



Office Unit 10, Manor Mills  
Maynooth, Co. Kildare, W23YT63

Tel: 01-610 6100 | E: [info@ailg.ie](mailto:info@ailg.ie)

Directors: Liam Kenny, Tom Moylan

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

22<sup>nd</sup> 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 19<sup>th</sup> April 2023 for inclusion on the council's May 2023 statutory plenary meeting due on 15<sup>th</sup> 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 14<sup>th</sup> 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 15<sup>th</sup> 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](mailto:info@ailg.ie) or myself at [president@ailg.ie](mailto:president@ailg.ie).

Le gach dea-mhéin,

*Gail Dunne*



## **Cllr. Gail Dunne**

**AILG President 2023/2024**

Association of Irish Local Government

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*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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