



MINUTES OF THE PROTOCOL COMMITTEE MEETING

HELD ON THURSDAY 4 APRIL 2024

- 1 **Minutes of the meeting held on 22nd February 2024 and matters arising.**

Order: Minutes agreed.

- 2 **Receptions of the Lord Mayor and Engagements of the Deputy Lord Mayor.**

It was acknowledged that it was the prerogative of the Lord Mayor to ask any Councillor to deputise on his/her behalf when they or the Deputy Lord Mayor were not available to attend an event.

If there was a particular event held in the Mansion House that a Councillor wanted further information on the Manager would arrange for that information to be provided to the Councillor.

Order: Receptions and Engagements noted.

- 3 **Councillor Conference Reports:**

Councillor Danny Byrne: "2024 Annual Suck Valley Way Training Conference - The Rise of Loneliness on The Emerald Isle: How Community Development & Planning may be the remedy." 13th & 14th March 2024, Hannon's Hotel, County Roscommon.

Order: Report Noted.

- 4 **Approval of Councillor attendance at the Local Government Tourism Conference 2024 "Tourism - Leading Change" in Killashee House Hotel, Naas, County Kildare on 18th and 19th April 2024.**

Order: Attendance approved.

- 5 **International Relations Quarterly Report**

Order: It was agreed to defer this item to the May meeting and that a written report would be circulated as soon as it was available as well as accompanying the agenda for the next meeting.

6 **Celebrating the 125th anniversary of Ireland's first Council Elections**

The Manager confirmed that the Department of Housing, Heritage and Local Government were sponsoring two publications to mark the 125th Anniversary of Council Elections. The first was a review of the mobile exhibition that was created to mark the 120th Anniversary of Local Government and the other was a compendium of the 125 years of Local Elections. The Manager confirmed that Deputy City Librarian, Brendan Teeling was happy to assist in any local event to mark the occasion.

Cllr. Lacey confirmed that he would be supportive of any local initiative later in the year following the election of a new Council.

Cllr. Flynn suggested an educational project on Local Government involving local schools would be an appropriate way to commemorate the anniversary. The Members were supportive of this idea.

Order: The Manager agreed to bring the Committee's feedback and suggestion regarding the educational schools project to the attention of the Department for their consideration.

7 **City Hall Illumination Requests:**

Order: The following lighting requests for City Hall were agreed:

- Global Congenital Diaphragmatic Hernia Awareness Day on April 19th, 2024
- World Neurofibromatosis Awareness Day on 17th May, 2024

8 **Correspondence in relation to the Board of St. Patrick's Festival**

Order: The Members were unhappy with the response from the Minister's Office and requested that the Chair write to the St. Patrick's Festival, the Minister and the President again, requesting their support for Councillor representation on the Board of St. Patrick's Festival.

9 **Motion in the name of Cllr Cat O'Driscoll:**

'This committee agrees to give speakers addressing a meeting of Council, or its committees, in Irish an additional 1 minute to summarise their contribution in English. This is in place in the Union of Students of Ireland Comhdháil and ensures speakers can use their Gaeilge without the need for interpretation services. An exception for meetings taking place mainly in Irish should be included.'

Order: The Members agreed the motion and referred it to the Standing Orders Sub-Committee for review and to make a recommendation for an amendment to Standing Orders.

10 **Manager's Report.**

The Manager confirmed that the Lord Mayor had agreed to host an evening in the Mansion House on 17th May to honour the outgoing Council and to acknowledge the contributions of all Councillors but in particular those Councillors not running for re-election.

Order: The Members were supportive of this initiative and it was agreed that the Lord Mayor's Office would issue a "save the date" request to all Councillors in advance of invitations being issued.

The Manager informed Members that she had yet to receive official confirmation for the date of the Local Elections from the Department. However, based on the assumed date of the 7th June the following timelines would apply:

- Electoral Register Provided to Councillors and Candidates – 11th April 2024
- Nomination period for Local Election Candidates – 11th May – 18th May 2024
- Closing date for registering to vote for Local Elections – 20th May 2024

Following a query from Cllr. Flynn the Manager clarified that there were two categories of candidates at the Local Election - Political Party Candidates and Non-Party Candidates. There is no category of Independent Candidate in the Electoral Regulations. Only political groups registered with the Electoral Commission are afforded the status Political Party. The Manager agreed to forward the relevant regulations to Cllr. Flynn.

Following a query from Cllr. O'Driscoll the Manager confirmed that the Dublin City Returning Officer is responsible for Polling Stations and Places. The Manager agreed to investigate the possibility of including the Eircode of the Polling Station on the Polling Information Card with the City Returning Officer.

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A.O.B.

5 - 8

Cllr. O'Farrell raised the issue of the right of Elected Members to submit motions to Council for consideration without hindrance by the Executive as highlighted in the correspondence from AILG to Minister Kieran O'Donnell (see attached). Cllr. O'Farrell was supported by Cllr. Lacey, the City Council's AILG delegate. Cllr. Lacey confirmed that he would request that the correspondence be circulated to all Councillors countrywide at the next AILG meeting

Order: It was agreed that the legislation and importance of standing orders and AILG induction training for new Councillors would be included in Dublin City Council's own induction pack. It was also agreed that AILG correspondence would be included in the May City Council Agenda for noting.

Cllr. Feeney extended her thanks to Eileen Quinlivan and Dymphna Farrell for the presentation on the challenges the City Council were facing in attracting and retaining employees that was provided at the previous meeting.

Cllr. Feeney also suggested that Councillors be encouraged to attend in person the final meeting of the current City Council in May. She felt that this would be an appropriate way for Members to sign off on their term in office. This suggestion was supported by the Committee.

Order: It was agreed that the Manager would issue correspondence on behalf of the Protocol Committee encouraging Members to attend the May City Council meeting in person.

Cllr. Flynn requested that efforts be made to understand the reasons behind why many female Councillors are leaving politics and what can be done to encourage their retention.

Order: The Manager agreed to raise the matter with the Department in the context of the Moorhead Report and also identified the Women's Committee as a forum for the issue to be further explored.

Cllr. Lacey noted that due to the Local Elections there would be no Area Committee meetings in June. He requested that Councillors be facilitated in submitting questions to their Area Committee despite the fact that there were no meetings. This suggestion was supported by the Committee.

Order: The Manager agreed to raise this matter with the Local Area Managers.

12 **Proposed date of next meeting: 2nd May 2024 at 8am.**

Order: Agreed

Councillor Deirdre Heney
Chairperson
Thursday 4 April 2024

Attendance:

Members:

Deirdre Heney (Chairperson)
Fiona Connelly
Mannix Flynn
Darcy Lonergan
Cat O'Driscoll

Members:

Donna Cooney
Janet Horner
Briege MacOscar
Michael Pidgeon

Members:

Anne Feeney
Dermot Lacey
Naoise Ó Muirí
Noeleen Reilly

Officers

Ruth Dowling

Michael Gallagher

Apologies:

Daithí de Róiste

Non-Members:

Damian O'Farrell



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Directors: Liam Kenny, Tom Moylan

Minister Kieran O'Donnell
Minister for Local Government and Planning
Customs House
Dublin 1
D01 W6X0

22nd March 2024

Re: Notices of Motion at Local Authority Meetings under Sections 44-46 and Schedule 10 of the Local Government Act 2001 (as amended)

Dear Minister

Tá súil agam go bhfuil tú go maith.

AILG have been requested to write to you in relation to an issue that arose in one particular local authority in 2023 in relation to a Notice of Motion that was removed from the council agenda by the council's chief executive. AILG have been requested to bring this matter to your attention from the elected member who submitted the notice of motion and from the then Cathaoirleach of the local authority at the time.

As you are aware, section 44 (1) of the 2001 Act (as amended) provides that Schedule 10 of the Act, applies and has effect in relation to the meetings and proceedings of local authorities. Schedule 10 of the Act confirms that the elected council make standing orders for the regulation of its meetings and proceedings, and as a consequence of this provision a reserved function is conferred on the elected council for the making, amending or revoking standing orders, by resolution, under Schedule 14 Part 3 of the Act.

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The elected member in question submitted their notice of motion to the meetings administrator on 19th April 2023 for inclusion on the council's May 2023 statutory plenary meeting due on 15th May 2023. This was in line with the local authority standing orders which provides for the following in relation to notices of motion;

- Any member may submit a Notice of Motion or Notice of Question for inclusion on the agenda
- Such Notice shall be submitted via the Council Meetings Administration System or delivered to the Meetings Administrator in writing (or email) not later than 1700 hrs on the 14th day before the date of the meeting.
- A Notice of Motion or Notice of Question appearing on the agenda, which relates to an issue which is considered by the council to be more appropriate for discussion at a meeting of a Municipal District Committee, a Strategic Policy Committee, a Joint Policing Committee or other committee of the council, shall not be discussed at the Council Meeting but shall be referred by the council to the relevant committee for consideration and shall only be referred back to full council for consideration where the relevant committee deems it necessary or appropriate.
- No member shall be permitted to have more than two Notices (Motion or Question) (including adjourned motions / questions) on the Agenda for any one meeting.
- Where a Notice of Motion is included on the Agenda a brief formal response from the Chief Executive / Director may be included therewith including, where appropriate, a recommendation that the matter is more appropriate for discussion at some other committee of Council.
- A response to Notice of Question will be provided and this will be noted by the members without further question or debate.
- Where a member in whose name a Notice of Motion / Question appears on the Agenda is not present at the meeting when that item falls due for discussion then:-
 - (a) In the case of a Notice of Question the response thereto will be noted and the matter deemed to be dealt with, and



(b) In the case of a Notice of Motion, the item will be deferred to the Agenda for the next ordinary meeting and if the member is not present at that meeting when the item is reached then the motion will be deemed abandoned and shall not be re-entered on any subsequent agenda within the following twelve month period either in its original format or in a format substantially to the same effect.

- Members may at the invitation of the Cathaoirleach move to have a motion considered as dealt with without debate and accepting the position as set out by the executive.

When the notice of motion did not appear on the plenary council's agenda for the meeting on 15th May, it is our understanding that the issue was raised at a CPG meeting of the local authority, where the Chief Executive confirmed that she had received legal advice on the matter but "noted the unhappiness of the Cathaoirleach and his disagreement with her decision". Subsequently at the June meeting of the local authority it is recorded in the minutes that "Following some items raised by the Members, clarification was given by the Chief Executive that she had requested it inserted into the May minutes that the Cathaoirleach had been unhappy with the decision to withdraw a motion from the Clár".

The Councillor in question then, at considerable personal expense to herself, sought and received her own legal opinion on the matter. Following receipt of this advice, the motion was subsequently placed on the agenda for the July 2023 plenary meeting agenda and was discussed and dealt with by the elected members during the normal course of the meeting.

AILG are deeply concerned with the way that this matter was dealt with and a decision taken to remove a notice of motion from the agenda when the motion had been submitted in compliance with the standing orders. The standing orders clearly set out how notices of motion and all other agenda items are received and placed on the council agenda. As the standing orders of a local authority are adopted by resolution of the elected council, the inclusion of such agenda items, including notices of motion, should be in strict accordance with those standing orders. Any deviation from this is unacceptable to AILG. If there was a concern over the contents of the motion, it is AILG's view that the matter should have been discussed with the Cathaoirleach, the CPG and the Councillor in question, to agree how best to deal with the motion.

AILG would also refer to the Elected Member's right, under Section 64 of the Act, which provides that "As a forum for the democratic representation of the local community a local



authority may represent the interests of such community in such manner as it thinks appropriate". In this instance, it is our member's view that she was representing the interests of her community in bring forward this motion for discussion at her local authority.

AILG would request that you give consideration to issuing guidance, by way of a circular, to all local authorities, reminding them of the provisions of Part 6 (Sections 44-46) and Schedule 10 of the 2001 Act, as amended, in relation to meetings and proceedings of Local Authorities so this issue does not arise again in any other local authority. The implications of such a decision being made by any local authority CE could have far-reaching consequences on statutory reserved decisions made at local authority meetings and it is imperative that the importance of adhering to standing orders is provided for in a circular to all local authorities.

If you require any further information, please contact our office at info@ailg.ie or myself at president@ailg.ie.

Le gach dea-mhéin,

Gail Dunne



Cllr. Gail Dunne

AILG President 2023/2024

Association of Irish Local Government



The AILG is a national representative body that represents and supports the role of our elected councillors. We are a strong voice for local communities through effective local government.

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