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COMHAIRLE BHAILE NA h-INSE

ENNIS TOWN COUNCIL

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STATEMENT OF POLICY ON CONFIDENTIALITY  
AND FREEDOM OF INFORMATION

THE POLICY OF ENNIS TOWN COUNCIL IS:

To give members of the public access to information held by this Authority,

- To the greatest extent possible, in accordance with the provisions of the Freedom of Information Acts 1997 & 2003, and
- Consistent with the public interest and the right to privacy of the individual.

## **The Role of Ennis Town Council as a Local Authority.**

The Department of the Environment, Heritage and Local Government has overall responsibility for Local Government in Ireland. All the major services of a Local Authority are of a national character. The Minister for the Environment, Heritage and Local Government is directly responsible for the formulation of national policy in relation to a large number of services and activities. He/she is also responsible for co-ordinating the activities of Local Authorities and exercises significant controls over Local Authorities toward achievement of ministerial policy aims.

Ennis Town Council as the Local Authority for Ennis, provides an extensive range of infrastructural services, and plays an active role in the development of the town's industrial, business, social, arts, heritage and cultural affairs. It also functions as the regulatory body for certain matters at local level.

Local Authorities perform both a representational and an operational role because the Irish system of Local Government encompasses both democratic representation and public administration.

The representational role is performed directly by the Elected Members of the Council. Ennis Town Council has nine Elected Members.

The operational role of Ennis Town Council is performed by the Town Manager and his/her staff who are responsible for the management and administration of the Council.

## **How the Local Government system operates.**

Local Authorities are bodies incorporated by law and accordingly derive their powers, functions and duties from the law. The law relating to the functions of Local Authorities is found principally in Public Acts, Statutory Instruments, Provisional Orders and Bye-Laws made by the Local Authority. Local Authorities have a general power (general competence) under the Local Government Act 1991 to take action to promote the interests of the local community in such a manner as they consider appropriate if it promotes the social, economic, environmental, recreational, cultural, community or general development of its area. This power, however, is subject to certain riders in that it does not involve action, empowered by other legislation or prejudice or duplicate activity arising from the performance of its statutory function by any person in the area or consequently involve wasteful or unnecessary expenditure.

The legal character of a Local Authority comprises two elements:

- The Elected Members of the Authority (the Councillors)
- The Chief Executive of the Authority (The Manager)

Members of Ennis Town Council are elected in accordance with the system of proportional representation for a period of five years. The Méara Bhaile is elected from the membership of the Council, at the statutory meeting of the Council which is held in June of each year.

The wide range of functions performed by the Elected Members are called "Reserved Functions" and these lay down the framework of policy under which the Town Manager operates. Reserved functions include decisions on major matters of policy and principle such as:

- Adoption of the Annual Budget;
- Making of varying of Development Plan;
- Adoption of scheme of letting priorities for Local Authority Housing;
- Making, amending and revoking bye-laws;
- Approval to the borrowing of money;
- Authorising disposal of land;
- Declaration of roads to be public roads;
- Extinguishment of public rights-of-way over roads;
- Actions in the interest of the local community.

The Council makes its decisions by "Resolution" at its meetings.

The functions carried out by the Town Manager are called "Executive Functions" and consist of all functions which are not reserved functions. The purpose is to provide the Elected Council with an experienced, wholetime manager for the prompt and efficient discharge of day to day business without making undue demand on the time of the Elected Members.

Executive Functions include:

- Letting of houses;
- Making of decisions on planning applications;
- Control of staff;
- Fixing of rents;
- Acceptance of tenders;
- Collection of income.

The Town Manager makes his/her decision by written "Managers Order" and in making decisions, must act in a way that is consistent with the policy which has been established by the Elected Members and have regard to their wishes.

Services provided by Ennis Town Council under the following eight Programme Groups which are standard to all Local Authorities.

- House & Building
- Road, Transport & Safety
- Water Supply & Sewerage
- Development Incentives & Control
- Environmental Protection
- Recreation & Amenity
- Agriculture, Education, Health & Welfare
- Miscellaneous Services

## **Financing of these services**

The expenditure of Ennis Town Council on provision of services can be classified under two headings.

Revenue (or Current) Expenditure – i.e. day to day provision of services e.g. housing maintenance, roads maintenance etc.

The main sources of funding for this expenditure are:

- Government Grants and Subsidies:
- Commercial rates
- Goods and Services (e.g. housing rents, fees and charges for services)

Capital Expenditure – i.e. expenditure on creating assets e.g. house building, major road improvement works etc.

The main sources of funding for this expenditure are:

- Capital Grants from Central Government
- Borrowing
- Other Capital Receipts e.g. Sale of Lands.

## **How the operations of the Local Authority are regulated.**

The operations of Local Authorities are regulated by

- EU Directives
- National Legislation
- Local Legislation i.e. Bye Laws
- Adopted Policies of the Council

In addition a range of rules, procedures, and guidelines are used by the Local Authority in making decisions, determinations and recommendations under the many schemes operated by it.

A full list of these items have been published in a separate manual produced in accordance with Section 16 of the Freedom of Information Act, 1997.

Format of records held by Ennis Town Council.

Ennis Town Council holds a wide variety of records in various formats.

These include:

- Computerised data – held on disc/tape.
- Computer print-out
- Paper records. This includes all types of forms, reports, maps, drawings etc.,

- Ledgers/registers
- Microfilm – Some data is archived on microfilm, particularly where large volumes of paper cause storage problems.
- Microfiche – Not widely used at present.

### **Local Government Reform.**

The Local Government system in Ireland has recently undergone a process of reform and renewal under the Government's proposal entitled "Better Local Government – A Programme for Change". The purpose is to enable Local Government to realise its full potential as an instrument of democratic self-government and as a means of delivering quality public service. The programme is based on four core principles as follows:

- Enhancing local democracy,
- Serving the customer better,
- Developing efficiency in Local Government, and
- Providing proper resources to allow Local Government to fulfil the role assigned to it.

**NAMES AND ADDRESSES OF ELECTED COUNCILLORS 2004**

<b>NAME</b>	<b>ADDRESS</b>	<b>PHONE NO.</b>	<b>PARTY</b>
Tommy Brennan	"Prairie House", Clonroadmore, Ennis	(065) 6820909	Non Party
Peter Considine	Dromadrehid, Ennis	(065) 6821524	Fianna Fail
Mary Coote-Ryan	1 Kincora Park, Ennis	(065) 6822465	Fine Gael
Johnny Flynn	Waterville, Mill Rd., Ennis	(065) 6828788	Fine Gael
Tom Glynn	Knockaderry, Tulla Rd., Ennis	(065) 6821678	Fianna Fail
Taiwo Matthew	21 Dun Na Ri, Tobartescain, Ennis	(065) 6840467	Non Party
Frankie Neylon	19 Connolly Villas, Ennis	(065) 6824142	Non-Party
Donal O' Bearra	24 Cnoc na Raithni, Inis	(065) 6823716	Green Party
Joe Reidy	68 Castlerock, Tulla Rd., Ennis	(065) 6844170	Fianna Fail

**Council Meetings are held on the first Monday of each month (except August) at 3.30 p.m. in the Council Chamber, Waterpark House, Drumbiggle, Ennis, Co. Clare. When the first Monday of a month is a Bank Holiday, the Monthly Meeting takes place on the following Tuesday.**

**LOCATION OF OFFICES AND SERVICES:**

Waterpark House,  
Drumbiggle,  
Ennis

Tel No. 065 6828040  
Fax No. 065 6828182

**Office Hours:** 10.00 a.m. – 1.00 p.m. and 2.00 p.m. – 4.00 p.m. Monday to Friday (except Bank Holidays)

Website                      [www.ennistowncouncil.clare.ie](http://www.ennistowncouncil.clare.ie)



## **Introduction to Freedom of Information Act, 1997 (as amended by the Freedom of Information (Amendment) Act, 2003)**

The Freedom of Information (FOI) Act was introduced to:

- Enable members of the Public to obtain access to official Information, to the greatest extent possible, consistent with the public interest and right to privacy.
- Enable persons to have personnel information relating to them, in the possession of public bodies, corrected.
- Provide for the necessary exemptions to that right.
- Provide for the independent review, both for decisions of public bodies relating to that right and to the operation of this Act generally (including the proceedings of such bodies pursuant to this Act) and for those purposes, to provide for the establishment of the Office of Information Commissioner and to define its functions.
- Provide for the publication by public bodies of certain information about them, relevant to the purpose of this act.
- Amend the Official Secrets Act, 1963
- Provide for related matters.

### **The Acts establish three new statutory rights:**

- A legal right for each person to access information held by public bodies.
- A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading.
- A legal right to obtain reasons for decisions affecting oneself.

### **The Act gives right of access (subject to exemptions) to:**

- all records created after commencement of this Act i.e. 21<sup>st</sup> of October 1998
- such records created before that date as may be required to understand records created after commencement of the Act.
- Personal records regardless of when created
- In the case of staff members, personnel records created from a date three years before commencement of the Act.

## **Public Access to Information outside of the Freedom of Information Acts, 1997 and 2003**

### **Routinely Available Information**

Ennis Town Council had a wide range of information, routinely available, in the form of leaflets, public notices etc., in relation to its activities and to the services which it provides. This information will continue to be available from the offices of the Council, without the need to use the Freedom of Information Acts.

### **Information available under other legislation**

The public already enjoys the right to a range of information under other legislation e.g. Planning & Environmental Information. This right will remain unchanged and such information is excluded from the provisions of the Freedom of Information Acts.

### **The Data Protection Act 1988**

Ennis Town Council is registered as a Data Controller under The Data Protection Act 1988. The provisions of this Act still apply and a request in relation to data covered by this Act, may be made under either The Data Protection Act or The Freedom of Information Acts.

The Freedom of Information Acts are designed to allow public access to information which is NOT routinely available through other sources.

## How to apply for information under the Freedom of Information Acts, 1997 and 2003.

You are entitled to apply for access to information not otherwise publicly available.

You have the right to access to the following records held by or under the control of Ennis Town Council unless such records are exempted under the Acts.

- all records created after commencement of the 1997 Act i.e. 21<sup>st</sup> October 1998
- such records created before that date as may require to understand records created after commencement of the 1997 Act.
- personnel records regardless of when created.
- If you are a staff member, personnel records created from a date three years before commencement of the 1997 Act.

Applications for information under the Acts must be made in writing and should be addressed to:

James Clune,  
Freedom of Information Officer,  
Ennis Town Council,  
Waterpark House,  
Drumbiggle,  
Ennis.

Phone: (065) 6828040  
Fax: (065) 6843934  
Email: [jclune@ennistowncouncil.ie](mailto:jclune@ennistowncouncil.ie)

Your request should be in writing (request sent by fax or e-mail to the number/address indicated above is acceptable) and should indicate that the information is sought under the Freedom of Information Acts and enclose the relevant fee. (See FEES below)

If you wish to receive the information in any particular form e.g. photocopy, computer disc, etc., you should indicate this in you request.

Please give as much detail as possible to enable us to identify the records to which you require access.

If you have difficulty in identifying the precise records which you require, we will be happy to assist you in preparing your request.

We must issue acknowledgement of your request **within two weeks** of our receiving it.

We must make a decision on your request **within four weeks** of our receiving it unless the request relates to such number in records that compliance within the specified time is not reasonably possible, in which case a time extension not exceeding a **further four weeks** may be allowed. You must be notified of the period of the time extension required and the reasons for same.

## **RIGHTS OF REVIEW AND APPEAL**

The Freedom of Information Acts set out appeals mechanisms in the events of a refusal of a request, or in relation to deferral of access, charges, form of access etc., Details of these appeal mechanism are as follows:

### **Internal Review:**

You may seek Internal Review of the initial decision, which will be carried out by an official at a higher level if:

- you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges etc., or
- you have not received a reply **within four weeks** of your initial application. This is deemed to be a refusal of your request and allows you to proceed to Internal Review.

Requests for Internal Review and fee applicable (see Fees below) should be submitted **within four weeks** of the initial decision by writing to:

Mr. Edmund Power  
Town Clerk,  
Ennis Town Council,  
Waterpark House,  
Drumbiggle,  
Ennis.

Phone No: (065)6828040  
Fax: (065)6843934  
E-mail: [epower@ennistowncouncil.ie](mailto:epower@ennistowncouncil.ie)

Ennis Town Council must complete the review **within three weeks**. The internal review must normally be completed before an appeal may be made to the Information Commissioner.

### **REVIEW BY THE INFORMATION COMMISSIONER:**

You may seek independent review by the Information Commissioner if:

- following completion of the Internal Review procedure, you are dissatisfied with the decision, or

- you have not received a reply to your request for internal review within three weeks of your application. This is deemed to be a refusal and you may appeal the matter to the Commissioner.

Appeals in writing including fee applicable (see Fees below) may be made directly to the Information Commissioner at the following addresses:

Office of the Information Commissioner,  
18 Lower Leeson Street,  
Dublin 2.

Phone: (016785222  
Fax: (01) 6610570  
E-mail: [foi@ombudsman.irlgov.ie](mailto:foi@ombudsman.irlgov.ie)

## **FEES**

The following fees will apply to Freedom of Information requests under section 7 of the FOI Act (requests for access to records) and applications under section 14 (internal review) and 34 (review by Information Commissioner) received on or after 7<sup>th</sup> July 2003

### **Requests for records.**

- A standard application fee of €15.00 must accompany a Freedom of Information request under Section 7 for a record or records containing non-personal information.
- A reduced fee of €10.00 applies if the person making such a request is covered by a medical card.

### **Internal Review.**

- A standard fee of €75.00 must accompany an application for internal review under Section 14.
- A reduced fee of €25.00 applies if the person bring the application is a medical card holder or a dependant of a medical card holder.

### **Review by Information Commissioner.**

- A standard fee of €150 must accompany applications to the Information Commissioner for review of decisions made by public bodies under Section 34.
- A reduced fee of €50 may apply in certain cases.

The following fees may also be charged:

In respect of personal records, fees in respect of the cost of copying the records only will apply. This fee is set at €0.04 per copy.

In respect of other (non-personal information, fees may be charged in respect of the time spent in efficiently locating and compiling records, based on a standard hourly

rate, which has been set by the Minister at €20.95 per hour. (Photocopying rates as above).

A fee of €0.51 for a 3 inch computer diskette.

A fee of €10.16 for a CD-ROM.

No charges may apply in respect of time spent by the Local Authority in considering your request.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, you may request assistance from our staff to amend your request so as to reduce or eliminate the amount of the deposit.

### **Waiver of fees.**

Fees may be waived in the following circumstances:

Where the cost of collecting and accounting for the fee would exceed the amount payable, or

Where the information would be of particular assistance to the understanding of an issue of national importance, or

In the case of personal information, where such charges would not be reasonable, having regard to the means of the requester.

## **CORPORATE SERVICES**

### **DESCRIPTION OF SERVICES.**

The Corporate Services Section deals with a wide variety of functions including:

- Local Elections,
- Meetings of the Council,
- Council property,
- Tenders,
- Freedom of Information,
- Ombudsman queries,
- Town twinning,
- Advertising,
- Malicious injury claims,

A detailed description of these functions is set out hereunder.

### **LOCAL ELECTIONS.**

The conduct of local elections is governed by the "Electoral Acts, part III of the Local Government Act 1994, the Local Elections Regulations 1995 and the Local Government Act 2001.

Local elections are generally held every five years. The actual polling day which is the same in all areas is fixed by order of the Minister for the Environment, Heritage and Local Government. In 1991 a constitutional amendment was made providing for local elections to be held every five years. In Ennis Town Council there are 9 seats to be filled.

Election to the Council is on the principle of proportional representation by means of the single transferable vote in multi-member electoral areas. Vacancies caused by the death, resignation or disqualification of members elected area classed as "casual vacancies". Such vacancies are filled by co-option. The procedure is set out in the Local Government Act 2001 and Standing Orders.

Who is entitled to vote in a local election?

Persons aged eighteen and over are entitled to be registered to vote in a local election for the Town Council area and/or electoral area in which the ordinarily live. Irish citizenship is not a requirement for eligibility to vote at a local election.

### **Nomination of Candidates.**

A candidate for a local election must be an Irish Citizen and may nominate him/herself for election. Nominations may also be made by an elector who is on the register of electors for the area to which the nomination is made but the candidate must give his consent to the nomination.

## MEETINGS OF THE COUNCIL.

### General

The members act through lawful meetings of the Council – by resolution passed by majority vote at Council meetings. The number of meetings which must be held by the Town Council are specified by law and the procedure at meetings is regulated by Standing Orders. Members of the Town Council are paid an allowance in respect of attendance at meetings. From 1<sup>st</sup> January 2002 members also receive a representational payment which is a salary type payment.

### Types of Meeting.

The types of meetings provided in law are: -

**Annual Meetings** – at which the Méara Bhaile and Leas Méara Bhaile are elected by the members and nominations to other bodies are made if appropriate.

**Ordinary Meetings** – usually held monthly to conduct the ordinary business of the Council. Ennis Town Council holds a meeting every month except during the month of August. The meetings are held on the first Monday of each month.

**Budget Meeting** – held annually between dates prescribed by the Department of the Environment, Heritage and Local Government to discuss and adopt the Local Authority budget for the coming year and to set the level of rates required.

Agenda and Public Notice.

A notification to attend a meeting must: -

- (a) Be sent or delivered to each Elected Member of the Council,
- (b) Specify the place, date and time of the meeting,
- (c) Give not less than three clear days notice of the meeting.

A notification shall include or be accompanied by an agenda listing the business proposed to be transacted at the meeting. The Order of Business is normally prescribed by Standing Orders.

### Public Notice of meetings.

Notice of the place, date and time of a meeting other than a budget meeting must be displayed not less than three clear days before the day of the meeting in or at the principal offices of the local authority in a position convenient for public inspection during normal office hours.

The notice must include the agenda for the meeting or specify a place where the agenda can be inspected and in the case of a special meeting, the agenda must include a copy of the requisition.

On request, the Council is obliged to supply a copy of the public notice and agenda to any person seeking such copy.

Failure to display or to supply a copy of a notice does not affect the validity of a meeting or of any act or thing done at the meeting.



The Méara Bhaile may call a meeting at any time, or any five members may call a meeting if the Mayor, after a requisition by five members to do so, refuses. The business to be transacted is that specified in the summons to a meeting which must be served on the members three clear days before the meeting. The names of members present are recorded as well as the names of members voting for or against on each question. The Méara Bhaile, or if he/she is absent, the Leas Méara Bhaile, presides. If both are absent, members choose a Councillor to take the chair. In the case of a split vote, the Mayor has second or casting vote, except in the election of the Méara Bhaile.

### **Business of Meeting.**

The Méara Bhaile chairs Council meeting and has a casting vote which he/she may use at his/her own discretion in the case of an equality of votes except in the election of the Méara Bhaile. In the absence of the Méara Bhaile the Leas Méara chairs the meeting.

### **Quorum.**

Before a Council Meeting takes place there must be a quorum. A quorum may be defined as the minimum number of members required to be present for a valid meeting to take place. The quorum for a meeting of a Local Authority is one fourth of the total number of members of the Local Authority plus one. In Ennis Town Council the quorum for a meeting is four members.

### **Attendance at Meetings.**

The Town Manager has a right to attend Council Meetings and to take part in discussions as if he were a member but he does not have a right to vote. Other Council staff attend as required.

Members of the public are permitted to attend Council meetings, as the capacity of the Council Chamber allows. The Press are permitted to attend Council Meetings.

### **Minutes.**

Written Minutes of each meeting are the resolutions adopted are prepared. These minutes are circulated with the agenda for the next monthly meeting for confirmation. They are then signed by the Méara Bhaile and the Town Clerk, following being proposed, seconded and agreed at that meeting. Minutes are a written record of decisions taken at a meeting and speeches or arguments are generally not included. A copy of the minutes of a meeting when confirmed are available for inspection at the offices of Ennis Town Council during normal office hours.

### **COUNCIL PROPERTY.**

Ennis Town Council is responsible for the management and use of public open space including lands and buildings. Ennis Town Council can acquire land by agreement or compulsorily for any of its powers, duties or functions. Land, in Council ownership, can be disposed of by lease or by direct sale. All disposal of Council property is by resolution of the Council. Once-off use of Council owned property may be allowed to a person/group who makes a formal application and indemnifies the Council against all claims arising from the use of such land.

Disposal of land by way of lease or other method is a Reserved Function of the Council.

## **TENDERS.**

The Council operates a formal procedure for opening of tenders. This takes the format of opening all tenders and recording details of tenders in the Register of Tenders, in the presence of an official and a nominated member of the Council.

## **FREEDOM OF INFORMATION:**

All requests for information under the Freedom of Information legislation are dealt with by the Corporate Services Section of the Council.

## **OMBUDSMAN QUERIES**

Correspondence from the Ombudsman's office is processed by the Corporate Services Section.

## **TOWN TWINNING.**

The Council is empowered to operate twinning arrangements with other local authorities. Ennis Town Council has entered into twinning arrangements with Phoenix, U.S.A. and St. Paul de Fenouillet, France.

## **ADVERTISING.**

All public information and statutory notices are managed in the Corporate Services Section.

## **MALICIOUS INJURY CLAIMS.**

A person who claims to be affected by malicious injury/malicious damage may lodge a formal claim for damages with Ennis Town Council. All claims are investigated by the Council. The relevant legislation is the Malicious Injuries Act 1981 and Malicious Injuries (Amendment) Act 1986.

## **RECORDS HELD.**

Councillors Seminars and Conference Nominations.

Town Council Minutes.

Town Council Agendas.

Ombudsman files.

Freedom of Information Files.

Local Election files.

Malicious Injuries Claims.

General files.

Compulsory Purchase Order files.

Property files.

Tender files.

## **HUMAN RESOURCE MANAGEMENT.**

### **DESCRIPTION OF SERVICES.**

Human Resource Management in Ennis Town Council involves the management of the staff resources for the effective operation of the organisation and the functions involve include:

- Recruitment,
- Training and Development,
- Superannuation schemes,
- Labour Law.
- Industrial Relations,
- Health, Safety and Welfare.
- Partnership.

### **RECRUITMENT**

Managerial and some professional grades are recruited by the Local Appointments Commission on behalf of the Local Authority. Requests are made to the Local Appointments Commission by the Local Authority, when vacancies arise in these grades and the recruitment process is put in train by the Commission, culminating in a recommendation or appointment being made to the County Manager by the Local Appointments Commission.

The Minister for the Environment, Heritage and Local Government has prescribed the qualification and conditions of office for professional, technical and administrative grades and eligibility to recruitment competitions is based on professional qualifications and/or experience.

The general entry grade at clerical level is Clerical Officer (Clerical duties), Clerical Officer (Word-Processing) and Clerical Officer (Special). The basic qualification for entry at this level area as follows:

- (a) have obtained at least Grade D (or a Pass), in Higher or Ordinary Level, in five subjects from the approved list of subjects in the Department of Education Established Leaving Certificate Examination or leaving Certificate Vocational Programme, or
- (b) have passed an examination of at least equivalent standard, or
- (c) have had at least two years previous service in a permanent pensionable office of Clerical Officer, Clerk/Typist (Clerical Duties), Clerk/Typist (Typing and Clerical Duties) or Clerk Typist under a Local Authority, or health board in the State.

Entry to the service may also occur by competition at Assistant Staff Officer level. The basic requirements here as follows:

- 1(a) have obtained at least Grade D (or a Pass) in five subjects, including Mathematics, and English or Irish (or four subjects if Irish is included) from the approved list of subjects in the Department of Education Leaving Certificate Examination, and

- 1(b) have obtained at least Grade C (or Honours) in higher level (or Honours) papers in three subjects in that examination (or two subjects if Irish or Mathematics or both Irish and Mathematics are included), or
2. have obtained a comparable standard in an equivalent examination, or
3. hold a third level qualification of at least degree standard, or
4. have satisfactory experience in a permanent and pensionable office of Clerical Officer or an analogous office under a Local Authority, health board or vocational education committee in the State.

For the administrative grades of Staff Officer, Senior Staff Officer and Administrative Officer, vacancies are generally filled by open competition. However, it is a prerequisite that applicants for these posts be existing officers in the Local Authority service, health board or VEC. Clare County Council carries out the recruitment function for clerical and administrative grades on behalf of Ennis Town Council.

Vacancies for craft workers, overseers, general operatives and other general grades are advertised in the local press and persons meeting the basic qualifications for the positions may apply. In certain circumstances, recruitment are by way of internal competition.

#### **TRAINING AND DEVELOPMENT.**

Developing skills of the Council's workforce assists in ensuring that it is better managed, more motivated, more involved and systematically trained to delivery cost effective and quality services. Staff training and development is provided in accordance with an annual training programme and subject to availability of finance. Training is aimed at improving the skills and knowledge of staff in a wide range of areas relevant to the Council's activities.

The overall emphasis on training is to facilitate the personal development of the staff. Training consists of on-the-job training and attendance at courses of particular relevance to areas of Council activity to which the person is assigned. Training is also aimed at facilitating staff in keeping themselves up to date in changes in technology, new methodologies/techniques and changes in legislation. Financial support is also provided for staff participating in third level education courses.

#### **SUPERANNUATION.**

Superannuation is concerned with the rights of employees to pension entitlements. This is an extremely complex area and there are numerous circular letters and schemes setting out details of entitlements. Permanent and temporary whole-time officers are entered on the Superannuation Register. Permanent Officers appointed pre 6<sup>th</sup> April 1995 are obliged to pay 5% of gross pay for superannuation and 1.5% of gross pay for Widows and Orphans/Spouses and Children. Officers appointed post 6<sup>th</sup> April 1995 are obliged to pay 1.5% of gross pay plus 3.5% of nett pay (i.e. pay less twice the rate of old age contributory pension) for superannuation and 1.5% of nett pay for Widows and Orphans/Spouses and Children.

Employees with service in excess of 130 days pay 1.5% of gross pay plus 3.5% of nett pay for superannuation and 1.5% of nett pay for Widows and Orphans/Spouses and Children.

The Human Resources Section calculates superannuation entitlements of retiring staff. Their lump sum and pension are calculated and the person is notified in advance of retirement.

## **LABOUR LAW**

### **Terms of Employment (Information) Act 1994 – 2001.**

This Act requires employers to provide employees with a written statement of certain particulars of the employee's terms of employment. The written statement includes particulars of the terms of employment relating to the name and address of the employer, place of work, job title/nature of work, date of commencement of employment, nature of contract (temporary or fixed-term) pay and pay intervals, hours of work, paid leave, incapacity for work due to sickness or injury, pensions and pensions schemes, notice entitlements and collective agreements. Ennis Town Council provides each new employee with this Statement.

### **Payment of Wages Act 1991.**

This Act provides that every employee has the right to a readily negotiable mode of wage payment, e.g. cheque, credit transfer, cash, postal order, bank draft. The Act obliges employers to give each employee a written statement of gross wages itemising each deduction. This is provided by the Finance Section of Ennis Town Council.

### **Organisation of Working Time Act 1997.**

This Act sets out the statutory rights for employees in respect of rest, maximum working time and holidays. The rights apply either by law as set out in the Act, in Regulations made under the Act or through legally binding collective agreements. The following are details of the various types of leave entitlements available to employees.

### **Sick Leave.**

Employees of the Council may be granted sick leave at the discretion of the County manager. Where sick leave is granted to officers, the limitations prescribed in the Local Government Regulations 1943 will apply.

Applications for sick leave are processed by the Human Resources Section and records are kept on individual files.

### **Annual Leave/Special Leave.**

Employees of the Council are entitled to annual leave in compliance with the Organisation of Working Time Act 1997. Applications may be submitted to the appropriate supervisor who will decide on same. Annual leave records for officers are maintained by the Human Resources Section.

### **Maternity Leave.**

The Maternity Protection Act 1994 provides an entitlement to eighteen weeks paid and eight weeks unpaid leave.

**Parental Leave.**

The Parental Leave Act 1998 gives each parent an entitlement to fourteen weeks unpaid leave per child for each child born or adopted after 3<sup>rd</sup> December 1993. The leave does not have to be taken in one block of fourteen weeks. Six weeks' notice must be given of the intention to take parental leave.

**Force Majeure Leave.**

The Parental Leave Act 1998 entitles employees to force majeure leave. This is leave for urgent family reasons and can only be taken in the case of injury or illness of a family member and where the presence of the employee is indispensable. Force majeure leave is for a maximum of three days in twelve months or five days in thirty-six months.

**Term Time Leave.**

The Term Time Leave Scheme provides for unpaid leave for the purpose of allowing working parents or carers match their working arrangements to the main summer holidays of their children or to care for a family member who has a disability that gives rise to the need for care on a continuing or frequent basis. The period of term time leave is unpaid special leave.

**Carer's Leave.**

The Carer's Leave Act 2001 provides an employee with an entitlement to avail of unpaid leave from his/her employment to enable him/her to personally provide full time care and attention for a person who is in need of such care. The period of leave to which an employee is entitled is subject to a maximum of sixty-five weeks in respect of any one care recipient – the minimum statutory entitlement is thirteen weeks.

**Worksharing.**

The Worksharing Scheme expands the scope of the existing Job-Sharing Scheme by providing for a wider range of attendance patterns and has been retitled as a Worksharing Scheme to reflect this expansion. The minimum period for which a person may opt to Workshare is twelve months.

Applications for special leave (with pay and without pay), e.g. compassionate, interview, study, maternity, career breaks, military training leave, term time leave, etc. are made to the Town Clerk and are processed by the Human Resources Section. The application is notified of the decision in relation to the application and a record is kept.

**The Minimum Notice and Terms of Employment Acts 1973 to 2001.**

This Act provides that employees in continuous service with the same employer for at least thirteen weeks and who are normally expected to work at least eight hours a week are entitled to a minimum period of notice before the employer can dismiss them.

**The Redundancy Payments Acts 1967-2003.**

This legislation imposes a statutory obligation on employers to pay compensation to employees dismissed for reasons of redundancy. Compensation takes the form of a lump-sum payment to the employee based on service and weekly rate of pay (subject to a ceiling).

**The Unfair Dismissals Acts 1977-2000.**

This legislation provides protection for employees from being unfairly dismissed from their jobs by laying down criteria under which dismissals are judged to be unfair and by providing an adjudication system and redress for an employee whose dismissal has been found to be unjustified.

**Employment Equality Act 1998.**

This Act outlaws discrimination in nine areas – marital status, family status, gender, race, age, religion, disability, sexual orientation and membership of the travelling community. The Act also prohibits sexual harassment in the workplace and in the course of employment whether by an employer, another employee or by the employer's clients, customers or business contacts.

**Protection of Employees (Part-Time Work) Act 2001.**

This Act provides that a part-time employee (as defined) cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment. All employee protection legislation applies to a part time employee in the manner as it already applies to a full-time employee.

**Equal Status Act 2000.**

This Act prohibits discrimination in relation to the provision of goods and services. Discrimination is described as the treatment of one person in a less favourable way than another person is, has been or would be treated.

**The Protection of Employees (Fixed-Term Work) Act 2003.**

This Act provides that a fixed-term employee cannot be treated in a less favourable manner than a comparable permanent employee in relation to conditions of employment. All employee protection legislation other than unfair dismissal in certain circumstances, applies to a fixed term employee in the same manner as it already applies to a permanent employee. All qualifying conditions applying to permanent employees in any of that legislation also apply to a fixed term employee.

**INDUSTRIAL RELATIONS.**

Industrial Relations is concerned with the formal and informal relationships which exist between employers and employee representatives. It is concerned with reconciling conflicting demands and the minimum of conflict. It involves, among other things, the implementation of agreements on pay and conditions of work, whether agreed nationally or locally, processing of union claims, preparation of cases for the Labour Court, the Rights Commissioner and Employment Appeals Tribunal hearings. The Council has put in place formal procedures to deal with grievances and disciplinary matters. Communication is maintained with the relevant trade union on a range of issues of concern. Where a dispute has not been resolved at local level, the industrial relations machinery will be utilised.

**Labour Relations Commission.**

The Labour Relations Commission is made up of equal numbers of employer and trade union representatives and independent representatives. The Commission has general

responsibility for the promotion of good industrial relations through the provision of a comprehensive range of services designed to help prevent and resolve disputes.

#### **Labour Court.**

The Labour Court provides machinery for the formal investigation of industrial disputes. The Court consists of a Chairperson, Deputy Chairperson and ordinary members representative of employers and workers. The Court, having investigated a dispute, may make a recommendation setting forth its opinions on the merits of the dispute and the terms on which it should be settled. The Court's recommendations are not legally binding on the parties.

#### **Employment Appeals Tribunal.**

The Employment Appeals Tribunal determines matters of dispute arising under the Redundancy Payments, Minimum Notice, Maternity Protection, Adoptive Leave, Parental Leave, Unfair Dismissals, Worker Protection (Regular Part-Time Employees), Payment of Wages and Terms of Employment (Information) Acts.

#### **SAFETY, HEALTH AND WELFARE AT WORK.**

The Safety, Health and Welfare at Work Act 1989 sets out a framework of protection for employees at work. Employers have a duty to ensure the safety, health and welfare of all employees through the provision and maintenance of a safe place at work, safe plant and machinery and safe systems of work. Ennis Town Council has prepared safety statements in accordance with the Health, Safety and Welfare at Work Act, 1989. Health and safety training is also provided. A number of Safety Representatives have been selected by employees of the Council and a Safety Representative Consultation Group has been established as a forum for discussion between management and the Safety Representatives.

#### **PARTNERSHIP.**

In December 1996, the social partners agreed Partnership 2000, for Inclusion, Employment and Competitiveness, a central component of which was a commitment on action to modernise the public service. Partnership refers to a relationship between management, employees and their trade unions that is characterised by employee participation and consultation, information-sharing, the development of joint objectives, co-operation, trust, joint problem solving and consensus decision making. Ennis Town Council is represented on the Partnership Committee of Clare County Council which deals with partnership issues for all Clare Local Authorities.

#### **CLASSES OF RECORDS HELD.**

Personnel files containing application form, birth certificate, offer of employment, references, medical report, appointment Manager's Order, annual leave, maternity leave, special leave, sick leave, work sharing, disciplinary action (if any), acting up, promotion, retirement.

Superannuation Register.

Correspondence with Trade Unions.

Computerised Leave Register.



## **HOUSING AND BUILDING**

### **DESCRIPTION OF SERVICES.**

The overall aim of housing policy is to ensure that incentives are provided to enable people, who can afford to do so, to provide housing for themselves while those who cannot afford to do so will have access to social housing or income support to rent private housing.

"A Plan for Social Housing" was published in 1991. It introduced a range of specific measures and schemes for local authorities to provide a response to housing needs. The provisions of the plan were updated and extended in May 1995 in the housing policy document "Social Housing – the Way Ahead".

The following range of housing services is provided by Ennis Town Council:

- Building and maintenance of houses;
- Housing applications, housing allocations, transfer applications; rent assessment and collection;
- Tenant Purchase Schemes;
- Estate Management;
- Registration of Private Rented Dwellings;
- Control of Minimum Standards for Private Rented Dwellings.

### **BUILDING/ACQUISITION AND REPAIR OF HOUSES.**

Ennis Town Council has approximately 450 rented properties in its ownership. Each year a number of new houses are either constructed or acquired while a number of houses are sold to existing tenants under the Tenant Purchase Scheme.

An Assessment of Housing Needs is carried out by the Council every three years to establish housing requirements in the functional area in accordance with Section 9 of the Housing Act 1988. This assessment was last carried out in 2002 and forms the basis for allocation of housing starts by the Department of the Environment, Heritage and Local Government. The actual number of houses built or acquired depends on two allocations received annually from the Department of the Environment, Heritage and Local Government. The "capital allocation" is the budget for the year and is the maximum amount which the Council is allowed to spend during the year under its Housing Programme. The "new starts allocation" is the number of houses which the Council may commence building or may purchase during the year.

Under Part VIII of the Local Government (Planning and Development) Regulations 2001 the Council is obliged to give public notice of its intention to carry out certain development including the building of houses. The plans must be made available for public inspection for one month, following which a further 14 days must be allowed to enable interested parties to make submissions regarding the proposal. A report on the proposal and dealing with the submissions made (if any) must then be brought to the Council for consideration at a subsequent meeting.

Local Authority housing schemes in Ennis are generally designed by consultant architects engaged by the Council for this work. Contracts are awarded for house construction in accordance with tendering procedures.

Houses constructed and acquired, along with casual vacancies which arise during the year are available for letter.

**Extensions to Local Authority houses in lieu of rehousing.**

Where a housing applicant is an existing tenant of the Local Authority but existing accommodation is overcrowded an extension to the existing accommodation may be provided in lieu of re-housing.

**Extension/Alteration of Local Authority Houses for disabled persons.**

In cases where a disabled member of a household resident in a Local Authority house requires extra accommodation or alteration of existing accommodation to meet his/her needs the Council may carry out such work, or may offer alternative accommodation more suited to the persons needs.

**Remedial Works Scheme.**

The Remedial Works Scheme allows the Local Authority to completely renovate a scheme of Local Authority houses, providing up to date facilities in previously substandard accommodation.

**Housing Maintenance.**

The policy in relation to maintenance of rented Local Authority dwellings is set out in the "Statement of Policy on Housing Maintenance" adopted by the Council. This statement details the respective responsibilities of the Council and the tenant in relation to maintenance. The tenants' responsibility to maintain the property in good condition is also included in the standard "Tenancy Agreement" which is signed at the commencement of a tenancy. A tenant's handbook has been issued to all tenants.

**APPLICATION FOR RENTED LOCAL AUTHORITY HOUSING.**

To apply for Local Authority housing it is necessary to complete an application form which can be obtained along with full details at the Housing Section, Waterpark House, Drumbiggle, Ennis. Transfer applications in writing from existing tenants will also be considered. Lettings are made in accordance with the Scheme of Letting Priorities adopted by the Council under Section 11 of the Housing Act 1988.

In assessing whether or not an applicant is qualified for Local Authority housing the following factors will be taken into consideration:

- Suitability and adequacy of existing accommodation,*
- Medical circumstances,*
- Applicant's family circumstances,*
- Household income,*
- Length of time since application was made and eligibility established.*

Reports are sought from the Mid Western Health Board Environmental Health Officer and are considered where eligibility for housing is claimed on medical/compassionate grounds. The Council's technical staff may also be requested to submit a report on the condition of existing accommodation and if necessary a visit by the Housing Officer or other designated officer may also be made. Decisions on housing applications are made by the Director of Service in consultation with the Town Clerk and the Housing Officer.

As vacancies arise, they are allocated in order of priority. The tenancy agreement sets out the conditions applying to the tenancy and must be signed by each tenant before occupancy. Joint Tenancy Agreements will be entered into where couples are being allocated a tenancy.

### **Rent on local authority dwellings.**

Rents on all houses let by the Council are calculated in accordance with the Differential Rent Scheme which is subject to annual review. Rents are calculated as a proportion of the assessable household income in accordance with a graded scale which includes allowances for children together with a contribution from any subsidiary earners in the household. The scheme sets maximum and minimum rents.

Ennis Town Council gives tenants the following options in relation to methods of paying rent or tenant purchase annuities:

- Weekly payment to Revenue Collectors,
- Payment at Cash Office, Ennis Town Council, Waterpark House, Drumbiggie, Ennis,
- Payment through bank,
- An Post Household Budget Scheme for tenants in receipt of certain social welfare payments,
- Deduction from salary/wages where appropriate.

### **Housing Sites Scheme.**

Under this scheme the Council may sell a site to an approved applicant for as little as €127.00. An approved applicant is a tenant/tenant purchaser who returns their dwelling to the Council, an approved applicant for Local Authority housing or an approved Voluntary Housing Body.

### **Assistance to Homeless Persons.**

Under the Housing Act, 1988, Ennis Town Council have both the power and obligation to assist any person in this category. Arrangements are in place to provide for individuals seeking assistance from the Council. In some cases the assistance of the Mid Western Health Board is also sought.

### **TENANT PURCHASE SCHEMES.**

Tenants in Local Authority housing for at least one year may apply to purchase the house rented by them, either outright or by way of shared ownership. The price of the house will be the market value as determined by the Local Authority less discounts for years of tenancy as provided for in the relevant Tenant Purchase Scheme approved by the

Department of the Environment, Heritage and Local Government. The Council will engage local valuers to place valuations on its houses the subject of Tenant Purchase applications. The purchaser may fund the purchase by way of mortgage from a Local Authority or lending agency or from own resources. The valuation of the property may be contested by the purchaser on production of a certificate from a certified valuer.

## **ESTATE MANAGEMENT.**

Ennis Town Council welcomes tenant participation in management of its housing estates. Where Residents Associations have been set up in some Council housing estates the Council will work through these associations. Every effort is made to encourage Residents Groups to form themselves into Residents Associations and administrative expertise consistent with resources is available to them from housing administration to aid this. This work is co-ordinated by the Estate Management Officer employed by the Council. Tenants who wish to get involved in estate management should contact the Housing Officer, Waterpark House, Drumbiggle, Ennis.

### **General estate service.**

Ennis Town Council through the Housing, Environment and Roads Sections provides a number of general services in all housing estates. These include:

- Road and footpath maintenance,
- Public lighting,
- Water and sewerage facilities,
- Dog warden service,
- Removal of abandoned vehicles and rubble.

## **PRIVATE RENTED ACCOMMODATION (REGISTRATION AND ENFORCEMENT).**

### **Registration.**

Under the Housing (Registration of Rented Houses) Regulations 1996, landlords must register with the Local Authority houses, flats, etc. let for rent or "other valuable consideration" within one month of letting. An annual fee of €50.79 is payable by the landlord for this registration and an application must be completed giving the following details:

- Address of the rented house or flat,
- Description of the accommodation, e.g. whole house, apartment, flat, single room, etc.
- Name and address of the landlord and of his agent if appointed
- Name of tenant,
- Rent, how and when paid.

The Council is obliged to maintain a Register of these properties which is available for public inspection. The following details are recorded in the Register:

- Name and address of landlord,
- Name address of tenant,

- Description of the accommodation,
- Date of registration.

## **CONTROL OF MINIMUM STANDARDS FOR PRIVATE RENTED DWELLINGS.**

The Housing (Standards for Rented Houses) Regulations 1993 create an obligation on landlords to ensure that rented houses (including flats, maisonettes, etc.) let by them comply with specified physical standards. The Regulations require a landlord to:

- Keep a house in a proper state of structural repair,
- Provide a sink with hot water facilities and a supply of cold water,
- Provide a toilet, bath and shower facilities,
- Provide adequate means of heating, lighting and ventilation and facilities for food storage,
- Ensure the safety of installations for the supply of gas and electricity,
- Keep common bathrooms and kitchens in good repair.

### **Enforcement of Regulations.**

The Council are responsible for enforcement of the legal requirements of registration and also for the Housing (Rent Books) Regulations 1993 and the Housing (Standards for Rented Houses) Regulations, 1993. The Local Authority has the power to investigate breaches of the Regulations and to prosecute offenders which carry substantial financial penalties.

### **CLASSESS OF RECORDS HELD.**

Applications for housing.  
 Housing Officer's Reports.  
 District Environmental Health Officer's Reports.  
 Social Worker's Reports (if applicable).  
 Assessment of Existing Accommodation.  
 Income Details.  
 Rent payment history.  
 Reports from Various Agencies.  
 Revenue Collectors Reports.  
 Plans, costings, tenders (relating to provision of housing).  
 Notifications to Local Authority of allocations.  
 Maintenance records including as constructed drawings.  
 Statistical information.  
 Returns on housing needs, allocations, etc.  
 Financial records of housing operations.  
 Technical reports on properties.  
 Statement of Policy on Housing Management.  
 Differential Rent Scheme.  
 Tenant Purchase Scheme.  
 Register of Private Rented Dwellings.  
 A Plan for Social Housing.  
 Social Housing the Way Ahead.

## TRANSPORTATION AND INFRASTRUCTURE – ROADS SECTION.

### General Description of Functions.

The overall objective of Roads policy is to develop a public road network adequate to cater for the ever increasing volume of modern traffic and to provide the necessary infrastructure to support economic and social development, with due regard for the safety and amenity of all road users.

### ROAD SERVICES.

The following range of road services are provided by Ennis Town Council:

- Improvement and maintenance of public roads.
- Control of public road network.
- Traffic management.
- Road safety education and publicity.
- Licensing of taxis and hackneys.

### IMPROVEMENT AND MAINTENANCE OF PUBLIC ROADS.

“Public Road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

Roads are classified as follows:

**National Primary** roads are major long distance through routes linking the principal ports and airports, cities and large towns.

**National Secondary** roads are medium distance through routes connecting important towns and linking to the national primary routes.

**Regional** roads are the main feeder routes into, and provide the main links between national roads.

**Local** roads include all rural and urban roads other than national or regional roads.

Ennis Town Council is the Roads Authority for the construction and maintenance of all local roads in its administrative area.

Clare County Council is the Roads Authority for the national primary, national secondary and regional road network in the County. It is also the road authority for the local road network excluding the urban area of Ennis for which Ennis Town Council is the road authority. The National Roads Authority has overall responsibility for planning and supervising the construction, improvement and maintenance of the network of national roads.

The extent of maintenance and improvement works of non-national roads depends largely on the annual Department of the Environment, Heritage and Local Government grant allocation. In addition to this source of finance, the Council commits significant resources to maintenance and improvement works.

### **Public Lighting.**

As a Roads Authority, Ennis Town Council is responsible for the provision and maintenance of public lighting. The E.S.B. generally arranges the supply, installation and maintenance of public lighting on behalf of the Council.

### **CONTROL OF PUBLIC ROAD NETWORK.**

#### **Road opening licence.**

A person who wishes to open a public road or footpath with the urban area of Ennis for any purpose must obtain a road opening licence from Ennis Town Council.

#### **Licence for advertising signs.**

Under planning legislation a licence may be granted to any person to erect, construct, place and maintain an advertising sign on a public road.

#### **Temporary Closing of Roads.**

A Road Authority has power to temporarily close public roads for road races or other events, to permit the carrying out of works, or for any other purpose. The Regulations relating to the temporary closing of roads require the publication of two notices; -

- (a) A notice of intention to temporarily close the road, and
- (b) A notice of the decision to temporarily close the road.

The notice of intention must allow for submissions to be made in writing to the Road Authority within a specified period. The Road Authority must consider any submissions received.

The Road Authority may, without advance notice, temporarily close a public road as a matter of urgency in the interests of public safety.

#### **Abandonment of public roads.**

A Road Authority may abandon a public road following a period of public notice to allow for the submission of written objections or representations. Once a road has been abandoned the Road Authority is no longer responsible for its maintenance but the abandonment does not affect the public right of way over the road which continues to exist.

#### **Damage to public roads.**

Local authorities issue Licences to open up/dig up a public road. It is an offence to deface, damage or dig up a public road without such a licence and persons may be liable to a fine and/or imprisonment.

#### **Temporary dwellings on roads.**

Temporary dwellings on roads are prohibited and local authorities have various powers of enforcement available.

#### **Dangerous structures.**

Landowners/occupiers of land have a statutory obligation to ensure roadside structures, trees, etc. are not and do not become a danger to road users. Road Authorities have

the power to serve a notice on such persons specifying the works to be carried out. Persons may be liable to fines and/or imprisonment for such an offence. Where there is an immediate risk, the Local Authority can itself act to address the problem. Appeals against the notice may be made to the District Court.

#### **Unauthorised signs, caravans, vehicles, etc. on public roads.**

These are prohibited on public roads and local authorities have various powers of enforcement available.

#### **Extinguishment of Public Right of Way.**

The procedure for the extinguishment of public rights of way is similar to that for the abandonment of public roads. Ministerial approval is required in regard to national or regional roads which the National Roads Authority must be consulted where national roads are involved.

#### **Obligations to keep drains clear.**

Landowners/occupiers are obliged to ensure that water can drain off a public road on to their land and that water, soil, etc. does not escape from their land onto the road. Roads Authorities may serve a notice on such persons specifying certain works to be completed and failure to comply can result in a fine and/or imprisonment. Appeals may be made to the District Court.

#### **Works near the roadside.**

Landowners/occupiers require written consent from the Local Authority to carry out works on a drain which is within a specified distance from a public road. Failure to comply with this requirement may result in a fine and/or imprisonment.

#### **TRAFFIC MANAGEMENT.**

Traffic management can be defined as getting maximum use out of existing street networks without recourse to large scale improvement works. Under the Road Traffic Acts, 1961 to 1994 local authorities have substantial powers in relation to traffic management which include: -

- The provision of traffic signs,
- Parking control,
- The levying and collection of parking fines and fines for non-display of tax discs.
- The provision of traffic calming measures for the safety and convenience of road users.

Ennis Town Council employs four Traffic Wardens in order to police the town of Ennis and ensure the free flow of traffic throughout the town. The Traffic Wardens are empowered to issue on-the-spot fines for various offences including parking violations and non-display of a current road tax disc.

#### **ROAD SAFETY, EDUCATION AND PUBLICITY.**

The road safety role of local authorities is a wide ranging one, from road improvements to school safety and public awareness. Clare County Council has a Road Safety Officer and A Road Safety Working Group for the whole county. The working group was established under the "Road Safety Together" programme launched by the Minister for



the Environment in 1996. It involves an expanded role for local authorities in promoting road safety by developing more initiatives at local level. The working group co-ordinates the activities of agencies and bodies involved in safety, i.e. engineers, gardai, teachers, etc.

Ennis Town Council employs 6 School Wardens at the following locations:

Ennis National School (2)

Scoil Christ Ri (1)

Holy Family National School (2)

Ennis C.B.S. (1)

### **LICENSING OF TAXIS AND HACKNEYS.**

Under the Road Traffic (Public Service Vehicles) (Amendment) Regulations 1995 local authorities became responsible for licensing of taxis and hackneys. The Ennis Town Council area is designated as a taximeter area.

The Town Council has the power to: -

- Introduce full taxi services to new areas by creation of taximeter areas,
- Decide the number of taxis to be licensed in a taximeter area,
- Decide the maximum fares which can be charged by taxis in individual taximeter areas,

These are reserved functions of the Elected Council. The granting and renewal of taxi and hackney licenses is an executive function of the Town Manager.

The Garda Síochána continue to be responsible for enforcement of the Regulations.

### **CLASSES OF RECORDS HELD.**

Applications and supporting documentation for hackney/taxi licences.

Applications for road opening licences.

Applications for temporary closing of roads.

Plans, tenders, costings, etc. relating to provision and maintenance of roads and footpaths.

Technical reports.

Financial records.

Statistical information.

Reports to Council meetings.

Legal records.

Correspondence with the Department of the Environment, Heritage and Local Government.

Internal reports.

Miscellaneous records/correspondence.

## **TRANSPORTATION AND INFRASTRUCTURE – WATER SERVICES SECTION.**

### **General Description of functions.**

The main function of the Water Services Section is to oversee the operation, maintenance and control of the public water supply and the public sewerage system.

### **OPERATION, MAINTENANCE AND CONTROL.**

The Water Services Section is responsible for the maintenance of the public water, sewerage and wastewater systems in the town and the construction of new schemes. Water services systems include both the distribution networks (public mains and manholes) and the pumping of treatment plants.

### **Provision of water and sewerage connections.**

Apart from being involved in response maintenance and improvement works, the section also processes applications to connect to the mains to the point where the technical staff oversee the connection itself. Connection applications involve co-operation between the Planning, Roads and Water Services sections because planning contributions and road opening licence fees have to be paid by applicants as appropriate. The Water Services Section also charges connection fees which depend on house size. Connection fees for a housing development are assessed on a scheme by scheme basis.

### **Funding.**

The Town Council relies on direct funding from the Department of the Environment, Heritage and Local Government for the development of major water and sewerage schemes. Small water and sewerage schemes are funded under the Department of the Environment, Heritage and Local Government Small Schemes Programme which funds 75% of the cost of scheme.

### **Water quality requirements.**

National water quality standards and objectives for surface water and drinking water are laid down by the European Union and implemented under EU Directives and national legislation.

### **Water/Sewerage Charges.**

With effect from 1<sup>st</sup> January 1997, water charges for domestic water supply and sewerage facilities have been abolished. Water/sewerage charges still apply to all other premises served. Water may be charged for on a fixed charged basis or by measure on the basis of consumption recorded on a meter.

Payment of water/sewerage charges may be made by a number of methods, e.g. directly to the Cash Office, Waterpark House, Drumbiggle, Ennis, by post, through your local bank, directly to the Revenue Collection, etc. The Council have various options available in the case of failure to pay including legal proceedings and disconnection of water supply.

**Serviced Land Initiative.**

The recent period of sustained and rapid economic growth has put severe strain on public water services' infrastructure. Infrastructural bottlenecks have in some cases constrained the supply of housing land which is needed to meet demand and this has been a factor in the escalation of house prices. The Serviced Land Initiative aims to provide water and sewerage services primarily extension to existing water and sewerage systems required to increase the supply of zoned serviced land to meet residential development needs over the coming years. Ennis Town Council has developed two schemes under this initiative – the Clareen Serviced Land Initiative and the Tulla Road Serviced land initiative.

**Water Services Act 2001.**

The Water Services Act 2001 has designated the County Council as a Water Services Authority which means that the County Authority has responsibility for all Water Services with effect from 1<sup>st</sup> January 2004. However, Ennis Town Council has entered into an Agreement under Section 85 of the Local Government Act 2001 with Clare County Council. This Agreement allows for the performance by Ennis Town Council of the water functions of Clare County Council in the town of Ennis for a period of one year with effect from 1<sup>st</sup> January 2004.

**Provision of public conveniences.**

Ennis Town Council has provided and maintain public conveniences within the town of Ennis.

**CLASSES OF RECORDS HELD.**

Account files on water charges.

Files on waiver applications.

Legal records.

Technical plans, including plans, costings, tenders.

Maintenance records.

Financial records.

Statistical information.

Reports to Council meetings.

Correspondence with the Department of the Environment, Heritage and Local Government.

Internal reports.

Water quality records.

Miscellaneous records/correspondence.

Applications for permission to connect to the public water supply.

Applications for permission to connect to the public sewerage system.

## **DEVELOPMENT INCENTIVES AND CONTROLS.**

### **General Description of functions:**

The Ennis Town Council Planning Department is responsible for the control and enforcement of proper planning and sustainable development in the Ennis Urban Area and is legislated under the provision of the Planning and Development Act 2000, Planning and Development Regulations, 2001 and 2002. The overall strategy of the Department for the delivery of proper planning and sustainable development is contained in the Ennis & Environs Development Plan, 2003.

Ennis Town Council is the Planning Authority for the Ennis Urban Area. The Authority has the general duty to take such steps within its powers as may be necessary for (a) securing compliance with current planning legislation, and (b) achieving the objectives of the Ennis & Environs Development Plan, 2003.

The functions of the Planning Department are as follows:

- Making and reviewing of the Development Plan,
- Pre-Planning Consultations
- Control and Enforcement of Development
- Part V Housing Supply
- Protection of Architectural Heritage
- Local Authority's own Development
- Taking in Charge of Estates
- Licensing of Outdoor Events

### **DEVELOPMENT PLAN.**

The Ennis & Environs Development Plan 2003 was jointly prepared and adopted by Clare County Council and Ennis Town Council. Ennis Town Council is the Planning Authority for the Ennis Urban area. Clare County Council is the Planning Authority for the Ennis Environs. The Development Plan is prepared in accordance with the requirements of the Planning & Development Act, 2000. A Development Plan shall be made every six years. The current Plan was adopted on 7<sup>th</sup> January, 2003. The purpose of the Plan is to:

- Develop objectives, policies and proposals for the proper planning and sustainable development of the area; and
- Provide a detailed and consistent framework for the use of land and the control and regulation of development that will guide planning decisions; and
- Provide a basis for co-ordinating public and private development throughout the area; and
- Through the statutory process governing its preparation, to give local communities the opportunity to participate in planning choices about where development should be accommodated with the area; and
- Inform local communities how their interests will be affected for the period of the Plan.

## **PRE-PLANNING CONSULTATIONS**

Prior to making a planning application, it is advisable to consult with the Planning Authority regarding the proposed development. The Planning Authority provides a pre-planning inquiry service and encourages applicants to submit written pre-planning enquiries for any major developments proposed.

## **CONTROL AND ENFORCEMENT OF DEVELOPMENT:**

### **Planning Permission**

Planning Permission is required for any development of land or property unless the development is specifically exempted from this need. Development includes the carrying out of works (building, demolition, alteration) on land or buildings and the making of a material (i.e. significant) change of use of land or buildings.

### **Exempted Development**

Certain developments for which planning permission would not be required can be considered exempted development, the details of which are contained in Schedule 2, Part I of the Planning & Development Regulations, 2001. Examples of exempted developments are small front porches and extensions of a limited size to the rear of a dwellinghouse. Boundary walls up to a certain height around a dwellinghouse. The use of up to four bedrooms in a house for Bed and Breakfast purposes. All of the above and other exempted developments are only exempt provided that they do not contravene the provisions of Schedule 2, Part I of the Planning & Development Regulations, 2001, also provided they do not infringe other guidelines, e.g. contravene a planning condition, create a traffic hazard, obstruct a public right of way.

### **Types of Permission:**

There are three types of planning application

- Permission application, (including retention) : An application for full permission (often referred to as full permission) the applicant must supply detailed plans, etc., and when permission is obtained, work can commence subject to compliance with conditions attached to permission.
- Outline application: An applicant seeking a decision "in principle" to a proposed development. The applicant does not have to supply detailed plans. An outline permission does not authorise commencement of the development.
- Permission consequent on Grant of Outline: Can only be sought where an Outline Permission was previously granted and is still effective i.e. must be made within three years of the grant of outline permission.

### **The Planning Application:**

Certain procedures must be followed for making and processing a planning application. The application must comply with the requirements of Part III of the Planning & Development Act, 2000 and also Part IV of the Planning & Development Regulations,

2001. When making a decision in relation to an application the Planning Authority is restricted to considering the proper planning and sustainable development of the area, and must have regard to the objectives of the Ennis & Environs Development Plan, 2003.

**Documents to accompany a Planning Application:**

A planning application shall be accompanied by the following documentation :

- (a) Fully complete Planning Application Form
- (b) Two copies of the relevant page of the newspaper in which notice of the application has been published.
- (c) Two copies of the site notice.
- (d) 6 No. copies of Site Location Map.
- (e) A plan showing the position of a site notice.
- (f) Schedule listing all drawings and maps.
- (g) Six copies of Plans and Site Layout Maps.
- (h) Where appropriate, a certificate issued by the Planning Authority in accordance with Section 96 (Social & Affordable Housing) of the Act, or if such certificate has been applied for but not issued, a copy of the application made in accordance with Article 48 of the Planning & Development Regulations, 2001.
- (i) The appropriate application fee.

**Invalid Application:**

The onus is on the applicant to ensure that the application meets the statutory requirements before submission. If the application is not complete and does not meet the requirements of the Planning & Development Regulations, 2001, the Planning Authority can invalidate the application and return it to the applicant.

**Commenting on a Planning Application:**

The planning system is open and transparent. Any individual has the right to see an application, and subject to payment of a prescribed fee, submit a written submission either positively or negatively on it if it is likely to affect them. In deciding on the application, the Planning Authority must take all written submissions into consideration. A written submission must be received within 5 weeks from the day the application is lodged with the Planning Authority.

**Period for consideration of application:**

The periods for consideration of a planning application will be affected by the completeness of the application and by whether there is an appeal or not. Generally, a valid application will be dealt with by the Planning Authority in twelve weeks from the date a valid application is made to the final grant of permission. However, the period can vary, particularly if the Planning Authority seek further information from the applicant (which it must do so between week five and week eight). The Planning Authority then has four weeks from the day the further information is received to make a decision on the application. A final Grant of Permission will issue after a period of one month from the date of the Decision, unless an appeal, which is not subsequently withdrawn, is lodged with An Bord Pleanála.

### **Planning Fees:**

A fee shall be paid to the Planning Authority by an applicant when making a planning application. The fees are set out in the Planning & Development Regulations, 2001.

The following is an example of current fee payable:-

- Dwellinghouse €65.00
- Outline €48.74
- Approval €34.00
- House extension €34.00
- Commercial €3.60 per sq. m.

### **Environmental Impact Assessment:**

Where a Planning Application is made in respect of a certain class of development, that application in addition to meeting the requirements of the Planning Application itself, shall be accompanied by an Environmental Impact Statement. Planning Applications for development of power stations, incinerators, waste water treatment plants, integrated chemical installations, are some examples of the type of application in which an Environmental Impact Statement would be required.

### **Planning Contributions:**

A Development Contribution Scheme has been prepared by the Council under Section 48 the Planning and Development Act, 2000 which set out contributions payable by developers for residential and non-residential development in respect of public infrastructure and facilities provided by the Council. The purpose of the scheme is to introduce a measure of transparency for developers in relation to the level of contribution to be paid and the purpose to which the contribution will be put. It allows developers to clearly see the level of the contribution which he or she could be expected to pay in respect of their proposed development, and why that contribution is being levied. A contribution levied as specified in the scheme cannot then be the subject of an appeal to An Bord Pleanála.

### **Appeals Process.**

The planning system includes a comprehensive appeals process. Under this, all planning decisions made by the Planning Authority may be subject to independent review by An Bord Pleanála.

An appeal against the decision of a Planning Authority on an application may be made to An Bord Pleanála. Appeals must be received by An Bord within four weeks beginning on the date of the making of the Decision by the Planning Authority. (N.B. not the date on which the Decision is sent or received).

An appeal shall -

- (a) Be made in writing giving the name and address of the person making the appeal;
- (b) State the subject matter of the appeal with details of the nature and site of the proposed development, the name of the Planning Authority, the Planning Register Number, and the applicant's Name and Address (if you are a third party);
- (c) State the full grounds of appeal with supporting material and arguments. An Bord cannot take into consideration any grounds of appeal or information submitted

- after the appeal is lodged and it cannot consider non-planning issues; grounds of appeal should not, therefore, include such issues, and
- (d) be accompanied by a fee of –
    - (i) €600 on a planning appeal relating to a commercial development made by the person by whom the application was made,
    - (ii) €200 on appeal other than an appeal mentioned at (i).

The Appeal must be fully complete from the start. A person is not permitted to submit any part of it later on, even within the time limit.

Submissions or observations made to An Bord by or on behalf of a person (other than the applicant or the appellant) as regards an appeal shall be accompanied by a fee of €45 and shall be made within four weeks from the receipt of the appeal by An Bord or in a case where an Environmental Impact Statement has been submitted, within four weeks of when An Bord publishes notice of its receipt.

A request for an Oral Hearing shall be accompanied by an additional fee of €75 and the request for an Oral Hearing must be made within the period for lodging the appeal but where the developer is sent a copy of a third party appeal, he/she is allowed four weeks from this date.

An appeal, submission or observation to An Bord will be invalid unless it is accompanied by the appropriate fee.

Appeals should be addressed to The Secretary, An Bord Pleanála, 64, Marlborough Street, Dublin 1. (Tel. No. 01 – 8588100 or 01 - 8728011) or, delivered by hand to an employee of An Bord at An Bord's offices during office hours (9.15 a.m. to 5.30 p.m. - Monday - Friday, except public holidays and Good Friday).

#### **Enforcement:**

Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence under Section 151 of the Planning Act, 2000. Where development takes place without permission or where it does not comply with conditions of a permission, the Planning Authority may take enforcement action. Options include Warning Letter, Enforcement Notice, or Court action. Also, the Planning Authority, or any individual group, may seek a High or Circuit Court order against a developer, stopping an unauthorised development or use.

#### **Licensing of appliances on public roads:**

Any person wishing to erect an advertisement structure, hoarding, fence or scaffold must obtain a Licence from the Planning Authority to do so. A fee shall be paid to the Planning Authority as set out in the Planning & Development Regulations, 2001.

#### **PART V HOUSING SUPPLY:**

The Planning Act, 200 provides for housing strategies to be prepared by Planning Authorities for inclusion as part of the Development Plan to ensure that adequate land is zoned for housing and that sufficient social and affordable housing is provided in the Planning Authority area. The Development Plan has been adopted to include the Housing Strategy.



**PROTECTION OF ARCHITECTURAL HERITAGE:**

A protected structure is a structure or part of a structure that the Planning Authority consider to be of special interest from an architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view. Details of protected structures are entered by the Planning Authority in its Record of Protected Structures, which is part of the Development Plan. The owner and/or occupier of a protected structure are legally obliged to ensure that no danger is caused to the structure. This obligation applies from the time when an owner or occupier is notified of a proposal to include a structure in the Record of Protected Structures, at which time the structure becomes a "proposed protected structure".

**LOCAL AUTHORITY'S OWN DEVELOPMENT:**

Procedures are in place for certain Local Authority development. These procedures include the giving of public notice, notifying of certain bodies, making particulars available for inspection, facilitating submissions and the preparation of a Managers report for consideration by members of the Council. The Members may decide to vary or modify the development, otherwise than as recommended in the Manager's report, or decide not to proceed with the development.

**TAKING IN CHARGE OF ESTATES:**

When a housing development has been fully completed and all conditions of planning permission have been complied with, a developer may make application to the Planning Authority to have the development taken in charge by the Council. This procedure is followed under Section 11 of the Roads Act, 1993. In addition, under Section 180 of the Planning Act, 2000 where a development includes the construction of two or more dwellinghouses, provision of new roads, open spaces, car parks, sewers, watermains or drains, has been completed to the satisfaction of the Planning Authority in accordance with the Planning Permission, the owners or occupiers of the houses involved may request the Planning Authority to initiate take over of the development. The members of the Council must pass a resolution agreeing to take over a development.

**LICENSING OF OUTDOOR EVENTS:**

Any person, club, company, that wishes to hold a funfair, concert or other public event must obtain a licence from the Council under Section 231 of the Planning and Development Act, 2000. An application must be made to the Planning Authority at least 16 weeks prior to the date for the holding of the event. The applicant for the Licence is required to public a public notice in one local newspaper and one national newspaper. Any person may make a submission or observation in writing to the Planning Authority in respect of the application with 5 weeks of the receipt of the application by the Planning Authority. The Planning Authority must make a decision on the application after a period of 5 weeks after receiving the application.

**CLASSES OF RECORDS HELD.**

Planning application files including decisions of An Bord Pleanala where relevant.

Planning register including maps.

Development Plan.

Statistical information.

Technical reports from other sections.

Legal records.

Correspondence with the Department of the Environment, Heritage and Local Government.

Internal Reports.

Land acquisition.

Miscellaneous records/correspondence.

## **ENVIRONMENTAL PROTECTION.**

### **General Description of Functions.**

The following range of environmental protection services are provided by Ennis Town Council.

- Refuse Collection Service.
- Control of environmental pollution.
- Safety of structures and places.

### **REFUSE COLLECTION SERVICE.**

Local authorities are required to ensure that there is an adequate household collection service within their areas, either by the Local Authority or by private contractors. Ennis Town Council provides a collection for both ordinary waste and recyclable waste. A charge applies for the collection of refuse including domestic. A waiver scheme is in operation in Ennis Town Council and an application form for a waiver may be obtained at Waterpark House, Drumbiggle, Ennis, Co. Clare.

### **Recycling of Christmas Trees.**

Each year the Council provides a recycling service for Christmas trees in January. Persons are invited to take their Christmas tree along to the most convenient location. The trees are mulched and used for gardening purposes by the Council.

### **Composting.**

A Home Composting Scheme is operated by Clare County Council in conjunction with Ennis Town Council. Any person interested in purchasing a home composter can contact the Environment Section of Clare County Council at New Road, Ennis. There are many benefits to home composting including:

- Reduces the amount of waste that goes to landfill,
- Provides a rich soil enhancer for use in the garden,
- Improves plant yields in the garden,
- Saves money on buying compost from the garden centre,
- Protects the environment by reducing demand for peat-based compost.

More than 30% of household waste is organic and can be easily composted.

## **CONTROL OF ENVIRONMENTAL POLLUTION.**

### **Litter Control.**

The Litter Pollution Act 1997 and Litter Pollution Regulations 1997 give local authorities wider powers for the control of litter pollution including: -

- Adoption of a Litter Management Plan which is a reserved function of the Council.
- Issue of notices requiring clean up and taking of measures to prevent a reoccurrence of litter.
- Prosecution of offences.
- Issue of on-the-spot fines of €125.00.

Ennis Town Council employs one Environmental Patrol Warden and one Litter Warden who carry out many functions under this heading. They cover the town of Ennis and investigate reports of illegal dumping. The sight of the Environmental Patrol van acts as a deterrent to potential litter offenders. The Environmental Patrol Warden and the Litter Warden issue on the spot fines for offences detected while travelling around the town. The Council will institute legal proceedings in situations that warrant action under the Litter Pollution Act 1997. The Council will also institute legal proceedings for the non-payment of on-the-spot fines.

The Protection of the Environment Act 2003 amends the Litter Pollution Act and strengthens the powers of local authorities in this area including:

- Increased fines,
- Regulation of chip vans, ice cream vans, etc.
- Regulation governing shopping trolleys.

#### **Noise pollution.**

Any person may make an application to the District Court under the terms of the Environmental Protection Agency Act 1992 (Noise) Regulations 1994 to seek an Order to deal with the nuisance.

#### **Abandoned vehicles.**

The Council receives numerous complaints in relation to abandoned vehicles. These complaints are investigated and efforts are made to establish ownership of the vehicle so that the owner can be requested to have it removed. Contact is also made with the Garda Station as part of the investigation. Arrangements are made for the removal of abandoned vehicles where necessary.

#### **Loud speaking equipment.**

Persons wishing to use loud speaking and ancillary equipment must make an application to Ennis Town Council. The purpose, dates and times of proposed use should be included in the application. Each case is assessed on its merits and permits granted usually incorporate conditions which require strict compliance.

#### **Water Pollution.**

The principal Acts dealing with water pollution are:

Local Government (Water Pollution) Act 1977.

Local Government (Water Pollution) (Amendment) Act 1990.

The object of the 1977 Act is to make effective arrangements for the control of water pollution so that the quality of water resources is maintained to a satisfactory standard. This is to be achieved by:

- The Making of a Water Quality Management Plan.
- Licensing of trade and sewage effluent.
- Prohibition of entry of polluting matter to waters.

The Local Government (Water Pollution) (Amendment) Act 1990 provides for:

- An increase in the level of fines and penalties,
- An amendment to the "good defence" provision in the 1977 Act to put a greater onus on the person charged to prove that he could not reasonably have foreseen that his act or omission would cause pollution of waters,
- Provides for access to the High Court where a serious threat of pollution exists.

### **Air Pollution.**

The Air Pollution Act 1987 defines air pollution as "a condition of the atmosphere in which a pollutant is present in such quantity as to be liable to:

- be injurious to public health, or
- have a deleterious effect on flora or fauna or damage property, or
- impair or interfere with amenities or with the environment".

The main provisions of the Act are as follows:

- Requires the occupiers of all premises, except private dwellings, to use the best practicable means to limit and, if possible, to prevent emissions from the premises,
- Gives local authorities power to serve notices requiring the occupier of any premises to take such measures as the Local Authority consider necessary to prevent or limit air pollution,
- Local authorities may take such urgent measures as they consider necessary to prevent or limit air pollution,
- Local authorities or any person may apply to the High Court for an order to prohibit or restrict any emissions.

### **Casual Trading.**

Local Authorities have powers to grant Casual Trading Licences subject to certain conditions to manage and regulate a market or fair and to acquire any market right or fair by agreement or compulsorily. It also has powers to make bye-laws relating to casual trading. The market area of Ennis is designated as a casual trading area.

### **Derelict Sites.**

The Derelict Sites Act 1990 gave the following definition of a derelict site:

"Any land which detracts or is likely to detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question, because of:

1. The existence on the land in question of structures which are in a ruinous, derelict, or dangerous condition, or
2. The neglected unsightly or objectionable condition of the land or any structures on the land in question, or

3. The presence, deposit, or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

Ennis Town Council maintains a Derelict Sites Register which is available for inspection at the Environment Section of the Town Council. Before making an entry in the Register, the Council must give notice of its intention to the owner or occupier of the land and must consider any written representations made by the owner or occupier within a specified period. Section 11 of the Act empowers the Council to serve notices on owners or occupiers of land specifying measures to be taken to prevent land from becoming or continuing to be a derelict site. The Council can also acquire by agreement or compulsorily any derelict site in their area. The Act also provides for the payment of a derelict sites levy on urban land.

#### **SAFETY OF STRUCTURES AND PLACES.**

A dangerous structure means any building, wall, etc. that in the opinion of the Sanitary Authority is likely to be dangerous to any person or property. Under the Sanitary Services Act 1964 the Council may serve a notice requiring the owner of property which in the opinion of the Council is dangerous to make it safe. In cases of emergency the Council may itself make such property safe.

Under Section 70 of the Roads Act 1993 the Council is empowered to deal with dangerous structures on or near public roads. An obligation is placed on landowners to ensure that roadside structures do not present a danger to road users. If a structure is or could become a danger to those using or working on a public road the Council can serve a written notice requiring the removal or modification of the structure or the carrying out of other specified work on it within a specified time, in order to ensure the safety of those using or working on the road. A person on whom a notice has been served may appeal to the District Court against the notice within fourteen days. It is an offence not to comply with the notice. The road authority may carry out the work itself if the notice is not complied with and may recover the costs from the owner/occupier.

#### **CLASSES OF RECORDS HELD.**

Technical reports, including plans, costings, tenders.

Maintenance records,

Financial records,

Statistical information.

Legal records.

Reports to Council meetings.

Derelict Sites Register.

Correspondence with the Department of the Environment, Heritage and Local Government.

Files in relation to on-the-spot fines.

Internal reports.

Miscellaneous Records.

Applications for casual trading licences.

## **FINANCE SECTION.**

Ennis Town Council's functions in relation to financial management include:

- Financial and Management accounting, budgetary control, management of finances, investment and borrowing;
- Payroll and creditors payments;
- Revenue collection;
- Rateable valuations;
- Audit/checking;

### **FINANCIAL MANAGEMENT.**

#### **Expenditure.**

The expenditure of monies by the Council is classified under two headings:

Current (or revenue) expenditure,  
Capital expenditure.

Current (revenue) expenditure is financed by state grants, rates on commercial property and miscellaneous income (charges for services, housing rents, housing tenant purchase repayments, etc.). Day to day expenditure of the Council such as housing maintenance, salaries, etc. is classed as revenue expenditure. Generally speaking this type of expenditure produces no permanent asset.

Capital expenditure is financed by capital grants received from Central Government, loans and capital receipts. This expenditure is used in the provision of Council houses, water and sewerage schemes, major road improvements, works, etc. Prompt submission of claims to Central Government Departments ensures that any capital allocations are forwarded to the Council at an early date thus ensuring that capital works proceed promptly and are fully funded.

#### **Annual Budget.**

In accordance with Section 102 of the Local Government Act 2001 each Local Authority is required to prepare an annual budget setting out:

- (a) The expenditure estimated to be necessary to carry out its functions, and
- (b) The income estimated to accrue to it.

This budget estimates the costs of maintaining current services, implementing any desired improvements and introducing any new items. It also estimates the income from state grants, charges for various services and other miscellaneous sources. The shortfall between the two is met by commercial rats.

A statutory budget meeting must be held each year to consider the Draft Budget for the following financial year. The Budget is available for inspection/purchase by any member of the public at the offices of Ennis Town Council, Waterpark House, Drumbiggle, Ennis.

The adoption of the Budget is a reserved function of the Elected Members who may adopt, amend or reject the Draft Budget as prepared by the Director of Service.

### **Annual Financial Statement.**

While the Budget sets out the proposals for the forthcoming year, details of actual figures at year-end are contained in the Annual Financial Statement. This replaced the Abstract of Accounts and contains and represents a change to full accrual accounting based on double entry and incorporating a full balance sheet. The Annual Financial Statement is prepared in accordance with the Accounting Code of Practice.

### **PAYROLL AND CREDITORS PAYMENTS.**

The Finance Section is responsible for the processing of payroll for all Council staff, for deduction of PAYE, PRSI and other statutory and non-statutory deductions and for all returns relating to same. All accounts for goods, services, etc. are processed through this section having been approved for payment by the certifying officer of the relevant section with the Council. Tax is deducted from payments as required by law.

The Prompt Payment of Accounts Act 1997 and the Late Payment in Commercial Transactions Regulations 2002 sets time limits for payment of accounts by local authorities to suppliers, contractors, etc. This makes the Local Authority liable for interest on late payments. Where payment is late the supplier is entitled to paid interest, at a rate set by the Minister from the date the payment was due to the date the account is paid. Penalty interest is not payable regarding disputed goods if agreed between the parties. Suppliers may seek arbitration regarding disputed goods and purchasers must agree to the arbitration decision.

### **REVENUE COLLECTION.**

Revenue Collection involves the collection of all income due to Ennis Town Council. In addition to commercial rates which are separately dealt with the following charges must also be collected:

- Housing rents,
- Tenant Purchase annuities,
- Commercial water charges,
- Refuse collection charge.

The collection of this income involves the issue of demands, receipting of payments, follow up on slow payment and appropriate action in the case of defaulters. Ennis Town Council wishes to facilitate its customers in making payments as conveniently as possible. To this end a variety of payment methods operate ranging from:

- Weekly door to door collection of housing rents and annuities,
- Payment at Council Cash office,
- Deduction from Social Welfare payments under the Household Budget Scheme,
- Bank Standing Orders.

In the case of non-payment of an amount due, the Council makes every effort to secure payment, and this can involve legal action where no other option is available. It is very important that a customer who has difficulty in meeting any payment should contact the relevant Revenue Collector or other official of the Council at an early stage to discuss the situation.

## **RATES/VALUATION.**

### **Rates System.**

All fixed property has a rateable valuation but rates are only payable on commercial property. The rateable valuation is used by the Local Authority to determine the commercial rates payable by each ratepayer. Rateable valuations are fixed and altered by the Commissioner of Valuations, not by the Local Authority, but requests for revisions of valuation must be submitted through the Local Authority.

### **Revision of Valuation.**

There is a system of continuous revision of valuation throughout the year. Any person may apply, on payment of a fee per listing, for revision of valuation, through the Local Authority, who will submit it to the Commissioner. Ennis Town Council automatically list new properties or those where significant alterations have taken place and submit a list of revision requests to the Commission of Valuations.

### **Rate Collection.**

Rates are payable in two installments, the first on issue of the demand, and the second on 1<sup>st</sup> July. The rated occupier is liable for payment of rates but where a property is vacant the owner becomes liable. Where the Council is unable to obtain payment in the normal way legal proceedings may be taken to recover the outstanding amount with costs. Following this an installment order may be sought or a judgement mortgage obtained and registered against the property. Under the Local Government Act 1941, a Rate Collector has the power to seize goods to cover the value of the amount outstanding and can also offset any monies due to a ratepayer against rates due. Members of the Council can be disqualified for non-payment of rates.

### **Schedule of Uncollected rates.**

Not later than thirty days after the close of a financial year the rating authority completes a Schedule of Uncollected Rates showing details of all amounts outstanding. Reasons for non-collection are outlined. The arrears are considered by the Town Manager who may decide to strike them off as irrecoverable, direct that they be carried forward to the following year's warrant or disallow the claim and direct the collector to lodge the amount concerned. Rates struck off by the Town Manager cannot be restored by the Local Government Auditor. After the schedule has been prepared the manager must submit a report thereon to the Members of the Town Council at the next practicable meeting of the Council. A Rating Authority may publish in local newspapers a list of uncollected rates and the ratepayers concerned.

## **AUDIT/CONTROL.**



An important element of the Finance function is the whole system of internal control. Internal checking of all monies receipted and lodged is carried out on an ongoing basis.

The Local Government Auditor is appointed by the Minister for the Environment, Heritage and Local Government to audit the accounts of a Local Authority each year and to report on them. The Auditor must be satisfied that all transactions are properly accounted for, that the Annual Financial Statement is correct and that the accounting and control systems in operation are sound. Notice of the commencement of the Local Government Audit is published and members of the public are entitled to bring to the attention of the Auditor any item of the accounts which they believe to be incorrect.

#### **CLASSES OF RECORDS HELD.**

All reports generated by the Financial Management System – Agresso.

Suppliers (Receipts and Payments) and Masterfile data.

Expenditure Reports

Cancelled and Duplicate Paying Orders.

Sick Pay records.

Records of salary/wage adjustments.

Records of overtime.

Records of rates of pay.

Timesheets.

Paypath details.

Records of deductions.

Payroll registers.

Payroll masterfiles.

Payroll histories.

Rate book.

Certificates of Valuation.

Applications for revision of valuation.

Payment records.

Refuse Collection Accounts.

Rate Collection Accounts.

Commercial Water Collection Accounts.

Claims to various Government Departments.

Reports to Council Meetings.

Bank Statements.

Various other financial records.