Each municipal district adopts a 'draft budgetary plan' setting out how it intends to spend this discretionary allocation. The amount set aside as the GMA, and the distribution of this amount between municipal districts, is an executive function of the chief executive. However, decisions around how the discretionary allocation for each municipal district is spent is a reserved function of the elected councillors at municipal district level. It is important to note that these budgetary plans at municipal district level only relate to discretionary expenditure – significant non-discretionary expenditure to be spent in each municipal district area is accounted for in the overall local authority budget. Municipal district budgetary plans are then incorporated into the overall draft local authority budget, which is presented to the elected council at plenary level.

The adoption of the budget is a reserved function of the council meeting at plenary level. While municipal districts are consulted in the preparation of the budget, and can determine budgetary plans for the spending of discretionary financial allocations earmarked to individual municipal districts, they do not act as separate budgetary authorities. The budget can only be adopted by the council at county council level or city and county council level.

Once the budget is adopted, a schedule of proposed works in each municipal district for the forthcoming year is prepared under the direction of the chief executive, based on the overall budget adopted for the county. This schedule of municipal district works is then adopted by resolution of the municipal district councillors, with or without amendment, and with any amendments having regard to the local authority budget for the year.

# 3

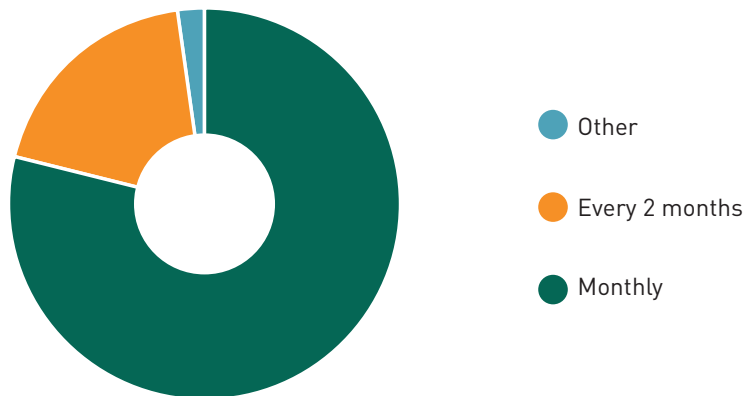
## MUNICIPAL DISTRICT MEETINGS

In this chapter, some basic information on the meetings of municipal districts is provided. This covers topics such as the frequency and duration of meetings, location of meetings, and determining and managing the agenda. Standing orders in each local authority regulate the proceedings of municipal district meetings.

### 3.1 FREQUENCY OF AND ATTENDANCE AT MUNICIPAL DISTRICT MEETINGS

Information from the survey of the local authority executive carried out in 2016 by the Department of the Environment, Community and Local Government (Figure 3.1) shows that the vast majority of municipal districts (79 per cent) meet monthly. 19 per cent meet every two months, with 2 per cent meeting at other intervals.

FIGURE 3.1 FREQUENCY OF MUNICIPAL DISTRICT MEETINGS



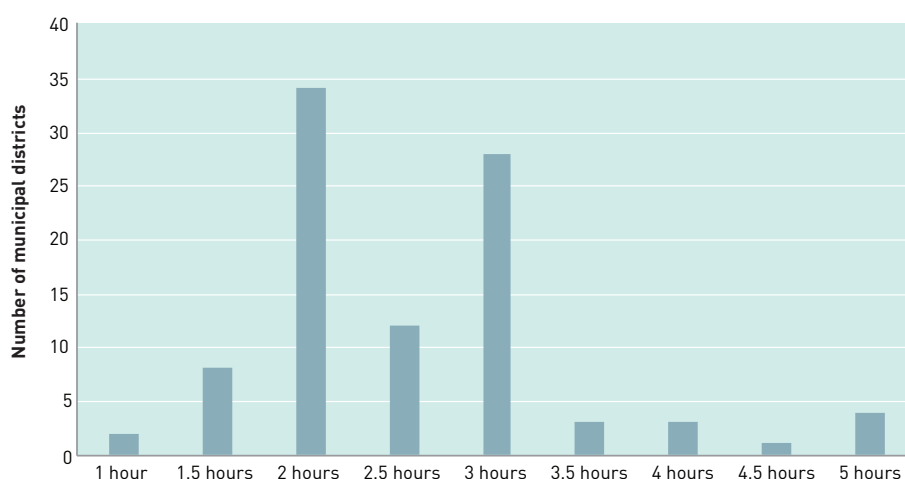
Of the 12 local authorities covered in this study, most meet monthly (though they generally do not meet in August). Roscommon and Cavan municipal districts meet every two months. In Clare, the Ennis municipal district meets monthly, and it is every two months in the other municipal districts. In Carlow, two municipal districts meet monthly, while Muinebheag municipal district meets every two months.

Attendance at municipal district meetings is high, with it being unusual for councillors to miss a meeting (the 2016 local authority executive survey indicates that there was a 96 per cent attendance rate recorded for municipal district meetings).

### 3.2 DURATION AND TIME OF MEETINGS

Municipal district meetings generally last between two to three hours (see Figure 3.2 from the 2016 local authority executive survey), though practice varies quite significantly across meetings and across municipal districts.

FIGURE 3.2 DURATION OF MUNICIPAL DISTRICT MEETINGS



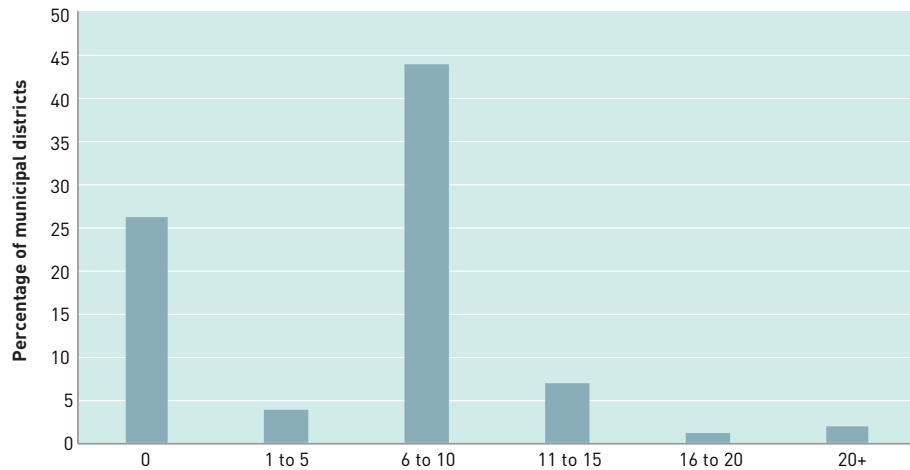
In Donegal, for example, meetings generally last longer than the average, at around three to five hours. The size of the county and the decentralisation of services means that in the municipal districts issues in respect of roads, lighting, footpaths, housing, recycling etc. can be quite substantial.

The time at which meetings are held also varies. In many of the more rural counties it is common to have meetings during the day, which means that some elected members need to take time off work. In some of the cities and where commuting levels and distances are high, evening meetings are more common. Waterford metropolitan district meetings, for example, are in the evening time, at 5 pm (while the other two municipal districts in Waterford hold their meetings during the day). In Louth they have evening meetings (starting at 5.15 pm) to facilitate members who are working, some of whom commute to Dublin. In Tipperary, Clonmel municipal borough district now holds meetings from 4.30 pm, going back to the old borough council approach.

### 3.3 ADDITIONAL MEETINGS OF MUNICIPAL DISTRICTS

As well as their regular meetings, many municipal districts hold additional meetings during the year. These meetings go by different names, such as workshops and in-committee meetings. A distinguishing feature of these meetings is that they are for members and the executive only: the press and public are not invited. Figure 3.3 (from the 2016 local authority executive survey) shows that almost three-quarters of municipal districts hold additional meetings, with the majority of those holding an additional six to 10 meetings a year.

FIGURE 3.3 NUMBER OF MEETINGS IN ADDITION TO MUNICIPAL DISTRICT MEETINGS



These additional meetings were regarded very positively across the local authorities examined for this study. The meetings cover a range of issues, such as budget-related matters, consideration of local area plans, or the roads programme. Workshops may also be held to deal with issues such as tourism, fire services and the draft development plan.

In Tipperary, for example, Tipperary-Cahir-Cashel municipal district has held workshop meetings on topics including the General Municipal Allowance (GMA), cemetery maintenance, a large capital project, and the allocation of festival and events grants. These workshops are held immediately before the municipal district meeting and scheduled to last one hour. By way of contrast, Nenagh municipal district rarely has workshops.

In Carlow, periodic in-committee meetings are held, for example on urban regeneration plans where the executive brought members together for an in-committee meeting to brief them. These meetings are not set to a statutory timeline; they are scheduled as needed.

Waterford municipal districts hold workshops for a wide range of issues, including for example the review of the county development plan and local area plans. There are a minimum of three to four per year. They are usually held immediately before municipal district meetings (and could take an hour or hour and a half).

One perceived benefit raised by both elected members and the executive is that these meetings can be used to discuss sensitive matters, for example, where the executive might want to brief members on a particularly sensitive issue, or members have asked for a briefing. The meetings are seen as facilitating preliminary deliberation on an issue which is decided on at the subsequent public municipal district meeting.

Other specific meetings may also be arranged. In Kilkenny, municipal districts can

set up sub-committees on a single issue. For example in Kilkenny City, they have a city walls committee and town twinning committee. These committees had been established under Kilkenny Borough Council.

### 3.4 MEETING LOCATION

Local authorities vary in where they hold municipal district meetings. The vast majority hold municipal district meetings within the district area, though some are held centrally. In Laois, for example, all municipal district meetings take place in County Hall, which is seen as a mutually convenient location, and from a practical point of view, if the elected member wants to come in to do some work on, say, housing that day, they can call in to see the relevant official(s) after the meeting. It is seen as convenient and practical. Some municipal districts do not have appropriate meeting spaces. For example, Comeragh municipal district meetings (as a very rural district with no civic offices) do not take place within its municipal district, but in Dungarvan.

But, as noted, the majority of municipal district meetings are held within the municipal district area. In Roscommon, for example, they see it as more advantageous for local representatives to meet locally, as it helps support the principle of subsidiarity. It is also seen as beneficial that the director of service with responsibility for the municipal district regularly visits the area and gets to know it. In some cases, you may have a director whose location is far removed from the municipal district, and in the normal course of duties they would probably not be in the municipal district very often otherwise. In Carlow, all Carlow municipal district meetings take place in the town hall; Tullow municipal district meets in the civic offices; and Muinebeag municipal district meetings take place in the McGrath Memorial Hall.

While most municipal district meetings take place at the same location each time, some municipal districts have chosen to periodically move meetings around the district. This is seen as a way of raising the profile of the municipal district and encouraging more effective community engagement.

#### Case vignette – meeting location

Cork County rotates the venue for the meetings in many municipal districts. They meet in council offices where possible. But they may on occasion go to a smaller town that is not part of the rota if something of significance is happening in the area, and they may have the meeting in a community centre. Much depends on the number of key towns/villages in the municipal district. For example, in Bandon-Kinsale municipal district, they generally share out most meetings between these two towns, but also have occasional ones in other venues e.g. one in Timoleague this year as it was new to the municipal district. This practice of moving meetings around is seen as important in that it gives a visibility and profile to the meetings, and is in line with the principle that decisions affecting local people are being made locally. In Timoleague the community group gave a presentation to the municipal district before the meeting and took them for a walk around the village afterwards. Once a year in West Cork municipal district they have a meeting on one of the islands.

### 3.5 JOINT MEETINGS OF MUNICIPAL DISTRICTS FROM DIFFERENT AUTHORITIES

In some local authorities, particularly those where a town itself or its hinterland is split across adjoining authorities, the issue of holding occasional joint municipal district meetings has arisen, in the context of joint planning and cooperation between authorities where town/city boundaries overlap. The Metropolitan Area Strategic Plans (MASPs), which have been developed for the five cities and their wider metropolitan areas as part of the Regional Economic and Spatial Strategies, will address this to some degree. For other large towns, joint urban area plans will be developed. These plans, however, are focused on land-use planning and strategic development. Wider issues also need to be considered.

In 2017, Westmeath and Roscommon County Councils jointly commissioned consultants to prepare the Athlone Joint Retail Strategy (AJRS). The draft strategy was completed in 2018 and a programme of work was identified to facilitate the adoption of the strategy, consisting of variations to the relevant plans of both authorities. A joint meeting of Athlone municipal district members from the Westmeath and Roscommon County Councils was held in December 2019 to discuss the Draft AJRS, and also to discuss other issues of common interest in relation to the future development of Athlone. At the time of writing, Louth and Meath were in the process of setting up a joint municipal district meeting, in the context of having to develop a joint area plan and joint retail strategy for Drogheda. And in Kilkenny, Piltown municipal district has initiated joint meetings with the Waterford City and New Ross districts.

These joint meetings are essentially information meetings as they do not have decision-making powers. But they are environments in which elected members can raise common issues and competing interests, and discuss where an accommodation can be reached to achieve a workable solution.

### 3.6 AGENDAS OF MUNICIPAL DISTRICT MEETINGS

Regulations state that notification to attend a meeting is to be sent or delivered to each member specifying the place, date and time of the meeting. It should have the signature of the meetings administrator; give not less than three days' notice; and incorporate or be accompanied by an agenda listing the business of the meeting.<sup>8</sup>

With regard to the order of business for the agenda, guidance issued by the Department of the Environment, Community and Local Government (2014) indicates that the order of business should be:

- (i) Confirmation of minutes.
- (ii) Consideration of reports and recommendations.
- (iii) Business prescribed by statute, standing orders or resolutions of the municipal district members for transaction at such meeting.
- (iv) Other business set forth in the notice convening the meeting.

<sup>8</sup> Paragraph 7 of Schedule 10 of the Local Government Act 2001, applied by article 8(5)(g) of the Section 22 Regulations.

(v) Notices of motion.

(vi) Correspondence.

In practice, the weight given to these items varies across municipal districts. In some municipal districts, motions tend to dominate the discussions. Many municipal districts have adopted a practice of allowing elected members a maximum of three motions each. For example, in the Laois municipal districts each elected member has a maximum of three motions and issues they want discussed or answered must be raised in this way. Practice also varies within counties. For example, in Donegal some municipal districts take motions whilst Inishowen and Glenties municipal districts do not.

In other municipal districts, most of the discussion focuses around the directorate reports rather than motions. In Waterford, for example, reports from each directorate (particularly roads, planning, environment, housing and economic development) are presented at each metropolitan and municipal district meeting, followed by questions and answers with elected members. There is limited time for questions and answers (especially in the metropolitan district due to the larger number of elected members). Members do not really use the notice of motions system, due to the provision of reports and the ability to raise questions and get answers on these.

One issue raised in interviews was that the demarcation between municipal district and plenary council is not always clear with regard to members putting forward motions that are more appropriate for municipal district level to the plenary session and vice versa.<sup>9</sup> In dealing with such situations, the role of the Corporate Policy Group is seen as particularly important in establishing good practice, as is the strength of the Cathaoirleach. Similarly, at the municipal district level an issue may arise where an item has been raised previously or where two or three members raise the same item. Here, there is a need for clear procedures and protocols as to how to deal with these situations. In Roscommon, for example, they apply a formal approach and structure in order to ensure fairness and consistency. However, it was also reported that difficulties in respect of demarcation are diminishing over time as elected members become more familiar with municipal districts.

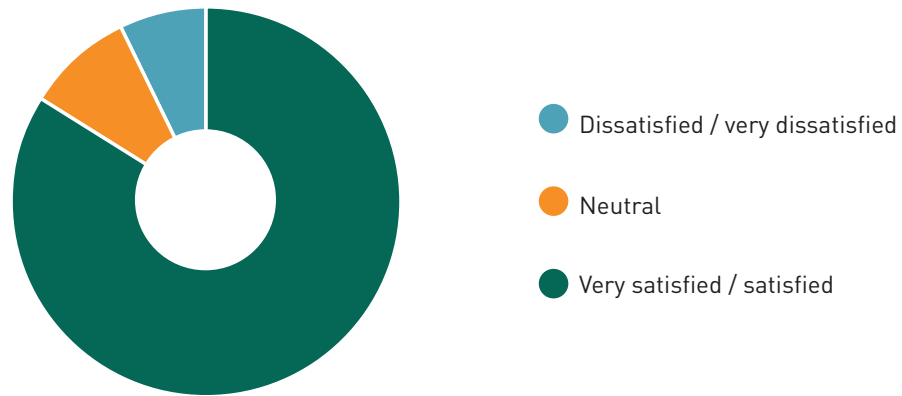
In general, getting the balance of the meetings between motions and other agenda items (particularly reports and presentations) is a challenge for some municipal districts. Several local authorities noted that they are trying to bring a more strategic focus to meetings. Such an approach is seen as closer to what was envisaged under *Putting People First*, compared to the old area committee system where motions dominated. West Clare municipal district, for example, has themed the agenda around directorates.

In general, elected members have a high level of satisfaction with the management and operation of municipal district meetings, as Figure 3.4 from the 2016 survey of elected members illustrates.

<sup>9</sup> The relationship between plenary and municipal district levels is covered further in section 4.5.



FIGURE 3.4 SATISFACTION OF ELECTED MEMBERS WITH THE MANAGEMENT AND OPERATION OF MUNICIPAL DISTRICT MEETINGS



### 3.7 MANAGEMENT AND DIRECTORATE PROGRESS REPORTS

As noted above, management and directorate reports play an important role in steering discussion and are the focus of attention at many municipal district meetings. Though some use such reports as a matter of routine, in other cases it is more ad hoc.

Several interviewees noted that there can be overlap and duplication between management reports presented at both municipal and plenary levels, notably the chief executive's report. While some degree of duplication is seen as inevitable, there is perceived to be a need for greater demarcation in this regard where possible. This in part illustrates a divergence of approach between those councils that take a more centralised approach to operations and those that take a more decentralised approach. In Louth, for example, they have a housing report and operations report that goes to the municipal districts. But in line with being set up centrally, this report covers the whole council area rather than just the municipal district. It was noted that it would be too much administrative work to break down by municipal district. The exception is roads, where it is possible to often give information by municipal district. In order to provide more local information, Louth also produces a weekly newsletter for all elected members and has municipal district headings on this, detailing actions at the district level. Donegal, by way of contrast, decentralised its services at the local electoral area level prior to municipal districts being created (O'Donnell, 2006), so it was relatively straightforward for it to produce reports tailored to the municipal district.

### Case vignette – progress reports

In Tipperary, in the past year they have begun to issue progress reports in advance with the agenda rather than circulating them at the meeting. This is considered beneficial by members. The aim is to make meetings more efficient and reduce the amount of questioning.

In Cork County, municipal district reports differed until late 2019. Some gave a verbal report, others a written report. There is now a standard template for a written report. As well as providing elected members with information, this is seen as a good way of supporting communications with the press and media, who will often take parts of the reports and publish them. Municipal district officers made the point that templates can be too inflexible if interpreted rigidly, and that there is a need for flexibility, for example to leave some things out if nothing happened during the month or add extra items in if not covered by the template.

In Waterford, at the moment separate reports are presented by each directorate, which provides a good level of information to elected members. A new system more aligned to the style of the monthly chief executive's report is being piloted in Dungarvan-Lismore this year. This will bring all the relevant areas into one report.

The AILG has raised the issue of attendance of chief executives at municipal district meetings. Members have expressed their belief that in order for meetings to be effective and to ensure that districts fulfil the objectives set out in *Putting People First*, it needs the attendance of all relevant decision makers including both their executive and elected branches. During our focus group, it was specifically mentioned that attendance of the chief executive would be particularly welcome where strategic projects for the municipal or metropolitan district are being discussed.

## 3.8 STATUTORY AGENCY ATTENDANCE AT MEETINGS

The ability of municipal district members to request the attendance of statutory agencies (such as Irish Water, Transport Infrastructure Ireland and the IDA) at municipal district meetings to discuss local issues was a point of concern for some members. While not a major issue, practice was seen to vary.

In most cases, plenary council is seen as the most appropriate venue for meetings to be arranged with statutory agencies. Some agencies do attend periodic municipal district meetings to brief on local issues. For example, in Cavan representatives from the Office of Public Works have attended in Ballyjamesduff to discuss local flooding issues. Transport Infrastructure Ireland also recently attended to discuss the Virginia bypass. In Clare, Waterways Ireland, National Parks & Wildlife, Coillte and others would attend if requested. Irish Water organises councillor clinics with individual local authorities, with some clinics before full council meetings, whereas others are before municipal district meetings.

# 4

## MUNICIPAL DISTRICT STRUCTURES AND OPERATIONS

In this chapter, some further issues around the structure and operation of municipal districts are explored. A particularly important issue is the arrangements put in place at the executive level to support the work of municipal districts. Issues around the identity and transparency of municipal districts are also examined.

### 4.1 SIZE AND COMPOSITION OF MUNICIPAL DISTRICTS

In general, there was limited comment about the size and composition of municipal districts. The Local Electoral Area Boundary Committee recommendations prior to the 2019 local elections were seen as having addressed many of the concerns on this front. In some districts, especially where a town had an extensive rural hinterland, some tensions between the town and rural areas was noted. But in most cases examined, relations were good and there was a recognition that investment in the town was positive for the hinterland too.

A small number of municipal districts only have five elected members. While generally working well, it was seen as something of a challenge at times. For example, if one member was missing, a decision could rest with the casting vote of the chair. Conversely, those municipal and metropolitan districts that had large numbers of members did not report any significant issues.

Some authorities that had very large towns noted a feeling amongst some elected members that the town should have its own municipal district. However, it was recognised this could conflict with the principle of cohesive planning for the town and its hinterland. A further issue identified was the importance of geographical coherence of a municipal district. Where this is absent, building an identity for the municipal district can be more challenging.

### 4.2 MUNICIPAL DISTRICTS MANAGEMENT AND STAFFING ARRANGEMENTS

Following on from the dissolution of town councils and creation of municipal districts, along with the other changes associated with the Local Government Reform Act 2014, local authorities have re-aligned their management and administrative structures. With regard to municipal districts, local authorities have taken varying approaches to support municipal districts' functions.

A common arrangement is for one director of service to be designated as the director of the municipal district and also as the management team representative at the meetings (they combine responsibility for a municipal district with their normal directorate duties). They would often be accompanied by a senior executive engineer

and sometimes a senior executive from housing, with other executive staff attending on an ad hoc basis as required. The presence of engineering staff is particularly important, as a lot of the issues that come up at municipal district meetings tend to be related to roads. A meeting administrator provides the basic administrative support (sending out the agenda, minute taking etc.). Often one meeting administrator covers all of the municipal districts in the authority. This approach has been adopted, in particular, in a number of the smaller authorities.

In other cases, arrangements involve the establishment of municipal district management teams for each municipal district. These teams develop and carry out service delivery plans adopted by the district elected members, and other tasks delegated to the district, and are contact points for elected members. In Mayo, for example, municipal district teams have been established consisting of the municipal district planners, architects and engineers to increase efficiencies in the processing of applications and to develop the urban fabric of towns and villages. For example, the municipal district architects' section is responsible for the management of the built environment of the counties, towns and villages with a resident community-based architect within each of Mayo's four municipal districts. The municipal district architects liaise with and facilitate community groups through the design and delivery of local projects, community initiatives and town design statements. They also have an important advisory role to the planning department, including strategic development zones. This section consists of a team of five architects and associated staff.

Donegal has local management teams at municipal district level (generally located at its public service centres) and a designated director all reporting to the municipal districts. This structure pre-dates the municipal districts and goes back to having decentralised in the early 2000s (O'Donnell, 2006).

One point raised in some authorities was that there was limited sharing of experience across staff supporting municipal districts, either within or across authorities. It is, for example, rare for district managers/administrators to meet to discuss common issues and challenges. This was seen to be something that could be improved to encourage more sharing of good practice and learning from each other.

### Case vignette – municipal district teams

In Kerry the appointment of municipal district officers and municipal district engineers in teams is seen as having strengthened structures. These municipal district teams monitor progress across all services at municipal district level in delivering the various work programmes, achieving the corporate priorities of the council and influencing the role of the wider public service and key stakeholders. Central to this is interagency and community collaboration. These teams also assess government initiatives and policies that impact on the delivery of services locally. They provide a county-wide perspective on local community initiatives that incorporates a review of lessons learned and an identification of models of good practice for future reference. The delivery of services is achieved through engagement with local communities, for example, tidy towns, local voluntary festivals, and businesses, with a single point of contact in each municipal district through the municipal district officer.

Municipal district officers are in place in each municipal district with a wide-ranging role that includes the following:

- Working with the local communities to identify potential projects for development within the municipal district and preparing a prioritised list for development to avail of funding under the rural funding programmes.
- Assisting local groups in the preparation of applications for strategic projects and working with these groups at the implementation stage to assist with the completion of projects. Maintaining communications, working with municipal district teams and liaising with a range of units within the council in relation to locally based projects, supporting the delivery of work plans, facilitating the management of the municipal district and supporting the work of the elected members of the municipal district.
- Acting as a link between the council and the community and assisting local groups to enable them to avail of funding.

Following the adoption of the increase in the base rate of Local Property Tax, at the time of writing enforcement officers are being recruited to strengthen enforcement across a range of services at local level, with an officer to be assigned to each municipal district and reporting directly to the municipal district officer.

### **Case vignette – support structure for municipal districts**

Cork County, perhaps because of its geographical size and number of municipal districts (eight), has a very extensive support structure for the municipal districts. It has a director of municipal district operations and rural development. Below the director are four senior executive officers who each have responsibility for two municipal districts and attend their meetings. The four senior executive officers are seen as the equivalent of the old town clerks when town councils were in existence, and they operate at a strategic level, with a focus on issues like local town development, rural development, special projects, and local tourism initiatives. They also play a key linkage role in coordinating actions across the administrative and technical resources.

Each municipal district has a municipal district officer on the administrative side, working alongside a municipal district senior executive engineer who manages the operations side. The municipal district officer manages administrative and some outdoor staff, e.g. leisure centre, traffic wardens. The senior executive engineer deals predominantly with roads issues but also with direct supports in relation to local services. They may be supported by a number of executive and assistant engineers, depending on the size and scale of the district. Most outdoor staff report to the senior executive engineer. Much depends on a good working relationship between the municipal district officer and the senior executive engineer, given their different reporting lines. The director of services for municipal districts, as well as the director of services for roads, both have responsibility for service delivery at municipal district level, and both are overseen by the relevant divisional manager who acts as the overall head of the division within which the municipal district is situated, and who provides the strategic direction. To facilitate work at the municipal district level, each municipal district has a single municipal district team plan, with a list of objectives for the year.

### Case vignette – re-structuring municipal district management and staffing arrangements

In early 2020, Clare re-structured its management and staffing arrangements. Directors of service now have both a functional and a geographical role. Up until now the geographical role meant coordination and championing of the municipal district, but no role in relation to resources (the outdoor crews for roads at the municipal districts reported to the senior engineer for the roads section). The changes mean that they now have control of staffing and budgets of the municipal district. The directors of service have both functional and coordination responsibilities. This is a move towards a broader role, instead of the traditional focus on physical and engineering functions such as roads and water in particular.

A senior executive officer has been appointed in each of the four municipal districts. Physical functions (roads, engineering) are now under the senior executive officer and as a municipal district function the relevant municipal district director of service has overall responsibility for this arrangement. This is seen as an attempt to bring together the technical and administrative streams, rather than have divided reporting lines.

The re-structuring is also seen as an opportunity to build economic development into the municipal district structure and the strategic objectives of the municipal district, and to ensure that businesses as well as communities get the contact with municipal district structures that they deserve. The area covered by Shannon municipal district, for example, provides much of the industry and jobs for the surrounding area. Up to now, the director of service and chief executive would periodically meet with significant clients/customers who not only are providing significant rates and employment but are also activists within the community – seeking to provide better environments. With the new senior executive officer, this business relationship should be much more frequent and stronger. It should also facilitate a more strategic approach, such as developing a strategic plan for Shannon town centre that aligns with corporate plans and does not just focus on the engineering side.

It is recognised that there will need to be a balance between devolving work to municipal districts and maintaining specialisms and centralised services. The aim is that municipal district offices are seen as an extension of Clare County Council, where people will be able to access the same level of services (where feasible) at municipal district level. For example, the area planner may provide clinics at local level but with planning decisions remaining a centralised function. Some services will need to continue to be delivered centrally.

They are now thinking about what other services should be available at the municipal district level and how to resource these as appropriate, for example, housing maintenance. With regard to rural and community development – building community development capacity among groups in the area – rural development officers will be in the municipal districts three days a week but retaining functional responsibility at headquarters in order to maintain that specialism.

Municipal districts are seen as an opportunity to develop a different way of working: building relationships with and between community groups, business, other bodies and elected members on the ground. The senior executive officers are seen as having a central role in this process as local influencers and champions. They will not have control over all budgets, so they will need to influence others around projects and champion causes within their municipal districts.

### 4.3 PUBLIC OFFICES IN MUNICIPAL DISTRICTS

Most authorities have public offices located in the municipal district, though these vary in size and the functions they provide to the public. In some cases an integrated approach has been taken, for example, a central customer service centre and customer relationship management (CRM) system, with customer service points in district offices and central operations units to co-ordinate and manage municipal district operational activities, e.g. roads, street cleaning, and other work carried out by outdoor staff.

Meath, for example, has civic offices in all of the six municipal districts. The former area engineer has now become the municipal district engineer. In addition to the municipal district engineer, each municipal district office has two further engineers, also two to three general services supervisors, outdoor staff, and two to three members of the customer service team. These are part of the wider CRM system and they take queries in relation to all topics but are based in the municipal district and can also assist with in-person enquiries. They also do some other activities such as tourism information provision.

By way of contrast, Laois made the decision to centralise services. As it is a very small county, it was seen to make no sense to have officers out in a district office with the small amount of demand that existed. In Roscommon, Boyle municipal district has an area office staffed by two people that is open from 9 am to 5 pm, five days per week. There would be one or two engineers there, and there are other depots staffed part-time. But they are increasingly trying to centralise services. Waterford has no public offices at municipal district level. Since the merger of Waterford City and Waterford County Councils in 2014, the council has operated a dual headquarters system in Waterford city and Dungarvan.

### 4.4 THE IDENTITY AND TRANSPARENCY OF MUNICIPAL DISTRICTS

Several authorities noted that the awareness of municipal districts was increasing, but that there were challenges associated with them developing a clear identity. In Meath, for example, there is a belief that the municipal districts are forging an identity of their own. They established 'Pride of Place' awards to help promote identity. One interviewee noted that '[p]eople who need to know have a grasp of the structure'. However, they did recognise a sense of identity was easier to build in some districts rather than others. For example, Kells would have a very strong sense of place, whereas in the commuter belt it is harder. Limerick also notes a growing identity for

the municipal districts, with elected members trying to develop a shared ambition for the town and district, giving a sense of ownership. There is an annual municipal district awards night which was commented on very favourably by interviewees.

### Case vignette – growing the identity of municipal districts

Tipperary is attempting to grow the identity of municipal districts, for example through district awards (these were previously resident association grants only available in town council areas but now available across the district) which are popular and are helping. It is also working with community groups and other local groupings to increase knowledge and awareness. Awards ceremonies offer an opportunity for networking and awareness raising.

Cork County has put a lot of effort into branding and publicity, such as having a chain of office for a municipal district mayor, having municipal district members present when grants are being given out and promoting these with the media. Funding being driven through municipal districts has also been very helpful here. In relation to initiatives such as community grants, town development fund, village enhancement fund and arts grants, the emphasis is on the municipal district allocating the money.

Boundary changes to local electoral areas, which then change municipal district boundaries and structures, are seen as limiting the chances of building a strong identity in some circumstances. As one interviewee noted, '[i]f every few years the boundaries can change, how would you even start to do a publicity campaign to create an identity? The identity is with the council; municipal districts are a way of doing business within the council'. Another view expressed was that municipal districts are too diverse in their nature, whereas a town or village is a specific geographical area that has a shared identity. Certainly, in places where town councils had existed previously and built up an identity over a long period of time, this was seen as different to how many people view municipal districts.

Several authorities mentioned that the local media have a big role to play in raising awareness of the municipal districts and what they do. Many authorities reported strong recording and reporting on what happens at municipal district meetings. This was seen as an important means of informing the public as to what is happening at municipal district level.

With regard to transparency, the increased scrutiny of activity at the local level is seen as being of benefit. One interviewee noted, 'it's the vehicle through which transparency is received because they (elected members) know that things are being achieved'. If there is something that is controversial locally, the existence of municipal districts mean that in a relatively short period of time, it can be discussed at a formal forum at the appropriate level.

One issue that arose in many cases is that while the municipal district meetings themselves are open, the transparency of operation of municipal districts is in some



respects limited. For example, online access to minutes of meetings on some council websites can be slow, sometimes taking more than 12 months. There is also a lack of clarity on total expenditure across all local authority services in municipal districts, and how that expenditure is allocated (discussed further in section 6.2).

In efforts to promote transparency, a number of local authorities profile the work of municipal districts in their annual report and annual budget report. In Monaghan, Westmeath and Wexford, for example, their Budget 2020 reports include a section on each municipal district setting out what their priorities are and the highlights of what was delivered in 2019. Kerry, Limerick and Monaghan are all examples of authorities that profile the activities in each municipal district in their annual reports.

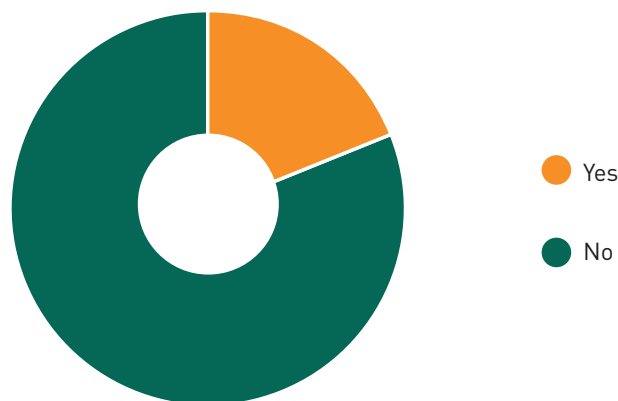
#### Case vignette – using the annual report to highlight municipal district activity

In its 2018 annual report, Mayo County Council includes highlights of activities in each municipal district presented in an infographic. Further details on activities in each municipal district are presented as an annual report for each municipal district in an appendix to the annual report.

### 4.5 IMPACT ON PLENARY COUNCIL

One of the intentions of the creation of municipal districts was that, through enabling more local issues to be dealt with locally, it would free up the plenary council meetings to focus on more strategic issues with a countywide focus. Figure 4.1 shows that in the view of most elected members who responded to the survey in 2016, most plenary council meetings have managed to avoid dealing with issues better dealt with at the municipal district level. This response was replicated in the interviews carried out for this study.

FIGURE 4.1 IN YOUR EXPERIENCE, HAS THERE BEEN A TENDENCY FOR PLENARY COUNCIL MEETINGS TO DEAL WITH ITEMS WHICH ARE MORE APPROPRIATE TO MUNICIPAL DISTRICT LEVEL?



In Cavan, for example, the moving of local issues off the plenary council agenda and to the municipal districts is seen by interviewees as one of the biggest advantages of the municipal district system. The full council can then deal with overarching strategies and plans.

The principle of local issues being dealt with locally, and strategic issues being dealt with at full council, is in general seen to be working well. Motions of a local nature are not countenanced at council meetings – standing orders provide for this. Most elected members recognise that a lot of the things concerning them and their constituents can be dealt with at district level. Especially in rural districts, roads issues tend to dominate, and the district engineer is present and recognised as the best person to deal with such issues. Duplication between the municipal districts and the plenary council is not tolerated. And where, on occasion, municipal district members try to raise a local issue or look to the plenary council to make a decision on something, standing orders and policing of such issues by the Corporate Policy Group and the Cathaoirleach address the issue. In Cork County, for example, the Corporate Policy Group was very clear that notices of motion concerning a municipal district area should only be referred to that municipal district, and such motions are pushed back to the municipal district. A policy was drafted to reflect this and is included in standing orders, which is policed by corporate division. Members now know this and tend to act accordingly.

Some challenges remain. Several authorities mentioned that the chief executive's report to the plenary council tends to be quite detailed, and this can give members a chance to raise issues which might more appropriately be raised at municipal district level.

The advent of municipal districts has resulted in very little reduction in plenary council meetings, as originally envisaged. Monthly meetings remain the norm in most councils, though some, such as Limerick and Donegal, have moved to bi-monthly meetings. In other authorities such a move is seen as challenging from a political perspective, partly because county plenary meetings attract significant media attention.

#### **4.6 INTERACTION WITH GOVERNMENT DEPARTMENTS AND OTHER AGENCIES**

In general, there was a view that beyond the Department of Housing, Planning and Local Government there was very little, if any, awareness of the existence of municipal districts at central government level. Most of the time this does not cause any problems, as government departments deal with the council who can liaise with the municipal districts as appropriate.

Some situations, however, can cause some challenges, particularly for those authorities with a large number of municipal districts. Cork County pointed to the fact that very often it feels at a significant disadvantage in national funding schemes, in comparison to local authorities with smaller geographic areas, smaller populations

and a lower number of settlements, as the number of applications that it can submit is limited to the same number as that of a much smaller authority. It cited the example that it can only submit a maximum of three applications for the county for the Rural Regeneration and Development Fund, and that a similar cap applies to the number of submissions for town and village funding. Similarly, with the outdoor recreation scheme it is allowed to put forward four projects up to €200k and one project up to €500k. This means that it tries to share out schemes between municipal districts over a multi-year basis rather than annually. It notes that if municipal districts are meant to have a meaningful role as a unit of local government, national schemes should be defined around them.

One positive use of the municipal district structure was that the Local Authority Water Programme (LAWPRO, a shared service of the local authorities) organised their consultations/public meetings for the Second River Basin Management Plan around the municipal districts.

# 5

## THE FUNCTIONS AND ROLES OF MUNICIPAL DISTRICTS

The concept of the municipal district as envisaged in *Putting People First* was that municipal districts would be responsible for the day to day delivery of local authority services at the level closest to the citizen with the plenary council responsible for the more strategic/policy setting role of the authority. *Putting People First* stated that the elected members would perform a substantial range of reserved functions at district level on a fully devolved basis.

As noted in Chapter 2, The Local Government Reform Act 2014 and associated guidance, particularly Circular LG10/2014 (Department of Environment, Community and Local Government, 2014), provides for different categories of functions:

- *Certain reserved functions to be performed by the municipal district.* Examples include adopting an annual programme of proposed works to be carried out within the district, decisions regarding road closures or parking bye-laws to apply within the district, or adopting bye-laws on litter and litter management plans.
- *Reserved functions to be performed by either municipal districts or the local authority.* Examples include adopting a local area plan, adopting a housing services plan, or decisions to confer a civic honour.
- *Reserved functions to be performed by the plenary council of the local authority.* Examples include the adoption of the annual local authority budget, removal from office of the Cathaoirleach or Leas-Cathaoirleach or the chairperson of any strategic policy committee, and making the integrated local economic and community plan.

Appendix 3 sets out a list of the main functions covered under each heading.

Regulations also specify that municipal districts should not exercise reserved functions where this might entail inconsistencies with local authority policies, unnecessary duplication of work, or where decisions might have significant implications for the wider local authority area.

More broadly, in fulfilling these functions, it was envisaged that municipal districts would fulfil a number of roles as an element of local government. In particular, they would facilitate and support the development of towns and their hinterlands, to ensure a focus both on town development but also on rural and village development. Municipal districts were also seen as an important facilitator of public engagement with local authorities, as a means of encouraging broader engagement on a range of issues.

## 5.1 THE OPERATION OF RESERVED FUNCTIONS AT MUNICIPAL DISTRICT AND PLENARY COUNCIL LEVELS

In general, the operation of those reserved functions designated to be performed at municipal district level is seen to be working well. Similarly, there is little dispute or comment about those reserved functions designated to be performed at plenary council.

One function delegated to municipal districts, however, did generate some discussion. Pay parking was highlighted as a potentially difficult issue. For example, a decision to suspend pay parking, while potentially popular in a district, not only affects the finances of the municipal district, but the whole council as well. In Cork County, a procedure has been agreed whereby any changes to pay parking arrangements have to take place within an overall policy agreed by the Corporate Policy Group. This aims to ensure any decision made is in line with the overall county approach. It also operates a parking dividend, where funding from the dividend is directed back as a discretionary income source for the town in which pay parking is applied.

Practice varies across authorities as to the extent they have chosen to delegate functions to municipal districts that can be done at either the municipal district or plenary council level. Indeed, it is difficult to get an accurate picture of what has been delegated to municipal districts, as this information tends not to be readily available on local authority websites or centrally. However, as a generalisation, from the interviews carried out and searches undertaken, it appears more common for the majority of such functions to be retained at plenary council level. Many authorities have only delegated a small number of functions. For example, Kilkenny in May 2019 delegated taking in charge, declaring and extinguishing roads, and local civic functions to the municipal districts.

Meath is one of the few authorities examined that has delegated the majority of functions that could be done at either municipal district or plenary council level to the municipal district: the functions delegated are listed in Appendix 4. In some cases where functions have been delegated, their operation in practice has had to be clarified. For example, in Cork County, twinning with another area has been delegated, but there was agreement that it has to be with an equivalent size authority – twinning either with the county council or entire municipal district. Scituate in Massachusetts, for example, had wanted to twin with Skibbereen town, but it was agreed it had to be with the municipal district.

The one function that caused most discussion in the interviews, and where there was a wide diversity of practice, is with regard to “Part 8s”. Where a project is being progressed by the local authority, planning permission is applied for under Part 8 of the Planning and Development Regulations 2001-2015. The types of work assessed under the Part 8 procedure include things like social housing, and the construction of a new road or the widening or realignment of an existing road.

Some authorities, such as Carlow, Clare, and Cork, have retained decision-making for all Part 8s at the plenary level. However, in these situations, generally they bring

Part 8s to the relevant municipal district for information and discussion before the plenary council decision (though this can be difficult in those municipal districts that only meet once every two months). Those councils that retained Part 8s at plenary council level often cite that it can be difficult for elected members to make strategic decisions on Part 8s such as social housing developments as they are subject to more local pressures from particular interest groups and individuals.

Some authorities, such as Cavan, Limerick, Louth, Meath and Waterford, have delegated decision-making on all Part 8s to the municipal district. They see this arrangement as working reasonably well. Tipperary takes a mixed approach, where Part 8s are delegated to the municipal district, apart from housing Part 8s, which are retained as a plenary council function. Similarly, Part 8s that span districts are dealt with at plenary council.

### Case vignette – the operation of reserved functions

Limerick City and County Council reports on the operation of reserved functions at municipal district level in its annual report, as illustrated by the example of Newcastle West municipal district from the 2018 annual report.

#### Municipal District of Newcastle West – Reserved Functions 2018

- Approval of Schedule of Works 2018 for the Municipal District of Newcastle West.
- Approval of Allocations under the General Municipal Allocation.
- Adoption of the Budgetary Plan for the Municipal District of Newcastle West for the financial year ended 31st December, 2019, in the total sum of €225,000 in accordance with Section 102 of the Local Government Act 2001, as amended.
- Election of Cathaoirleach and Leas-Chathaoirleach
- Decision to receive Deputations from the following:
  - Board of Management of Scoil Mhuire agus Íde Secondary School
  - Tournafulla/Mountcollins Parish Committee
  - Board of Management of Killoughteen National School
- Approval to the taking in charge of four housing estates in accordance with Section 180 of the Planning and Development Acts 2000–2017 and Section 11 of the Roads Act 1993.
- Part 8 Approval for the construction of a Regional Athletics Hub at Cloonyscreehane, Cork Road, Newcastle West.
- Part 8 Approval for Abbeyfeale Traffic Management Plan.
- Part 8 Approval for residential units at Colbert Terrace, Abbeyfeale, Co. Limerick.
- Approval of the publication of the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018.
- Approval of grants under the Community Initiative Scheme.

Looking at the degree of delegation of reserved functions to municipal districts overall, the 2016 survey of elected members showed a split of opinion (Figure 5.1). Forty-three per cent of elected members felt that no more reserved functions should be delegated; 37 per cent felt that there should be more delegation of functions; and 20 per cent said that they did not know whether more functions should be delegated.

**FIGURE 5.1** SHOULD MORE RESERVED FUNCTIONS BE DELEGATED TO MUNICIPAL DISTRICTS?



Discussions with the AILG and some elected members for this study suggested that they would welcome more decision-making powers at local level, but this needs to be in tandem with the appropriate funding and resourcing of the municipal district (and the local authority as a whole). The view is that functions need to be considered within the strategic plan/vision for the local authority and its overall operational structure. But by and large, there was no great expression of opinion in favour of significant changes to the way functions are distributed at present.

## 5.2 TOWN, VILLAGE AND RURAL DEVELOPMENT

A significant role was envisaged for municipal districts in driving and supporting town, village and rural development for their area. A particular approach taken by many local authorities to support town development is the establishment of town teams. These town teams involve local organisations and individuals in identifying issues to be addressed, development needs and opportunities. Elected members of municipal districts are often also members of these town teams, and reports on the activities of the town team are normally provided to municipal district meetings.

The work of the town team is normally informed by a town plan. A work programme is implemented through a collaborative approach, with some elements being delivered by the town team itself, e.g. applying for funding to deliver specific projects, while other aspects are delivered through organisations who are members of the group

(e.g. tidy towns, private interests), with the local authority assisting in project delivery, where appropriate. It was noted that to get support from national funding schemes, applications normally now have to be positioned in the context of a town plan that has been agreed through consultation at a local level.

### Case vignette – the operation of town teams

Roscommon County Council, supported by Roscommon LEADER Partnership and Roscommon Local Enterprise Office, established committees in each of the six towns in the county, comprising of representatives from business, social and community groups and supported by local authority staff. The town teams work collaboratively with retailers, local businesses, the community/voluntary sector and key agencies and service providers to draw up detailed action plans for each town. The committees report regularly to their municipal district, ensuring that the elected members have an ongoing involvement in the process. During the interviews for this study, a couple of other authorities cited the Boyle 2040 town plan as an exemplar of good practice. However, those directly involved did note a word of caution that it can be difficult to motivate people to think about the longer term when they are dealing with a challenging situation currently.

Municipal districts also can support plan implementation through funding supports. In Cork County the town development fund is ring-fenced for towns. In Clare the main avenue of funding is the General Municipal Allocation.<sup>10</sup> Clare provides an example of town activity to promote local tourism. “Promote Ennis” is a public-private partnership, driven by Ennis Chamber and supported by Ennis Municipal District Council. It carries out a number of functions, including:

- Management of the town’s tourism website: [www.visitennis.com](http://www.visitennis.com)
- Publication of a visitor map and guide to Ennis
- Representation at travel trade events
- Building relationships with stakeholders including tour operators, coach tour businesses and visitor attractions across the region
- Partnering in/leading several visitor-focused initiatives including AMTC accredited Purple Flag and CTTC accredited Coach Friendly Destination

Other authorities, and even different municipal districts within authorities, cited mixed results from the town teams, depending on the existing environment within the towns and degree of community engagement. Some places noted a tendency for some groups to just come up with long wish lists and complaints, while others are more active, collaboratively working with the municipal district.

On the issue of working with municipal districts, the AILG has raised concerns in relation to the manner in which town teams are operating in some instances. A key rationale behind the town team concept is to work effectively with municipal district elected members to build local community capacity, without encroaching on the role

<sup>10</sup> The General Municipal Allocation is discussed further in Chapter 6.



of the authority or the elected members. Some elected members are concerned that town teams and similar arrangements can supplant the role of the elected representatives. Where town teams tend to work well, elected members often sit on the town teams, and there is regular reporting on activity back to the municipal district. There is also strong engagement with the district staff, such as the senior executive officer and municipal district engineers.

### **Case vignette – promoting municipal districts**

Newcastlewest.ie was launched in December 2018 to highlight the best of County Limerick's largest town. The elected members of Newcastle West municipal district embraced the initiative from the outset and, along with local authority officials, worked with the Newcastle West Development Association on delivering the project. This was done by mapping out what was needed for the website in terms of its content but also how the website can continue to be relevant to locals and visitors in the future. The website is hosted on Limerick.ie, which acts as the official website/guide for the county and is hosted by the local authority. Newcastlewest.ie is a space which provides information for locals and visitors on what is going on in the area, with details on a wide range of issues including where to stay, things to do, food and drink, history and heritage, as well as dedicated content for families.

As well as town development, municipal districts have an important role to play in supporting village and rural development, with their focus on both towns and their hinterlands. Several authorities noted that a lot of funding supports are effectively geared towards those who are well organised with good community groups. Several local authorities work with rural development officers at the municipal district level to help empower groups and communities to give them better opportunities, providing a better balance between 'strong' and 'weak' villages. This is seen as especially important in rural areas with no organised community representation.

In Cork County, municipal districts have access to different funding options like the town and village renewal scheme. In some cases, the municipal district will fund groups and develop a signed service level agreement that will be used to monitor action. But village enhancement funding is quite small, and often can only be applied in a limited number of villages each year in a municipal district. In Bandon/Kinsale municipal district, engineers in Ballinspittle managed to supplement the funding through identifying additional money in things like roads, drainage and footpaths to make a more substantial package for the village.

### 5.3 COMMUNITY ENGAGEMENT

Underlying the approach to town, village and rural development at municipal district level is the idea of promoting stronger community engagement more generally. A number of initiatives were highlighted during this study of how municipal districts are building community engagement, including the following:

- In Galway, it is quite common for the municipal districts to receive presentations from community groups on a specific issue, usually supported by an elected member, in private before meetings. This works well in terms of engaging with communities but respecting the role and democratic mandate of elected members, a topic on which, understandably, the members have concerns.
- In Kerry in the past year, they have seen greater engagement with local communities, tidy towns groups, local voluntary festivals and businesses in the delivery of services, with a single point of contact in each municipal district.
- In Cork County, municipal districts have responsibility for the disbursement of the Community Fund Scheme which is in place to support local communities and clubs by the provision of financial assistance to aid them in undertaking projects or in order to acquire materials to improve the overall wellbeing of their locality. In 2019, through the General Municipal Allocation, €1.8 million was allocated to groups throughout the county through the scheme.
- In Cavan, the municipal districts have enhanced the role of community and enterprise and connections at the local level. The senior executive engineer does not just look after roads but plays a wider coordinating function for the municipal district and would be very well known by all local community groups. There is greater interaction now with community groups. Revitalisation plans, LEADER, etc., is driven by the community and enterprise section in partnership with municipal district staff.
- In Tipperary, the first point of contact for most community groups for things like funding and technical supports, LEADER funding, tidy towns, and advice, is the municipal district and not the central administration. They see the municipal district as a point of contact and would have names of people who work in the district, so they are not seen as 'faceless'. For example, one municipal district administrator has been asked to judge garden/school competitions and is seen as the face of the council in that context. The municipal district administrator is 'an ear on the ground' for management.

### Case vignette – using discretionary funding to promote community engagement

In Cavan, the municipal districts' discretionary allocation scheme was created in 2016 for the purpose of supporting community groups in delivering and promoting projects in their areas. The following types of projects are eligible to apply and the minimum funding available under the scheme is €3,000:

- a) Amenity and environmental schemes.
- b) Grants to community groups for works which develop or promote publicly owned and/or community managed amenity areas.
- c) Grants to community groups for works which preserve/promote environment.
- d) Heritage and genealogy.
- e) Grants to community groups for works which promote local community heritage/genealogy.

Match funding for works which are

- a) approved by LCDC under Peace/ Leader and/or any other state aid;
- b) approved by Fáilte Ireland and/or any other state aid;
- c) projects promoted by Town Teams as part of their approved Town Teams Plan; and
- d) supplementing the schedule of Municipal District works and/or any other works carried out by the local authority.

In 2017 each of the three municipal districts allocated a total of €50,000 to eligible projects as follows:

- Bailieborough/Cootehill Municipal District - 9 Projects
- Ballyjamesduff Municipal District - 11 Projects
- Cavan/Belturbet Municipal District - 6 projects

# 6

## MUNICIPAL DISTRICTS AND THE BUDGETARY PROCESS

Section 102(4A) of the Local Government Act 2001 provides the legislative basis for the preparation of the draft budgetary plan for municipal districts and the Local Government (Financial and Audit Procedures\_Regulations 2014 (S.I. No. 226 of 2014) requires that the draft plan must set out the general municipal allocation (GMA) for the forthcoming financial year. The GMA is the name given to the discretionary funding made available to municipal district members for allocation in the draft budgetary plan. The purpose of the draft budgetary plan is to provide each municipal district with an opportunity to allocate its portion of the GMA in accordance with its priorities. The chief executive takes account of any budgetary plan adopted by municipal district members in preparing the draft local authority budget.

Section 103A of the 2001 Act provides that, following the adoption of the local authority budget, a schedule of maintenance and repair works for the financial year in each municipal district must be prepared under the direction of the chief executive, having regard to the availability of resources. The schedule (commonly known as the schedule of municipal district works) must be considered by municipal district members and adopted by resolution, with or without amendment. If the municipal district members do not adopt the schedule it must be referred to the plenary council for approval.

### 6.1 DETERMINING THE GENERAL MUNICIPAL ALLOCATION (GMA)<sup>11</sup>

As noted, the GMA is the name given to the discretionary funding that is made available to municipal district members for allocation in the draft budgetary plan. The amount set aside as the GMA, and the distribution of this amount between municipal districts, is an executive function of the chief executive. However, decision-making around how the discretionary allocation for each municipal district is spent is a reserved function of the elected members at municipal district level. The amount an authority can provide by way of a GMA is dependent on the total level of income available to it, and the non-discretionary costs to be met as a first call on that income, including at municipal district level. In determining the amount of the GMA, the chief executive must consider a number of issues including:

- the resource needs of the local authority in determining the overall level of the GMA proposed by the local authority;
- the budget strategy discussion with the Corporate Policy Group;
- the other decisions made on Local Property Tax (LPT); and
- the estimate of the non-discretionary costs of the authority.

<sup>11</sup> Much of the factual descriptive information in this and subsequent sections is drawn from Circular Fin 05/2014 29 May 2014, Re: Local Government (Financial and Audit Procedures) Regulations 2014 and associated budget related matters.

A particularly important determinant of the level of the GMA for any year is whether or not the LPT is raised.<sup>12</sup>

A first point to note is that the amount of money allocated to the GMA is a very small proportion of the overall local authority budget. For most local authorities, GMA is less than 1 per cent of the overall budget. In a small number of local authorities, principally those where increases in the LPT are allocated to the GMA, the proportion is somewhat greater. For example, in Monaghan, in the 2020 budget, the GMA represents 1.75 per cent of overall expenditure. In Kildare, in the 2020 budget, the members retained €4.9 million of local property tax (out of a local property tax allocation of €19 million) to fund projects in the municipal districts. LPT funds that are retained are included in the GMA, and each year the municipal districts agree and control the expenditure on projects of their choosing that they believe benefit their district. Since 2015 retained LPT in Kildare was spent in a number of areas, based on local priorities, including:

- roads/footpath and traffic improvements;
- community grants;
- recreation and amenity;
- Tidy Towns/economic development; and
- taking in charge.

Also, as will be seen later, other discretionary funding sources are available in some local authorities that give municipal districts direct control over more than just the GMA. Nevertheless, the overall totals remain small in relation to total expenditure.

One point that emerges from looking at budget reports and other published sources from local authorities is that in many local authorities it is difficult to find the figures for the GMA, with GMA expenditure allocated amongst other budget sub-heads. Transparency of what is or is not included in the GMA could be improved in many cases.

In debates on budgets, and in the 2016 survey of elected members, some elected members, particularly those who had been town councillors, have unfavourably compared the GMA to the budgets of town councils. While this is not comparing like with like, it does reflect a loss of discretionary spending in those towns that had town councils.

## 6.2 ALLOCATING THE GMA BETWEEN MUNICIPAL DISTRICTS

Section 102(4A)(b) of the Local Government Act 2001 provides that 'in determining the resources to be made available to the municipal district regard should be given to (i) the needs of, and the resources available or likely to be available to the local authority, and (ii) resource needs of each municipal district including, where appropriate the population of each municipal district.'

The chief executive must allocate the total amount of GMA provided to each municipal

<sup>12</sup> Since 2015, local authorities can vary the basic LPT rate on residential properties in their administrative area. The basic rates of LPT are 0.18% and 0.25%. These rates can be increased or decreased by up to 15% (both rates must be adjusted by the same amount). This is referred to as the local adjustment factor.

district in a manner that is fair and equitable. In doing so, the chief executive must consider the resource needs; where appropriate, the population; and should make an allocation that is transparent, just, not arbitrary, and provides a minimum level of discretionary allocation to all districts.

Despite the small amount of money, this allocation of the GMA amongst municipal districts can be a source of tension. Given that the roads budget is the main concern of elected members in many municipal districts, this is the issue that causes most discussion. Geographically large municipal districts with extensive road networks can feel that they deserve priority, whilst other districts with large populations may feel this is of greater significance. Different authorities have applied different formulas for the allocation of the GMA. In Donegal, the GMA for the roads maintenance and improvement budget is distributed on the basis of the ratio of kilometres of road in each municipal district. While this is an issue of contention, it is decided corporately, by the Corporate Policy Group.

#### Case vignette – apportioning the GMA

In Roscommon, the Corporate Policy Group considered a number of models for the apportionment of road expenditure for the GMA:

1. Based on 75 per cent kilometres/25 per cent population
2. Based on population
3. Based on kilometres of road
4. Based on road condition
5. Based 50 per cent on kilometres of road and 50 per cent on road condition
6. Based on one-third population, one-third kilometres of road and one-third road condition

It opted for option 6 (Roscommon County Council Athlone Municipal District Budget Report 2020)

### 6.3 DEVELOPING, CONSIDERING AND ADOPTING THE DRAFT BUDGETARY PLAN

Section 102(4A)(a) of the Local Government Act 2001 provides that:

In the case of a county council or a city and county council, the Chief Executive shall consult the municipal district members for each municipal district in the local authority's functional area in the preparation of a draft local authority budget and, for that purpose, a draft budgetary plan for the municipal district shall be prepared under the direction of the Chief Executive and submitted for consideration by the municipal district members for each municipal district in the manner and in the format that may be prescribed by regulations made by the Minister.

The draft budgetary plan sets out how any GMA allocated to the municipal district will be spent. The purpose of a draft budgetary plan is to provide each municipal district with an opportunity to allocate its portion of the GMA according to its priorities.

An amendment to the Local Government (Financial and Audit Procedures) Regulations 2014 changed the requirement for the Draft Budgetary Plan meeting to provide that it must conclude no later than 10 days (instead of 21 days) prior to the local authority budget meeting. The rationale was to reduce the significant time gap that existed in 2014 between municipal district and plenary council meetings and to enhance the opportunity for the local authority to prepare budget documents for both meetings simultaneously, therefore making the engagement at municipal district level more meaningful. While this has been achieved to some degree, there is still dissatisfaction at both elected member level and at executive level as to the scheduling of budget decisions. Having to agree on a provisional municipal district budget prior to the outcome of the final budget decision is viewed, as expressed by one interviewee, as 'putting the cart before the horse'. Elected members of the municipal district would prefer to have a budget that is certain.

There are variations in how municipal districts determine how the draft budget is allocated within the district, in part depending on how much expenditure is available and in part due to the criteria used to decide how the budget should be allocated. One challenge noted by interviewees is getting the balance right between a focus on a small number of strategic projects that could make a significant difference at the level of the municipal district to a town or a village say, and the desire to share out the resources across the whole of the district and between elected members. Figure 6.1 provides two illustrative examples of how the GMA is shared out between and within municipal districts, in this case for Meath and Carlow.

FIGURE 6.1 ALLOCATION OF THE GMA IN MEATH AND CARLOW COUNTY COUNCILS (2020)

## MEATH

Description of Service	Ashbourne	Kells	Laytown-Bettystown	Navan	Trim	Ratoath	Total GMA Budget 2020
Members Discretionary Fund	90,000	105,000	105,000	105,000	90,000	105,000	600,000
Housing Estates/ Footpaths	50,000	50,000	50,000	50,000	50,000	50,000	300,000
Litter Control Initiatives	6,500	6,500	6,500	6,500	6,500	6,500	39,000
Environmental Initiatives	4,500	4,500	4,500	4,500	4,500	4,500	27,000
Community Grants	12,500	12,500	12,500	23,000	12,500	12,500	85,500
Community Facilities (Pride of Place)	5,000	5,000	5,000	5,000	5,000	5,000	30,000
Arts, Festivals, Festive Decoration	20,000	20,000	20,000	40,000	20,000	20,000	140,000
	<b>188,500</b>	<b>203,500</b>	<b>203,500</b>	<b>234,000</b>	<b>188,500</b>	<b>203,500</b>	<b>1,221,500</b>

Source: Meath County Council Annual Budget 2020



## CARLOW

	Carlow Municipal District Draft Budgetary Plan 2020	Muinebheag Municipal District Draft Budgetary Plan 2020	Tullow Municipal District Draft Budgetary Plan 2020
Maintenance of LA housing units	214,400	127,200	146,400
Local roads maintenance (local contribution)	83,000	337,000	275,000
Community Grants	37,000	30,000	33,000
Special projects (members)	42,000	30,000	36,000
Mayor/Cathaoirleach Awards	2,000	2,000	2,000
Town twinning/Diaspora	12,950	10,500	11,550
Christmas programme	42,000	20,000	20,000
Street scapes/Shop fronts	6,000	4,000	4,000
Litter control initiatives	16,650	13,500	14,850
Street cleaning – Carlow Town	142,500		-
Street cleaning - Tullow	-	-	55,500
Street cleaning villages – Tullow MD	-		50,000
Street cleaning - Muinebheag	-	55,500	-
Street cleaning villages – Muinebheag MD	-	50,000	-
Contribution to swimming pools	30,000	15,000	12,000
Duckets Grove amenity area	-		73,200
Oak Park amenity area	35,200		-
Tullow town park	-		10,000
Open spaces - Tullow	-		20,000
Open spaces – Muinebheag	-	20,000	-
Open spaces - Borris	-	8,000	-
Open spaces - Hacketstown			8,000
Open spaces - Leighlinbridge	-	8,000	-
Open spaces - Rathvilly			8,000
Carlow town park and open spaces	184,400		-
Casual trading areas		15,000	
<b>Relevant Expenditure</b>	<b>848,100</b>	<b>745,700</b>	<b>779,500</b>

Source: Carlow County Council Local Authority Budget 2020

In some authorities, the relatively small amounts allocated to the GMA mean that the share-out is easily determined and presented in the draft budgetary plan. In Offaly, the GMA in the 2020 Budget was allocated to projects focussing on local community priorities and initiatives. The total is €510k, and it is apportioned to municipal districts as follows: Edenderry – €163k; Birr – €170k; and Tullamore – €177k. In Louth, there is no draft budgetary plan specifically for each municipal district, and the GMA is approximately €65k per municipal district (items like housing repair and potholes come from the central budget). Drogheda and Dundalk municipal districts divide this up evenly between members and Ardee allocates the funding to projects (things like playgrounds, grants to boxing clubs, etc.).

In most municipal districts, there is an element of the GMA that is allocated to elected members as a discretionary fund. Typically, the amount per annum might be a few thousand euro per member. In some districts, this is used by individual members to fund local initiatives. In other districts it is more project-based and decided collectively amongst the elected members. Local authorities, for example Limerick and Tipperary, have put in place guidelines in an effort to ensure greater transparency with regard to members' discretionary funds and to avoid a perception of money being allocated for 'pet projects'.

When comparing plans across an authority, there can be an issue with the council doing a project in one municipal district and not in others. This can raise requests from members to have the same done in their municipal district. The executive has to get priority needs agreed corporately, and generally common sense and goodwill prevails. The executive would also be conscious of the need to ensure all municipal districts are treated properly over the medium term, so that, for example, if a municipal district does not get a project one year, it may be prioritised for a project the following year.

Section 102(4A)(c) and (d) of the Local Government Act 2001 provide that it is a reserved function of the members of a municipal district to adopt the draft budgetary plan, with or without amendment. In this context, the members of the municipal district may consider changes to the local charges applied in their district, with an increase or decrease in those charges impacting on the overall level of funding that may be available for the draft budgetary plan (GMA).

The feedback from the interviews was that adoption of the plan is usually a straightforward exercise. In practice, for elected members, it ultimately makes little difference if they approve or reject it, as the final decision is made at plenary council in the context of the overall budget. Most municipal districts do sign off on the plan, though some do not. In Donegal, for example, the municipal districts have signed off on what is allocated, except for Glenties on three occasions, where it was of the opinion that it was being left behind in comparison to other municipal districts. On two of these occasions, the allocation was decided at full council. Once, the chief executive had to follow through on the basis of an executive order. In Cork County, in the Chief Executive's Report and Draft Budget 2020, the chief executive notes: 'In a welcome development over previous years, at the time of going to print, all Municipal Districts, excluding the Carrigaline MD, have adopted their MD Budgetary Plans'.

A final general point about the draft budgetary plan is that because the plan only deals with the discretionary expenditure at municipal district level, it is not possible to determine how much the authority spends in total in each municipal district. As mentioned, the GMA is only a tiny fraction of overall expenditure. Current budgetary practices and procedures preclude such an exercise from being undertaken with any degree of accuracy. In Cappamore/Kilmallock Municipal District in Limerick, a rough estimate was made that €8.6 million was spent in the district in 2019.

There was a sense amongst AILG members generally that the current budget arrangements do not provide enough information to municipal district members, with the draft budgetary plan presented to municipal districts often described as a 'one pager'. There was a desire to be further informed about spending at municipal district level. The AILG has expressed dissatisfaction with the current budgetary process and advocates for a bottom-up approach, starting at municipal district level, with an improved role for elected members with regard to the draft budgetary plan and the GMA.

#### **6.4 OTHER DISCRETIONARY FUNDING**

As well as the GMA allocation, a number of authorities have allocated additional discretionary funding sources to municipal districts. In Cork County the town development and village enhancement schemes are allocated by municipal districts. The town development scheme is worth an average of €120k for each municipal district, and the village enhancement scheme is a fixed €68.5k per municipal district. The municipal districts also have responsibility for the co-ordination of funding applications and subsequent delivery of projects under the following national funding schemes:

- Clár
- Outdoor Recreation Infrastructure
- Town and Village Renewal
- Rural Regeneration & Development
- Urban Regeneration & Development
- REDZ (Rural Economic Development Zone)

### Case vignette – using discretionary funding sources

In Wicklow, the GMA forms only a part of the overall budget for the municipal districts and the draft annual budget includes other significant funding streams under the schedule of municipal district works. In the 2020 budget, additional discretionary funding of €964,000 has been allocated in respect of public realm works. In addition, an amount of €500,000 has been allocated between the five municipal districts from the IPB capital redistribution scheme which provides funding for footpath repairs. The total amount of discretionary funding available to the districts in 2020 is over €1.7m, as seen in the table below.

### 2020 Discretionary Funding Allocations (Euro)

Discretionary Funding 2020	Bray	Arklow	Wicklow	Greystones	Baltinglass	Total
General Municipal Allocation	73,500	61,000	44,000	38,000	26,000	242,500
Public Realm Discretionary Funding	241,000	180,750	180,750	180,750	180,750	964,000
IPB Capital Redistribution Payment	125,000	93,750	93,750	93,750	93,750	500,000
<b>Total</b>	<b>439,500</b>	<b>335,500</b>	<b>318,500</b>	<b>312,500</b>	<b>300,500</b>	<b>1,706,500</b>

Source: Report of Chief Executive on the Draft Budget for Wicklow County Council for the local financial year ending 31st December, 2020

## 6.5 SCHEDULE OF MUNICIPAL DISTRICT WORKS AND SERVICE DELIVERY PLANS

Section 103A(1) of the Local Government Act 2001 provides that, following the adoption of the budget, a schedule of proposed works of maintenance and repair to be carried out during the financial year in each municipal district shall be prepared under the direction of the chief executive, having regard to the availability of resources. The schedule of municipal district works shall be considered by the municipal district members concerned and be adopted by resolution, with or without amendment by it.

Most municipal districts agree the schedule of works at their March meeting. In general, the schedule is seen to be working well, and there was very little comment in the interviews about it. However, some interviewees did mention that, for elected members, things get real in February in terms of what specifically money gets spent on; and that priorities might have changed from October when the GMA was decided. As mentioned in section 6.3, the AILG would like to see the entire budget process being reviewed, including the schedule of municipal district works. In general though, elected members are happy to see the information on the money being spent in their area in the schedule of works. Elected members can take money from one area and

allocate it to another but this happens only rarely and adoption of the schedule is the norm. The schedule of municipal district works is seen as providing visibility about what is happening at municipal district level.

**Case vignette – reporting on the schedule of municipal district works**

In Kerry, quarterly progress reports are made to the municipal district on the schedule of municipal district works. This is seen as allowing for greater accountability at local level on the effective use of resources.

# 7

## CONCLUSIONS

The abolition of town councils and introduction of municipal districts in 2014 marked a significant change in local government at the sub-county level. This review of the operation of municipal districts provides an indication of how municipal districts are working in practice, and some of the benefits, issues and challenges arising.

One notable point that emerges is the diversity of experience around how municipal districts are operating. It is clear that there is no one model, nor should there be, for how municipal districts are run, and the functions and roles they undertake. A particularly important influence is the vision and philosophy of the local authority as to whether it believes a centralised or decentralised approach to the delivery of services best suits the needs of the county.

That being said, there are some common elements that help determine the effectiveness of municipal districts. Interviewees for this study were asked what a 'good' municipal district looks like. A number of common themes emerged from the answers:

- One where municipal districts are generally recognised as a valuable element of local government and as representing 'subsidiarity in action'.
- One with a clear vision for the municipal district, backed by councillors and staff, and where there is a focus on towns, villages and their rural hinterlands, with a clear plan of what they want to do in their district.
- One with broad community engagement, where good relationships are built with the community and businesses, acting as the heart of the community physically and functionally.
- One where elected members can clearly see they are working effectively for their county within the municipal district, filtering down the corporate priorities to the local level.
- One that is not a talking shop, delivering tangible projects, such as fixing the roads, and responding to flooding.
- One that looks beyond the traditional responsibilities like roads and housing to the community development, rural development and economic development functions of local government, and grows the role of the municipal district in this regard.
- One where there is a relationship of trust and mutual cooperation between the elected members and the executive; and where the executive is challenged by the elected members, on behalf of the public, to report on its progress and, after the municipal district meeting, you can go and have a coffee and discuss matters informally.
- One where the work of the municipal district has enhanced citizen engagement and

trust and the district operates as the 'face' of local government.

In the remainder of this chapter, some of the main findings that have arisen in the course of the study are highlighted.

## 7.1 MUNICIPAL DISTRICT MEETINGS, STRUCTURE AND OPERATION

Some factual information on the operation of municipal district meetings emerged from the study:

- Most municipal districts meet monthly, with meetings lasting two to three hours on average, though practice can vary significantly.
- Attendance at meetings is very high, with, or close to, 100 per cent attendance at most meetings.
- Most municipal districts hold their meetings during the day, whilst some hold theirs in the early evening.
- Most municipal districts hold additional meetings, sometimes called in-committee meetings or workshops, to which the public and media are not invited (on average about six to 10 of these meetings take place a year).
- The vast majority of municipal district meetings are held within the district, though some are held centrally in county hall. Some municipal districts occasionally move their meetings around the district, as a way of raising the profile of the municipal district and encouraging more effective community engagement.
- In some local authorities, particularly those where the town itself is divided or where the hinterland of a town runs into an adjoining authority, occasional joint municipal district meetings with the adjoining authorities take place, in the context of joint planning and cooperation between authorities.
- Elected members have a high level of satisfaction with the management and operation of municipal district meetings.
- Across local authorities there have been only minimal reductions in the number of plenary council meetings as a result of municipal districts.

In some municipal districts, motions tend to dominate the discussions. In others, most of the discussion focuses on reports provided by the council's directorates rather than motions. Several local authorities noted that they are trying to bring a more strategic focus to meetings compared to the old area committee system where motions dominated. In this context, management and directorate reports can play an important role in steering discussion. While some use such reports as a matter of routine, in other cases it is more ad hoc. There can also be overlap and duplication between management reports presented at both municipal and plenary levels, notably the chief executive's report, and there is a need for greater demarcation here where possible.

The delineation between municipal district and plenary council is not always clear with regard to members putting forward motions that are more appropriate for municipal district level to the plenary session and vice versa. In dealing with such situations, the role of the Corporate Policy Group, supported by standing orders, is seen as particularly important in establishing good practice, as is the strength of the Cathaoirlioh.

In most cases, plenary council is seen as the most appropriate venue for meetings to be arranged with statutory agencies. Some agencies do attend periodic municipal district meetings to brief on local issues.

Local authorities have taken varying approaches to how they arrange services and staffing to support municipal districts. A common arrangement is for a director of service to be the management team representative at the meetings, accompanied by a senior executive engineer, with others attending on an ad hoc basis as required. A meeting administrator provides the basic administrative support. In other cases, arrangements involve the establishment of municipal district management teams for each municipal district. These teams, sometimes headed by a municipal district officer, oversee the development and delivery of plans adopted by the elected members, and other tasks delegated to the district. Those authorities that have developed municipal teams feel this is a useful way of more effectively engaging with the public and businesses at the local level, providing a local contact point.

There is limited sharing of experience across staff supporting municipal districts. It is, for example, rare for all district managers in a county to meet together to discuss common issues and challenges. This was seen to be something that could be improved to encourage more sharing of good practice and learning from each other.

Several authorities noted that the identity of municipal districts was increasing, but that there were challenges associated with them developing a clear identity. Initiatives such as municipal district awards and the allocation and distribution of community grants at district level are seen as helpful here. A number of local authorities have made a substantial effort to profile the work of municipal districts in their annual report and annual budget report. The local media also have a role to play in raising awareness of the municipal districts and what they do. Many authorities reported good recording and reporting on what happens at municipal district meetings. This was seen as an important means of informing the public as to what is happening at municipal district level.

The transparency of operation of municipal districts is limited in some respects. Access to minutes of meetings online on the council website can be slow, sometimes taking more than 12 months. There can also be a lack of clarity on total expenditure in municipal districts and how that expenditure is allocated.

Beyond the Department of Housing, Planning and Local Government, there is little evidence of awareness of the existence of municipal districts at central government level. Some authorities noted that if municipal districts are meant to have a meaningful role as a unit of local government, national schemes such as funding schemes for towns and villages and rural regeneration should be defined with them in mind.



## 7.2 THE FUNCTIONS AND ROLES PERFORMED BY MUNICIPAL DISTRICTS

In general, municipal districts were seen as having had a positive impact on service delivery. The operation of those reserved functions designated to be performed at municipal district level is seen to be working well. Similarly, there is little dispute or comment about those reserved functions designated to be performed at plenary council level.

Practice varies across authorities as to the extent they have chosen to delegate functions to municipal districts that can be done at either the municipal or district level. Indeed, it is difficult to get an accurate picture of what has been delegated to municipal districts, as this information tends not to be readily available on local authority websites or centrally. However, from the interviews carried out and searches undertaken, it appears most common for the majority of such functions to be retained at plenary council level. Many authorities have only delegated a small number of functions.

There was a view amongst some interviewees and at elected member level, as expressed through the ALLG, that municipal districts should have stronger powers and greater ownership of the implementation/delivery of some projects and funding sources, such as decisions on local capital works priorities and local disposals of property. This recognises that many of the functions that can be performed by either the municipal district or the plenary council are, in practice, quite limited in scope. A more substantial role was also envisaged for municipal districts in the co-ordination and prioritisation of investment under the various central government funding schemes for town and rural development, such as the town and village renewal scheme and urban and rural regeneration and development schemes.

While municipal districts are mostly focused on the traditional engineering areas (roads, infrastructure) there was a desire to add more value to the community at the municipal district level. A greater focus on town, village and rural development was a common theme. This involves municipal districts taking an enhanced leadership role in promoting economic, social and cultural regeneration and development in towns and their hinterlands.

A particular approach taken by many local authorities to support town development is the establishment of town teams. These town teams involve local organisations and individuals in identifying issues to be addressed, development needs and opportunities. Mixed results were reported from the town teams, depending on the existing environment within the towns and degree of community engagement. Where town teams tend to work well, elected members often sit on the town teams, and there is regular reporting on activity back to the municipal district. There is also strong engagement with the district staff, such as the municipal district officer, senior executive officer and municipal district engineers. There would be merit in sharing good practice with regard to town and village development, particularly in relation to town team operation and governance.

Several local authorities are working with rural development officers at the municipal district level to help empower groups and communities to give them better opportunities, providing a better balance between 'strong' and 'weak' villages. This is seen as particularly important in rural areas with no or limited organised community representation.

A number of initiatives were highlighted during this study of how municipal districts are building community engagement. Some authorities are noticing greater engagement with local communities, tidy towns groups, local voluntary festivals and businesses in the delivery of services, facilitated by the local contact provided through municipal districts. The first point of contact for most community groups for things like funding and technical supports, LEADER funding, tidy towns, advice, etc., is the municipal district. The use of community funding schemes is helpful in this regard, facilitating support for local communities and clubs by the provision of financial assistance to aid them in undertaking projects or to acquire materials to improve the overall wellbeing of their locality.

### 7.3 MUNICIPAL DISTRICTS AND THE BUDGETARY PROCESS

The General Municipal Allocation (GMA) is the main discretionary source of funding available to elected members of a municipal district. The amount of money allocated to the GMA is a very small proportion of the overall local authority budget. For most local authorities, GMA is less than 1 per cent of the overall budget. In a small number of local authorities, principally those where increases in the LPT are allocated to the GMA, the proportion is somewhat greater.

Other discretionary funding sources are available in some local authorities that give municipal districts direct control over more than just the GMA. Nevertheless, the overall totals remain small in relation to total expenditure.

The transparency of what is or is not included in the GMA, and what other sources of discretionary funding are available to municipal districts through the draft budgetary plan, could be improved in many cases. It can be difficult to determine from published information what is available and what it is allocated to. Also, as the draft budgetary plan only deals with the discretionary expenditure at municipal district level, it is not possible to determine how much the authority spends in total in each municipal district. This information could give a more complete picture of what the council is doing at municipal district level.

The allocation of the GMA amongst municipal districts can be a source of tension. The role of the Corporate Policy Group is important here in determining clear criteria and guidance.

While improvements have been made to the timing of decisions by the municipal district on the provisional budgetary plan for the municipal district, it is still a source of frustration. Having to agree on a provisional municipal district budget prior to the outcome of the final budget decision is viewed as 'putting the cart before the horse'.

Elected members of municipal districts would prefer to have a budget that is certain.

One challenge noted by interviewees in terms of determining the budgetary plan is getting the balance right between a focus on a small number of strategic projects that could make a significant difference at the level of the municipal district to a town or a village, and the desire to share out the resources across the whole of the district and between elected members. This issue is linked to the extent to which municipal districts develop a clear vision for the development of the district and identify priority issues for attention.

The AILG would like to see the strengthening of the role of municipal district members in the local authority budget process, and review of the budgetary process, including aspects such as the general municipal allocation, the schedule of municipal district works, the draft budgetary plan and other relevant budgetary proposals and reports. It also sees a need for greater clarity and focus with regard to the elected members' decision-making authority over a range of discretionary funding.

## **7.4 CONCLUSION**

This study had brought together information from a range of sources on the operation of municipal districts. As a new feature of local government since 2014, it is timely to look at how they are operating and functioning. The general consensus amongst those interviewed for the study is that municipal districts are a welcome development and are becoming an important part of the planning and delivery of services at the local level. A number of challenges and issues have been identified which, if addressed, would contribute to greater efficiency and effectiveness in the operation of municipal districts. Over the longer-term, and especially if more powers and functions are devolved to the municipal level, municipal districts have the potential to be a significant driver of co-ordinated town, village and rural development, and enhanced community engagement. The extent to which that potential is fulfilled depends on the willingness of all involved to develop a clear vision of local governance below the level of the county.

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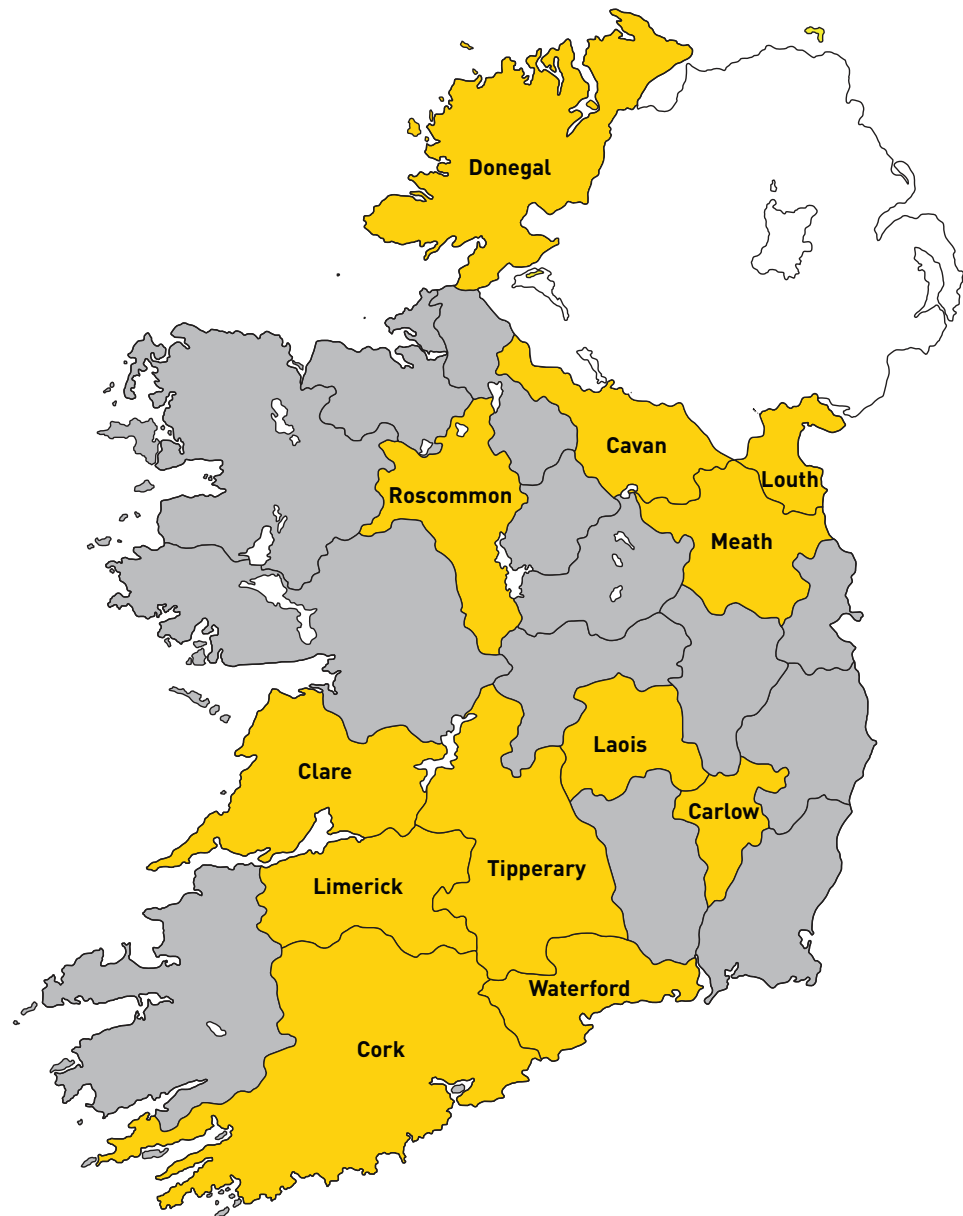
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## APPENDIX 1 COUNTIES SELECTED AS CASE STUDIES



## APPENDIX 2 MUNICIPAL DISTRICTS BY COUNTY

Local Authority	Number of municipal districts	Name of municipal district	Number of elected members	Number of electoral areas (if <1)
Carlow	3			
		Carlow	7	
		Muinebeag	5	
Cavan	3	Tullow	6	
		Bailieborough-Cootehill	6	
		Ballyjamesduff	6	
Clare	4	Cavan-Belturbet	6	
		Ennis	7	
		Killaloe	5	
		Shannon	7	
Cork County	8	West Clare	9	2
		Bandon-Kinsale	6	
		Carrigaline	6	
		Cobh	6	
		East Cork	7	
		Fermoy	6	
		Kanturk-Mallow	9	2
		Macroom	6	
Donegal	5	West Cork	9	2
		Donegal	6	
		Glenties	6	
		Inishowen	9	2
		Letterkenny-Milford	10	2
		Lifford-Stranorlar	6	
Galway County	5			
		Ballinasloe	6	
		Conamara	9	2
		Loughrea	10	2
		Athenry	7	
		Tuam	7	

Local Authority	Number of municipal districts	Name of municipal district	Number of elected members	Number of electoral areas (if <1)
Kerry	5			
		Castleisland-Corca Dhuibhne	7	2
		Kenmare	6	
		Killarney	7	
		Listowel	6	
		Tralee	7	
Kildare	5			
		Athy	5	
		Celbridge-Leixlip	7	2
		Clane-Maynooth	10	2
		Kildare-Newbridge	11	2
		Naas	7	
Kilkenny	4			
		Kilkenny City	7	
		Callan-Thomastown	6	
		Castlecomer	6	
		Piltown	5	
Laois	3			
		Borris-in-Ossory-Mountmellick	6	
		Graiguecullen-Portarlinton	6	
		Portlaoise	7	
Leitrim	3			
		Ballinamore	6	
		Carrick-on-Shannon	6	
		Manorhamilton	6	
Limerick City and County	4			
		Limerick City Metropolitan District	21	3
		Adare-Rathkeale	6	
		Cappamore-Kilmallock	7	
		Newcastle West	6	

Local Authority	Number of municipal districts	Name of municipal district	Number of elected members	Number of electoral areas (if <1)
Longford	3			
		Ballymahon	6	
		Granard	5	
Louth	3	Longford	7	
		Ardee	6	
		Drogheda	10	2
Mayo	4	Dundalk	13	2
		Ballina	6	
		Claremorris-Swinford	10	2
Meath	6	Castlebar	7	
		Westport-Belmullet	7	2
		Navan	7	
Monaghan	3	Ashbourne	6	
		Kells	7	
		Laytown-Bettystown	7	
		Ratoath	7	
		Trim	6	
		Ballybay-Clones	5	
Offaly	3	Carickmacross-Castleblaney	6	
		Monaghan	7	
		Birr	6	
Roscommon	3	Edenderry	6	
		Tullamore	7	
		Athlone	6	
Sligo	3	Boyle	6	
		Roscommon	6	
		Sligo	6	
Sligo	3	Ballymote-Tubbercurry	7	
		Sligo-Drumcliff	5	



Local Authority	Number of municipal districts	Name of municipal district	Number of elected members	Number of electoral areas (if <1)
Tipperary	5			
		Clonmel	6	
		Tipperary-Cahir-Cashel	11	2
		Carrick-on-Suir	5	
		Nenagh	9	2
		Thurles	9	2
Waterford City and County	3			
		Waterford Metropolitan	18	3
		Dungarvan-Lismore	9	2
		Comeragh	5	
Westmeath	2			
		Athlone-Moate	9	2
		Mullingar-Kinnegad	11	2
Wexford	5			
		Enniscorthy	6	
		Gorey-Kilmuckridge	10	2
		New Ross	6	
		Rosslare	5	
		Wexford	7	
Wicklow	5			
		Arklow	6	
		Baltinglass	6	
		Bray	8	2
		Greystones	6	
		Wicklow	6	

## APPENDIX 3 RESERVED FUNCTIONS AT MUNICIPAL DISTRICT AND COUNTY LEVEL

Summary of main reserved functions to be performed at District, at District and County, and at County level (taken from Circular LG10 / 2014, Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014.

### **Reserved functions to be performed by the municipal district include:**

- appointing a Cathaoirleach/Mayor, making arrangements for meetings, sub-committees, etc.;
- considering a draft budget;
- establishing a community fund;
- scheduling proposed works and publishing an annual report relating to the district;
- delegating control or maintenance of dwellings to a designated body;
- making arrangements for a school warden service;
- raking a road in charge or abandoning a road;
- abandoning a public right of way;
- putting in place parking control, including parking bye-laws and taxi stands;
- expenditure of parking income;
- putting in place road traffic calming measures;
- making tree preservation orders;
- making casual trading bye-laws;
- putting in place a Litter management plan and litter bye-laws; and
- adopting a new place-name.

### **Reserved functions to be performed by either the District or the County include:**

- conferring civic honours;
- town twinning;
- determining policy of the local authority or district;
- directing the chief executive to provide a report or submit plans for particular works;
- approving of a material contravention to a development plan;
- making, amending or revoking a local area plan;
- making additions to or deletions from the record of protected structures;
- deciding in relation to a local authority own development proposal;

- making a public right of way; and
- Considering flood risk maps, plans, or a scheme prepared by the OPW.

**Reserved functions to be performed only by the County include:**

- appointing a Cathaoirleach, making arrangements for meetings, sub-committees, etc.;
- making a local economic and community plan and implementation strategy;
- adopting the draft local authority budget;
- determining the annual rate on valuation to be levied;
- determining the rates refund applicable in respect of vacant property;
- deciding to borrow or lend money;
- delegating additional functions to municipal districts;
- approving the corporate plan;
- adopting the local authority service delivery plan;
- Requiring particular executive functions to be done;
- appointing (or removing) a chief executive;
- disposing of land;
- designating a landscape conservation area;
- adopting an annual report;
- nominating a candidate for presidential election;
- adopting a traveller accommodation plan;
- making a scheme for the allocation of houses;
- making a rent scheme;
- forming an anti-social behaviour strategy;
- making a homeless action plan;
- making speed limit bye-laws;
- adopting or varying a development plan;
- making a development contribution scheme;
- making a plan for fire and emergency operations;
- making a water quality management plan or river basin management plan;
- making horse control bye-laws;
- making DoB control bye-laws;
- adopting a library development programme;

- adopting a polling scheme;
- varying local property tax;
- establishing a local community development committee; and
- establishing strategic policy committees.

The full list of reserved functions in each category is available in the revised version of the LOCAL GOVERNMENT ACT 2001 (Updated to 16 April 2019): [https://www.lawreform.ie/\\_fileupload/EN\\_ACT\\_2001\\_0037.PDF](https://www.lawreform.ie/_fileupload/EN_ACT_2001_0037.PDF)

## APPENDIX 4 RESERVED FUNCTIONS DELEGATED TO MUNICIPAL DISTRICTS IN MEATH COUNTY COUNCIL

### SCHEDULE 14A – PART 2: RESERVED FUNCTIONS TO BE PERFORMED, SUBJECT TO SECTION 131A(1) (B), BY MUNICIPAL DISTRICT MEMBERS

Reference Number	Description of Reserved Function	Provision under which reserved function is conferred
1.	A decision of a local authority to confer a civic honour on a person.	Section 74
2.	A decision to enter into arrangements for twinning with any other area.	Section 75
3.	A decision to incur reasonable expenditure for or in connection with the provision of receptions and entertainment and the making of presentations.	Section 76
4.	Requiring that specified action be taken in accordance with section 127 for the purpose of consultation with the local community.	Section 127
5.	Determining the policy of the local authority or the municipal district members.	Section 130
6.	Directing that a second legal opinion be obtained by the local authority in relation to the exercise or performance of a reserved function.	Section 132
7.	Deciding that a report on the capital programme may be considered at a meeting other than the local authority budget meeting.	Section 135
8.	Requiring a chief executive to prepare and submit plans, specifications and an estimate of cost of any particular work specified in a resolution.	Section 137
9.	Directing a chief executive to inform the council of the manner in which he or she proposes to perform any specified executive function of the local authority.	Section 138

10.	Requesting a member of a local authority to present a report on the activities and operation of another body to which the member is elected, appointed or nominated by that authority.	Section 141
13.	The making of an addition to, or a deletion from, a record of protected structures to which Part IV of the Act of 2000 relates.	Section 54 of the Act of 2000
14.	Approving, amending or revoking a special planning control scheme.	Sections 85 and 86 of Act of 2000
15.	Deciding to vary or modify a proposed local authority own development, or deciding not to proceed with the development.	Section 179 of the Act of 2000
17.	Deciding to vary or modify, or not to proceed with, an event proposed to be carried out by a local authority.	Section 238 of the Act of 2000
19.	The making of a decision in relation to the representation of the views of the local community.	Section 64
23.	Consideration of and observations in regard to a drainage scheme prepared by the Commissioners of Public Works in Ireland.	Section 5 of the Arterial Drainage Act 1945
24.	Objection to the issue of a certificate of completion of drainage works.	Section 13 of the Arterial Drainage Act 1945

Reference Nos. 11, 12, 16, 18, 20, 21 and 22 – Reserved functions to be performed by the local authority

