

## **ETHICS**

### **Ethics and Declarations of Interest**

Under the Local Government Act 2001, provision has been made for an ethical framework to operate within local government. It includes a publicly accessible register.

#### Implementation of the ethics framework

The new ethics framework for members and for relevant employees was implemented with effect from 1st January 2003. This required a number of actions to be taken by local authorities, such as putting procedures in place to deal with:

- the systems of annual declaration by elected members and relevant employees;
- the disclosure requirements of the Act for elected members and relevant employees about matters that may arise on occasion and in which they have a beneficial interest.

Donegal County Council has currently assigned the duties of Ethics Registrar to Mr Joe Peoples, Director of Service, by Chief Executive Order, under Section 173 of the Act. The Ethics Registrar is responsible for the issue of the annual declaration forms to Councillors and relevant employees. Nobody may hold this position for more than two years.

#### Ethics Register

A register of interests is compiled from the annual declarations and made available for public inspection. Council Members declarations may be inspected at the offices of Donegal County Council, County House, Lifford, upon appointment.

#### Relevant Employees

The employees to whom Part 15 will apply are known as "relevant employees". They are:-

- every employee holding a post with a maximum salary of at least the maximum salary for the time being of a senior executive engineer;
- every other employee who is assigned to perform functions under the Planning and Development Act 2000 and holds a post with a maximum salary of at least the maximum salary for the time being of a Senior Staff Officer (Grade 6), or for which the qualifications are wholly or in part professional or technical;
- any other employee or other person who is the holder of a position designated by order of the Chief Executive under Section 167.

#### Replacement of Planning Act provisions

Part 15 of the Local Government Act 2001 replaces the provisions contained in Part VII of the Planning and Development Act 2000 regarding declaration/disclosure by local authority members and staff. However, any declarations furnished under that Planning Act (or under the old 1976 Planning Act) will stand until replaced by declarations under Part 15.

#### Main Features of Part 15 of the Local Government Act, 2001

- Members and relevant employees must furnish an annual declaration of interests.
- A public register of such interests is maintained by each local authority
- A Member must disclose any financial or other beneficial interest s/he or a "connected person" has in any matter that comes before a meeting.
- A relevant employee must do likewise in case of any matter with which s/he is concerned in the course of work.

- A member or relevant employee is prohibited from seeking to influence any matter with which the local authority is concerned in which they or a connected person has a beneficial interest.
- An official (Ethics Registrar) to be assigned by Chief Executive has responsibility for issue of annual declaration forms and related matters.
- It is the duty of members and relevant employees to maintain proper standards of integrity, conduct and concern for the public interest.
- A prohibition exists on seeking, exacting or accepting any fee or reward for anything done or not done by virtue of position or office.
- Codes of conduct, one for members and another for staff, have been issued by the Minister for the Environment, Heritage & Local Government: [Code of Conduct - Members](#); [Code of Conduct - Employees](#)
- Failure to comply with the annual declaration or disclosure requirements is an offence under the Act.
- A Chief Executive (or Cathaoirleach in case of Chief Executive) informed of possible contravention of Part 15 is required to consider what action should be taken.