

COMHAIRLE CONTAE DHÚN NA NGALL
DONEGAL COUNTY COUNCIL

LOCAL GOVERNMENT ACT 2001 & LOCAL GOVERNMENT REFORM ACT 2014

STANDING ORDERS

Preliminary

1. These Standing Orders are made pursuant to the Local Government Act, 2001 and the Local Government Reform Act 2014. These Acts, and Regulations made by the Minister thereunder, contain detailed provisions which apply and have effect in relation to the procedures for meetings of Local Authorities and connected matters whereas previously most of such matters would have been covered by Standing Orders, if at all. The coming into effect of these provisions have, therefore, brought about a certain standardisation of such procedures for all Local Authorities. These Standing Orders generally relate only to matters that are not part of the said (standardised) provisions of the Acts and Regulations, but should be read in conjunction therewith. In the case of any conflict between Standing Orders and the said provisions, the latter will prevail.

Interpretation

2. In these Standing Orders -
 - (a) unless the context otherwise admits or requires, words, phrases, titles etc. will have the same meanings as given to them in the Local Government Acts, 1925 to 2001.
 - (b) "Schedule 10" means Schedule 10 of the Local Government Act 2001 as amended.
 - (c) "The Council" means Donegal County Council.
 - (d) "Principal Offices" means the County House, Lifford, County Donegal.
 - (e) "The Chair" means the Cathaoirleach or other person chairing a meeting of the Council or a committee, as appropriate.
 - (f) "Ordinary Meeting" means a meeting of the Council, other than the annual meeting, the budget meeting or a special meeting.
 - (g) The masculine gender is to be interpreted as including the feminine, where appropriate.

- (h) "Point of Order" means a point which a member seeks to raise concerning the application and/or the proper interpretation of legislation, regulations or these Standing Orders and/or the adherence or otherwise to such provision(s) by another member or members or the Council as a whole and is to be distinguished from a point concerning the substantive issue under discussion or about to be discussed at the relevant time.

Meetings of the Council

3. All meetings of the Council will commence at 11 a.m., or at such other time as may be fixed from time to time by Resolution of the Council. The Council shall rise not later than **6 p.m.** but subject to the proviso that the specific item of business, then before the meeting, may be completed, provided always that it does not extend the meeting by more than fifteen (15) minutes. Where an item of business is before the meeting at 5.45 p.m. and a Motion to deal with another item(s) of business (not on the agenda) as urgent business has been passed, the item of business under discussion at the time, if not concluded, will, subject to Standing Order 16, be adjourned to the next scheduled meeting to allow the item(s) of urgent business to be dealt with provided that regardless the meeting shall not be extended by more than fifteen (15) minutes.
4. In so far as practicable, the place for holding meetings of the Council shall be the principal offices thereof and meetings will normally be held there, provided that the Council may, from time to time, by Resolution, appoint an alternative location for a particular meeting.
5. Ordinary meetings of the Council will be held each year on the last Monday in the months of January, March, May, July, September, and November: -
- provided that, in exceptional circumstances, the Cathaoirleach, having consulted with the Meetings Administrator and the Chief Executive, may change the date of the meeting and the same provisions as to adjourned date, notice etc. as in Standing Orders 13 and 15 (adjournment of meeting where no quorum present) will apply in those circumstances. Where the last Monday in a month on which an ordinary meeting would be due to be held is a public holiday or a day on which the offices of the Council would normally be closed, the meeting shall take place either on the last Tuesday of such month or such other day as may be fixed by Resolution of the Council.

Annual Meeting

6. In every year that is an election year, the annual meeting will be held on the day specified in paragraph 3 (1) and (2) of Schedule 10 and in other years on such day in the months of May or June as is appointed by the Council by Resolution.
7. Whenever an annual meeting is for any reason not held in accordance with Standing Order 6 above it will be convened in accordance with paragraph 3 (4) of Schedule 10.

Business of Meeting

8. At ordinary meetings of the Council, the order of business to be conducted thereat shall be as follows:
 - (a) Confirmation of Minutes,
 - (b) Business prescribed by Statute, Standing Orders or Resolutions of the Council for transaction at such meeting,
 - (c) Consideration of report and recommendations of committees of the Council,
 - (d) Other business set forth in the Notice convening the meeting
 - (e) Notices of motions.
 - (f) Cathaoirleach's Business,
 - (g) Chief Executive's Report
 - (h) Members written questions
 - (i) Motions from other Local Authorities

PROVIDED ALWAYS that this is subject to:

- (1) Any provision of law requiring that any particular item of business should take precedence over the Order specified above, and
 - (2) The right of the Meetings Administrator to list, in consultation with the Mayor, any statutory business ahead of the order specified above where the time limit for decision on such would otherwise expire if not dealt with on the day
9. The agenda, issued for ordinary meetings, shall reflect the above order of business, but, subject to the proviso in Standing Order 8 above, if the majority of the members present and voting so decide, an item on the agenda may be taken out of sequence from that specified in the order of business.
 10. In the case of a special meeting, no business shall be transacted other than that specified in the notification and agenda issued for such meeting.

Chairing of First Annual Meeting.

11. On the commencement of the annual meeting in an election year and until the election of the Cathaoirleach at such meeting, the Chair for this period shall be taken by -

- (a) The Cathaoirleach of the previous Council (if still a member),
- (b) Otherwise the Leas Cathaoirleach of the previous Council (if still a member),
- (c) Otherwise the Meetings Administrator.

Quorum

- 12. The quorum for a Council meeting, in accordance with paragraph 11 of Schedule 10, is eleven (11) members.
- 13. If a quorum is not present within 30 minutes after the time fixed for the commencement of the meeting, the meeting shall stand adjourned to a day to be named by the Cathaoirleach.
- 14. If, during the course of a meeting, a quorum is not present no further business will be transacted at that time, and the meeting will be adjourned for a period and only resumed on there being a quorum present. If, after fifteen (15) minutes, there is still not a quorum present the meeting shall stand adjourned to a day to be named by the Cathaoirleach.
- 15. In the event of adjournment of the meeting, under either of the two immediately preceding Standing Orders, the day named by the Cathaoirleach will be at least five (5) clear days later, so as to allow for notice to be given. Notice to the members, and public notice, of the adjourned date will be given in the same manner as the notice for the original date, in accordance with paragraphs 7 and 8 of Schedule 10, PROVIDED THAT, unless the agenda paper is being altered in accordance with paragraph 7 (4) (b) of Schedule 10, the agenda paper to be sent to members, and posted up, will either be identical to that issued for the original date or set out the balance of the business to be conducted at the meeting depending on whether the adjournment is pursuant to Standing Order 13 or 14.

Adjournment of Meeting

- 16. Where the time limited by Standing Order 3 for the meeting has expired or the Council decide to adjourn a meeting before dealing with all the business of that meeting, the Council by resolution may decide to adjourn the meeting to a date and time specified in the resolution and, in that event, the meeting on the date so fixed shall be a continuation of the original meeting and only the business which could have been properly dealt with originally shall be dealt with upon the resumption of the meeting on the specified date. In the event that no date is so fixed the meeting will stand adjourned to the next occurring ordinary meeting, and the business remaining to be completed shall be listed at the end of the agenda for such next occurring ordinary meeting in the order in which it was listed for the original meeting.

Minutes

17. When the question that the Minutes be confirmed, in accordance with paragraph 14.4 of Schedule 10, is put from the chair, a member may object to any part thereof as not being an accurate record and, upon a Motion, any question of altering the records shall be determined by the Council by a majority vote of those members who were present at the meeting to which the Minutes relate provided that no entry (other than a record of dissent) shall be made in the Minutes (of the later meeting dealing with the confirmation).

Notices of Motion.

18. Each member shall be entitled to submit one original motion for ordinary meetings of the Council. Motions submitted to plenary Council meetings will relate to county-wide and strategic issues only. Motions relating to local issues will be referred to the relevant Municipal District in the first instance and will not be listed on the Agenda at plenary level.
19. Every Notice of Motion, dated and signed by the member or members giving it, shall be delivered to the Meetings Administrator not later than 12 noon on the Friday week preceding the Monday of the meeting. No Notice of Motion shall be set down on the agenda for any meeting unless such Notice of Motion shall have been delivered to the Meetings Administrator. The order in which motions will appear on the agenda shall rotate, on a Municipal District basis, from meeting to meeting.
20. Any notice of Motion, which obviously is out of order, or contains unbecoming expressions, may be expunged from the agenda by order of the Cathaoirleach. In any case in which the Notice of Motion is, in his opinion, irregular or illegal, the Meetings Administrator shall communicate that opinion to the Cathaoirleach and to the member giving notice.

Members Questions

21. Every member shall be entitled, for an ordinary meeting of the Council to put a total of two questions, or three questions if the member has not submitted a motion for such meeting, to the Chief Executive, Director of Service, Meetings Administrator or other Officer of the Council. Questions submitted to plenary Council meetings will relate to county-wide matters only. Questions relating to local issues will be referred to the relevant Municipal District and will not be listed on the Agenda at plenary level. Questions shall not involve argument, nor contain any matters except such as are strictly necessary to explain such questions.
22. Every Question, dated and signed by the member giving it, shall be delivered to the Meetings Administrator not later than 12 noon on the Friday week preceding the Monday of the meeting. No Question shall be set down on the agenda for any meeting unless notice of the Question shall have been

delivered to the Meetings Administrator. The order in which questions appear on the agenda shall rotate, on a Municipal District basis, from meeting to meeting.

23. Any question which, in the opinion of the Meetings Administrator (having consulted with the Cathaoirleach and the member concerned) is unreasonable, unsuitable in form, frivolous or derogatory to the dignity of the Council may be disallowed. A question which has been fully answered may not be renewed, and in answering a question, the matter to which it refers is not to be debated.
24. Omnibus questions shall not be allowed.

Motions to amend or revoke Resolutions

25. No Notice to rescind any Resolution which has been passed within the preceding six months, nor any Motion to the same effect as any Motion which has been negatived within the preceding six months, shall be in order unless Notice thereof shall have been given, and specified in the Notice convening the Meeting, and the Notice shall have, in addition to the name of the Member who proposes the Motion, the names of five other members. A rescinding resolution shall not be passed unless not less than one half of the total number of members and two-thirds of the member's present vote in favour thereof. When the Council has defeated any such Motion, it shall not be competent for any member to propose a Motion that is substantially the same within a further period of six months.
26. Subject to Standing Order 25, any matter decided by the Council by Motion on Notice or on the report of a committee shall not be reopened within six months of the date of such decision.

Urgent Business

27. (a) "Notwithstanding any other provisions of these Standing Orders, a Motion to deal with some particular item (not on the agenda) as "Urgent Business" signed by not less than nine members shall be accepted by the Cathaoirleach on the day of an ordinary meeting prior to the end thereof or 12 noon (whichever be sooner), subject to the following:
 - (i) Where a Member proposes to submit a motion under Urgent Business, a typed copy of the motion must be provided to the Cathaoirleach and/or Meetings Administrator by 10.30 am on the morning of the meeting. The Cathaoirleach in consultation with the Meetings Administrator will make a determination in accordance with (ii) and (iii) below, as to whether or not the Motion will be put to the floor for consideration and will advise the member accordingly prior to the commencement of the meeting at 11 am. Where the motion is to be put to the floor for consideration, the member will have the period up to 12 noon to secure the required signatures and to present same to the Cathaoirleach.

- (ii) A motion under Urgent Business should be accepted in situations only where the subject matter has arisen in the period after the normal deadline for submission of motions has passed.
- (iii) Must also specify the reasons why it is proposed that the item concerned be dealt with as “Urgent Business”

Motions under ‘Urgent Business’ accepted by the Cathaoirleach, shall be put to the meeting as soon as possible after receipt thereof.

In order to be passed, such motions will require that the number voting in favour is not less than half of the total number of members of the Council and not less than three quarters of the members present at the meeting.

- (b) If the Motion is passed for consideration, the item concerned will be dealt with as the last business of the meeting **PROVIDED THAT –**
 - (i) If there is more than one such Motion accepted at the meeting the relevant items will be dealt with in the order that the Motions were received by the Cathaoirleach.
 - (ii) All business required by Statute to be transacted in priority is concluded in sufficient time before the end of the meeting as specified in Standing Order 3 to allow for such urgent business to be dealt with.
 - (iii) In the event that a motion is passed to suspend Standing Orders to complete the remaining items on the agenda, motions under ‘Urgent Business’ already accepted by the Council will be dealt with at the end of the meeting.

Motion to suspend Standing Orders

28. Notwithstanding any other provisions of these Standing Orders when dealing with any item of business on the agenda paper a Motion may be proposed by any member to suspend any provision of Standing Orders in relation to such item **PROVIDED THAT –**

- (a) The member proposing such Motion must when doing so specify the provision or provisions of Standing Orders which he seeks to have suspended and the reasons for so doing.
- (b) On the Motion being duly proposed as aforesaid and seconded, it will be put to the meeting but in order to be passed at least two-thirds of the members present must vote in favour.

- (c) No such Motion can be proposed or passed which would have the effect of suspending a provision of Standing Orders to which clauses (d), (e) and (f) of paragraph 16(4) of Schedule 10 relate.

Motions, Amendments and Order of Debate

29. The proposer of a Motion listed in the Agenda may indicate to the Cathaoirleach which member is to second the motion and the Cathaoirleach shall ascertain that a Motion is seconded before the proposer is permitted to speak.
30. Where a motion has been duly proposed and seconded, the Cathaoirleach shall ascertain if any member proposes to oppose the motion;
- (i) Where no member proposes to oppose the motion, the Executive will be given an opportunity to respond to the motion if appropriate and the motion will then be put to the floor. The Cathaoirleach shall allow the proposer of the motion an opportunity to sum up.
 - (ii) Where there is opposition, the Cathaoirleach shall allow two members to put the opposing arguments. The Executive will be given an opportunity to respond to the motion if appropriate and the motion shall be put to the floor and then a vote shall be taken. On determination of the vote, the Cathaoirleach shall allow the proposer of the motion an opportunity to sum up
31. A Motion may be proposed either by the member in whose name it stands, or in his absence, by any member authorised by him to propose it on his behalf, but unless so proposed, it shall not be considered, and shall not again be set down on the Agenda Paper except upon fresh Notice.
32. A Motion may only be amended by the member in whose name it stands, having agreed, following a request to do so, from another member prior to the meeting.
33. An Amendment may: -
- (a) omit certain words;
 - (b) omit certain words and insert or add others;
 - (c) insert certain words;
 - (d) add certain words.
34. An Amendment shall be relevant to the Motion and within the scope of the Notice covering the Motion.
35. An Amendment shall not involve such substantial alterations of the Motion as to make it a new Motion.
36. An Amendment shall not commit the Meeting to anything more onerous than the original Motion.

37. A member shall move no more than one Amendment to the same motion.
38. Members of the Council shall address and speak to each in the Council by the respective titles of Cathaoirleach or "Councillor". No member shall address the Council for more than two (2) minutes on any item save that in relation to a Motion, the proposer may speak for not more than four (4) minutes. The proposer of a Motion has the right of reply whilst the Motion remains before the chair but in such reply he shall strictly confine himself to answering previous speakers and shall not introduce any new matter into the debate. His reply shall not exceed two (2) minutes. When the proposer replies the debate on the Motion is closed and the question shall be put forthwith.
39. The following Motions may be made without notice at a meeting: -
- (a) On matters expressly required by Statute to be done at the meeting;
 - (b) On matters arising directly out of a Report presented at the meeting;
 - (c) For, or on, the appointment of a Committee to which specified business is to be referred;
 - (d) For the resolution of the Council into a Committee of the whole Council;
 - (e) For the variation of the order of business;
 - (f) For the adjournment of the Meeting;
 - (g) For the suspension of the Standing Orders in respect of any specified rule or rules;
 - (h) For the appointment of a Cathaoirleach of the day, the Cathaoirleach and Leas Cathaoirleach being absent;
 - (i) For the adoption, amendment, or referring back any report;
 - (j) Relating to business of an informal or unimportant character, provided no member present objects;
 - (k) For referring business to a Committee for inquiry, action and/or report.

In relation to such motions as set out in SO 39, Standing Orders 40 to 43 shall apply.

40. A member may speak more than once on the same Motion for the purpose only of submitting a point of Order or making a personal explanation. The chair's decision in determining a point of order or personal explanation shall be final.
41. When a motion has been duly moved and seconded the discussion may be interrupted by some or all of the following motions: -
- (a) To amend the Motion (Amendments);
 - (b) To move the previous question. When proposed and seconded, and after the consent of the Cathaoirleach, supported by two-thirds of the members present, has been obtained, it shall be determined without amendment or debate; and if it be affirmed, the business interrupted by such motion shall not be proceeded with further at that meeting, but the

Cathaoirleach may decline to put the motion of the “previous question”. Upon all occasions when the “previous question” is moved, the formula adopted shall be “that the motion be not now put and that the next business on the Agenda be proceeded with”.

- (c) To move that the meeting move to the next business. When this is proposed and seconded a vote must be taken without any discussion. If lost, a similar motion concerning the same subject of debate cannot be moved until fifteen minutes have elapsed;
- (d) To move the closure. After a debate has continued for not less than thirty minutes a Member may ask leave to move “That the question be put” and if such leave be given by the assent of the Cathaoirleach, the Motion shall be forthwith put and, if carried, any Questions then before the Chair shall be forthwith put to the Council;
- (e) To postpone consideration of the Question sine die or to a fixed date;
- (f) To adjourn the subject under discussion to a later hour or to a further meeting.

42. A member speaking is not to be interrupted except on a question of order, but he may give way to a member desiring to make a personal explanation. A member who speaks shall confine his speech strictly to the Motion (Amendment) under discussion, or to a personal explanation, or to a point of order, as appropriate.

43. When a member seeks to make a point of order, the member then addressing the chair shall give way until the question of order has been determined by the chair, whose ruling on the matter shall be final.

44. When two or more members rise at the same time to speak, the member called upon by the Chair shall have precedence.

45. The chair is the sole judge of order in the Council and has authority to maintain order and enforce prompt obedience to his ruling. When during a debate the chair rises, any member then speaking shall give way to the chair. The Cathaoirleach shall have power to deal with any matter not covered by Standing Orders.

Disorderly conduct

46. The provisions of Paragraph 13 of Schedule 10 of the Local Government Act, 2001 as amended by Section 57 (d) of the Local Government Reform Act, 2014, as set out in Appendix 1 to these Standing Orders, shall be followed in the event of disorderly conduct by any member.

47. No member shall address the chair, unless from one of the seats reserved to the use of members.
48. No member may impute improper motives or use offensive or unbecoming words in reference to any member or employee of the Council. Any member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof when requested by the Cathaoirleach to do so, shall be called upon by the Cathaoirleach to withdraw from the Meeting.
49. The use of mobile phones by anyone shall not be permitted at meetings of the Council or committees thereof.

Deputations

50. A request for a deputation to be heard will be submitted by the Meetings Administrator to the next ordinary meeting of the Council held after the date of receipt of the request. The Council may by resolution decide to receive or not to receive the deputation at a future meeting and in the former instance the provisions of the next three following Standing Orders will apply to that deputation.
51. The privilege of a deputation shall be confined to the making of two short addresses and the presentation of a submission, the total time taken not to exceed fifteen (15) minutes.
52. The deputation may be questioned by members of the Council but shall not be entitled to ask questions.
53. When the members of a deputation have addressed the meeting, they shall withdraw from the meeting.

Questions, Votes and Divisions

54. Every question shall be determined by a show of hands, unless three members request a division, in which case the names for and against the Motion or amendment shall be taken down in writing and recorded in the Minutes.
55. Where the chair has not formally declared the result of a vote, or is in doubt as to whether his declaration is right or wrong he is entitled if he thinks fit to take a second vote on the matter, especially if he considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.
56. Each member present at a meeting of the Council shall have a vote unless prohibited by any enactment.

Attendance of public and the media at meetings

57. The right of members of the public and representatives of the media to attend meetings of the Council shall be subject to the requirements set out in standing Orders 58 to 62.
58. Members of the public and representatives of the media will occupy the parts of the meeting room allotted to their use. The public shall be admitted subject to the following arrangements.
59. Members of the public shall be seated and maintain silence and observe any directions given by the chair or any employee in attendance upon the Council. The chair and such employees are responsible for the execution of all measures necessary for the maintenance of Order and to ensure decorum in an about the chamber. Any member of the public, who is disorderly by disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting, may be directed by the Cathaoirleach to leave the chamber. The number of members of the public will be restricted to the number, which can be safely accommodated in the chamber.
60. If a member of the public interrupts a meeting at any time or endeavours, without the permission of the Council to address a meeting, the chair shall warn him and if the interruption continues shall order that person's removal.
61. In the case of a general disturbance in any part of the meeting room open to the public, the chair shall order that part to be cleared.
62. No cameras of any kind or sound recording or communication equipment may be used at meetings of the Council without the prior approval of the Council.

Casual Vacancy.

63. A casual vacancy in the membership of the Council in the circumstances as set out in Section 19 (3) (b) of the Local Government 2001 Act shall be filled by the co-option by the Council of a person in accordance with the following requirements and procedures -
- (a) Where the non party candidate who caused the vacancy has at any time prior to the occurrence of such vacancy lodged with the Meetings Administrator a list of his preferred nominees (not exceeding three in number) to take his place in the event of a casual vacancy occurring in his membership, the Council will consider (in the order they were nominated) the co-option of one of those persons (subject to compliance with Sub-Section (5) of the said Section) **OR**
- (b) In the event that if for whatever reason the Council do not co-opt a person in accordance with sub-paragraph (a) above, a non party candidate will be co-opted from the same electoral area (as the

member who caused the casual vacancy) and while subject to this the Council will have full discretion to decide such person, it is intended that it will be someone who so far as the Council can ascertain represents the same broad constituency as elected the member causing the vacancy.

Strategic Policy Committees

64. There will be five (5) strategic policy committees of the Council.
65. Those five (5) strategic policy committees (SPCs) shall have a total membership of not less than twelve (15) members consisting of elected members and representatives to be nominated by sectoral, community and other interest groups throughout the County, such sectoral, community and other interest groups having first been selected by the Council in accordance with the relevant guidelines. The latter (i.e. non elected members) shall be not be less than one third of the total membership.
66. The strategic policy committees shall be appointed as soon as possible after a local election and the members shall hold office for the period of the life of the Council appointing them. Five shall constitute a quorum of whom four shall be elected members and one sectoral/community; however, if following the expiry of 30 minutes after the scheduled time of commencement of the meeting there is no sectoral/community member in attendance, the meeting may proceed provided always there is a minimum of five elected members in attendance.
67. The Council shall appoint a Cathaoirleach to each of the strategic policy committees from among the members of the Council to hold office for a minimum period of three years, which may be renewed by the Council, and subsequent Cathaoirleach shall be appointed by the Council from among the existing Council members of the strategic policy committee.
68. The Cathaoirleach and Council members of the strategic policy committees shall reflect the proportionality and the distribution of elected representation on the Council; in default of agreement, the Cathaoirleach and Council members of the strategic policy committees shall be appointed by the formation of groups pursuant to paragraph 18 of Schedule 10 of the Act.
69. Every member of the Council shall be a member of one of the strategic policy committees but generally and in so far as possible shall not be a member of more than two.
70. It shall be the function of a strategic policy committee to consider matters connected with the formulation, development, monitoring and review of policy which relate to the functions of the strategic policy committee and the Council and to advise the Council on those matters.
71. Each strategic policy committee shall meet four times a year to deal with the business assigned to it.

Corporate Policy Group

72. The Corporate Policy Group shall comprise of the Cathaoirleach and the chairs of the five strategic policy committees, plus a Representative from any Municipal District not already represented. The Group will meet as often as required, under the chairmanship of the Cathaoirleach and shall provide a forum for discussion of policy affecting the whole Council and shall report to the Council.

Municipal Districts:

73. There are five Municipal Districts in Donegal as follows:

- The Municipal District of Inishowen (9 members)
- The Municipal District of Letterkenny (10 members)
- The Municipal District of Glenties (6 members)
- The Municipal District of Donegal (6 members)
- The Municipal District of Stranorlar (6 members)

74. The members of the Council for each of the Municipal Districts set out shall be the members of the Municipal District Committee for that Municipal District.

75. Each Municipal District shall adopt Standing Orders for the regulation of proceedings and business of that Municipal District. Such Standing Orders shall be as consistent across Municipal District as is practicable.

Committees-General

76. The Council may appoint a special committee for a specific purpose. When appointing such a committee, it shall at the same time determine the number and names of members to constitute such committee and shall also fix the quorum which shall not be less than 3. The term of office of a special committee shall be for such period as the Council may determine when appointing the committee.

77. Every special committee at its first meeting shall appoint a chairperson from its members and, where practical, fix the day and the hour of future meetings.

78. In the election of committees or appointments to bodies (being bodies to which paragraph 18 of Schedule 10 of the Local Government Act 2001 or any other enactment do not apply), candidates shall be proposed and seconded and if the number so proposed and seconded does not exceed the number of vacancies, those proposed and seconded shall be declared elected. Should the number of those proposed and seconded exceed the number of vacancies a vote shall be taken and the procedures shall be as follows:

- (I) Voting will be by way of secret ballot.
- (II) Each member will be required to vote for the same number of candidates as there are vacancies and otherwise his ballot will be deemed invalid.
- (III) Votes will not be cast in order of preference and each candidate named by the member voting on his ballot paper will get one vote.
- (IV) The votes will be counted by the Meetings Administrator and the Cathaoirleach or such other member as the Council may resolve.
- (V) Candidates will be elected in accordance with the number of votes cast and in the event of a tie for the last one or more vacancies the Cathaoirleach will not have a casting vote and the issue will be settled by lot.

Notwithstanding anything contained above, in the event of any conflict between standing orders and the requirements of any enactment, the latter shall take precedence.

- 79. Whenever a vacancy occurs in the membership of any committee of the Council by reason of the death, resignation or disqualification of a member, such vacancies shall be filled as soon as circumstances permit, by the Council after due notice.
- 80. In a committee a member may speak more than once to any question, but otherwise the rules of order of the Council, so far as they are conveniently applicable, shall govern all proceedings of committees, and the member in the chair at any meeting of a committee shall determine questions if ordered.
- 81. Every committee in the whole of its proceedings shall be governed by the Standing Orders or Resolutions of the Council affecting such committee.
- 82. The Meetings Administrator shall summon a meeting of any committee at the request of the Cathaoirleach of the committee or any three of its members, or whenever the Meetings Administrator deems it necessary in special circumstances that such committee shall meet.
- 83. In the absence of the Cathaoirleach of a committee his chair shall be taken by any Council member of the committee agreed at the meeting.
- 84. The chair of each committee shall be responsible to the Council for the general management of the business entrusted to such committee.

85. Committees may, subject to the prior consent of the Council, appoint sub-committees from their number to facilitate the transaction of business, who shall report to the committee but such sub-committee shall not have the power to transact any business without express authority from the committee.

86. (a) The decisions of the committees of the Council shall not become binding, except where otherwise provided in the Standing Orders, until approved by the Council, unless the Council specifically empower these committees to deal (without further reference to it) with certain matters, subject to the appropriate legal provisions. Committees shall confirm the minutes of their meetings following which the minutes shall be submitted to the Council for endorsement.

(b) Notwithstanding paragraph (a) above, policy matters coming before the Council from the strategic policy committees shall be by way of report from the relevant committee incorporating advice and recommendations and will be listed as separate items on the agenda of the Council for consideration and decision.

87. When a Council or Committee of the whole Council is sitting, no Committee shall sit, except by leave of the Council or Committee of the whole Council as the case may be.

88. No two Committees shall sit at the same time if any member of one of those Committees is also a member of the other.

89. A meeting of the Council shall take precedence over a meeting of any Committee.

END

APPENDIX 1

Paragraph 13 of Schedule 10 of the Local Government Act, 2001 as amended by Section 57 (d) of the Local Government Reform Act, 2014

Disorderly conduct.

13.—(1) If (a) in the opinion of the person chairing a meeting (in this paragraph referred to as the “chair”), any member has been or is disorderly by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting, and

(b) the chair has conveyed his or her opinion to the members present by naming the member concerned, then the chair or any member may move “that the member named leave the meeting” and the motion, if seconded, shall be put and determined without discussion.

(2) Where a local authority decides in accordance with *subparagraph (1)* that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.

(3) Where in the opinion of the chair—

(a) there is general disorder which impedes the orderly transaction of business, or

(b) where a member against whom it was resolved that he or she leave the meeting by virtue of this paragraph refuses to do so, the chair may adjourn the meeting for such period as he or she considers necessary in the interests of order.

(4) Where at a meeting—

(a) it has been resolved in accordance with subparagraph (1) that a member leave a meeting and the chair adjourns the meeting under subparagraph (3) because the member refuses to leave, and

(b) it has been resolved by further resolution that the member was the cause of the meeting being so adjourned, then any remuneration to, and any allowances for expenses incurred, by that member concerned, as provided for by regulations under section 142, shall be reduced for the period of 12 months (irrespective of whether or not a local election is to be held during that period) from the date of the meeting concerned as follows:

(i) on the first occasion of it being resolved that the member refused to so leave, 10 per cent;

(ii) on the next or subsequent occasions of it being so resolved and where paragraph (iii), (iv), (v) or (vi) does not apply, 10 per cent;

(iii) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (i) or (ii) relates, 30 per cent;

(iv) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iii) relates, 50 per cent;

(v) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iv) relates, 70 per cent;

(vi) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (v) relates, 90 per cent.

(5) (a) Where at a meeting—

(i) the resolutions referred to in clauses (a) and (b) of subparagraph (4) have been resolved, and

(ii) where, following the chair expressing the further opinion that the member has continued to be disorderly by disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting and the chair has conveyed such further opinion to the members present by naming the member concerned, it has been resolved further by at least two-thirds of those present and voting, on a motion moved by the chair or any member (which motion, if seconded, shall have been put and determined without discussion) that for a specified period ‘the member stand suspended with immediate effect from all meetings of the local authority and any committee of the local authority, and all meetings of municipal district members’ and the period so specified is, subject to clause (c), for at least one month but does not exceed 3 months, then the consequences provided for by subparagraph (4) shall not apply to the member concerned in relation to that suspension except and to the extent provided for by clause (g) in respect of any other suspension.

(b) Having regard to clause (f), the members of the local authority may, at any subsequent meeting during the period specified in the resolution under clause (a) (ii), pass a further resolution lifting the suspension, and the suspension shall be lifted with immediate effect.

(c) If, within a period of 3 months following the ending of a suspension in accordance with clause (a) or (b), further resolutions to which clause (a) relates are proposed to be adopted in respect of that member, then the period provided for in a resolution under clause (a) (ii) shall be at least 3 months but shall not exceed 6 months.

(d) Having regard to clause (f), a suspension under this subparagraph shall cease to have effect on the ordinary day of retirement.

(e) Where a resolution under clause (a) suspending a member has been passed, the member concerned shall not be entitled to attend, speak at or take any part in any meetings of the local authority and any committee of the local authority, and any meetings of municipal district members, and notwithstanding the provisions of paragraphs 6 and 7, shall not be entitled to present a request to the Cathaoirleach to

require a special meeting of the local authority to be convened and shall not be entitled to receive any services in respect of meetings of the local authority or any committee of the local authority, or meetings of municipal district members, including the agenda and papers circulated to members, for the period specified in the resolution while it remains in force.

(f) No remuneration to, or allowances for expenses incurred, by the member concerned, as provided by regulations under section 142, shall be paid (irrespective of whether a local election is to be held during the period concerned) for the duration of the suspension to which clause (a) or (c) relates. Notwithstanding any lifting of a suspension in accordance with clause (b), or cessation of a suspension in accordance with clause (d), such lifting or cessation shall not have the effect of reducing the period in respect of which remuneration or allowances for expenses incurred are not to be paid as a consequence of the suspension.

(g) The suspension of remuneration or allowances for expenses incurred by virtue of clause (f) shall, during the suspension period specified in the resolution under this paragraph, supersede any reduction in remuneration or allowances for expenses that would, but for this clause, be incurred under subparagraph (4) but shall not affect any such reduction after the suspension period so specified.

(6) The chief executive, following consultation with the Cathaoirleach, may make such provision for the exclusion or, where necessary, the removal from any meeting of the local authority or any committee of the local authority, or meeting of municipal district members, of the member suspended in accordance with subparagraph (1) or (5) as appear necessary to the chief executive.