

FREEDOM OF INFORMATION



SECTION 16 REFERENCE MANUAL

Kilkenny County Council

Prepared by Kilkenny County Council
October 2007 - *Revised Edition*

Title

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Notice: Information in this manual may change

We intend to keep this manual as accurate and up to date as possible. However some of the information may change after the manual is published through no fault of Kilkenny County Council. There may be changes to,

- staff
- contact details including addresses
- legislation
- organisational structures, and
- areas of responsibility.

When there are changes, we will update this manual within a reasonable time. You can download the most up-to-date version of this manual from the *Kilkenny County Council* website www.kilkennycoco.ie

The information contained in this Section 16 Reference Manual is only a guide. It is not a legal interpretation of any legislation mentioned.

Freedom of Information

Section 16 Reference Manual

Contents

Introduction	Pg.3	
Structure of <i>Kilkenny County Council</i>	Pg.6	
Programme Area 1 - Housing & Building	Pg. 9	
Programme Area 2 - Roads, Transportation & Safety	Pg.27	
Programme Area 3 - Sanitary Services	Pg.49	
Programme Area 4 - Development Incentives and Controls	Pg.65	Deleted: 64
Programme Area 5 - Environmental Protection	Pg.85	Deleted: 83
Programme Area 6 - Recreation and Amenity	Pg.119	Deleted: 117
Programme Area 7 - Education, Health & Welfare	Pg.123	Deleted: 121
Programme Area 8 - Corporate Affairs	Pg.139	Deleted: 125
Programme Area 9 - Finance, I.T. and Common Activities	Pg.175	Deleted: 161
Glossary of Terms & Acronyms	Pg.195	Deleted: 181

Introduction

The Freedom of information legislation was enacted on April 21, 1997. The Act was initially applied to Government departments and certain Government bodies from April 21st, 1998. It was applied to local authorities and health boards from October 21st, 1998. Since then the Act has encompassed many more public bodies.

The Freedom of Information (FOI) Act established three new legal rights:

- *everyone is entitled to access information held by public bodies*
- *everyone is entitled to have official information about them changed when it is incomplete, incorrect or misleading; and*
- *everyone is entitled to find out the reasons why decisions were made that affect themselves.*

The Act says people have the right to gain access to official information to the greatest extent possible, consistent with;

- the public interest; and
- the right to privacy of individual.

In particular people have the right to access,

- *all local authority records created since October 21, 1998 which are not routinely available through other sources;*
- *records created before October 21, 1998 that are non-personal nature as may be needed to understand records created after the 1997 Act was put in place;*
- *personal records about themselves no matter when they were created; and*
- *in the case of local authority staff members personnel records created since October 21, 1998*

The Freedom of Information (Amendment) Act 2003 came into effect on April 11, 2003. This Act introduced a number of important amendments to the 1997 Act notably in relation to;

- Section 19 (General Records);
- Section 20 (Deliberations of Public Bodies);
- Section 24 (Security, Defence and International Relations); and
- Section 47 (Fees).

We have prepared and published this reference manual in line with Section 16 of the Freedom of Information Act, 1997. Section 16 of the Act requires us and all other bodies covered by the Act to publish a manual that sets down the rules, procedures, practices and guidelines we use when we make certain decisions that affect the rights and privileges of members of the public.

This manual is designed to help the public understand how we do business. Where rules, procedures or guidelines have already been published this manual will show where and how you can access or purchase them

You can buy most of the Acts and regulations listed later in this manual at the Government Publications office in Molesworth Street, Dublin 2; or you can download them from the Irish Government website; www.irlgov.ie

Copies of bye-laws and circular letters are available either from us or directly from the relevant Government department (usually the Department of Environment, Heritage and Local Government) from which they originated.

You should read this reference manual together with our Section 15 Reference Manual. The section 15 Reference Manual details:

- our structure and function;
- the services we provide;
- the types of information we keep on record; and
- how to make a FoI request to us.

Copies of the Section 15 and Section 16 Reference Manuals are available directly from our offices (please see contact details shown below) or from our website; www.kilkenny.coco.ie

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Structure of *Kilkenny County Council*

Kilkenny County Council is both a representational body for the people of *Kilkenny* as well as a provider of essential services to the citizens.

Representational Role of *Kilkenny County Council*

The representational role is performed by the directly elected members of *Kilkenny County Council*. *The Council* is made up of 26 elected members drawn from 5 electoral areas.

The elected Council makes its decisions by the passing 'resolutions' at our monthly council meetings. The monthly full Council meetings for the elected members of *Kilkenny County Council* usually take place on the *third Monday* of every month.

What are Strategic Policy Committees?

The elected members of *Kilkenny County Council* carry out a number of their duties through participation in Area Committees and Strategic Policy Committees (SPCs). In *Kilkenny County Council* there are 5 Area Committees covering the following geographical areas (*Kilkenny, Ballyragget, Callan, Thomastown, Piltown*). There are 5 SPCs in *Kilkenny County Council*

1. *Forward Planning Development,*
2. *Infrastructure Transportation Water Services and Other,*
3. *Environment Policy including Fire Services and Emergency Planning*
4. *Housing Policy*
5. *Community Social Policy, Arts, Culture, Heritage, Tourism and Education*

Each of the SPCs usually is comprised of elected members, *and* representatives drawn from sectoral groups. A Director of Services and some of the staff in their Directorate support the work of each SPC.

The purpose of each SPC is to prepare and debate policy alternatives for specific operational areas before presenting their proposals at Corporate Policy Group meetings.

What is the Corporate Policy Group?

The Chairs of each of the SPCs along with the Cathairleach and *County Manager* form the Corporate Policy Group (CPG). The role of the CPG is to debate and agree on policy positions submitted by each of the SPCs before deciding whether to submit them to the full Council meeting for endorsement.

Day-to-day work of *Kilkenny County Council*

The day-to-day work of *Kilkenny County Council* is carried out by the *County Manager* and their staff. They are responsible for,

- the day to day administration of *Kilkenny County Council*; and
- the provision of services to the public in *County Kilkenny*..

The functions carried out by the *County Manager* are called 'executive functions'. These functions include,

- the granting or refusal of planning permission.
- the renting of local authority homes.
- the management of staff.

The *County Manager* notifies the public of their decisions by means of a written Managers Order. When making decisions they must act in a way that is consistent with the policy framework that has been established by the elected members and they must take into account the wishes of the elected members.

Kilkenny County Council divides its work into the eight different programme areas, often referred to as directorates, that are common to all local authorities,

1. Housing & Building
2. Roads, Transportation & Safety
3. Sanitary Services

4. Development Incentives and Controls
5. Environmental Protection
6. Recreation and Amenity
7. Education, Health & Welfare
8. Corporate Affairs

In addition to the 8 programme areas each Council has a number of functional support sections that can be combined under the additional programme area of,

- 9 Finance, I.T. and Common Activities.

In order to assist members of the public the common activities that cut across all programme areas and Council activities has been identified and incorporated into programme area 9. The legislation, regulations, guidelines and circulars relating to these common activities are outlined for each one.

In *Kilkenny County Council* the provision of services across these 8 operational areas are managed by 5 Directors of Services. Each of the 5 Director of Services (DoS) manages the operations of a directorate. The 5 directorates in *Kilkenny County Council* are as follows,

1. *Planning and the Borough*
2. *Sanitary and Environment*
3. *Community and Enterprise and Housing*
4. *Roads, Emergency Planning and Corporate*
5. *Finance*

There are 5 no. area offices/ engineering areas in the council as follows:-

<u>Area Offices</u>	-	<u>Direct Responsible</u>
Kilkenny _____	-	1. Planning and the Borough
Callan	-	2. Roads, Emergency Planning & Corporate
Castlecomer	-	3. Community & Enterprise & Housing
Thomastown	-	4. Sanitary and Environment
Newrath	-	5. Finance

Programme Area 1: Housing & Building

Local authority housing sections provide a number of services to the public,

- Provision of Local Authority Housing
- Application and Assessment for Rented Local Authority Housing/Local Authority Housing allocation
- Maintenance and Management of Local Authority Housing
- Acquisition of Land for Housing
- Tenant Purchase of Local Authority Houses
- Housing Rent System/Rent & Tenant Purchase Annuity Collection
- Traveller Accommodation
- Homelessness
- Improvement Works in Lieu of Local Authority Housing
- Low Cost Housing Sites/Voluntary Housing Schemes
- Affordable Housing Scheme
- Control of Private Rented Dwellings
- House Purchase and Improvement Loan Scheme(s)
- Shared Ownership Scheme
- Mortgage Allowance Scheme
- Scheme of Loans and Grants for the Purchase of Caravans by members of the Travelling Community
- Disabled Persons Grant
- Essential Repairs Grant
- Grants for the Conservation of Protected Structures

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Housing directorate works.

The Director of Services for Community, Enterprise and Housing is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Provision of Local Authority Housing

Description

Local Authorities are the main providers of housing for people who are in need of housing and who cannot afford it from their own resources. An Assessment of Housing Needs is carried out by *Kilkenny County Council* every three years to establish housing requirements in its area.

Each year the *Kilkenny Local Authorities* is notified of its capital allocation by the Department of the Environment, Heritage and Local Government. This is the maximum amount which *Kilkenny Local Authorities* is permitted to spend

during that year. In addition, the Department also notifies *Kilkenny Local Authorities* of its housing starts allocation which is the number of houses that can be built or purchased.

Multi-annual programmes over four year periods facilitate forward planning. Plans, drawings etc. for building projects, including housing, are prepared by the Council's own in-house design team. The work on these projects is carried out by contract. Work is normally supervised by a clerk of works.

Rules, Guidelines and Procedures used by the Local Authority Housing Section

Legislation

S. 56 of the Housing Act, 1966
Housing (Miscellaneous Provisions) Act, 1979
S. 9, S. 15 and S. 20 of the Housing Act, 1988
S. 28 of the Housing (Miscellaneous Provisions) Act, 1992
Housing (Miscellaneous Provisions) Act, 1997
S. 6 of the Housing (Traveller Accommodation) Act, 1998
Housing (Miscellaneous Provisions) Act, 2002
Planning and Development Act 2000-2006

Regulations

Housing Regulations, 1980 (as amended)
Housing (Miscellaneous Provisions) Regulations, 1988
Local Government (Planning & Development) Regulations, 1994-2002

Guidelines & Circulars

DoEH&LG Circular N 9/88 Housing Act, 1988 (Assessment of Housing Needs - Homeless Persons), as amended
DoEH&LG Circular N 7/92 Memorandum on the provision of houses by local authorities
DoEH&LG Circular HRT 17/94 Fire Safety in Local Authority Dwellings
DoEH&LG Circular N 4/97 Social Housing Guidelines - Site Selection
DoEH&LG Circular LSS 2/98 Standards for Playground Equipment and Playground Surfaces
DoEH&LG Circular N 8/98 Assessment of Need for Housing and other Accommodation and of the Number of Homeless Persons
DoEH&LG Circular N 7/99 Local Authority Housing Programme 2000-2003
DoEH&LG Circular N 8/99 Social Housing Design Guidelines
DoEH&LG Circular N 7/00 Local Authority Housing Construction / Acquisition Programme, 2001
DoEH&LG Circular HRT 3/01 Childcare Facilities in Local Authority and Social Housing Projects
DoEH&LG Circular Letter BC 4(a)/2000 CIF Bond Scheme (Construction of New Housing Estates)
DoEH&LG Circular N 8/01 Local Authority Housing Construction / Acquisition Programme 2002
DoEH&LG Circular N6/02 Social Housing Design Guidelines
DoEH&LG Circular N3/04 Local Authority Housing Construction Programme - Revised Procedures

DoEH&LG Periodic Circular Letters setting out House Building Cost Index (HBCI) figures
DoEH&LG Annual Housing Allocation
DoEH&LG Memorandum on the Procedures to be followed and the Standards to be applied in providing Local Authority Dwellings
DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead
DoEH&LG Delivering Homes Sustaining Communities 2007

Application and Assessment for Rented Local Authority Housing/Local Authority Housing allocation

Description

A person may apply to *Kilkenny Local Authorities* for housing if unable to provide suitable accommodation from their own resources. The Area Housing Officer assesses housing applications. To assess an application, reports may be required from a doctor and / or social worker. Each applicant is placed on a waiting list. As houses become available for letting, applicants for housing in the area concerned are listed in order of merit for the purpose of allocating the houses, having regard to the Scheme of Letting Priorities. Transfer applications from existing tenants may also be considered. Each tenant must sign a letting agreement and is given a rent book.

Legislation

S. 58 of the Housing Act, 1966
Housing (Miscellaneous Provisions) Act, 1979
S. 9 and S. 11 of the Housing Act, 1988
S. 9 of the Housing (Miscellaneous Provisions) Act, 1992
S. 14 of the Housing (Miscellaneous Provisions) Act, 1997

Regulations

Housing Regulations, 1980
Housing (Miscellaneous Provisions) Regulations, 1983
Housing (Miscellaneous Provisions) Regulations, 1988
Housing (Amended) Regulations, 1993

Guidelines & Circulars

DoEH&LG Circular N 6/89 - Guidelines for housing authorities - Part III - Schemes of Priority for Letting Dwellings
DoEH&LG Circular N 9/88 - Assessment of Need for Housing and other Accommodation and of the Number of Homeless Persons
DoEH&LG Handbook - A Plan for Social Housing, 1991
DoEH&LG Circular N 9/91 - Guidelines on Homeless Persons
DoEH&LG Circular N 14/95 - Nature & Assessment of Housing Needs
DoEH&LG Circular H 10/97 - Guidelines on Income Limits to determine eligibility for Local Authority Accommodation
DoEH&LG Circular N4/04 - Applications by Prisoners for Local Authority Housing
DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead, 1995
DoEH&LG - Delivering Homes Sustaining Communities 2007

Maintenance and Management of Local Authority Housing

Description

Kilkenny Local Authorities maintains and manages its own rented housing stock. The Council's policy on maintenance and management of rented houses is set out in its Statement of Policy on Housing Management. This function includes the carrying out of ongoing maintenance and the undertaking of works to individual houses under the following schemes:-

- Extensions to Local Authority houses to relieve overcrowding or to meet the needs of a disabled person
- Remedial works schemes under which the Local Authority may undertake major works in certain sub-standard, older or rundown estates
- Bathrooms schemes which assist in the provision of bathroom facilities for Local Authority houses which lack them
- Housing Management Initiatives Grants Scheme - this scheme is to encourage Local Authorities to engage in innovative management structures, including tenant involvement etc.
- The Estate Improvement Programme to assist in environmental upgrading of rundown urban estates.

Legislation

S. 58 of the Housing Act, 1966

Housing Act, 1988

S. 9 of the Housing (Miscellaneous Provisions) Act, 1992

Housing (Miscellaneous Provisions) Act, 1997

Regulations

S. I. No. 296 of 1980 Housing Regulations, 1980

Guidelines & Circulars

Estate Improvement Programme - Letter and enclosure of 5 December 1966

DoEH&LG Circular HRT 17/94 - Fire Safety in Local Authority Dwellings

DoEH&LG Circular N 10/95 - Extensions to local authority houses in lieu of rehousing

DoEH&LG - Periodic Increases in Cost of Works

DoEH&LG - Circular HRT 2/99 Remedial Works Scheme

DoEH&LG - Circular HRT 6/91 Provision of Bathroom Facilities in Rented Local Authority Dwellings

DoEH&LG - Circular HRT 1/98 Housing Management Initiatives Grants Scheme

DoEH&LG - Annual Circulars re Housing Management Initiative Grant Scheme

DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead, 1995

DoEH&LG - Deliveries Homes Sustaining Communities 2007

Acquisition of Land for Housing

Description

In some instances it is necessary to acquire land to proceed with a Local Authority Housing Scheme. Land can be acquired either by agreement or by Compulsory Purchase Order.

Legislation

S.10 Local Government Act, 1898 amended by S.11 Local Government (No.2) Act, 1960
Housing Act 1966

Regulations

S.I. no. 278 of 1966 Housing Act, 1966 (Acquisition of Land) Regulations, 1966
S.I. no. 214 of 1993 Housing Act, 1966 (Acquisition of Land) (Amendment) Regulations, 1993

Tenant Purchase of Local Authority Houses

Description

Tenants of a Local Authority house for at least one year may, subject to certain criteria, apply to purchase the house which they have rented either outright or by way of shared ownership. The purchase price is the market value as determined by the Council, reduced by the appropriate discount and allowances. The valuation of the property may be contested by the purchaser on production of a certificate from a certified valuer.

The tenant has the following options to raise the necessary funds -

- own financial resources,
- loan from a local authority or commercial lending agency,
- shared ownership scheme.

Legislation

S. 90 of the Housing Act, 1966 as substituted by S. 26 of the Housing (Miscellaneous Provisions) Act, 1992
S. 15 of the Housing (Miscellaneous Provisions) Act, 2002

Regulations

S. I. No. 188 of 1995 Housing (Sale of Houses) Regulations, 1995
S. I. No. 248 of 1999 Housing (Sale of Houses) (Amendment) Regulations, 1999

Guidelines & Circulars

DoEH&LG Circular HRT 10/91 - Information Regarding the Shared Ownership Scheme & Guide to Local Authorities in its operation
DoEH&LG Circular HRT 9/93 - Shared Ownership Scheme - Deposit
DoEH&LG Circular HRT 6/95 - Tenant Purchase Scheme for Local Authority Houses
DoEH&LG Circular HRT 08/00 - Shared Ownership Option under the Tenant Purchase Scheme

DoEH&LG Circular HRT 13/00 - Shared Ownership Scheme
DoEH&LG Circular HRT 03/01 - Site Subsidy under the Affordable Housing Scheme/Shared Ownership Scheme
DoEH&LG Circular H13/01 - Local Authority Mortgage Protection Scheme
DoEH&LG Circular HPS 10/03 - Scheme of Mortgage Protection for Local Authority Borrowers not covered by the existing Local Authority Mortgage Protection Scheme
DoEH&LG Circular HPS 13/03 - Local Authority Mortgage Protection Schemes
HFA Circular HFA 182/03 - Mortgage Protection Insurance on Income Related Loans
DoEH&LG Circular HPS 1/04 - Local Authority Mortgage Protection Schemes
DoEH&LG Circular HGS 04/04 - Mortgage Allowance Scheme
DoEH&LG Circular HPS 07/04 - Revised Limits for Social and Affordable Housing Schemes
DoEH&LG Circular HPS 02/05 - Local Authority Mortgage Protection Scheme Revised Declaration Forms

Housing Rent System/Rent & Tenant Purchase Annuity Collection

Description

Rents on all Local Authority houses are based on the “Differential Rents Scheme” as updated. *Kilkenny Local Authorities* gives it’s tenants a number of payment options in relation to paying rent or tenant purchase annuities.

Legislation

S. 58 and S. 61 of the Housing Act, 1966
Housing (Miscellaneous Provisions) Act, 1979
Housing Act, 1988
S. 9 and S. 17 of the Housing (Miscellaneous Provisions) Act, 1992
Housing (Miscellaneous Provisions) Act, 1997

Regulations

S. I. No. 146 of 1993 Housing (Rent Books) Regulations, 1993

Guidelines & Circulars

DoEH&LG Circular Letter HRT 3/2002 - Rents of Local Authority Dwellings
DoEH&LG Circular HM & AH 1/2004 - Rents of Local Authority Dwellings
DoEH&LG Guidelines on Rent Assessment, Collection, Accounting and Arrears Control, January 2001
DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead, 1995
DoEH&LG Delivering Homes Sustaining Environment 2001

Traveller Accommodation

Description

Local authorities are the main providers of Traveller accommodation - halting sites and housing. They are also responsible for the maintenance and management of Traveller accommodation. This function includes the carrying out of ongoing maintenance and the undertaking of works to individual houses or bays. Travellers apply for accommodation and are assessed in the normal way, having regard to the Scheme of Letting Priorities and **Kilkenny Local Authorities** Statement of Policy on Housing Management.

Legislation

S. 56, S.57 & S.58 of the Housing Act, 1966
Prohibition of Forcible Entry and Occupations Act, 1971
S.9, S.11, S. 13 and S. 15 of the Housing Act, 1988
S.10 Housing (Miscellaneous Provisions) Act, 1992
Housing (Miscellaneous Provisions) Act, 1997 - anti-social behaviour
Housing (Traveller Accommodation) Act, 1998
Housing (Miscellaneous Provisions) Act, 2002
Local Government Act, 2001

Regulations

S. I. No. 124 of 1998 Local Government (Planning and Development) Regulations, 1998

Guidelines & Circulars

DoEH&LG Circular N 7/92 - Memorandum on the provision of houses by local authorities
DoEH&LG Circular TAU 5/96 - Establishment of National Travellers Accommodation Consultative Group
DoEH&LG Circular TAU 1/97 - Recoupment of costs regarding Caravan parks and Group Housing Schemes
DoEH&LG Circular TAU 2/97 - Pilot initiatives for Management/Maintenance of Traveller Accommodation
DoEH&LG Circular TAU 3/97 - Guidelines for Residential Caravan Parks for Travellers
DoEH&LG Circular TAU 4/97 - Traveller Families - Local Authority Accommodation
DoEH&LG Circular Letter TAU 4/98 - Housing (Traveller Accommodation) Act, 1998
DoEH&LG Circular Letter TAU 2/99 - Traveller Accommodation: Capital Allocation
DoEH&LG Circular TAU 3/99 - Pilot Initiatives for the Management and Maintenance of Traveller Accommodation
DoEH&LG Circular TAU 5/99 - Provision of Transient Sites
DoEH&LG Circular TAU 8/99 - Timetable for Preparation and Adoption of the 5 year local accommodation programme
DoEH&LG Circular TAU 10/99 - Annual Count - County Councils and Boroughs - Social Workers
DoEH&LG Circular Letter TAU 1/2000 - Scheme of Loans and Grants for the purchase of Caravans by Travellers

DoEH&LG Circular Letter TAU 1A/2000 - Scheme of Loans and Grants for the purchase of Caravans by Travellers
 DoEH&LG Circular Letter TAU 5/00 - Pilot Initiative for the Management & Maintenance of Traveller Accommodation
 DoEH&LG Circular Letter No. TAU 1/01 - Pilot Initiatives for the Management of Traveller Accommodation
 DoEH&LG Circular Letter TAU 3/01 - Implementation of the 5 year Local Traveller Accommodation Programmes 2000-2004
 DoEH&LG Circular Letter TAU 5/01 - Transient Sites
 DoEH&LG Circular Letter TAU 2/02 - Review of the Schemes of Loans & Grants for the Purchase of Caravans by Travellers
 DoEH&LG Circular Letter TAU 3/02 - Implementation of the 5 year Local Traveller Accommodation Programme 2000-2004
 DoEH&LG Circular Letter TAU 8/02 - Implementation of the 5 year Local Traveller Accommodation Programme June 2002
 DoEH&LG Circular Letter TAU 1/03 - Part 5 Planning & Development Act
 DoEH&LG Circular Letter TAU 3/03 - Traveller Specific Accommodation (Prior Approval of Schemes)
 DoEH&LG Circular Letter TAU 1/04 - Housing (Traveller Accommodation) Act, 1998
 DoEH&LG Circular Letter TAU 2/04 - Local authority Traveller accommodation programmes, 2005-2008
 DoEH&LG Memorandum on Implementation of Housing (Traveller Accommodation) Act, 1998 - July 1999
 DoEH&LG Guidelines - Residential Caravan Parks for Travellers
 DoEH&LG Guidelines for Traveller Accommodation - Basic Services and Facilities for Caravans pending the provision of Permanent Accommodation, November 1998
 DoEH&LG Accommodation Options for Travellers
 DoEH&LG Guidelines for Accommodating Transient Traveller Families, June 2000
 DoEH&LG / NTACC Guidelines for the Operation of Local Traveller Accommodation Consultative Committees (LTACCs)
 NTACC Report to the Minister for Housing and Urban Renewal by the National Traveller Accommodation Consultative Committee on the Five-Year Traveller Accommodation Programmes adopted by Local Authorities in 2000, April 2001
 DoEH&LG Guidelines for Group Housing for Travellers, April 2002
 DoEH&LG Memorandum on the Preparation, Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2005-2008, June 2004
 DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead
 DoEH&LG Delivering Homes Sustaining Communities 2007

Homelessness

Description

Kilkenny Local Authorities is responsible for determining whether a person is homeless. Local authorities respond to homelessness by

- directly arranging and funding emergency accommodation,
- making arrangements with a health board or voluntary body for the provision of emergency accommodation, and / or

- making contributions to voluntary bodies towards the running costs of accommodation provided by them.

Legislation

S. 10 of the Housing Act, 1988
Housing Act, 1997

Guidelines & Circulars

DoEH&LG Circular N 9/88 - Housing Act, 1988 (Assessment of Housing Needs - Homeless Persons), as amended
DoEH&LG Circular N 9/91 - Homeless Persons
DoEH&LG Circular N 8/98 - Assessment of Need for Housing and other Accommodation and of the Number of Homeless Persons
DoEH&LG Circular N 2/00 - Homelessness - an Integrated Strategy
DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead
DoEH&LG Delivering Homes Sustaining Communities 2007

Improvement Works in Lieu of Local Authority Housing

Description

Under this Scheme, as an alternative to the provision of local authority housing, local authorities may improve or extend a privately owned house for an approved applicant to eliminate defects or to provide additional accommodation where necessary. The Scheme does not apply to private rented houses. Persons benefiting under the Scheme are required to pay a weekly charge related to their means and the cost of the works carried out by the Local Authority.

Legislation

S. 5 of the Housing (Miscellaneous Provisions) Act, 1992

Guidelines & Circulars

DoEH&LG Circular N 4/98 - Social Housing Guidelines - Improvement Works in lieu of Local Authority Housing
DoEH&LG Circular N7/02 - (in replacement of Circulars N 8/91, N 10/91, N7/95, H 10/97 & N 4/98
DoEH&LG Periodic Increases in Cost Limit of Works
DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead
DoEH&LG Delivering Homes Sustaining Communities 2007

Low Cost Housing Sites/Voluntary Housing Schemes

Description

Local Authorities may assist certain households to provide their own homes, and approved voluntary housing bodies to provide rented social housing, by providing developed or undeveloped building sites for a low cost. They invite applications, assess eligibility, and set the price of individual sites. Local Authorities support the provision of housing by voluntary housing bodies through the operation of the following schemes,

- Capital Assistance scheme
- Loan Subsidy scheme

Legislation

S. 9, S. 14 and S.15 of the Housing Act, 1988
 S.6 and S.7 of the Housing (Miscellaneous Provisions) Act, 1992
 Housing (Miscellaneous Provisions) Act, 1997
 Housing (Miscellaneous Provisions) Act, 2002
 Housing (Miscellaneous Provisions) Act, 2004

Regulations

Housing (Miscellaneous Provisions) Regulations, 1988
 Housing (Accommodation Provided by Approved Bodies) Regulations, 1993
 Housing (Accommodation Provided by Approved Bodies) Amendment Regulations, 1998
 Housing (Accommodation Provided by Approved Bodies) Amendment Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular N 7/91 - Housing Sites
 DoEH&LG Circular N 6/92 - Provision of Housing Sites
 DoEH&LG Circular N 8/95 - Low Cost Housing Sites Scheme
 DoEH&LG Circular H 5/00A - Revised limits etc. for social housing options
 DoEH&LG Circular H 02/01 - Claw-back provisions under the Sale of Sites Scheme
 DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead
 DoEH&LG Circulars HGS 6/92, 3/95, 1/96(45) & H 10/97(12) - Circulars relating to the Capital Assistance Scheme.
 DoEH&LG Circulars HRT 8/91, 4/92, 9/95, 10/97, 8/98 - Circulars relating to the Rental Subsidy Scheme.
 DoEH&LG Circular VHU 2/02 - Capital Funding Schemes for the Provision of Rental Accommodation by Approved Housing Bodies
 DoEH&LG Circular VHU 2/04 - Loan Approval for Projects funded under the Loan Subsidy Scheme and Capital Assistance Scheme
 DoEH&LG Circular VCH 1/05 - Co-operative Housing

Affordable Housing Scheme

Description

Under this Scheme, local authorities provide additional new houses on land available to them in or near urban centres where house prices have created an affordability gap for lower income house purchasers. The houses are offered for sale to eligible purchasers at cost price and, accordingly, at a significant discount from the market value of housing in the area. Purchasers are offered mortgage finance at favourable interest rates and a subsidy reduces further mortgage repayments for households with incomes of not more than a specified limit.

Households will qualify if they are in need of housing and either:

- their income satisfies the income test; or

- they surrender local authority or voluntary housing accommodation, in which case no income test applies

If a house purchased under this scheme is resold within 20 years, the person selling the house must pay to the housing authority out of the proceeds of the sale an amount equal to a percentage of the proceeds.

Legislation

Housing Act, 1966 (Section 40)
 Part 2 of the Housing (Miscellaneous Provisions) Act, 2002
 Planning & Development Acts, 200-2004

Regulations

S. I. No. 90 of 2003 Planning and Development Regulations
 Housing Regulations, 1980
 Housing (Amendment) Regulations, 1996
 Housing (Amendment) Regulations, 1998

Guidelines & Circulars

DoEH&LG Statement on the Scheme of Affordable Housing, March 1999
 DoEH&LG Circular H 3/99 - New Affordable Housing Scheme
 DoEH&LG Circular H 5/00A - Revised limits etc. for social housing options
 DoEH&LG Circular H 6/00 - Clawback provisions under the Affordable Housing Scheme
 DoEH&LG Circular H 03/01 - Site Subsidy under the Affordable Housing Scheme / Shared Ownership Scheme
 DoEH&LG Circular H15/01A - Euro Changeover
 DoEH&LG Circular HPS 9/02 - Impact of Abolition of New House Grant Scheme on Affordable Housing Scheme and Disabled Persons New House Grant
 DoEH&LG Circular HMS 8/02 - Position of applicants under the Affordable Housing Scheme following abolition of New House Grant Scheme
 DoEH&LG Circular Letter PD 2/2003 - Planning and Development (Amendment) Act, 2002
 DoEH&LG Circular HMS 8/03 - Site subsidy under the Affordable Housing and Shared Ownership Schemes
 DoEH&LG Circular HMS 11/03 - Affordable Housing Scheme and Bridging Finance
 DoEH&LG Circular HGS 04/03 Re: Circular HMS 8/02 of 26 November
 DoEH&LG Circular HPS 7/04
 DoEH&LG Circular AHS 1/05.
 DoEH&LG Guidelines on a Model Scheme of Allocation Priorities for Affordable Housing under Part V of the Planning and Development Act, 2000
 DoEH&LG Guidelines for Planning Authorities- Part V Planning and Development Act 2000.
 DoEH&LG Implementation Manual - Part V of the Planning and Development Act 2000.

Control of Private Rented Dwellings

Description

The Housing (Registration of Rented Houses) Regulations, 1996 require the landlord of a house let for rent or other valuable consideration solely as a dwelling to apply to the local authority to have the house registered by the authority and to supply certain information to the authority. The Regulations do not apply to formerly controlled dwellings which are already required to be registered under the Housing (Private Rented Dwellings) Regulations, 1982. The local authority must maintain a register of these properties, which will be available for public inspection showing address, description of house and date of receipt of the application for registration. The local authority is responsible for the enforcement of Regulations with regard to registration as above and for the Housing (Rent Books) Regulations, 1993 and the Housing (Standards for Rented Houses) Regulations, 1993 and, also, has the power to investigate any breaches and initiate prosecution for offences which carry substantial financial penalties.

Since 2005 Local Authorities have begun to assume responsibility for sourcing and allocating privately owned properties available to rent to people who have been in receipt of rent supplement for over 18 months. This new initiative is titled the Rental Accommodation Scheme (RAS). Suitable accommodation will be sourced in the main by local authorities developing new arrangements with accommodation providers in the private rented market.

Legislation

Housing Act, 1966

Housing (Private Rented Dwellings) Act, 1982

S. 17, S. 18, S. 20 and S. 34 of the Housing (Miscellaneous Provisions) Act, 1992

Residential Tenancies Act, 2004

Regulations

S. I. No. 146 of 1993 Housing (Rent Books) Regulations, 1993 & Amendment Regulations, 2004

S. I. No. 147 of 1993 Housing (Standards for Rented Houses) Regulations, 1993

S. I. No. 30 of 1996 Housing (Registration of Rented Houses) Regulations, 1996

S. I. No. 12 of 2000 Housing (Registration of Rented Houses)(Amendment) Regulations, 2000

Guidelines & Circulars

DoEH&LG Circular Letter HRT 1/99 - Private Rented Sector: Enforcement of Regulations

DoEH&LG Handbook - A Plan for Social Housing and Social Housing 1991

DoEH&LG Handbook - The Way Ahead 1995

DoEH&LG Circular HPSS 06/05 - Advice to Local Authorities to put in place Appropriate Structures to Implement RAS

DoEH&LG HPSS 04/05 - Changes to SWA Rent Supplement Scheme

House Purchase and Improvement Loan Scheme

Description

This Scheme allows Local Authorities to assist certain households to own or improve their own homes by advancing loans to them. A person wishing to purchase a house or build a house for the first time or improve an existing house but who cannot get a loan from a financial institution may be eligible for a Local Authority loan. In order to qualify an applicant must meet an income eligibility test which takes into account the incomes of the principal and any second earner in the household. The maximum loan payable and eligibility criteria are set by the Department of the Environment, Heritage and Local Government and altered from time to time by Regulation. The interest rate on loans is variable in line with the typical building society rate.

Legislation

S. 11 of the Housing (Miscellaneous Provisions) Act, 1992
Consumer Credit Act, 1995

Regulations

S. I. No. 296 of 1980 Housing Regulations, 1980
S. I. No. 148 of 1996 Housing Regulations, 1980 (Amendment) Regulations, 1996
S. I. No. 186 of 1997 Consumer Credit Act, 1995 (Section 3) Regulations, 1997
S. I. No. 426 of 1998 Housing Regulations, 1980 (Amendment) (No.2) Regulations, 1998
Housing (Mortgage Allowance) Regulations, 1993
Housing (Sale of Houses) (Amendment) Regulations, 2000
Housing (Accommodation Provided by Approved Bodies) Regulations, 2002

Guidance & Circulars

DoEH&LG Letter HRT 10/91 - Information Regarding Shared Ownership Scheme
DoEH&LG Circular H8/95 - House Purchase
DoEH&LG Circular H8/97 - Consumer Credit Act, 1995
DoEH&LG Letter HRT 08/00 - Information Regarding Shared Ownership Option under the Tenant Purchase Scheme
DoEH&LG Letter HRT 13/00 - Information Regarding Shared Ownership Scheme
DoEH&LG Circular H 5/00A - Revised limits etc. for social housing options
DoEH&LG Circular H03/01 - Site Subsidy under the Affordable Housing Scheme/Shared Ownership Scheme
DoEH&LG Circular H13/01 - Local Authority Mortgage Protection Scheme
DoEH&LG Circular H01/02 - Revised Limits for House Improvement Loans
DoEH&LG Circular H8/03 - Consumer Credit Act, 1995
DoEH&LG Periodic Revisions of Income and Loan Limits
DoEH&LG Periodic Revisions of Interest Rates on Local Authority Housing Loans
DoEH&LG Periodic Amendments to Mortgage Protection Scheme

DoEH&LG Circular HPS 10/03 - Scheme of Mortgage Protection for Local Authority Borrowers not covered by the existing Local Authority Mortgage Protection Scheme
DoEH&LG Circular HPS 13/03 - Local Authority Mortgage Protection Schemes
HFA Circular of 15th December 2003 (HFA 182) Mortgage Protection Insurance on Income Related Loans
DoEH&LG Circular HPS 1/04 - Local Authority Mortgage Protection Schemes
DoEH&LG Handbook - A Plan for Social Housing and Social Housing - The Way Ahead
DoEG&LG Delivering Homes Sustaining Communities 2007

Shared Ownership Scheme

Description

Shared ownership is a system whereby Local Authorities may assist certain households towards home ownership by entering into shared ownership arrangements with them. Under this Scheme, home ownership is offered in a number of steps to those who cannot afford full ownership in one step in the traditional way. Initially, ownership of the house is shared between the shared owner and the Local Authority. Shared owners purchase at least a 40% share in a house of their choice and rent, at a reasonable cost, the balance from the Local Authority. The shared owner must undertake to start purchasing full ownership of the house within 25 years. To be eligible for consideration under this Scheme applicants must meet certain criteria as laid down for the operation of the Scheme.

Legislation

S. 2, S. 3, S. 4 and S. 11 of the Housing (Miscellaneous Provisions) Act, 1992
Consumer Credit Act, 1995
Part 2 of the Housing (Miscellaneous Provisions) Act, 2002
S. 16 -18 of the Planning and Development (Amendment) Act, 2002
Housing (Miscellaneous Provisions) Act, 2004

Regulations

S. I. No. 296 of 1980 Housing Regulations, 1980
S. I. No. 148 of 1996 Housing Regulations, 1980 (Amendment) Regulations, 1996
S. I. No. 186 of 1997 Consumer Credit Act, 1995 (Section 3) Regulations, 1997
S. I. No. 426 of 1998 Housing Regulations, 1980 (Amendment) (No.2) Regulations, 1998
Housing (Mortgage Allowance) Regulations, 1993
Housing (Sale of Houses) (Amendment) Regulations, 2000
Housing (Accommodation Provided by Approved Bodies) Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular HRT 10/91- Housing: Shared Ownership System
DoEH&LG Circular HGS 3/92 - Housing: Shared Ownership System -
Recoupment of Rent Subsidy
DoEH&LG Circular HRT 5/92 - Housing: Shared Ownership System
DoEH&LG Circular HRT 9/93 - Re: £1,000 Deposit under the Shared
Ownership System
DoEH&LG Circular HRT 7/95 - Shared Ownership System
DoEH&LG Circular H8/97 - Consumer Credit Act, 1995
DoEH&LG Circular H 10/99 - Revised Subsidy Arrangements for Shared
Ownership Scheme
DoEH&LG Circular H 5/00A - Revised limits etc. for social housing options
DoEH&LG Circular H 03/01 - Site Subsidy under the Affordable Housing
Scheme / Shared Ownership Scheme
DoEH&LG Circular H15/01A - Euro Changeover
DoEH&LG Circular HMS 7/02 - Application of the Abolition of New House
Grant Scheme to the Shared Ownership Scheme
DoEH&LG Circular Letter PD 2/2003 - Planning and Development
(Amendment) Act, 2002
DoEH&LG Circular HMS 05/03 - Revision to the Shared Ownership Scheme
DoEH&LG Circular HMS 06A/03 - Revision to the Shared Ownership Scheme
DoEH&LG Circular HMS 8/03 - Site subsidy under the Affordable Housing and
Shared Ownership Schemes
DoEH&LG Circular HPS 8/03 - Consumer Credit Act, 1995
DoEH&LG Circular HPS 10/03 - Scheme of Mortgage Protection for Local
Authority Borrowers not covered by the existing Local Authority Mortgage
Protection Scheme
DoEH&LG Circular HPS 13/03 - Local Authority Mortgage Protection
Schemes
HFA Circular of 15th December 2003 (HFA 182) Mortgage Protection
Insurance on Income Related Loans
DoEH&LG Circular Letter HPS 1/04 - Local Authority Mortgage Protection
Schemes
DoEH&LG Periodic Revisions of Income Limits, Rental Charges and Rent
Subsidy
DoEH&LG Annual Capital Allocation
DoEH&LG Shared Ownership Scheme - Explanatory Memorandum, June
1998
DoEH&LG Shared Ownership Scheme - Explanatory Memorandum, June
2003
DoEH&LG A Plan for Social Housing and Social Housing - The Way Ahead
DoEH&LG Delivering Homes Sustaining Communities 2007

Mortgage Allowance Scheme

Description

Local Authority tenants and tenant purchasers, and tenants of not less than one year's standing of housing provided under the voluntary housing Rental Subsidy Scheme, who return their dwelling to the Local Authority or other body which provided it, may avail of an allowance towards the cost of borrowings incurred by them in purchasing or building a house for their own

occupation. The allowance is paid in instalments over five years directly to the lending agency. The Department of the Environment, Heritage and Local Government sets out the overall criteria, including eligibility conditions etc. and makes payments to the lending agency to enable the agency to reduce their charge to the borrower under mortgage by the appropriate amount. Local Authorities operate the Scheme in their own areas by accepting applications, assessing eligibility and satisfying themselves as to the condition of the house returned and the adequacy of the housing being provided and confirm to the Department that an allowance is payable.

Legislation

S. 3 of the Housing Act, 1988

Regulations

S. I. No. 32 of 1993 Housing (Mortgage Allowance) Regulations, 1993

Building Regulations 2000

Building Regulations (Amendment) Regulations, 2000

Guidelines & Circulars

DoEH&LG Circular HRT 7 /91 - Mortgage Allowance Scheme for Tenants / Tenant Purchasers of Local Authority Dwellings

DoEH&LG Circular HGS 4/95 - Mortgage Allowance Scheme

DoEH&LG Circular HGS 5/96 - Mortgage Allowance Scheme

DoEH&LG Circular HGS 2/98 - Re: Mortgage Allowance Scheme

DoEH&LG Circular H 5/00A - Revised limits etc. for social housing options

DoEH&LG Circular HPS 8/03 - Consumer Credit Act, 1995

DoEH&LG Circular HPS 10/03 - Scheme for Mortgage Protection for Local Authority Borrowers not covered by the existing local authority mortgage protection scheme

DoEH&LG Circular HGS 04/04 - Mortgage Allowance scheme

DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead

DoEH&LG Delivering Homes Sustaining Communities 2007

Scheme of Loans and Grants for the Purchase of Caravans by members of the Travelling Community

Description

Under this Scheme, funding is made available to Traveller families to replace substandard caravans.

Loans, repayable over a period ranging from one to five years, are available for the purchase of a new / second-hand caravan. Applicants must satisfy the local authority that they are in need of accommodation and their circumstances are such that they cannot provide it from their own resources. The local authority and the applicant must be satisfied that the caravan to be purchased meets the needs of the Traveller household. The caravan must be purchased from a reputable supplier registered for VAT purposes. The applicant must contribute at least 10% of the price of the caravan himself / herself.

A once off grant (calculated at 10% of the purchase price of the caravan, subject to a maximum) will be off set against the cost of a caravan for a first

time purchaser. This grant will be deducted from the loan amount repayable to the local authority, by the Traveller, where relevant.

Legislation

S. 25 of the Housing (Traveller Accommodation) Act, 1998

Regulations

Guidelines & Circulars

DoEH&LG Circular Letter TAU 1/2000 - Scheme of Loans and Grants for the purchase of Caravans by Travellers

DoEH&LG Circular Letter TAU 1A/2000 - Scheme of Loans and Grants for the purchase of Caravans by Travellers

DoEH&LG Circular Letter TAU 4/2002 - Traveller Accommodation Schemes - Euro Amounts

Housing Adaptation Grant for People with a Disability

Description

The Housing Adaptation Grant for People with a Disability is available to assist in the carrying out of works which are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of a person with disability who has an enduring physical, sensory, mental health or intellectual impairment. The types of works allowable under the scheme include the provision of access ramps, downstairs toilet facilities, stair-lifts, accessible showers, adaptations to facilitate wheelchair access, extension, and any other works which are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of a person with a disability. The amount of the grant cannot exceed 90% of the approved cost of the work subject to a max of €30,000.

Legislation

S.6 of the Housing (Miscellaneous Provision) Act, 1979

Regulations

Housing (Adaptation Grants for Older People and People with a Disability) Regulation, 2007.

S. I. No. 270 of 2007

Guidelines & Circulars

Circular SIU 4/07 dated 4 October 4, 2007 - Housing Adaptation Grant Schemes for Older People and People with a Disability.

Schemes - Tax Clearance Requirements

DoEH&LG - Annual Notification of Capital Allocation

DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead

DoEH&LG - Delivering Homes Sustaining Communities, 2007.

Housing Aid for Older People

Description

The Scheme of Housing Aid for Older People is available to assist older people living in poor housing conditions to have necessary repairs or improvements carried out. The types of works grant aided under the scheme include structural repairs or improvements, re-wiring, repairs to/replacement of windows and doors, the provision of heating, water and sanitary services, cleaning, painting and dry lining.

Legislation

S. 6 of the Housing (Miscellaneous Provisions) Act, 1979

Regulations

Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007.

S. I. No. 270 of 2007

Guidelines & Circulars

Circular SIU 4/07 dated 4 October, 2007 - Housing Adaptation Grant Schemes for Older People and People with a Disability.

Schemes - Tax Clearance Requirements

DoEH&LG - Annual Notification of Capital Allocation

DoEH&LG - A Plan for Social Housing and Social Housing - The Way Ahead

DoEH&LG - Delivering Homes Sustaining Communities, 2007.

Programme Area 2 : Roads, Transportation & Safety

The Roads, Transportation & safety sections within *Kilkenny County Council* provide a number of services to the public,

- Maintenance and Construction of Roads and Bridges
- Environmental Impact Assessment
- Public Lighting
- Community Involvement in Maintenance of Local Roads
- Maintenance of Essential Services in Severe Weather Conditions
- Declaration of Public Roads (Taking in Charge)
- Abandonment of Public Road
- Extinguishment of Public Rights of Way
- Temporary Closing of Roads
- Road Opening Licence
- Road Schedule and Map
- Temporary Dwellings on National Roads
- Dangerous Structures, Trees etc.
- Unauthorised Signs, Caravans, Vehicles etc. on Public Roads
- Drainage
- Local Improvements Scheme
- Licence of Advertising Sign
- Signs
- Traffic Calming Measures
- Speed Limit Bye-Laws
- Regulation and Control of Traffic and Parking (Bye-Laws)
- Car Parks
- Heavy/Abnormal Load Permit
- Weighbridges
- Promotion of Road Safety
- School Wardens
- Public Service Vehicles (Taxis and Hackneys)
- Vehicle Licensing (Motor Tax)
- Driver Licensing

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory to which the Roads programme [works](#).

The Director of Services for Roads, Emergency, Planning and Corporate Services is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Maintenance and Construction of Roads and Bridges

Description

Kilkenny County Council has responsibility for national and regional roads in the County.

The National Roads Authority (NRA) has overall responsibility for planning and supervising the construction, improvement and maintenance of the network of national roads.

The Regional Design Office prepares road designs for major schemes in consultation with the Council. Alternatively, this work can be carried out by Consultants recruited by the Council for the purpose. Road designs for other schemes on national roads are prepared by the Council's own design team, in consultation with the Regional Design Office and the NRA.

Public consultation is initiated as early as possible. Possible routes are examined and studies are carried out to identify constraints such as buildings, local businesses, rivers, heritage sites etc. Having considered all route options, including the assessment of environmental and community impacts of each option, the preferred route is selected.

A local authority must give public notice of proposals involving the construction of a new road or the widening or realignment of an existing road, where the length of road is over 100m in an urban area or 1km in a rural area. The plans for the road project must be made available for inspection and comment. The County Manager must prepare a report for the elected members, describing the proposal, evaluating the likely implications for the planning and development of the area and summarising any submissions received from the public. The report is then considered and the members may direct that the project should not proceed.

Major improvement works are carried out by contract. The Council acts on behalf of the National Roads Authority in the placing and supervision of road works contracts.

Over 80% of the road works on non-national roads are carried out by direct labour, with contractors being employed for the peak season and for specialist macadam work. Major works to improve the condition of these roads is being carried out under a ten year Restoration Programme. The Council adopts an Annual Road Works Scheme and a Multi Annual Road Restoration Programme. The Multi Annual Road Restoration Programme when adopted by the elected members of the Council, sets out the Councils Roads Plan Proposals for the coming years and its implementation depends on the level of funding received by the Council from the Department of the Environment, Heritage and Local Government under the various Road Grant Schemes.

Legislation

Part IV of the Local Government Act, 1946 (Bridge Construction)

S. 40 of the Wildlife Act, 1976

S. 2, S. 13, S. 19, S. 24, S. 76 and S. 82 of the Roads Act, 1993

Road Traffic Acts, 1961 - 2004

Roads (Amendment) Act, 1998
S. 46 of the Wildlife (Amendment) Act, 2000
Local Government Act, 2001

EU Directives:

Commission Regulation EC No. 1685/2000 - 28/07/2000 laying down detailed rules for the implementation of Council Regulation (EC) No. 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds

Commission Regulation (EC) No. 2355/2002 - 27/12/2002 amending Commission Regulation (EC) No. 438/2001 laying down detailed rules for the implementation of

Council Regulation (EC) No. 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds

Commission Regulation (EC) No. 1145/2003 - 27/06/2003 amending Regulation (EC) No. 1685/2000 as regards the rules of eligibility for co-financing by the Structural Funds

Council Regulation (EC) No. 1105/2003 - 26/05/2003 amending Regulation (EC) No. 1260/1999 laying down general provisions on the Structural Funds.

Regulations

European Communities (EIA) Regulations, 1989

S. I. No. 93 of 1999 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1999 - Article 14

Planning and Development Regulations, 1994

Planning and Development Regulations, 2001 - Part 8

S.I. No. 119 of 1994 Roads Regulations, 1994

Road Traffic (Traffic and Parking) Regulations, 1997

Road Traffic (Traffic and Parking) (Amendment) Regulations 1998

Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations, 1998

Road Traffic (Signs) Regulations, 1997

Road Traffic (Signs) (Amendment) Regulations 1998

Guidelines & Circulars

DoEH&LG Guidelines Notes 1997

DoEH&LG Circular RW 7/96 - Regional and Local Roads Restoration Programme - Guidelines for County Councils for developing Multi-Annual Road Work Programmes

DoEH&LG Circular RW 9/96 - Restoration Programme for Regional and County Roads - Guidelines for the preparation of multi-annual programmes

DoEH&LG Circular RW 10/96 - Restoration Programme for Regional and County Roads - Guidelines for the preparation of multi-annual programmes

DoEH&LG Circular L 11/96 - Obligations of local authorities concerning information and publicity measures in regard to the activities of the Cohesion Fund

DoEH&LG Circular LS 1/97 - Artistic Embellishment Scheme

DoEH&LG Circular RW 6/97 - EU Co-financed Scheme of Grants for Improvement

DoEH&LG Circular L 19/97 - Information and publicity measures in regard to the activities of the Cohesion Fund

Works on Non-National Roads: Proposal for Funding in 1998

DoEH&LG Circular PD 4/99 - Environmental Impact Assessment - Directive 97/11/EC

DoEH&LG Circular RW 6/99 - Multi-Annual Road Works Restoration Programmes

DoEH&LG Circular RW 9/99 Restoration Grant for Local Tertiary Roads (Class III County Roads)

NRA Circular Letter 5/2000 - Code of Practice: National Road Projects and Archaeology

Department of Arts, Heritage, Gealtacht and the Islands circular letter of the 30th March 2001.

DoEH&LG Circular RW 5/2001 - Commencement of Section 46 of The Wildlife (Amendment) Act, 2000

Dept. of Finance Circular 34/2001 - Financial Management and Control Procedures for the European Regional Development Fund (ERDF) 2000-2006

DoEH&LG Circular RW 21/2001 - Price Fluctuation Clause for penetration grade bituminous macadam and asphalt surfacing materials

NRA Circular 2/2002 - Agreement on Compensation for National Road Projects

NRA Circular 10/2002 - Procurement Procedures for the appointment of Design, Archaeological and Other Consultants

DoEH&LG Circular RW 4/2003 - Commission Regulation (EC) No 2355/2002

DoEH&LG Circular PPP 3/03 - Financial Management and Control Procedures for the European Regional Development Fund 2000-2006

DoEH&LG Circular RW 16/2003 - Overhead Bridges AND Level Crossings

DoEH&LG Circular Letter RW 18/2003 - EU Co-financed Scheme of Grants for Improvement Works on Non-National Roads - Proposals for Funding in 2004

DoEH&LG Circular PPP 3/03A - Rules of Eligibility for Co-Financing by the Structural Funds

NRA Circular Letter 6/2003 - Broadband Interface with National Roads

NRA Circular Letter 7/2003 - Overhead Bridges AND Level Crossings

NRA Circular 2/2003 - Land Acquisition and Compensation for Land Acquired for National Roads Projects

DoEH&LG Circular RLS 8/2004 - Safety Barriers on Central Reserves of Non National Road Dual Carriageways

DoEH&LG Guidance Notes

DoEH&LG Memorandum on National Road Grants

DoEH&LG Memorandum on Grants for Non-National Roads, February 2001

DoEH&LG Annual Notification of Non-National Road Grant Allocations

DoEH&LG Annual Notification of EU Grants

NRA Memorandum on National Roads Grants

NRA Annual Notification of National Road Grant Allocations

Dept. of Arts, Heritage, Gaeltacht and the Islands Annual Circular Letter - Hedgerow Cutting in Bird Nesting Season

AN FORAS FORBARTHA Geometric Design Guidelines -

- RT 180 Classification, Alignment, Cross - section
- RT 181 Intersections at Grade
- RT 182 Road Design Aesthetics

DoEH&LG Specification for Road Works

DoEH&LG Surface Dressing

DoEH&LG A Guide to Road Safety Engineering in Ireland

DoEH&LG Guidelines - Low Cost Safety Improvement Works on Non National Roads
DoEH&LG Guidelines on the Depth of Overlay to be used on Rural Non-National Roads
DoEH&LG Guidelines and Tender Documentation for Road Marking Materials, July 2000
NRA Oral Hearings - Preparation Guidelines, July 2001
NRA Design Manual for Roads and Bridges (DMRB), as amended and updated
NRA Road Geometry Handbook, December 2000, as amended
NRA Guide to Process and Code of Practice for National Road Project Planning and Acquisition of Property for National Roads, March 2003

Environmental Impact Assessment

Description

A road authority is required to prepare an environmental impact statement (EIS) in relation to

- (1) the construction of a motorway or busway,
- (2) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area,
- (3) the construction of a new bridge or tunnel which would be 100 metres or more in length.

Even if schemes fall below the legal threshold for an EIS, it is necessary to demonstrate that the scheme was developed taking into account environmental considerations, and studies assessing the environmental impacts should be carried out. The Minister is obliged to direct a road authority to prepare an EIS where he considers that a proposed road development would be likely to have significant effects on the environment.

Proposed road developments for which an EIS is required may only proceed to construction after approval by the Minister.

Legislation

S. 50 and S. 51 of the Roads Act, 1993
Roads (Amendment) Act, 1998
Planning and Development Act 2000

Regulations

EC (Environmental Impact Assessment) Regs 1989 - S.I. No. 249 of 1989
EC (Environmental Impact Assessment) Regs 1994 - S.I. No. 84 of 1994
EC (Environmental Impact Assessment) Regs 1996 - S.I. No. 119 of 1996
EC (Environmental Impact Assessment) Amendment Regs. 1996
Articles 8, 9, 13 and 14 Planning and Development Regulations, 2001

Guidelines & Circulars

DoEH&LG Guidance Notes on EIS
DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

Public Lighting

Description

The maintenance of a public road includes the provision and maintenance of public lighting. The Roads Act 1993 confers on Roads Authorities the responsibility for the provision and maintenance of public lighting. Public lights are provided in conjunction with road improvement schemes or housing schemes. Traffic-route lighting is generally provided in the course of road improvement works. A number of single lights at rural locations are provided each year. Requests for extensions of the public lighting system are listed and an annual sum is allocated from the Council's own resources for such extensions.

The E.S.B. arranges the supply, installation and maintenance of public lighting on behalf of the Council.

Legislation

S. 2(4) and S. 13 of the Roads Act, 1993

Regulations

S.I. No. 119 of 1994 - Roads Regulations, 1994

Guidelines & Circulars

Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994
Electrical Technical Council of Ireland (ECTI) Regulations
Kilkenny County Council Public Lighting Programme.

Community Involvement in Maintenance of Local Roads

Description

Local people can undertake repair works on local roads with the consent of the road authority and under its supervision. The road authority may impose conditions, restrictions or requirements when consenting to such work. Grants are available up to 75% of the approved costs of such work. Where the work has been carried out in a bona fide manner and in accordance with the terms of the consent then any responsibility will rest with the road authority and not with the private citizen(s) who carried out the work.

Legislation

S. 13(6) of the Roads Act, 1993

Guidelines & Circulars

DoEH&LG Circular RW 4/94 - Community Involvement on Road Works
DoEH&LG Annual Notification of Non-National Road Grant Allocations
DoEH&LG Guidance Notes 1993

Maintenance of Essential Services in Severe Weather Conditions

Description

In severe weather conditions, the most important requirement is the relief of distress and inconvenience to the public. Local authorities have a major role to play in responding to such emergencies by ensuring that adequate arrangements are made for the maintenance of essential services.

The Council maintains suitable contingency plans for dealing with the consequences of severe weather conditions - snow, storms, floods etc.

Guidelines & Circulars

DoEH&LG Circular Letter RW 20/2000 - Maintenance of Essential Services in Severe Weather Conditions

DoEH&LG Circular Letter RW 22/2003 - Maintenance of Essential Services in Severe Weather Conditions

NRA Annual Circulars re Winter Maintenance Arrangements

DoEH&LG Memorandum on Maintenance of Essential Services in Severe Weather Conditions etc., November 2000

Declaration of Public Roads (Taking in Charge)

Description

A road authority may, by order, declare any road over which a public right of way exists to be a public road. The road authority must give notice, in one or more newspapers, of any proposal to declare a road to be a public road. At least one month must be allowed for inspection of the proposals and a further two weeks for the making of objections or representations. The authority must consider all written objections and representations, as well as the financial implications of taking on responsibility for an additional public road. It must also be satisfied that the road is of general public utility.

Legislation

S. 11 of the Roads Act, 1993

S. 180 of the Planning and Development Act 2000

Regulations

S. I. No. 119 of 1994 Roads Regulations, Articles 5 and 14

Guidelines & Circulars

DoEH&LG Guidance Notes

Development Standards set out in the Kilkenny County Development Plan 2002

Abandonment of a Public Road

Description

The road authority must give public notice of any proposal to abandon a public road. The notice must be placed in one or more newspapers and a sign must be placed at either end of the road affected for at least 14 days. The minimum

period for inspection of any proposal is one month. A further two weeks must be allowed for the making of objections or representations. Any person making objections or representations can request the authority to hear his / her case at an oral hearing. It may, if it considers it appropriate, appoint a person to hold an oral hearing and must consider that person's report. It must consider all written objections and representations.

The road authority may then make an order abandoning the road. Ministerial approval is required in the case of an order to abandon a national or regional road. Once a road has been abandoned, the road authority must publish notice of the fact. The authority must also notify the objectors and persons who made 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.

Legislation

S. 12 and S. 73(5) of the Roads Act, 1993

Regulations

S. I. No. 119 of 1994 Roads Regulations, Article 14

Guidelines & Circulars

DoEH&LG Guidance Notes 1993

Extinguishing of Public Right of Ways

Description

The local authority must give public notice of any proposal to extinguish a public right of way. The notice must be placed in one or more newspapers and a sign must be placed at either end of the right of way affected for at least 14 days. The minimum period for inspection of any proposal is one month. A further two weeks must be allowed for the making of objections or representations. Any person making objections or representations can request the authority to hear his/her case at an oral hearing. It may, if it considers it appropriate, appoint a person to hold an oral hearing and must consider that person's report. It must consider all written objections and representations. The local authority may then make an order extinguishing the right of way. Ministerial approval is required in the case of an order to extinguish a public right of way over a national or regional road. Once a public right of way has been extinguished, the local authority must also notify the objectors and persons who made representations. The extinguishment of a public right of way over a public road relieves the road authority of its responsibility to maintain the road.

Legislation

S. 73 of the Roads Act, 1993

Guidelines & Circulars

DoEH&LG Guidance Notes 1993

Temporary Closing of Roads

Description

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 - (i) a notice of intention to temporarily close the road (at least 2 weeks before the proposed closure), and (ii) a notice of the decision to temporarily close the road (at least 7 days before the closure).

The notice of intention must allow for objections to be made in writing to the road authority within a specific period being not less than 3 days from the date of publication of the notice. The road authority must consider any objections received and not withdrawn.

Where, as a matter of urgency, it is necessary to close a road and where that closure is to be prolonged, the road authority should, as soon as possible, publish a notice stating:

- (a) that the road has been closed,
- (b) the reason why it was closed,
- (c) the period for which it is to be closed,
- (d) alternative routes.

Legislation

S. 75 of the Roads Act, 1993

Regulations

S. I. No. 119 of 1994 Roads Regulations, 1994 - Article 12

Circulars & Guidelines

DoEH&LG Guidance Notes 1993

Road Opening License

Description

It is an offence to deface, damage or excavate a public road without authority.

The road authority may issue a road opening licence to allow a person to dig up a public road, for example to lay pipes, wires or cables etc. Also, the road authority may give written consent to temporary road markings for road races and may attach conditions, restrictions or requirements to the consent.

Legislation

S. 13 (10) (b) of the Roads Act, 1993

Part 5 -Section 53 of the Communications Regulation Act, 2002

Guidelines & Circulars

Dept. of Transport Circular RPS 1/2004 - Control of Road Openings by Utilities

DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

Road Schedule and Map

Description

Road authorities are required to maintain a Road Schedule and Map showing the road network for their authority. Each road has a designated number that corresponds to the schedule. The classification of a road is denoted by a letter - Motorway "M", National Road "N", Regional Road "R" and Local Road "L".

Temporary Dwellings on National Roads

Description

A road authority has power to remove a temporary dwelling from a National Road. It must return the temporary dwelling to its owner, but can seek to recover any reasonable costs incurred by the authority. In certain circumstances, a road authority is allowed to dispose of a temporary dwelling.

Legislation

S. 69 & S. 73 of the Roads Act, 1993

Guidelines & Circulars

Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

Dangerous Structures, Trees, Hedges, etc. adjoining Public Roads

Description

There is an obligation on landowners and occupiers to ensure that roadside structures, trees, shrubs etc. do not become a danger to those using or working on a public road. A road authority can serve a written notice on a landowner or occupier requiring action to be taken, within a period of time stated in the notice, to ensure the safety of those using or working on a public road. A person on whom a notice has been served may appeal to the District Court against the notice within fourteen days. The road authority can carry out the works specified in the notice itself in any case where the person on whom the notice was served fails to comply with it and may recover the costs from the landowner or occupier. Where there is an immediate and serious risk to road users the road authority can act at once (without serving a notice) to remove or reduce the danger.

Legislation

S. 70 of the Roads Act, 1993

Wildlife Act, 1976 - Section 40 (2)

Wildlife (Amendment) Act, 2000 - Section 46

Regulations

S.I. No. 119 of 1994 Roads Regulations, 1994

Guidelines & Circulars

DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

DoEH&LG Circular Letter K13/40/3 (Wildlife Act, 1976 & 2000: Restrictions on Hedge Cutting and Clearing of Vegetation)

Unauthorised Signs, Caravans, Vehicles, etc. on Public Roads

Description

A road authority has power to remove unauthorised signs on public roads; also, unauthorised caravans, vehicles etc. used for advertising, the sale of goods or the provision of services on public roads. It must return to the owner any sign, caravan, vehicle etc. removed by it, but can seek to recover any reasonable costs incurred by it. However, disposal by the road authority is permitted in certain circumstances.

Legislation

S. 71 of the Roads Act, 1993

Regulations

S.I. No. 358 of 1998-Road Traffic (Removal, Storage and Disposal of Vehicles (Amendment) Regulations ,1998

Guidelines & Circulars

DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

Drainage

Description

A road authority may construct and maintain drains to remove water from a public road or to prevent it flowing onto one. The road authority must give at least one month's notice to landowners or occupiers before going onto any land to carry out drainage works. The landowner or occupier has a right to make written objections or representations and these must be considered by the road authority. In an emergency such as a landslide, flooding or subsidence where there is a serious hazard to road users or the road itself could be seriously damaged, a road authority can take immediate action without giving advance notice. Compensation is payable in respect of damage caused to land as a result of the road authority carrying out drainage works (including works carried out in an emergency). Landowners and occupiers must take all reasonable steps to ensure that water can drain off a public road onto their land. They must also ensure that water, soil etc. does not escape from their land onto a public road. A road authority may serve a notice on a landowner or occupier to do specified works. A person on whom a notice has been served has a right of appeal to the District Court within fourteen days. Where the person on whom the notice was served fails to comply with it, the road authority may carry out the works specified in the notice and recover its costs from the person. A road authority also has the

right to take urgent action without giving advance notice, where there is an immediate and serious hazard to persons using the public road either due to water being prevented from draining off it or where water, soil or other material is allowed to fall onto it.

Legislation

S. 76 of the Roads Act, 1993

Regulations

S.I. No. 119 of 1994 Roads Regulations, 1994

Guidelines & Circulars

DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994

Local Improvement Scheme

Description

Under the Local Improvement Scheme (LIS), road authorities are enabled to carry out construction and/or improvement works on non-public roads in their functional area. Under the LIS, there must be prior written agreement by the parties concerned with the road authority and the beneficiaries of the road must make a financial contribution towards the cost of the improvement works to be carried out by the Council. Following completion of the works, the responsibility for the maintenance of the road rests with the users. Anyone wishing to apply for a LIS should obtain the necessary application form, which is available from the Roads Department.

Legislation

S. 2 of the Local Government (Roads and Drainage) Act 1968

S. 81 of the Local Government Act, 2001

Guidelines & Circulars

DoEH&LG Circular RW 10/2001 2001 Local Improvements Scheme - Revised Method of Calculating Local Contribution

DoEH&LG Annual Notification of Grant Allocation

DoEH&LG Local Improvements Scheme - Memorandum, February 2002

Signs

Description

The Council as Road Authority is authorised to erect statutory road traffic and directional signs on public roads in consultation with the Gardai.

Legislation

S. 95 of the Road Traffic Act, 1961, as amended by S. 6 of the Road Traffic Act, 1968 and S. 37 of the Road Traffic Act, 1994

Regulations

S. I. No. 181 of 1997 Road Traffic (Signs) Regulations, 1997
Road Traffic (Signs) (Amendment) Regulations, 1998
Road Traffic (Signs) (Amendment) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular DC 1/91 - School Traffic Sign
DoEH&LG Circular T.C. 1/96 - Community Alert / Neighbourhood Watch Signs
DoEH&LG Circular T.C. 6/98
DoEH&LG Circular Letter RST 1/2001 TS4 - Guidelines, Certification Scheme and Specification for the Construction of Traffic Signs
DoEH&LG Circular TT 1/2003 - Tidy Towns Award Sign
DoEH&LG Circular T.C. 5/2003
DoEH&LG Circular RW 16/2003 - Overhead Bridges & Level Crossings
Dept. of Transport Circular Letter RST 9/2003 - Direction given by the Minister for Transport under section 95(16) of the Road Traffic Act 1961 regarding Traffic Signs for Orbital Routes in Urban Areas
DoEH&LG Circular TT 1/2004 - Tidy Towns Award Sign
DoEH&LG Guidance Notes
DoEH&LG Traffic Signs Manual
DoEH&LG TS4 - Guidelines, Certification Scheme and Specification for the Construction of Traffic Signs

Traffic Calming Measures

Description

Road authorities have power to provide traffic calming measures on public roads in consultation with An Garda Síochána with discretion to decide on the measures best suited to individual streets or areas. The aim is to encourage drivers to match their speeds to local conditions by self-enforcing traffic-engineering measures. Proposals may be subject to public consultation process.

Legislation

S. 38 of the Road Traffic Act, 1994
Road Traffic Act 2002

Regulations

Local Government (Planning and Development) Regulations, 1994
DoEH&LG Guidelines & Circulars
DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994
DoEH&LG Guidance Notes on the Road Traffic Acts
Traffic Calming Guidelines
NRA Guidelines on Traffic Calming for Towns & Villages on National Roads

Speed Limit Bye-Laws

Description

County and county borough councils can make bye-laws to apply special speed limits to roads in their areas. County councils must consult with sub-county local authorities (borough councils or town councils) before making bye-laws in respect of roads within the administrative areas of those authorities. There is also a requirement to consult with An Garda Síochána before making bye-laws. The National Roads Authority must be consulted in relation to speed limits on national roads and motorways and the Authority must consent to any such speed limits. The adoption of speed limit bye-laws is a “reserved function” of the elected council.

Legislation

S. 46 of the Road Traffic Act, 1961 as substituted by S. 33 of the Road Traffic Act, 1994

Regulations

S. I. No. 223 of 1994 Road Traffic (Special Speed Limits) Regulations, 1994

Guidelines & Circulars

Guidance Notes on the Roads Act, 1993 & the Roads Regulations, 1994
County Kilkenny Speed Limit Bye-Laws.

Regulation & Control of Traffic & Parking

Description

Road authorities have power to make bye-laws governing the type of parking controls to apply in their areas (e.g. meter parking or disc parking). They have responsibility for determining the places where parking is to be subject to the payment of fees, the level of fees and the conditions to be applied. Before making bye-laws, road authorities must consult with the Garda Commissioner, give public notice of their intention to make the bye-laws and consider any observations or objections which result from that process.

Legislation

Part VI of the Road Traffic Act, 1994
Euro Changeover (Amounts) Act, 2001
Road Traffic Acts 1961-2007

Regulations

S.I. No. 119 of 1994 Roads Regulations, 1994
S. I. No. 182 of 1997 Road Traffic (Traffic and Parking) Regulations, 1997
Road Traffic (Traffic and Parking) (Amendment) Regulations, 1998
Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations, 1998
Road Traffic (Traffic and Parking) (Amendment) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular TC 1/98 - Disabled Persons Parking Permits and Bays
DoEH&LG Guidance Notes on the Road Traffic Act 1994
DoEH&LG Guidance Notes on Road Traffic (Traffic & Parking) Regulations
1997
DoEH&LG Guidance Notes on Road Traffic (Traffic & Parking) (Amendment)
Regulations 1998
DoEH&LG Circular Letter T.C. 7/98 - 'Signage on Non-National Roads' issued
by the Department of the Environment & Local Government
DoEH&LG Guidance Notes on the Roads Act, 1993 & the Roads Regulations,
1994
DoEH&LG Circulars TC 6/98 & 8/98

Car Parks

Description

A Local Authority may provide car parks in order to relieve or prevent traffic congestion and may make bye-laws as to the use of any car park. The adoption of Bye-Laws is a reserved function of the elected members.

Legislation

S. 101 of the Road Traffic Act, 1961 as amended by S. 6 of the Road Traffic Act, 1968 and S. 49 of the Road Traffic Act, 1994
Euro Changeover (Amounts) Act, 2001

Heavy/Abnormal Load Permit

Description

Under the Road Traffic Acts, 1961 - 2007 and Regulations made thereunder a Special Permit is required for the use on a public road of any vehicle or trailer in case the laden weight, dimensions, etc. exceed allowed limits. Application Forms for a Permit to move Abnormal Loads are available from the Roads Department.

Legislation

Road Traffic Acts, 1961 - 2007

Regulations

S. 1. No. 5 of 2003 Road Traffic (Construction and Use of Vehicles)
Regulations 2003 -Regulations 59
Article 17 of Road Traffic (Construction Equipment and Use of Vehicles)
Regulations 1963-2002 - SI No. 190 of 1963
Road Traffic (Construction, Equipment and Use of Vehicles)(Amendment)
Regulations 1992 (SI No. 325 of 1992)
Road Traffic (Construction and use of Vehicles) Regulations 2003 SI No. 5 of
2003

Guidelines & Circulars

DoEH&LG Circular Letter RT.9/63
DoEH&LG Circular Letter VF 1/95 (VF 2016)

DoEH&LG Circular Letter VC 1/97
DoEH&LG Circular Letter VS 01/02
DoEH&LG Circular Letter VS 02/03
Dept. of Transport Leaflet No. 1 - Guidelines on Maximum Weight and
Dimensions of Mechanically Propelled Vehicles and Trailers
Annual Schedule of Charges

Weighbridges

Description

A road authority may (and if required by the Minister must) provide on or adjacent to any public road in its charge, a weighbridge (i.e. road traffic weighbridge) of such dimensions, power, design and construction as may be approved by the Minister. Every road authority owning a weighbridge must maintain it in good condition and make it available for the weighing of vehicles and their loads at all reasonable times.

Legislation

Finance (Excise Duties)(Vehicles)(Amendment) Act, 1960
Road Traffic Act, 1960

Regulations

S.I. 385 of 1992. Road Vehicles (Registration & Licensing)(Amendment)
Regulations, 1992

Promotion of Road Safety

Description

The road safety role of local authorities is a wide ranging one, from road construction to school warden schemes. They also have a role in promoting road safety through the following initiatives -

- establishment of Road Safety Committees comprising local authority representatives and representatives of An Garda Síochána, teachers etc.
- development of a road safety strategy
- liaison with the National Safety Council - advertising, promotions and media campaigns.

Legislation

S. 120 of the Road Traffic Act, 1961
S. 6 of the Local Government Act 1991
S. 31 of the Local Government Act 1994
Local Government Act, 2001 - S. 67 and Schedule 13

Guidelines & Circulars

DoEH&LG Circular Letter TC 4/96 - The Road to Safety 1998
DoEH&LG Guide to Road Safety Engineering in Ireland
NRA Guidelines - Traffic Calming for Towns & Villages on National Roads

School Wardens

Description

The School Warden Service is designed to provide safe crossing facilities for children in the vicinity of primary schools in provincial towns and villages and smaller cities. The local authority is responsible for the introduction and operation of schemes, with the cooperation of An Garda Síochána, school management boards, teachers, parents and children. The National Safety Council provides assistance with the initial organisation of schemes.

Legislation

S. 96 of the Road Traffic Act, 1961, as amended by S. 6 of the Road Traffic Act, 1968

Regulations

S. I. No. 181 of 1997 Road Traffic (Signs) Regulations, 1997 - Article 44

Guidelines & Circulars

National Safety Council - A Guide to Organisation, Training and Operation of the Junior School Warden Service

Acquisition of Land

In some instances it is necessary to acquire land to proceed with roads scheme. Land can be acquired either by agreement or by Compulsory Purchase Order.

Legislation

Local Government (Ireland) Act, 1898(S.10)

Local Government (No.2) Act, 1960(S.11)

Housing Act, 1966

Local Government Planning & Development Act, 2000

The Planning & Development (Strategic Infrastructure) Act, 2006

Regulations

Housing Act, 1966 (Acquisition of Land) Regulations 1966 - S.I. No.278 of 1966
Housing Act, 1966 (Acquisition of Land) (Amendment) Regs. 1993 S.I. No. 214 of 1993
Housing Act 1966 (Acquisition of Land) Regulations, 2000.
Housing Act, 1966 (Acquisition of Land) (Amendment) Regulations, 2001.

GUIDELINES AND CIRCULARS Circular No.2/2002 Circular No.2/2003

Compulsory Purchase Order Procedure Acquisition of land for the National Roads Programme December, 2001.

Guidelines & Circulars: Memorandum of the Planning & Development (Strategic Infrastructure) Act, 2006 for National Road Development proposals 2007.

Vehicle Licensing (Motor Tax)

Description

Vehicles which are used on public roads must be licensed. The Motor Taxation Office issues Vehicle Licenses (Tax Discs) on an agency basis on behalf of the Department of the Environment, Heritage and Local Government. The Central Vehicle Registration Unit (VRU) of the Department of the Environment, Heritage and Local Government is responsible for the maintenance of the computerised National Vehicle File. This file includes details of driving licences and taxation/registered ownership details for all vehicles registered in the state. Motor Taxation reminders and renewal notices are issued by the VRU. Each Local Authority has connections to this database of information.

Legislation

Finance (Excise Duties) (Vehicles) Act, 1952 and successive Finance Acts.
Finance Act 1992
Finance (No.2) Act 1992
Local Government (Financial Provisions Act), 1997
Local Government Act, 1998
Motor Vehicle (Duties and Licences) Act, 2000
Motor Vehicle (Duties and Licences) Act, 2001
Motor Vehicle (Duties and Licences) Act, 2003
Motor Vehicle (Duties and Licences) Act, 2004
Motor Vehicle (Duties and Licences) Act, 2008
Road Traffic Act 1961

Regulations

S.I. No. 126 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No.2) Regulations, 1993
S.I. No. 15 of 1958 - Road Vehicles (Registration and Licensing) Order, 1958
S.I. No. 198 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations, 1993
S.I. No. 23 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1993
S.I. No. 263 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No. 4) Regulations 1993
S.I. No. 277 of 1994 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1994
S.I. No. 125 of 1996
S.I. No. 338 of 1996 - Finance Act 1993 (Section 60) Regulations 1996
S.I. No. 385 of 1992 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992
S.I. No. 405 of 1997 -
S.I. No. 409 of 1992 - Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1992
Road Vehicles (Reg. and Licensing) Amendment Regulations, 1998
Road Traffic (Licensing of Trailers and Semi-Trailers) Amendment Regulations, 1998
S. I. No. 207 of 1998

S. I. No. 208 of 1998
S.I. No. 247 of 1998 - Road Traffic (Immobilisation of Vehicles) Regulations
,1998
S. I. No. 395 of 1999
S. I. No. 74 of 2001
S. I. No. 75 of 2001
S. I. No. 516 of 2001
S. I. No. 537 of 2001

Guidelines & Circulars

DoEH&LG Circular MT 672 - Motor Tax liability of road marking vehicles
DoEH&LG Circular MT 720 - Motor Tax liability of mobile libraries and banks
DoEH&LG Circular MT 740 - Refund of Motor Tax
DoEH&LG Circular MT 744 - Motor Tax liability of refuse carts
DoEH&LG Circular MT 835 - Licensing gap on first taxing of vehicle on
change of ownership
DoEH&LG Circular MT 836 - Refund of Motor Tax
DoEH&LG Circular MT 838 - Insertion of "special alert" in certain cases
DoEH&LG Circular MT 863 - Dishonoured cheques
DoEH&LG Circular MT 882 - Motor Tax liability of refuse/waste collection
vehicles
DoEH&LG Circular MT 893 - Transfer of ownership of vehicles
DoEH&LG Circular MT 896 - Taxing of vehicle without production of vehicle
registration book
DoEH&LG Circular MT 896A - Veteran and vintage vehicles
DoEH&LG Circular MT 899 - Motor Tax liability of off road dumpers
DoEH&LG Circular MT 922 - Motor Tax liability of recovered vehicles
DoEH&LG Circular MT 916 - Refund of Motor Tax (page 3 para 2)
DoEH&LG Circular MT 1008 Motor Tax Liability on All - Terrain Vehicles
(ATV's)
DoEH&LG Circular MT 1014 Motor Tax Liability on Mobile
Machines/Workshops
DoEH&LG Circular MT 1023 Motor Tax Liability on Motor Caravans
DoEH&LG Circular MT 1052 Changes in Vehicle Registration Tax Rates and
Taxation of Crew Cabs
DoEH&LG Circular MT 1062 Taxation of Electrically Assisted Pedal Cycle -
"Pedelec"
DoEH&LG Circular MT 1071 Motor Tax Expenses 2003 - Change of
Recoupment System
DoEH&LG Circular MT 1072-Changes in Motor Tax Rates and Trade Plates
from 01/01/2003
DoEH&LG Circular MT 1074-First Licensing of Car Hire vehicles
VS 20/04 Roadworthiness Testing of Commercial Vehicles
DoEH&LG MT 1080 & MT 1081 Proposed New Rates of Motor Tax and Trade
Plates
DoEH&LG MT1/2005 Taxation of Motor Caravans
DoEH&LG MT 6/2005 Incorrect Taxation of Articulated Vehicles
DoEH&LG MT 9/2005 Taxation of Vehicles constructed to carry a Machine or
Contrivance or a Workshop or Implement
DoEH&LG MT 10/2005 Taxation of Goods Vehicles and Adapted Goods Only
DoEH&LG Consolidated Legislation / Circulars relating to Motor Taxation

Driver Licensing

Description

Learner Permit

A learner permit is issued to enable a person to learn to drive and apply for a driving test. All persons making applications for a first learner permit in any particular vehicle category must first undergo a driver theory test. A first learner permit is issued for a period of 2 years. The holder may apply to have the permit renewed for a further two years. When applying for a third or subsequent permit evidence is required of having (a) undergone a driving test within the last two years or (b) receiving notification of a driving test appointment. In the case of (b) a one year permit is issued.

Driving License

A full driving license is issued when an applicant has passed a driving test or where an applicant wishes to exchange a driving license issued by another EU member state or a recognised country. The holder of a license may apply within four months of its expiry date to have it renewed. A driving license may be issued for a period of three or ten years. A one-year license may be granted in circumstances where, for medical reasons, a longer term of license cannot be granted. A medical report may be necessary when applying for certain categories of license.

Driving Licences are issued by the Motor Taxation Office

Legislation

Road Traffic Acts, 1961 -2006

Regulations

S.I. No. 234 of 1984 European Communities (Licensing of Drivers) Regulations, 1984.

S.I. No. 285 of 1989 Road Traffic (Licensing of Drivers) Regulations, 1989

S.I. No. 286 of 1989 Driving Licences (Repayment of Excise Duties) Regulations, 1989

S.I. No. 287 of 1989 European Communities (Licensing of Drivers) Regulations, 1989

S.I. No. 353 of 1989 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1989

S.I. No. 320 of 1991 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1991

S.I. No. 384 of 1992 Mechanically Propelled Vehicles (International Circulation) Order, 1992.

S.I. No. 5 of 1993 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1993

S.I. No. 56 of 1994 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1994

S.I. No. 217 of 1995 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1995

S.I. No. 328 of 1996 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1996

S.I. No. 511 of 1997 Road Traffic (Licensing of Drivers) (Amendment) Regulations, 1997
S. I. No. 367 of 2000 Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulations, 2000
S. I. No. 38 of 2001 Road Traffic (Public Service Vehicles) (Amendment) Regulations, 2001
S. I. No. 534 of 2001 Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulations, 2001
S. I. No. 411 of 2002 Road Traffic (Public Service Vehicles) (Amendment) Regulations, 2002
S. I. No. 298 of 2002 National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002
Road Traffic (Licensing of Drivers) Regulations 2006

Guidelines & Circulars

DoEH&LG Circular DC 4/90 - Exchange of recognised driving license: Japan
DoEH&LG Circular DC 10/91 - The issue of Certificates under Article 29 (l)(a)(iii) of the Road Traffic (Licensing of Drivers) Regulations, 1989
DoEH&LG Circular DC 3/93 - The issue of Certificates under Article 29 (l)(a)(ii) of the Road Traffic (Licensing of Drivers) Regulations, 1989
DoEH&LG Circulars DC 7/93 & DC 5/94 - Exchange of recognised driving licences
DoEH&LG Circulars DC 2/95 - Issuing of drivers licenses
DoEH&LG Circulars DC 2/96 - Free-in-lieu driving licenses
DoEH&LG Circulars DC 6/96 - Road Traffic (Licensing of Drivers)(Amendment) Regulations, 1996
DoEH&LG Circulars DC 2/97 - Provisional driving licenses-5 year rule
DoEH&LG Circulars DC 5/97 - Road Traffic (Licensing of Drivers)(Amendment) Regulations, 1997
DoEH&LG Circulars DC 2/98 - Certificates of Competency
DoEH&LG Circulars DC 6/98 - Third and subsequent provisional licences
DoEH&LG Circulars DC 2/99 - Issue of provisional licences
DoEH&LG Circulars DC 3/99 - Exchange of recognised drivers licenses
DoEH&LG Circulars DC 5/99 - Road Traffic (Licensing of Drivers) Regulations 1999
DoEH&LG Circulars DL 2/00 - Submission of Medical reports - higher category drivers
DoEH&LG Circulars DL 6/00 - Personal Public Service Number (PPSN)
DoEH&LG Circulars DL 7/00 - Exchange of Queensland Drivers License
DoEH&LG Circulars DL 8/00 - Conversion of driving license records to driver File on NVDF
DoEH&LG Circulars DL 9/00 - Third or subsequent provisional license
DoEH&LG Circulars DL 4/01 - Theory Test Certificate under European Communities (Licensing of Drivers) Regulations 2001 S.I 168 of 2001
DoEH&LG Circulars DL 4/01 - Driver Theory Test
DoEH&LG Circulars DL 7/01 - South African Driving Licenses
DoEH&LG Circulars DL 10/01 - Army Certificate of Competency under Section 30 (2) (b) of the Road Traffic (Licensing of Drivers) Regulations 1999

DoEH&LG Circulars DL 12/01 - Revised fee arrangements for Provisional License and Driving License
DoEH&LG Circulars DL 1/02 - Garda Certificates of Competency under Section 30 (2)© of the Road Traffic (Licensing of Drivers) Regulations 1999
DoEH&LG Circulars DL 2/02 - New Style Medical Report Forms - D.501
DoEH&LG Circulars DL 3/02 - Revised Theory Test Certificates
DoEH&LG Circulars DL 8/02 - Driver Licensing - Personal Public Service Number (PPSN)
DoEH&LG Circulars DL 12/02 - New Edition Driving License Exchange Booklet, 2002
DoEH&LG Circulars DL 13/02 - Exchange of a recognised License while under Disqualification
DoEH&LG Circulars DL 14/02 - Requirements to carry Driving License
DoEH&LG Circulars DL 1/03 - Certificates of Competency
DoEH&LG Circulars DL 2/04 -
DoEH&LG Circulars DL 3/04 - Driving Licenses for New EU Member States
Department Transport Circular DL05/04 Endorsements and Disqualifications

Programme Area 3 : Sanitary Services

The Sanitary Services sections within *Kilkenny County Council* provide a number of services to the public,

- Provision of Water Supply and Sewerage Schemes
- Provision of Water Supply and Sewerage Schemes - Acquisition of Wayleaves
- Catchment Based Water Management
- Water Services Pricing
- Operation and Maintenance of Water Supply Schemes
- Operation and Maintenance of Sewerage Schemes
- Water Quality (Drinking Water)
- Water Conservation
- Connections to Public Water Supply and Sewerage Schemes
- Group and Rural Water and Sewerage Schemes
- Provision and Maintenance of Public Conveniences
- Nuisances (Public Health)
- Temporary Dwellings - Prohibition Order
- Caravan Park Licences
- Provision and Maintenance of Courthouse Accommodation
- Piers and Harbours
- Arterial Drainage
- Burial Grounds/Exhumation Licences

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Sanitary Services directorate works.

The Director of Services for Sanitary Services is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Provision of Water Supply and Sewerage Schemes

Description

The procedure for the provision of a major water or sewerage scheme commences with a preliminary report, determining the need for the scheme, the potential benefits, location, estimated cost etc. Once the need for a scheme is determined, the detailed design of the scheme begins, usually by consultants. The scheme goes through a number of stages, each stage requiring approval from the Department of the Environment, Heritage and Local Government. The work is normally carried out by Contractors. The Council's ongoing Water & Sewerage Programme is funded from a combination of Exchequer Grants, EU Structural Funds and *Kilkenny County Councils* own resources.

Legislation

S. 15 to S. 34 and S. 61 to S. 79 of the Public Health (Ireland) Act, 1878
Local Government Act, 1925
Water Supplies Act, 1942 (Acquisition of Water Rights)
Local Government (Sanitary Services) Act, 1948
Local Government (Sanitary Services) Act, 1962
S. 4 of the Local Government (Sanitary Services) Act, 1964
S. 72 of the Environmental Protection Agency Act, 1992
Foreshore Acts 1933 - 1992
S. 12 of the National Monuments (Amendment) Act, 1994
Local Government Act, 2001 - Part 9, Chapter 5

EU Directives:

Council Directive 91/271/EEC - 21/05/91 on Urban Waste Water Treatment
EC Regulation 1164/94
Commission Regulation No. 2064/97 (Financial Management and Control
Procedure reporting arrangements)
Commission Regulation EC 1685/2000 regarding eligibility of expenditure on
ERDF co-financed project

Regulations

S. I. No. 265 of 1945 Water Supplies (Application for Provisional Order)
Regulations, 1945
S. I. No. 349 of 1989 European Communities (Environmental Impact
Assessment) Regulations, 1989
S. I. No. 84 of 1994 European Communities (Environmental Impact
Assessment) (Amendment) Regulations, 1994
S. I. No. 419 of 1994 Environmental Protection Agency Act, 1992 (Urban
Waste Water Treatment) Regulations, 1994
S. I. No. 101 of 1996 European Communities (Environmental Impact
Assessment) (Amendment) Regulations, 1996
S. I. No. 254 of 2001 Urban Waste Water Treatment Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular L. 1/74 Water and Sewerage Programmes (as amended)
DoEH&LG Circular Letter L 14/88 Irish Standards: Cover Note to be inserted
in all Specifications for Sanitary Services Works
DoEH&LG Circular Letter L 1/90 Sanitary Services Capital Programme -
Environment Action Programme and New Sanitary Services Projects
DoEH&LG Circular Letter L 3/90 Sanitary Services Major Schemes
Programme - Development of Proposals
DoEH&LG Circular Letter L 9/92 Sanitary Services Major Schemes
Programme - Appointment of Consultants
DoEH&LG Circular L 4/94 Water Services: Financial Arrangements 1994
DoEH&LG Circular L 5/94 Water Services: Economic and Environmental
Justification of EU co-financed proposals
DoEH&LG Circular L 6/94 Strategy Study on Options for the Treatment and
Disposal of Sewage Sludge in Ireland
DoEH&LG Circular Letter L 1/96 Public Water and Sewerage Small Schemes
Programme

DoEH&LG Circular L 6/96 Advance Notification by Local Authorities to the Department of Arts, Culture and the Gaeltacht of Proposed Water Services Schemes

DoEH&LG Circular L 11/96 Obligations of local authorities concerning information and publicity measures in regard to the activities of the Cohesion Fund

DoEH&LG Circular L 3/97 Proposed Water Services Schemes requiring consent under the Foreshore Acts 1933 - 1992

DoEH&LG Circular L 14/97 Rural Water Programme

DoEH&LG Circular L 19/97 Information and publicity measures in regard to the activities of the Cohesion Fund

DoEH&LG Circular Letter L 21/97 Maintenance of Accounts and Other Records for Water Services Schemes

DoEH&LG Guidelines for the Maintenance of Accounts and Other Records for Water Services Schemes (Reference: WS:G01) - December, 1997

DoEH&LG Circular L 22/97 Water and sewerage schemes providing services to land for development

DoEH&LG Circular L 5/98 Serviced Land Initiative - Proposals for water and sewerage schemes

DoEH&LG Circular L 11/98 Devolution of responsibility to local authorities for the approval of certain elements of capital projects within the Water Services Investment Programme

DoEH&LG Circular L 4/99 Water Services Investment Programme: Post Project Review

DoEH&LG Circular L 5/99 Water Services Investment Programme - The Provision of Serviced Land - Interim and Temporary Facilities

DoEH&LG Circular L 8/99 Water Services Investment Programme - Operational and Maintenance Costs of Water Services Infrastructure

DoEH&LG Circular L 11/99 Water Services Investment Programme - Assessment of Needs

DoEH&LG Circular L 2/2000 Water Services Investment Programme - Grouping of Small Schemes

DoEH&LG Circular L 3/2000 Water Services Schemes and the Foreshore Acts, 1933 - 1992

DoEH&LG Circular L 3/01 Revision of Procedures for Approval of Schemes and Engagement of Consultants under the Water Services Investment Programme

DoEH&LG Letter ref: WQ 03/01 Urban Waste Water Treatment Regulations, 2001

DoEH&LG Circular L10/01 Water Services Investment Programme - Procurement using Public Private Partnership Arrangements

DoEH&LG Circular L 11/02 Procurement Procedures for the Engagement of Consultants under the Water Services Investment Programme

DoEH&LG Circular L 12/02 Performance Management System for DBO and Operational Contracts in the Water Sector

DoEH&LG Circular L 15/02 Increases in Expenditure on Water Services Contracts

DoEH&LG Circular L 11/03 Water Services Investment Programme - Assessment of Needs

DoEH&LG Circular L 18/03 Recoupment of expenditure on water services capital projects - Updated Procedures 2003

DoEH&LG Circular L7/04 Water Services DBO Contracts - Site Staff
DoEH&LG Circular L9/04 Recoupment of expenditure on water services capital projects - Updated Procedures 2004
DoEH&LG Annual Notification - Water and Sewerage Services Investment Programme
DoEH&LG Circulars notifying updates of CONDOC for Water Services Civil Works and Mechanical and Electrical Plant Contracts (V. 3.4 Release 7 June 2001)
DoEH&LG Circulars notifying updates of CAPAC (Capital Accounting, Processing and Claiming) for water services projects (CAPAC 2 - November 2001)
DoEH&LG Memorandum on Procedures - Sanitary Services Works
DoEH&LG A Policy Framework for Public Private Partnership Projects in the Water Services Sector
DoEH&LG Public Private Partnerships in the Water Services Sector - Technical Note no. 1 - Appointment of Advisers
DoEH&LG Public Private Partnerships in the Water Services Sector - Technical Note no. 2 - Preparing a PPP Assessment Report
WSNTG Water Services Procedures Manual
WSNTG Project Control System (PCS) for Water Services Investment Programme (WSIP)
DoEH&LG Guidance Note: Model Duties for Employer's Site Staff on Water Services DBO Contracts

Provision of Water Supply and Sewerage Schemes - Acquisition of Wayleaves

Description

Local Authorities, in progressing a major water or sewerage scheme, may need to acquire wayleaves. The wayleave is acquired by giving "reasonable notice" to the owner or occupier of the relevant land and paying the necessary compensation. A sanitary authority, where it considers that wayleave consent is unreasonably withheld, may appeal to An Bord Pleanála for determination of the matter.

Legislation

S. 202 / 203 of the Public Health (Ireland) Act, 1878
Water Supplies Act, 1942
Local Government Act 2001
S. 213 of the Planning and Development Act, 2000

Regulations

Water Supplies (Application for Provisional Order) Regulations, 1945 - SI No. 265 of 1945

Guidelines & Circulars

DoEH&LG Circular L 1/01 - Acquisition of Wayleaves
DoEH&LG Circular L 15/03 (WSP) - Consent to run pipes through private land

Catchment Based Water Management

Description

A number of adjoining local authorities could combine to prepare a Water Quality management Plan for a water course whose catchment area transcends the boundaries of the adjoining local authorities involved.

Legislation

Water Pollution Act(s) 1977 & 1990.

Water Services Pricing

Description

All properties are charged for metered water supplied for non-domestic purposes. Accounts for these metered supplies can be issued on an annual or a more regular basis the frequency of which is determined by the local authority.

Legislation

Public Health (Ireland) Act, 1878

Local Government (Sanitary Service) Act, 1962

Local Government (Financial Provisions)(No. 2) Act, 1983

Local Government (Financial Provisions) Act, 1997

Local Government (Delimitation of Water Supply Disconnection Powers) Act, 1995.

Guidelines & Circulars

DoEH&LG Circular L 4/00 Application of the Polluter Pays Principle - A Framework for Water Pricing

DoEH&LG Circular L 16/00 Water and Waste Water Pricing - Roll Out of Policy on Capital and Operational Cost Recovery

DoEH&LG Circular L11/01 Water Services Pricing Policy - Revised Procedures for Determination / Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment Programme

DoEH&LG Circular L14/01 Re: Implementation of Water Services Pricing Policy and Management Information Questionnaires 2000 and 2001

DoEH&LG Circular L4/02 (WSP) Re: Implementation of Water Services Pricing Policy - Model Water and Waste Water Agreements and General Guidance

DoEH&LG Circular L 10/02 (WSP) Re: Water Services Pricing Policy Implementation - Non-Domestic Metering - Notes for Guidance

DoEH&LG Circular L 16/02 (WSP) Water Services Pricing Policy - Consolidation of Water Services Pricing Policy Circulars

Water Services Pricing Policy: Information Sheet No. 1 - Charging Policy, February 2002

Water Services Pricing Policy: Information Sheet No. 2 - Charges, March 2002

Water Services Pricing Policy: Information Sheet No. 3 - Frequently Asked Questions, May 2002

Operation and Maintenance of Water Supply Schemes

Description

Each County/City Council is responsible for the operation and maintenance of public water supply schemes in their geographical area of responsibility. The operation and maintenance of the public water schemes in the local authority area is financed from the Council's own resources. The maintenance of the schemes is carried out by Council staff.

Legislation

S. 61 to S. 79 of the Public Health (Ireland) Act, 1878
Public Health (Amendment) Act, 1890
Water Supplies Act, 1942
Local Government (Sanitary Services) Act, 1948
Health (Fluoridation of Water Supplies) Act, 1960
Local Government (Sanitary Services) Act, 1962
Local Government (Sanitary Services) Act, 1964
Local Government Act, 2001 - Part 9, Chapter 5

Regulations

EU (Drinking Water) Regulations, 2000

Guidelines & Circulars

DoEH&LG Circular L 4/00 Application of the Polluter Pays Principle - A Framework for Water Pricing
DoEH&LG Circular L 16/00 Water and Waste Water Pricing - Roll Out of Policy on Capital and Operational Cost Recovery
DoEH&LG Circular L 11/01 Water Services Pricing Policy - Revised Procedures for Determination/Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment Programme
DoEH&LG Circular L 4/02 (WSP) Implementation of Water Services Pricing Policy - Model Water and Wastewater Agreements and General Guidance
DoEH&LG Circular L 6/02 (WSP) Implementation of Water Services Pricing Policy - General Guidance and Information Sheets
DoEH&LG Circular L 14/02 (WSP) Water Services Pricing Policy Implementation Non Domestic Metering Programme
DoEH&LG Circular L 3/03 (WSP) Water Services Pricing Policy Implementation. Non Domestic Metering - Notes for Guidance (Issue 2)
DoEH&LG Circular L 8/04 (WSP) Water Services Pricing Policy Implementation. Non Domestic Metering - Notes for Guidance (Issue 3)

Operation and Maintenance of Sewerage Systems

Description

Local Authorities are responsible for the operation and maintenance of public sewerage schemes in its area. Under the EU Directive on Waste Water, local

authorities must treat waste water to a certain standard. The Council has embodied the objectives set by the Directive in its sanitary improvement schemes throughout the County. The operation and maintenance of the public sewerage supply schemes is financed from the Council's own resources.

Legislation

S. 15 to S. 34 of the Public Health (Ireland) Act, 1878
Public Health Acts Amendment Act, 1890
Local Government (Sanitary Services) Act, 1948
Local Government (Sanitary Services) Act, 1962
Local Government (Sanitary Services) Act, 1964
Local Government Act, 2001 - Part 9, Chapter 5

EU Directives

EC Directive 79/323/EEC - 30/10/79 Quality Requirements for Shellfish Waters
EC Directive 86/278/EEC - 12/06/86 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture
EC Directive 91/271/EEC - 21/05/91 Urban Wastewater Treatment
EC Directive 91/492/EEC
EU Directive 98/15/EC - 27/02/98 (including Corrigendum of 2 June 1999) amending Directive 91/271/EEC

Regulations

S. I. No. 84 of 1988 European Communities (Quality of Bathing Waters) Regulations, 1988
European Communities (Quality of Bathing Waters) Regulations, 1989
S. I. No. 293 of 1988 European Communities (Quality of Salmonoid Waters) Regulations, 1988
S. I. No. 155 of 1992 European Communities (Quality of Bathing Waters) Regulations, 1992
S. I. No. 145 of 1994 European Communities (Quality of Bathing Waters) (Amendment) Regulations, 1994
S. I. No. 200 of 1994
S. I. No. 419 of 1994 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) Regulations, 1994
S. I. No. 147 of 1996 Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1996
European Communities (Quality of Bathing Waters) Regulations, 1996
Waste Management (Amendment of Waste Management Act, 1996) Regulations, 1998
S. I. No. 148 of 1998 European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1998
S. I. No. 41 of 1999 Protection of Groundwater Regulations, 1999
S. I. No. 208 of 1999 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) (Amendment) Regulations, 1999
S. I. No. 254 of 2001 Urban Waste Water Treatment Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular L 10/88 - EC Directive 86/278/EEC of 12 June 1986 on the protection of the environment and, in particular, of the soil when sewage sludge is used in agriculture

DoEH&LG Circular L 8/91 - European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991

DoEH&LG Circular L 6/94 - Strategy Study on Options for Treatment and Disposal of Sewage Sludge in Ireland

DoEH&LG Circular L 13/97 - Sludge Register

DoEH&LG Circular L 16/97 - Inventory on Non-Hazardous Sludges in Ireland

DoEH&LG Circular WQ 7/99 - Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) (Amendment) Regulations, 1999

DoEH&LG Circular L 9/99 - Sludge Management

DoEH&LG Circular L 13/99 - Sludge Management

DoEH&LG Circular L 4/00 - Application of the Polluter Pays Principle - A Framework for Water Pricing

DoEH&LG Circular L 16/00 - Water and Waste Water Pricing - Roll Out of Policy on Capital and Operational Cost Recovery

DoEH&LG Letter ref: WQ 03/01 - Urban Waste Water Treatment Regulations, 2001

DoEH&LG Circular L11/01 - Water Services Pricing Policy - Revised Procedures for Determination/Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment Programme

DoEH&LG Circular L 4/02 (WSP) - Implementation of Water Services Pricing Policy - Model Water and Wastewater Agreements and General Guidance

DoEH&LG Circular L 6/02 (WSP) - Implementation of Water Services Pricing Policy - General Guidance and Information Sheets

DoEH&LG Circular L 14/02 (WSP) - Water Services Pricing Policy Implementation Non Domestic Metering Programme

DoEH&LG Circular L 3/03 (WSP) - Water Services Pricing Policy Implementation. Non Domestic Metering - Notes for Guidance (Issue 2)

DoEH&LG Circular L8/04 (WSP) - Water Services Pricing Policy Implementation. Non Domestic Metering - Notes for Guidance (Issue 3)

Water Quality (Drinking Water)

Description

Sanitary authorities are required to ensure that all drinking water meets stringent quality standards in respect of a series of physical, chemical, toxic and microbiological parameters. Testing is carried out systematically by local authorities to ensure a pure and safe supply of water. Independent testing is also carried out by the Environmental Protection Agency and local Health Board.

Legislation

S. 67 of the Public Health (Ireland) Act, 1878

Public Health Acts Amendment Act, 1890

Local Government (Sanitary Services) Act, 1948

Health (Fluoridation of Water Supplies) Act, 1960

Local Government (Sanitary Services) Act, 1962

S. 58 and S. 68 of the Environmental Protection Agency Act, 1992
Local Government Act, 2001 - Part 9, Chapter 5

EU Directives

EC Directive 75/440/EEC - 16/06/75 Surface Water
EC Directive 79/869/EEC - 09/10/79 Surface Water
EC Directive 80/778/EEC - 15/07/80 relating to the quality of water intended for human consumption (Drinking Water)
EC Directive 86/278/EEC - 12/06/86 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture
EU Directive 98/83/EC - 03/11/98 relating to the quality of water intended for human consumption (Drinking Water)
EU Directive 2000/60/EC - 23/10/2000

Regulations

Health (Fluoridation of Water Supplies) Act, 1971
S. I. No. 81 of 1988 European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
S. I. No. 294 of 1989 European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989
Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998
Waste Management (Amendment of Waste Management Act, 1996) Regulations, 1998
S. I. No. 148 of 1998 European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1998
S. I. No. 177 of 2000 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000
S. I. No. 439 of 2000 European Communities (Drinking Water) Regulations, 2000
Water Quality (Dangerous Substances) Regulations, 2001
S. I. No. 259 of 2003 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular Letter L 4/86 Guidelines for Emergency Planning to Protect Water Resources
DoEH&LG Circulars L 6/88 and L 13/88 European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
DoEH&LG Circular L 10/88 EC Directive 86/278/EEC of 12 June 1986 on the protection of the Environment and, in particular of the soil, when sewage sludge is used in agriculture
DoEH&LG Circular Letter L 1/89 Group Water Schemes / European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
DoEH&LG Circular L 6/89 Aluminium levels in Water Supplies
DoEH&LG Circulars L 12/89 and L 4/90 A Handbook on Implementation for Sanitary Authorities of the European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
DoEH&LG Circular L 17/89 European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989

DoEH&LG Circular L 2/90 Environment Action Programme - Aquaculture in inland Waters
DoEH&LG Circular L 1/91 A Handbook on Implementation for Sanitary Authorities of The European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989
DoEH&LG Circular L 8/91 European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991
DoEH&LG Circular Letters L 14/92 and L 9/96 Protection of Drinking Water Supplies - Guidelines for Local Authorities
DoEH&LG Circular L 15/92 The Quality of Drinking Water in Ireland - Reports for the year 1990
DoEH&LG Circular L 8/93 The Quality of Drinking Water - Report for 1991
DoEH&LG Circular L 2/94 Action Plans for the protection of drinking water supplies
DoEH&LG Circular L 3/94 Lead in Drinking Water
DoEH&LG Circular Letter L 9/96 Protection of Drinking Water Supplies
DoEH&LG Circular L 12/96 Fluoridation of Public Water Supplies
DoEH&LG Circular L 7/98 Protection of Drinking Water Supplies against contamination from Cryptosporidium
DoEH&LG Circular WQ 2/00 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000 (S. I. No. 177 of 2000)
DoEH&LG Circular WQ 1/01 Water Quality (Dangerous Substances) Regulations 2001 (S.I. No. 12 of 2001)
DoEH&LG Circular WQ 1/02 EPA Report on the Quality of Drinking Water in Ireland 2000
DoEH&LG Circular Letter WQ 2/02 Re: Naturally Occurring Uranium and Drinking Water
DoEH&LG Circular L 1/03 Drinking Water National Monitoring Programme
DoEH&LG Circular Letter WQ 2/03 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003 (S. I. No. 259 of 2003)
DoEH&LG Protection of Drinking Water Supplies - Guidelines for Local Authorities, December 1992
DoEH&LG Protection of Drinking Water Supplies - Guidelines for Local Authorities on Minimizing the Risk of Cryptosporidium in Water Supplies, July 1998
DoEH&LG Memorandum on Drinking Water Quality Monitoring Returns, January 1991 EPA Annual Reports on the Quality of Drinking Water in Ireland

Water Conservation

Description

The objective of water conservation is to reduce the overall level of water losses in water supply systems in the County, to improve the level of supply to consumers, to lower operating costs and to protect and facilitate improved management of finite water resources.

Legislation

Local Government Act 2001

Guidelines & Circulars

DoEH&LG Circular L 7/96 Water Conservation
DoEH&LG Circular L 14/97 Rural Water Programme
DoEH&LG Circular L 8/98 National Water Conservation Study
Agenda 21
EU Guidelines
DoEH&LG Circular L 5/01 Roll out of the National Water Study
DoEH&LG Circular L 7/01 Complete Information System - Data Capture
DoEH&LG Circular L9/03 National Water Conservation Programme 2003
DoEH&LG A Guidance Manual on Water Distribution Network Management and Leakage Control
National Water Study

Connections to Public Water Supply & Sewerage Schemes

Description

Any person wishing to connect premises to the Council's Watermains or Sewerage System must apply for permission to do so. The Council may serve a notice on the owner of any premises which is not satisfactorily serviced, and which is not more than 100 feet from a watermain or sewer, as the case may be, requiring him/her to lay a pipe connecting the premises to the public system.

Legislation

Waterworks Clauses Act, 1847
S. 67 of the Public Health (Ireland) Act, 1878
S. 18 of the Public Health (Amendment) Act, 1890
S. 8 of the Local Government (Sanitary Services) Act, 1962
Local Government (Sanitary Services) Act, 1964
S. 25 and the Third Schedule of the Local Government (Planning and Development) Act, 1990
Roads Act, 1993

Group and Rural Water & Sewerage Schemes

Description

A group of two or more householders can get together to provide themselves with a water supply or sewerage facilities where no such supply or facilities already exist. Grants are available from the Council for group schemes. The Council also assists with the design and supervision of these schemes. These Schemes are administered under the Rural Water Programme. A subsidy is available from the Council to Group Water Schemes towards the Operational Cost of supplying water for domestic use. This facility is payable to both privately sourced and publicly sourced Group Schemes. Terms and Conditions apply. Also, Grants are available from the Council to assist with the provision or upgrading of a water supply to a house.

Legislation

S. 26 of the Local Government (Sanitary Services) Act, 1948
Health (Fluoridation of Water Supplies) Act, 1960
Local Government (Sanitary Services) Act, 1962
S. 5 of the Housing (Miscellaneous Provisions) Act, 1979

EU Directives:

EC Directive 80/778/EEC - 15/07/80 relating to the quality of water intended for human consumption (as amended by 81/858/EEC, 90/656/EEC and 91/692/EEC) (Drinking Water)
Council Directive 98/83/EC - 03/11/98 relating to the quality of water intended for human consumption (Drinking Water)
EU Directive 2000/60/EC - 23/10/2000

Regulations

S. I. No. 81 of 1988 European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
S. I. No. 177 of 2000 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000
S. I. No. 439 of 2000 European Communities (Drinking Water) Regulations, 2000
S. I. No. 259 of 2003 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular Letter L 1/89 Group Water Schemes / European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988
DoEH&LG Circular L 2/94 Action plans for the protection of drinking water supplies
DoEH&LG Circular Letter L 1/96 Public Water and Sewerage Small Schemes Programme, 1996
DoEH&LG Circular Letter 5/96 Group Sewerage Schemes
DoEH&LG Circular L 6/97 Arrangements for the devolution of responsibility for certain group and small public water and sewerage schemes to local authorities
DoEH&LG Circular L 8/97 Grants for the provision or necessary improvement of an individual water supply to a house
DoEH&LG Circular L 10/97 Subsidy towards the operational costs of group water schemes
DoEH&LG Circular L 12/97 Rural Water Grants and Subsidies
DoEH&LG Circular L 14/97 Rural Water Programme
DoEH&LG Circular L 18/97 Rural Water Supplies - Allocations towards the administrative costs of local authorities
DoEH&LG Circular L9/98 Implementation of Rural Water Programme
DoEH&LG Circular L 10/99 Rural Water Strategic Plans
DoEH&LG Circular L 10/2000 Scheme of grants for (A) the development of new group water schemes and (B) the installation of water filtration and disinfection equipment in privately sourced schemes
DoEH&LG Circular L 5/01 Roll out of the National Water Study
DoEH&LG Circular L 13/01 National Urban Wastewater Study

DoEH&LG Circular WQ 1/02 EPA Report on the Quality of Drinking Water in Ireland 2000
DoEH&LG Circular L 17/02 Performance management System (PMS) for DBO and Operation and Maintenance Contracts for Group Water Schemes
DoEH&LG Circular L 18/02 Procurement Guidance Document for Small Water Services Schemes. Part A - Rural Water (Group Schemes) Module : Design, Build, Operate
DoEH&LG Circular WQ 1/03 Quality of Drinking Water
DoEH&LG Circular Letter WQ 2/03 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003 (S. I. No. 259 of 2003)
DoEH&LG Circular L 4/04 Part 8 Planning for Group Water Scheme DBO Contrats
DoEH&LG Letter of 10th March 2004 Rural Water Programme : Block Grant Allocations 2004
DoEH&LG Circular L7/04 Water Services DBO Contracts - Site Staff
DoEH&LG Annual Notification of Capital Allocation
DoEH&LG Annual Notification of Allocation towards the administrative costs of administering schemes relating to Rural Water Supplies
DoEH&LG Protection of Drinking Water Supplies - Guidelines for Local Authorities, December 1992
DoEH&LG A Guidance Manual - Rural Water Strategic Plans
DoEH&LG Explanatory Memorandum - Grant for the provision or necessary improvement of an individual water supply to a house, April 1997
DoEH&LG Explanatory Memorandum - Subsidy towards the operational costs of group water schemes, May 1997
DoEH&LG Guidance Document on the Procurement of Water Treatment Plants for Group Water Schemes
DoEH&LG Guidance Note : Model Duties for Employer's Site Staff on Water Services DBO Contracts

Provision & Maintenance of Public Conveniences

Description

The Council maintains public conveniences in a number of locations as well as at all the major tourist resorts in the Council area.

Legislation

S. 49 of the Public Health (Ireland) Act, 1878
Public Health Acts Amendment Act, 1890
Public Health Acts Amendment Act, 1907

Guidelines & Circulars

DEHLG Circular Letter 7/89 Sanitary Conveniences

Nuisances (Public Health)

Description

The sanitary authority, if satisfied a Public Health Nuisance exists can serve Notices. If a person on whom a notice is served does not comply with the notice, the authority may apply to the District Court for a Court Order. If the Court Order is not obeyed, the sanitary authority can enter the premises, carry out the necessary works and recover the expenses of so doing from the person.

Legislation

S. 107 to S. 127 of the Public Health (Ireland) Act, 1878
S. 32 and S. 33 of the Local Government (Sanitary Services) Act, 1948

Temporary Dwellings - Prohibition Order

Description

The sanitary authority may prohibit the erection or retention of temporary dwellings on any land or water in its area. Notice of the making of a Prohibition Order must be published. A person aggrieved by such an order may apply within fourteen days from its publication to the Minister for the Environment, Heritage and Local Government for an annulment of the Order. The Minister may annul the Order or confirm it, with or without variation/s. Once the Order comes into force, the authority must publish the fact.

Legislation

S. 31 of the Local Government (Sanitary Services) Act, 1948
S. 66 of the Local Government Act, 1955

Caravan Park Licenses

Description

The Council grants licences authorising the use of land for camping, caravans etc.

Legislation

S. 34 of the Local Government (Sanitary Services) Act, 1948

Provision and Maintenance of Courthouse Accommodation

Description

The County Council is bound to provide such courthouse accommodation as the Minister for Justice directs

Legislation

Courthouses (Provision and Maintenance) Act, 1935

Piers & Harbours

Description

The Council is responsible for the maintenance of a number of piers and harbours in the County. Major improvement works are funded in the main by Central Government grants.

Legislation

Grand Juries (Ireland) Act, 1836
Fisheries (Ireland) Act, 1846
Grand Juries (Ireland) Act, 1853
Local Government (Ireland) Act, 1898
Harbours Act, 1946
Harbours Act, 1947
Harbours Act, 1996

Arterial Drainage

Description

The Council is responsible for the maintenance of a number of drainage schemes in the County.

Legislation

Arterial Drainage Act, 1945
Arterial Drainage (Amendment) Act, 1995

Burial Grounds/Exhumation Licenses

Description

The local authority has responsibility for the provision, control and maintenance of burial grounds. Exhumation licences are issued by the local authority.

Legislation

Part III of the Public Health (Ireland) Act, 1878
S. 19 and S. 20 of the Public Health (Ireland) Act, 1896
Part VI of the Local Government (Sanitary Services) Act, 1948
Local Government (Sanitary Services) (Joint Burial Boards) Act, 1952
Local Government Act, 1994 - Second Schedule

Regulations

Rules and Regulations for the Regulation of Burial Grounds etc. 1888
S. I. No. 600 of 2001 Planning and Development Regulations, 2001 - Parts 8 and 10

Guidelines & Circulars

DoEH&LG Circular L 3/63

DoEH&LG Circular ENV. 23/74 of 23/9/1974

DoEH&LG Circular LSS 6/94 Burial Grounds / Exhumation Licences -
Devolution of Controls

Programme Area 4 : Development Incentives & Controls

The Development Incentives & Control sections within *Kilkenny County Council* provide a number of services to the public,

- Development Plans, Local Area Plans and Action Plans
- Control of development/Planning application process
- Development Contribution Scheme
- Building Control - Commencement Notices
- Protection of Architectural Heritage (Protected Structures)
- Implementation of the National Heritage Plan
- Development by Local Authorities
- Licensing of Outdoor Events
- Derelict Sites
- Urban Renewal
- Town Renewal
- Licensing of Signs, Appliances, etc on Public Roads
- County Development Board
- Promotion of Interest of the Local Community - Community Grants
- Amenity Grants / Arts Grants
- Local Agenda 21 (LA 21)
- Clar Programme - Revitalising Rural Areas
- RAPID Programme - Revitalising Disadvantaged Urban Areas
- Markets
- Casual Trading
- Community Forum
- Community Wardens

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Development Incentives and Control directorate works.

The Director of Services for Planning and the Borough is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Development Plans, Local Area Plans and Action Plans

Description

Under the Planning Acts, planning authorities are obliged to prepare and adopt Development Plans for their functional areas every six years. A development plan consists of a written statement and a map or series of maps. It sets out the land use, amenity and development objectives and policies of the planning authority.

Legislation

Housing Act, 1988

National Monuments Act, 1994

S. 9-17 of the Planning and Development Act, 2000

Planning and Development (Amendment) Act, 2002

Planning and Development (Strategic Infrastructure) Act 2006.

Regulations

S. I. No. 317 of 1988 Local Government (Planning and Development) General Policy Directive, 1988

Environmental Impact Assessment Regulations, 1989

S. I. No. 94 of 1997 European Communities (Natural Habitats) Regulations, 1997

S. I. No. 600 of 2001 Planning and Development Regulations, 2001

Planning and Development Regulations 2002

Planning and Development (No. 2) Regulations 2002

Planning and Development (Strategic Environmental Assessment) Regulations 2004

Planning and Development Regulations - 2005

Planning and Development Regulations - 2006

Planning and Development (No. 2) Regulations - 2007

Guidelines & Circulars

DoEH&LG SR6 1991 - Septic Tank Standards etc.

DoEH&LG Circular Letter PD 1/94 - Tree Preservation Guidelines for Planning Authorities

DoEH&LG Circular Letter PD 7/96 Supreme Court Judgment in Water Pollution Case

DoEH&LG Circular Letter PD 5/97 Changes to the Planning Regulations as a consequence of the Waste Management (Licensing) Regulations

DoEH&LG Circular Letter PD 4/98 - Residential Density

DoEH&LG Circular PD 11/2000 - Commencement of the Planning and Development Act, 2000 - Planning and Development Regulations, 2000

DoEH&LG Circular PD 1/2001 - Retail Planning Guidelines

DoEH&LG Circular HS 3/01 - Preparation of Housing Strategies

DoEH&LG Circular PD 10/02 - Public Works Contracts - EU Directive

93/37/EEC: Court of Justice of the European Communities Judgement of 12 July, 2001 - Case C - 399/98 - Project "Scala 2001": Implications for local authorities - Planning and Development Act 2000

DoEH&LG Circular Letter PD 11/2002 - Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002 and Planning and Development Regulations, 2001 - further guidance.

DoEH&LG Circular Letter SP 5/03 - Groundwater Protection and the Planning System

DoEH&LG Circular Letter SP 1/04 - Guidelines on Sustainable Rural Housing

DoEH&LG Circular HMS 4/04 - Planning and Development Acts 2000-2002 : Part V - Housing Supply, Implementation Issues

DoEH&LG Circular Letter PD 2/04 - New Registration System for Quarries

DoEH&LG Circular Letter SP 2/04 - Amendment of Procedures in relation to the Submission of Development Plans, Variations and Material Amendments

to Development Plans, and Local Area Plans to the Minister for the Environment, Heritage and Local Government
 DoEH&LG Guidelines 1983 - Urban Development Plans for the 1980's
 DoEH&LG Tree Preservation Guidelines for Planning Authorities - 1994
 DoEH&LG Planning Guidelines for Telecommunications Antennae and Support Structures, July 1996
 DoEH&LG Wind Farm Development - Guidelines for Planning Authorities, September 1996
 Draft Wind Energy Development Guidelines - 2004
 DoEH&LG Residential Density - Guidelines for Planning Authorities - 1999
 DoEH&LG Guidelines for Planning Authorities - Part V of the Planning and Development Act, 2000: Housing Supply
 DoEH&LG A Model Housing Strategy and Step-by-Step Guide - Part V of the Planning and Development Act, 2000: Housing Supply
 DoEH&LG Retail Planning Guidelines - 2000
 DoEH&LG Childcare Facilities - Guidelines for Planning Authorities
 DoEH&LG Landscape and Landscape Assessment - Guidelines for Planning Authorities
 DoEH&LG Guidance Notes - Planning and Development Regulations, 2001
 DoEH&LG Guidance Document - Part V of the Planning and Development Act, 2000 - Implementation Issues, February 2002
 DoEH&LG Guidance Notes - Part 11 of the Planning and Development Regulations, 2001 - Major Accidents Directive (Seveso II)
 Quarries and Ancillary Activities - Guidelines for Planning Authorities (2004)
 Draft Wind Energy Development Guidelines (2004)
 Sustainable Rural Housing - Consultation Draft of Guidelines for Planning Authorities (2004)
 SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans/Programmes on the Environment - (DRAFT) Guidelines for Regional Authorities and Planning Authorities
 Local Government (Planning & Development) General Policy Directive (Shopping) 1998
 DoEH&LG Part V of the Planning and Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 - Further Guidance on Implementation Issues, Lúnasa 2003
 Forest Service - Department of Communications, Marine and Natural Resources - Forestry and Archaeology Guidelines
 Local Agenda 21 Sustainable Development incl. National Strategy
 Task Force Report on Traveller Accommodation
 Building Regulations
 Special Areas of Control (OPW SURVEY)
 Revised Sites and Monuments Record (OPW SURVEY)
 EPA Manual 2000
 BMW Regional Authority - Regional Planning Guidelines
 Environmental Protection Agency Wastewater Treatment Manual, Treatment Systems for Single Houses - EPA 2000
 National Spatial Strategy 2002-2020
 Regional Planning Guidelines 2004

Control of Development/Planning Application Process

Description

Planning permission is required for “development” as defined in the Planning Acts and Regulations. The Planning Authority has powers of enforcement, including legal action, in respect of unauthorised development. In certain circumstances, planning applications must be accompanied by an Environmental Impact Statement (E.I.S.). Any person or body, on payment of the prescribed fee and within the specified time limit, may make a submission or observation in writing to the Planning Authority in relation to a planning application. The Planning Authority must, when considering planning applications, have regard to any submissions or observations received. In processing planning applications, Kilkenny County Council as planning authority is restricted to considering the proper planning and sustainable development of the area and must have regard to the provisions of the County Development Plan and any Local Area Plan prepared for the area to which the application relates, the provisions of any special amenity area order relating to the area, the policy of Government or of any Minister of the Government etc. Projects which are likely to have significant effects on the environment must be subjected to an assessment of such effects. The Planning Authority may decide to grant permission with or without conditions or to refuse permission. Appeals in respect of decisions taken by Planning Authorities lie to An Bord Pleanála.

Legislation

European Communities Act, 1972
Housing Act, 1988
Building Control Act, 1990
Environmental Protection Agency Act, 1992
National Monuments Act, 1994
Planning and Development Act, 2000
Euro Changeover (Amounts) Act, 2001
Planning and Development (Amendment) Act, 2002

EU Directives:

EC Directive 85/337/EEC - Assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment)
EC Directive 97/11/EC - 03/03/97 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment)

Regulations

S. I. No. 317 of 1988 Local Government (Planning and Development) General Policy Directive, 1988
S. I. No. 349 of 1989 European Communities (Environmental Impact Assessment) Regulations, 1989
S. I. No. 84 of 1994 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994
S. I. No. 101 of 1996 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1996

S. I. No. 94 of 1997 European Communities (Natural Habitats) Regulations, 1997
S. I. No. 128 of 1998 Local Government (Planning and Development) (Fees) (Amendment) (No. 2) Regulations, 1998 S. I. No. 351 of 1998 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1998
S. I. No. 93 of 1999 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1999
S. I. No. 525 of 2001 Local Government (Planning and Development) (Fees) (Amendment) Regulations, 2001
S. I. No. 538 of 2001 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 2001
S. I. No. 539 of 2001 Local Government (Planning and Development) (Amendment) Regulations, 2001
S. I. No. 600 of 2001 Planning and Development Regulations, 2001
S. I. No. 70 of 2002 Planning and Development Regulations 2002
S. I. No. 90 of 2003 Planning and Development Regulations 2003
Planning & Development (Strategic Environmental Assessment) Regulations, 2004

Guidelines & Circulars

DoEH&LG Circular PD 9/82 - Development Control
EOLAS S.R. 6:1991 Septic Tank Systems - Recommendations for Domestic Effluent Treatment and Disposal from a Single Dwelling House
DoEH&LG Circular Letter 1/92 Re S. R. 6:1991
DoEH&LG Circular Letter PD 2/92 - Planning Applications with job creation potential
DoEH&LG Circular of 17/6/1993 - Regulation of development by or on behalf of State authorities and local authorities
DoEH&LG Circular Letter PD 1/94 - Tree Preservation Guidelines for Planning Authorities
DoEH&LG Circular PD 3/94 - Proprietary Waste Water Treatment Systems
DoEH&LG Circular Letter PD 3/95 - Availability of documents held by An Bord Pleanála / planning authorities
DoEH&LG Circular Letter PD 5/96 - Controls on Forestry Development
DoEH&LG Circular Letter PD 7/96 - Supreme Court Judgment in Water Pollution Case
DoEH&LG Circular PD 3/97 - Local Government (Planning and Development) Regulations, 1997 (S. I. No. 78 of 1997)
DoEH&LG Circular Letter PD 5/97 -Changes to the Planning Regulations as a consequence of the Waste Management (Licensing) Regulations
DoEH&LG Circular Letter PD 4/98 - Residential Density
DoEH&LG Circular 1/99 - Environmental Impact Assessment - Directive 97/11/EC
DoEH&LG Circular PD 4/99 - Environmental Impact Assessment - Directive 97/11/EC
DoEH&LG Circular PD 11/99 -Local Government (Planning and Development) (No. 2) Regulations, 1999 - Protection of Architectural Heritage
DoEH&LG Circular Letter PD 4/00 - Local Government (Planning and Development) Regulations, 2000

DoEH&LG Circular PD 11/2000 - Commencement of the Planning and Development Act, 2000 - Planning and Development Regulations, 2000

DoEH&LG Circular PD 1/2001 - Retail Planning Guidelines

DoEH&LG Circular Letter PD 8/01 - Local Government (Planning and Development) (Fees) (Amendment) Regulations, 2001 (S. I. No. 525 of 2001)

DoEH&LG Circular Letter PD 9/01 - Local Government (Planning and Development) (Amendment) Regulations, 2001 (S. I. No. 539 of 2001) & European Communities (Environmental Impact Assessment) (Amendment) Regulations, 2001 (S. I. No. 538 of 2001)

DoEH&LG Circular Letter PD 8/2002 - Planning and Development Regulations, 2001 - further guidance

DoEH&LG Circular Letter PD 11/2002 - Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002 and Planning and Development Regulations, 2001 - further guidance

DoEH&LG Circular Letter PD 2/2003 - Planning and Development (Amendment) Act, 2002

DoEH&LG Circular Letter PD 4/2003 - Development Contributions

DoEH&LG Letter of 28th July 2003 Re: Development Contribution Schemes

DoEH&LG Circular Letter SP 5/03 Groundwater Protection and the Planning System

DoEH&LG Circular Letter BC 14/2003 - Environmental Impact Assessment (EIA) - Guidance for Consent Authorities regarding Sub-threshold Development

DoEH&LG Letter of 14th October, 2003 Development Contributions in respect of Social Housing Units

DoEH&LG Circular HMS 4/04 - Planning and Development Acts 2000-2002 : Part V - Housing Supply, Implementation Issues

DoEH&LG Circular Letter PD 2/04 - New Registration System for Quarries

DoEH&LG Circular Letter SP 2/04 - Amendment of Procedures in relation to the Submission of Development Plans, Variations and Material Amendments to Development Plans, and Local Area Plans to the Minister for the Environment, Heritage and Local Government

NRA Circular 08/2004 Re: Development Control and Access to National Roads : Appeals to An Bord Pleanala, Official Policy

DoEH&LG Development Control - Advice and Guidelines, October 1982

DoEH&LG Tree Preservation, Guidelines for Planning Authorities, 1994

DoEH&LG Local Government (Planning and Development) Regulations, 1995 - Notes for the guidance of planning authorities, March 1995

DoEH&LG Planning Guidelines for Telecommunications Antennae and Support Structures, July 1996

DoEH&LG Wind Farm Development - Guidelines for Planning Authorities, September 1996

DoEH&LG Residential Density - Guidelines for Planning Authorities, 1999

DoEH&LG A Guide to Protected Buildings, December 1999

DoEH&LG Retail Planning Guidelines, 2000

DoEH&LG Childcare Facilities - Guidelines for Planning Authorities

DoEH&LG Landscape and Landscape Assessment - Guidelines for Planning Authorities

DoEH&LG Guidance Document - Part V of the Planning and Development Act, 2000 - Implementation Issues, February 2002

DoEH&LG Part V of the Planning and Development Act 2000 as amended by the Planning and Development (Amendment) Act 2002 - Further Guidance on Implementation Issues, Lúnasa 2003
DoEH&LG Environmental Impact Assessment (EIA) - Guidance for Consent Authorities regarding Sub-threshold Development, August 2003
EPA Manual on Treatment Systems for Single Houses (2000)
Forest Service - Department of Communications, Marine and Natural Resources - Forestry and Archaeology Guidelines
Local Agenda 21 Sustainable Development incl. National Strategy
Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development
National Spatial Strategy 2002-2020
Quarries and Ancillary Activities - Guidelines for Planning Authorities (2004)
Draft Wind Energy Development Guidelines (2004)
Sustainable Rural Housing - Consultation Draft of Guidelines for Planning Authorities (2004)
SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans/Programmes on the Environment - (DRAFT) Guidelines for Regional Authorities and Planning Authorities
Local Government (Planning & Development) General Policy Directive (Shopping), 1998
EPA Manual 2000
BMW Regional Authority - Regional Planning Guidelines - 2004

Development Contribution Scheme

Description

A Planning Authority may, when granting a planning permission, include conditions for requiring the payment of a contribution to the local authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority and which have been provided or which will be provided by or on behalf of the local authority. The basis for the determination of such a contribution is set out in a Development Contribution Scheme, which must be made by the Planning Authority. This scheme makes provision for the payment of different contributions in respect of different classes or descriptions of development and a planning authority may make one or more such schemes in respect of different parts of its functional area.

Legislation

Planning & Development Act, 2000 - 2002

Regulations

Planning & Development Regulations, 2001 - 2002

Guidelines & Circulars

DoEH&LG Circular Letter PD 4/2003 - Development Contributions
DoEH&LG Letter of 28th July 2003 Re: Development Contribution Schemes
DoEH&LG Letter of 14th October, 2003 Development Contributions in respect of Social Housing Units

Building Control - Commencement Notices

Description

Local authorities are Building Control Authorities and as such has powers in relation to securing compliance with the Building Regulations. The purpose of the Regulations is to promote good practice in the design and construction of buildings in the interests of health, safety and welfare of persons who use them. The prime responsibility for ensuring compliance with the Building Regulations rests with the designers and builders. The Building Control Regulations impose important requirements on persons carrying out construction work. A Building Control Authority has powers to inspect buildings and enforce the Building Regulations by service of notice and by prosecuting offenders. Each local authority has a Building Control Officer and as well as being responsible for enforcement of the Building Control Act and Regulations, the Building Control Officer is also responsible for Enforcement of the Planning laws.

A Commencement Notice must be submitted to the Building Control Authority not more than 28 days and not less than 14 days before the commencement of works. Commencement Notice forms are issued when issuing planning permission and can also be obtained from the Planning Office. Commencement Notices must be accompanied by the appropriate fee.

Legislation

Building Control Act 1990

Regulations

Building Regulations 1997-2002

Building Regulations, 1991

Building Control Regulations, 1991

Building Control Act, 1990 (Fees) (Amendment) Regulations, 1992

Building Control Act, 1990 (Appeals) Regulations, 1992

Building Control Act, 1990 (Fees) Regulations, 1992

Building Control Act, 1990 (Amendment) Regulations, 1993

Guidelines & Circulars

Circular HPS 12/2003 - Building Control Statistics - Commencement Notices for Residential Developments

Protection of Architectural Heritage (Protected Structures)

Description

The protection of buildings of artistic, architectural or historic interest is a mandatory function of local authorities. Protected structures are listed in a record of protected structures contained in the development plan. Any works to a protected building which could affect the character of the building require planning permission. Local authorities have power to require owners and occupiers to carry out works to prevent a protected building from becoming endangered, or if necessary they may carry out the work themselves.

Legislation

Part 6 of the Planning and Development Act, 2000

Part 3 of the Planning and Development (Amendment) Act, 2002

Regulations

Planning & Development Regulations, 2001 - 2002

S. I. No. 431 of 1999 Local Government (Planning and Development) (No. 2) Regulations, 1999

S. I. No. 600 of 2001 Planning and Development Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular PD 11/99 - Local Government (Planning and Development) (No. 2) Regulations, 1999 - Protection of Architectural Heritage

DoEH&LG Circular Letter PD 2/2003 - Planning and Development (Amendment) Act, 2002

DoEH&LG Booklet - Protecting our Architectural Heritage

DoEH&LG A Guide to Protected Buildings, December 1999

Scheme of Grants for the Conservation of Protected Structures

Description

The objective of this scheme is to assist the owner or occupier of a structure which is protected because of its architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest to undertake conservation works on such structure. The scheme is not intended to assist in carrying out routine maintenance, alterations or improvements.

There is no automatic right to a grant under the scheme. The local authority is required to prioritise grant applications within available resources in accordance with set criteria.

Structures which are on the Record of Protected Structures in the local authority development plan are eligible for grant-aid.

Legislation

Local Government (Planning and Development) Act, 1999

Regulations

Guidelines & Circulars

DoEH&LG Circular PD 5/99 - Conservation of architectural heritage

DoEH&LG Circular 21/06/2001 - Re: Allocation for 2001 Conservation Grants for Protected Structures

DoEH&LG Circular UR 12/01 - Conservation Grant Scheme for Protected Structures -2002

DoEH&LG Booklet - Protecting our Architectural Heritage

DoEH&LG Explanatory Memorandum - Grant for the conservation of a protected structure, May 1999

Implementation of the National Heritage Plan

Description

The National Heritage Plan was published on 24th April, 2002. The Plan was published with the endorsement of the Government, in fulfilment of a clear commitment in the Government's *Action Programme for the Millennium*.

Guidelines & Circulars

DEHLG Letter of 29th May, 2002 Implementation of the National Heritage Plan

Development by Local Authorities

Description

Where a local authority or planning authority propose to carry out certain prescribed types of development within their own functional area, they must first enter into a Public Consultation Process. A full list of prescribed development is contained in the Planning & Development Regulations, 2001. This Public Consultation Process involves the giving of public notice of the proposal in a newspaper circulating in the area in which the proposed development is to take place and the erection of a Site Notice. All plans and particulars relating to the proposed development must be available for public inspection for a prescribed period and a period is allowed for the public to make submissions / objections / observations. All submissions/objections/observations received must be considered by the Planning Authority in deciding whether to proceed with the development and the decision on whether to proceed with the proposed development is reserved to the elected members of the authority.

Legislation

Planning & Development Act, 2000

Planning & Development (Amendment) Act, 2002

Regulations

Planning & Development Regulations, 2001 - 2002

Licensing of Outdoor Events

Description

A licence is required in respect of the holding of outdoor events with an attendance of more than 5,000 people. Where a local authority propose to hold an event, at which the anticipated audience would be 5,000 people or more, a similar process is followed - publication of notice, a period for the public to make submissions and the authority in making its decision on the holding of the event must have regard to submissions received. The organiser of a funfair must give notice to the local authority of the intention to hold the funfair - time limits are prescribed. The notice must be accompanied by details relating to the ownership of the funfair equipment, the location and date of the proposed funfair, and a valid certificate of safety for the fairground equipment to be used at the funfair.

Legislation

Part 16 of the Planning and Development Act, 2000

Regulations

S.I. No. 154 of 2001 Planning and Development (Licensing of Outdoor Events) Regulations, 2001

S. I. No. 449 of 2003 Planning and Development Act 2000 (Certification of Fairground Equipment) Regulations 2003

Guidelines & Circulars

DoEH&LG Circular Letter LSS 6/03 - Planning and Development (Certification of Fairground Equipment) Regulations, 2003 (S. I. No. 449 of 2003)

DoEH&LG Circular Letter RLSS 4/04 - Planning and Development (Certification of Fairground Equipment) Regulations, 2003 (S. I. No. 449 of 2003)

DoEH&LG Guidance Notes on Planning and Development Act, 2000, Part 16 - Events and Fairs

DoEH&LG Explanatory Notes on Planning and Development (Licensing of Outdoor Events) Regulations, 2001

DoEH&LG Funfair Guidance Document, October 2003

Licensing of Advertising Signs

Description

Under planning legislation, a licence is required to erect, construct, place and maintain an advertising sign on a public road. Any person may appeal to An Bord Pleanála in relation to the granting, refusing, withdrawing or continuing of a licence or the conditions of a licence.

Legislation

S. 254 of the Planning and Development Act, 2000

Regulations

Schedule 12 of the Planning and Development Regulations, 2001

S. I. No. 600 of 2001 Planning and Development Regulations 2001

S. I. No. 149 of 2002 Planning and Development (No. 2) Regulations 2002

Derelict Sites

Description

The Council identifies sites, buildings and structures, which it considers to be derelict and endeavours to identify the owners/occupiers of same. The Council must give notice to owners of their intention to place a site on the register. The Council has authority to serve notices on owners/occupiers of land, specifying measures to be taken to prevent land from becoming or continuing to be a derelict site. The person, on whom the notice is served, must be afforded an opportunity of making representations to the local authority concerning the terms of the notice. In certain cases, the Council

may acquire by agreement or compulsory acquisition any derelict site in their area.

Legislation

Derelict Sites Act, 1990

Regulations

Derelict Sites Regulations, 1990

Derelict Sites (Commencement of Derelict Sites Levy) Regulations, 1991

Derelict Sites (Urban Area) Regulations, 1991

Derelict Sites (Urban Area) Regulations, 1992

Derelict Sites (Urban Area) (No. 2) Regulations, 1992

Derelict Sites (Urban Area) Regulations, 1993

Derelict Sites Regulations, 2000

Urban Renewal

Description

The Urban Renewal Act, 1986 fostered the regeneration of economically deprived areas of cities and towns by way of allowing Tax Incentives and Rates Relief to prospective developers. The Scheme was reviewed by the Government in 1996 and replaced by the 1998 Urban Renewal Scheme (Integrated Area Plans). Integrated Area Plans address not only issues of physical development (such as use, design quality, conservation etc.) but also the wider issues of local socio-economic benefit (such as social housing, environmental improvements, issues of local employment / training / education etc).

Legislation

Local Government (Planning and Development) Acts, 1963 - 1993

Urban Renewal Act, 1986

Local Government Act, 1991

S. 57 of the Dublin Docklands Development Authority Act, 1997

Urban Renewal Act, 1998

Regulations

S. I. No. 276 of 1986 Urban Renewal Act, 1986 (Remission of Rates) Scheme, 1986

S. I. No. 92 of 1988 Urban Renewal Act, 1986 (Designated Areas) Order, 1988

S. I. No. 93 of 1988 Urban Renewal Act, 1986 (Remission of Rates) Scheme, 1988

S. I. No. 311 of 1988 Urban Renewal Act, 1986 (Remission of Rates) (No. 2) Scheme, 1988

S. I. No. 195 of 1989 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) Scheme, 1989

S. I. No. 205 of 1990 Urban Renewal Act, 1986 (Remission of Rates) Scheme, 1990

S. I. No. 288 of 1990 Urban Renewal Act, 1986 (Remission of Rates) (No. 2) Scheme, 1990

S. I. No. 192 of 1991 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) Scheme, 1991
 S. I. No. 363 of 1994 Urban Renewal Act, 1986 (Designated Areas) (Wexford) Order, 1994
 S. I. No. 377 of 1994 Urban Renewal Act, 1986 (Designated Areas) (Enniscorthy) Order, 1994
 S. I. No. 418 of 1994 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) Scheme, 1994
 S. I. No. 365 of 1995 Urban Renewal Act, 1986 (Remission of Rates) (No. 2) Scheme, 1995
 S. I. No. 80 of 1998 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) Scheme, 1998
 S. I. No. 81 of 1998 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) (No. 2) Scheme, 1998

Guidelines & Circulars

DoEH&LG Circular UR 4/98 1998 - Urban Renewal Scheme - Tax Incentives
 DoEH&LG Circular UR 5/98 - Extension of Time Limit for developments under the scheme of Reliefs for Renewal and Improvement of Certain Resort Areas
 DoEH&LG Circular UR 6/98 Multi-Storey Car-Parks - Extension of Time Limit
 DoEH&LG Circular UR 7/98 Urban Renewal Act, 1986 (Remission of Rates) (Amendment) Scheme, 1998 (S. I. No. 80 of 1998) Urban Renewal Act, 1986 (Remission of Rates) (Amendment) (No. 2) Scheme, 1998 (S. I. No. 81 of 1998)
 DoEH&LG Circular UR 8/98 1998 Urban Renewal Scheme
 DEHLG Circular UR 1/99 1999 Urban Renewal Scheme
 DoEH&LG Circular UR 2/99 - Second Extension of Time Limit for developments under the scheme of Reliefs for Renewal and Improvement of Certain Resort Areas
 DoEH&LG Circular UR 3/99 - 1999 Urban Renewal Scheme
 DoEH&LG Circular UR 5/99 - 1999 Urban Renewal Scheme - Certification Procedures
 DoEH&LG Circular UR 6/99 - 1999 Urban Renewal Scheme
 DoEH&LG Circular Letter UR 10/99 - Multi-Storey Car-Parks - Extension of Time Limit to 31 December, 2000
 DoEH&LG Circular UR 4/00 Multi-Storey Car-Parks - Extension of Time Limit to 31 December, 2002 - Extension of Areas Covered by Scheme
 DoEH&LG Circular UR 5/00 Multi-Storey Car-Parks - Extension of Time Limit to 31 December, 2002
 DoEH&LG Circular UR 4/01 - Urban Renewal Scheme 1999 - Commercial Incentives - EU Guidelines on Regional Aid
 DoEH&LG Circular UR 11/01 - Urban and Town Renewal Schemes: Extension of Residential Investor Reliefs
 DoEH&LG Circular UR 1/01 - Multi-Storey Car-Parks - Extension of Time Limits
 DoEH&LG Circular UR 7/02 - Urban Renewal Scheme 1999 / Town Renewal Scheme 2000 - Extension of "Section 23" Relief ; Urban Renewal Scheme 1999 - Extension of Time Limit
 DoEH&LG Circular UR 8/02 - Urban Renewal Scheme 1999: Receipt of EU Approval for Time Extension

DoEH&LG Circular UR 10/02 - Consolidated Certification Guidelines for Urban Renewal Scheme 1999
DoEH&LG Circular UR 11/02 - Tax incentive scheme for Multi-Storey Car Parks - Extension of qualifying period
DoEH&LG Circular Letter UR 12/02 - Time Extensions for Urban and Town Renewal Schemes
DoEH&LG Circular UR 3/03 - Urban / Town Renewal and Public Private Partnerships
DoEH&LG Circular Letter UR 15/03 - Time Extensions for the Town Renewal Scheme, Urban Renewal Scheme, Living Over The Shop Scheme (LOTS) and Multi-storey Car Parks Scheme
DoEH&LG Guidelines on 1998 Urban Renewal Scheme, 24th November 1997
DoEH&LG 1999 Urban Renewal Scheme - Monitoring Guidelines, April 1999
DoEH&LG Urban Renewal Scheme 1999 - Certification under Section 11 of Urban Renewal Act 1998, May 1999
DoEH&LG Urban Renewal Act Scheme 1999 - Commercial/Industrial Incentives - Certification Guidelines, Revised July 2001
DoEH&LG Urban Renewal Scheme, 1999 - Consolidated Certification Guidelines, October 2002
DoEH&LG Certification Guidelines on developments under the scheme of Reliefs for Renewal and Improvement of Certain Resort Areas, 6 March 1998
DoEH&LG Certification Guidelines on Multi-Storey Car-Parks, 6 March 1998
DoEH&LG Certification Guidelines on developments under the scheme of Reliefs for Renewal and Improvement of Certain Resort Areas, 15 April 1999
DoEH&LG Memorandum on Multi-Storey Car-Parks, revised July 2000
DoEH&LG Certification Guidelines on Multi-Storey Car-Parks, July 2000
DoEH&LG Certification Guidelines on Multi-Storey Car-Parks, March 2001
DoEH&LG Memorandum on Multi-Storey Car-Parks, March 2001
DoEH&LG Multi-Storey Car Park Scheme - Consolidated Certification Guidelines, October 2002

Town Renewal

Description

The central aim of the Town Renewal Scheme is to bring about the restoration, consolidation and improvement of the built fabric of our towns, to promote sensitive infill and, in the course of this, to revitalize the centres of small towns. Under the Scheme, tax incentives are applied on a targeted basis to encourage appropriate development in small towns.

The Scheme requires relevant county councils, together with local community / business interests, particularly property owners, to identify areas which can benefit effectively from the Scheme, to prepare a Town Renewal Plan for that area and, within that, to identify buildings, groups of buildings and key infill sites where effective improvement may be achieved with the aid of tax incentives.

Legislation

Town Renewal Act, 2000

EU Directives:

Commission Regulation (EC) 70/2001 of 12/01/2001

Guidelines & Circulars

DoEH&LG Circular UR 8/99 - Guidelines for Town Renewal Scheme

DoEH&LG Circular UR 13/99 Town Renewal Scheme: Land Designated for New Build Development

DoEH&LG Circular UR 14/99 Town Renewal Scheme: Area of Designated Sites must be included in Town Renewal Plans

DoEH&LG Circular UR 2/00 Town Renewal Scheme Act, 2000

DoEH&LG Circular UR 3/2000 Town Renewal Scheme 2000

DoEH&LG Circular UR 6/00: 2000 Town Renewal Scheme - Certification Procedures for Residential Development

DoEH&LG Circular UR 2/01 - Town Renewal Scheme - Commercial Incentives

DoEH&LG Circular UR 5/01 - Town Renewal Scheme 2000 - Commercial / Industrial Incentives, EU Guidelines on Regional Aid

DoEH&LG Circular UR 11/01 - Urban and Town Renewal Schemes: Extension of Residential Investor Reliefs

DoEH&LG Circular UR 5/02 - Town Renewal Scheme 2000

DoEH&LG Circular UR 7/02 - Urban Renewal Scheme 1999 / Town Renewal Scheme 2000 - Extension of "Section 23" Relief ; Urban Renewal Scheme 1999 - Extension of Time Limit

DoEH&LG Circular UR 9/02 - Consolidated Certification Guidelines for Town Renewal Scheme, 2000

DoEH&LG Circular Letter UR 12/02 - Time Extensions for Urban and Town Renewal Schemes

DoEH&LG Circular UR 3/03 - Urban / Town Renewal and Public Private Partnerships

DoEH&LG Circular Letter UR 5/03 - Time Extension for Town Renewal Scheme

DoEH&LG Circular Letter UR 15/03 - Time Extensions for the Town Renewal Scheme, Urban Renewal Scheme, Living Over The Shop Scheme (LOTS) and Multi-storey Car Parks Scheme

DoEH&LG Circular Letter UR 2/04 - Town Renewal Scheme and Living Over the Shop Scheme (LOTS) - 5% Expenditure Condition for Exempted Development

DoEH&LG circular letter UR 2/06 - Extensions of the Tax Relief Schemes and Certification Guidelines for Local Authorities

DoEH&LG Guidelines on Town Renewal Scheme, July 1999

DoEH&LG Certification (Residential Development only) under Section 7 of Town Renewal Act 2000, December 2000

DoEH&LG Town Renewal Scheme - Certification Guidelines - Commercial / Industrial Developments, July 2001

DoEH&LG Town Renewal Scheme, 2000 - Consolidated Certification Guidelines, October 2002

County Development Board

Description

The members of the County Development Board (CDB) are drawn from four sectors - local government, local development, State agencies and the social partners. The direct involvement of the social partners, of the community / voluntary sector, and of the local development agencies in the work of the Board will help local communities to play a constructive role in shaping their economic, social and cultural future..

The primary function of the Board is to work towards the implementation of its own 10-year strategy for economic, social, and cultural development within the local authority area. The County Development Board is responsible for monitoring the implementation of this Strategy and for promoting and encouraging co-operation and co-ordination between the various agencies and interests operating at County level

Legislation

S. 129 of the Local Government Act, 2001

Guidelines & Circulars

DoEH&LG Circular LGP 8/98 - Report of the Task Force on the Integration of Local Government and Local Development System

DoEH&LG Circular LG 10/00 Re: A Shared Vision for County / City Development Boards

DoEH&LG Circular Letter of 17th July, 2000 (File Ref. LG66/20.64) Re: Travel Expenses for certain members of County/City Development Boards and Strategic Policy Committees

DoEH&LG Letter of 4th December 2002 Re: Review of the County / City Development Board (CDB) Strategies for Economic, Social & Cultural Development

DoEH&LG Circular LG 23/02 Re: Integration of the County / City Development Board's (CDBs) Strategies with the Local Authorities Corporate Planning Process

DoEH&LG Circular LG 8/03 - Endorsement of Local Development Agency Plans by County / City Development Boards (CDBs)

DoEH&LG Circular LG 04/04 - Improving local and community development structures and programmes

DoEH&LG Circular LG 06/04 - Review of Community and Voluntary Fora

DoEH&LG Circular LG 07/04 - Improving Local and Community Development Structures and Programmes - Proposals for Improved Cohesion

DoEH&LG Circular LG 15/04 Re: Review of Local and Community Development

Structures and Programmes - Integrated and Targeted Plans

DoEH&LG Preparing the Ground: Guidelines for the Progress from Strategy Groups to County / City Development Boards, April 1999

DoEH&LG A Shared Vision for County / City Development Boards: Guidelines on the CDB Strategies for Economic, Social and Cultural Development, May 2000

DoEH&LG Supplementary Guidelines on the Implementation of CDB Strategies

Promotion of Interests of the Local Community - Community Grants

Description

Each year the Council supports Community and Voluntary based projects, to promote community involvement and development, and a better quality of life for residents in the County.

Each local authority is constantly seeking ways to promote an inclusive and integrated society and to ensure the regeneration of marginalised urban and rural communities. The Council identifies a number of areas as priorities and then grant aids community and voluntary based projects in these or related categories. In deciding to grant aid particular projects the Council will favour projects which could not proceed without grant aid. The Council will also favour new projects, or new elements of existing projects, in place of funding ongoing operational costs of existing projects.

Legislation

S. 66 and S. 67 of the Local Government Act, 2001

Guidelines & Circulars

Community & Voluntary Sector Grants Scheme for Community Based Events

Amenity Grants/Arts Grants

Description

Local authorities provides some financial assistance to community groups, organisations and individuals under the Amenity / Arts Grants Scheme.

Legislation

S. 12 of the Arts Act, 1973

S. 66 and S. 67 of the Local Government Act, 2001

Local Agenda 21

Description

Local Agenda 21 is a process which facilitates sustainable development at community level. It is an approach, based on participation which respects the social, cultural, economic and environmental needs of the present and future citizens of a community in all its diversity and which relates that community and its future to the regional, national and international community of which it is a part.

Legislation

Local Government, Act 2001

Guidelines & Circulars

DoEH&LG "Local Authorities and Sustainable Development - Guidelines on Local Agenda 21" - 1995

DoEH&LG "Towards Sustainable Local Communities - Guidelines on Local Agenda 21" - 2001

Clár Programme

Description

The Clár Programme which is specifically aimed at revitalising rural areas. The Clár Programme is co-ordinated by the Department of Community, Rural and Gaeltacht Affairs. This Programme provides funding for works on Non-National Roads, Small Water & Sewerage Schemes and Urban & Village Enhancement Schemes.

Guidelines & Circulars

National Development Plan

Clár Programme as co-ordinated by the Department of Community, Rural & Gaeltacht Affairs

RAPID Programme

Description

The RAPID Programme is a Government initiative co-ordinated by the Department of Community, Rural and Gaeltacht Affairs, which targets 45 of the most disadvantaged areas in the country. The Programme aims to ensure that priority attention is given to the 45 designated areas by focusing State resources available under the National Development Plan. The Programme also requires the Government Departments and State Agencies to bring about better co-ordination and closer integration in the delivery of services.

An Area Implementation Team (AIT) was established in each of the 45 areas to develop a plan for their area. The AIT brings local State Agency personnel (Health Board, Local Authority, VEC, Dept of Social & Family Affairs, FÁS, etc) the local Partnership Company, residents of the local community and, where they exist, Local Drugs Task Forces, together to prepare a plan identifying the needs of each area.

RAPID II was introduced subsequently to revitalize provincial towns around the country that wouldn't be classified as urban areas.

Guidelines and Circulars

National Development Plan
Rapid Programme (Strands 1 and 2) as co-ordinated by the Department of
Community, Rural and Gaeltacht Affairs

Markets/Casual Trading

Description

Local authorities also responsible for the control and regulation of markets and casual trading within their administrative areas. Local authorities may also own or manage a number of markets within their administrative areas.

Legislation

Public Health (Ireland) Act, 1878

Casual Trading Act 1980

Casual Trading Act 1995

Regulations

Casual Trading Act 1980 (Licence Fees) Regulations 1984

Casual Trading Act 1995 (Forms) Regulations 1996

Casual Trading Act 1995 (Section 2(3)) Regulations 2004

Community Forum

Description

The Community Forum is a body which represents the Community and Voluntary Sector in the local authority area and provides a means for community groups to have a say in the development of their Council area. The purpose of the Forum is to provide two-way communication between the Community and Voluntary Sector and the County Development Board. It also provides a means for the community and voluntary sector to be represented on the County Development Board and its supporting structures.

Legislation

Local Government, Act 2001

Guidelines & Circulars

DoEH&LG A Shared Vision for County / City Development Boards: Guidelines on the CDB Strategies for Economic, Social and Cultural Development, May 2000

Community Wardens

Description

Some local authorities operate a Community Warden Scheme which aims to improve communication between the Council and its citizens. A number of Community Wardens are employed by the Council and they operate throughout the County and are involved in a variety of areas including: -

- Regular inspections and clean ups at the Councils bring centres.
- Monitoring of illegal dumping and litter control.
- Enforcement of parking regulations and the Council's paid parking byelaws.
- Regular dog license inspections
- Advice to tourists and amenity upkeep during the holiday season
- Visits to the elderly and community interaction
- Provision of advice and information regarding Council Services

Legislation

Local Government Act, 2001

Guidelines & Circulars

DoEH&LG National Guidelines - Review and Evaluation of Pilot Community Warden Scheme Final Report - November, 2004

Programme Area 5 : Environmental Protection

The Environmental Protection sections within *Kilkenny County Council* provide a number of services to the public,

- Access to Information on the Environment
- Environmental Partnership Fund
- Local/Regional Waste Management Plan
- Recovery and Disposal of Waste
- Provision and Operation of Waste Disposal Facilities
- Refuse Collection
- Litter Control
- Street Cleaning
- Recycling
- Beach Cleaning
- Water Pollution/Quality Control/Nutrient Management Planning
- Air Pollution/Quality Control
- Control of Noise Pollution
- Control of Dangerous Buildings and Places
- Control of Derelict Sites
- Urban and Village Renewal Scheme
- Water Safety
- Coastal Protection
- Pounds
- Control of Horses
- Control of Dogs
- Milk & Dairies
- Abattoirs & Food safety
- Fire Service, Fire Fighting & Emergencies
- Fire Safety & Fire Prevention
- Building Control
- Major Emergency Planning
- Dangerous Substances - Petroleum Stores
- Dangerous Substances - Explosive Stores
- Liquor Licenses, Club Licenses & Dance Licenses

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Environmental Protection directorate works.

The Director of Services for Environmental Protection Services is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Access to Information on the Environment

Description

The Access to Information on the Environment Regulations, (Directive 90/313 EEC, SI No. 125 of 1998 and 2003/4 EC) set out the procedures for public access to information relating to the Environment, held by public authorities. Requests should be made in writing and generally, should be replied to within one month of receipt. Reasonable charges may be made having regard to the cost of making available the information. Public authorities may refuse requests on certain mandatory grounds (e.g. Personnel Information/Third Party Information) or discretionary grounds (e.g. Commercial Confidentiality/Matters "Sub Judice" etc.).

Legislation

EU Directives:

EU Directive 90/313/EEC - June, 1990 on the freedom of access to information on the environment

Regulations

Integrated Pollution Control Licensing - EPA Act, 1992 (Established Activities) Order, 1988

S.I. No. 185 of 1996 - Access to Information on the Environment Regulations, 1996

S. I. No. 125 of 1998 European Communities Act, 1972 (Access to Information on the Environment) Regulations, 1998

Guidelines & Circulars

DoEH&LG Circular EPS 2/93 - Access to Information on the Environment Regulations, 1993

DoEH&LG Circular EPS 2/95 - Review of Access to Information on the Environment Regulations, 1995

DoEH&LG Circular EPS 3/96 - Access to Information on the Environment Regulations, 1996

DoEH&LG Circular EPS 6/98 - European Communities Act, 1972 (Access to Information on the Environment) Regulations, 1998

DoEH&LG Circular EPS/01/01 - Access to Information on the Environment

Environmental Partnership Fund (Local Agenda 21)

Description

The aim of the Environmental Partnership Fund is to assist environmental awareness projects at local level which involve partnership arrangements between local authorities and NGOs or local community groups.

Grant assistance is made available for local environmental awareness projects. The projects should aim to -

- encourage individual and shared responsibility in caring for the environment,
- motivate changes in attitude and behaviour which will enhance the protection of the environment,

- encourage a culture of environmentally sustainable choice in everyday life, and
- translate public concern for the environment into concrete action at individual and consumer levels.

Guidelines & Circulars

DEHLG Annual Notification of arrangements for the Local Agenda 21 Environmental Partnership Fund and level of funding

Local/Regional Waste Management Plan

Description

Local Authorities are obliged to prepare and adopt waste management plans for their functional areas every five years. The plan addresses all aspects of the prevention, minimization, collection, recovery and disposal of non-hazardous waste. Waste Management plans may be made on a joint or regional basis involving a number of local authorities. The statutory objective of these plans include:

- Preventing or minimising the production and harmful nature of waste
- Encouraging and supporting the recovery of waste
- Ensuring that such waste as cannot be prevented or recovered is safely disposed of

Legislation

Part II of the Waste Management Act, 1996
Waste Management (Amendment) Act, 2001
Protection of the Environment Act 2003

EU Directives:

EC Directive 75/439/EEC - 16/06/75 on the disposal of waste oils (as amended by EC Directive 87/101/EEC - 22/12/86)
EC Directive 75/442/EEC - 15/07/75 on waste (as amended by EC Directive 91/156/EEC - 18/03/91)
EC Directive 91/689/EEC - 12/12 91 on hazardous waste
EU Directive 94/62/EC - 20/12/94 on packaging and packaging waste
EU Directive 99/31/EC - 26/04/99 on the landfill of waste

Regulations

S. I. No. 137 of 1997 Waste Management (Planning) Regulations, 1997
S.I. No. 162 of 1998 - Waste Management (Licensing)(Amendment) Regulations 1998
S.I. No. 163 of 1998 - Waste Management (Hazardous Waste) Regulations 1998
S. I. No. 164 of 1998 Waste Management (Miscellaneous Provisions) Regulations, 1998
S.I. No. 165 of 1998 - Waste Management (Permit) Regulations 1998
S.I. No. 166 of 1998 - European Communities (Amendment of Waste Management Act) 1996

Waste Management (Packaging) (Amendment) Regulations, 1998
Draft Waste Management (Permit) (Amendment) Regulations, 2000
S.I. No. 185 of 2000 - Waste Management (Licensing) Regulations, 2000
Waste Management (Hazardous Waste) (Amendment) Regulations, 2000
S. I. No. 341 of 2001 Waste Management (Farm Plastics) Regulations, 2001
S. I. No. 390 of 2001 - Waste Management (Prescribed Date) Regulations, 2001
S. I. No. 397 of 2001 - Waste Management (Licensing)(Amendment) Regulations, 2001
S. I. No. 605 of 2001 Waste Management (Environmental Levy)(Plastic Bag) Regulations, 2001
S. I. No. 86 of 2002 Waste Management (Landfill Levy) Regulations, 2002
S. I. No. 336 of 2002 - Waste Management (Licensing)(Amendment) Regulations, 2002
S. I. No. 61 of 2003 - Waste Management (Packaging) Regulations, 2003
S. I. No. 395 of 2004 - Waste Management (Licensing) Regulations, 2004

Guidelines & Circulars

DoEH&LG Circular WM 1/98 - Making of Waste Management Plans
DoEH&LG Circular WM 3/98 - New Regulations on Waste Management
DoEH&LG Circular WM 04/01 Re: Waste Management (Amendment) Act, 2001
DoEH&LG Circular WM 04501 Re: Waste Management (Prescribed Date) Regulations, 2001
DoEH&LG Circular WIR 02/03 Re: Operative Date of (Regional) Waste Management Plans
DoEH&LG Circular WIR 06/03 - Protection of the Environment Act 2003
DoEH&LG Circular WIR 12/03 - Commencement of Certain Provisions of the Protection of the Environment Act 2003
DoEH&LG Circular BS 14/03 - Consent Authorities Regarding Sub-Threshold Development
DoEH&LG Circular WIR 06/04 - Review of Waste Management Plans
DoEH&LG Manual - Recycling for Ireland, 1994
DoEH&LG An Overview of the Waste Management Act, 1996
Waste Working Group - handbook on sustainable waste management

Recovery & Disposal of Waste

Description

The Council takes measures to reduce waste production by encouraging the reuse of goods, the recycling of as much waste as possible, and the disposal of the remainder in the most environmentally friendly way.

Legislation

European Communities Act, 1972
Waste Management Act, 1996
Waste Management (Amendment) Act, 2001
Protection of the Environment Act 2003

EU Directives:

EC Directive 75/439/EEC - 16/06/75 on the disposal of waste oils (as amended by EC Directive 87/101/EEC - 22/12/86)

EC Directive 75/442/EEC - 15/07/75 on waste (as amended by EC Directive 91/156/EEC - 18/03/91)

EC Directive 80/68/EEC - 17/12/79 on the protection of groundwater against pollution caused by certain dangerous substances

EC Directive 85/337/EEC - 27/06/85 on the assessment of the effects of certain public and private projects on the environment (as amended by EC Directive 97/11/EC - 03/03/97)

EC Directive 87/217/EEC - 19/03/87 on the prevention and reduction of environmental pollution by asbestos

EU Directive 91/157 on batteries and accumulators

EU Directive 91/689/EEC - 12/12/91 on hazardous waste

EU Directive 94/62/EC - 20/12/94 on packaging and packaging waste

EU Directive 94/67/EC - 16/12/94 on the incineration of hazardous waste

EU Directive 96/59/EC - 16/09/96 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls

EU Directive 96/61/EC - 24/09/96 concerning integrated pollution prevention and control

EU Council Directive 99/31/EC - 26/04/99 on the landfill of waste

Council Regulation (EEC) No. 259/93 - 01/02/93 on the supervision and control of shipments of waste within, into and out of the European Community (as amended)

Council Regulation (EC) No. 120/97 - 20/01/97 amending Regulation (EC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

Council Regulation (EC) No. 1420/1999 - 29/04/99 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste

Commission Regulation (EC) No. 1547/1999 - 12/07/99 - determining the control procedures under Council Regulation (EEC) No. 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply

Commission of the European Communities: Commission Decision - 24/11/99 - adapting Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

Commission Decision 2000/532/EC - 03/05/2000 - replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

Commission Decision 2001/118/EC - 16/01/2001 - amending Decision 2000/532/EC as regards the list of wastes

Commission Decision 2001/119/EC - 22/01/2001 - amending Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

Regulations

S. I. No. 137 of 1997 Waste Management (Planning) Regulations, 1997
S. I. No. 183 of 1997 Waste Management (Register) Regulations, 1997
S. I. No. 146 of 1998 Waste Management (Amendment of Waste Management Act, 1996) Regulations, 1998
S. I. No. 147 of 1998 Waste Management (Movement of Hazardous Waste) Regulations, 1998
S. I. No. 148 of 1998 Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998
S. I. No. 149 of 1998 Waste Management (Transfrontier Shipment of Waste) Regulations, 1998
S. I. No. 163 of 1998 Waste Management (Hazardous Waste) Regulations, 1998
S. I. No. 164 of 1998 Waste Management (Miscellaneous Provisions) Regulations, 1998
S. I. No. 165 of 1998 Waste Management (Permit) Regulations, 1998
S. I. No. 166 of 1998 European Communities (Amendment of Waste Management Act, 1996) Regulations, 1998
S. I. No. 267 of 2001 Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations, 2001
S. I. No. 341 of 2001 Waste Management (Farm Plastics) Regulations, 2001
S. I. No. 402 of 2001 Waste Management (Collection Permit) Regulations, 2001
S. I. No. 540 of 2001 Waste Management (Collection Permit) (Amendment) Regulations, 2001
S.I. No. 605 of 2001 Waste Management (Environmental Levy) (Plastic Bag) Regulations, 2001
S. I. No. 86 of 2002 Waste Management (Landfill Levy) Regulations, 2002
S. I. No. 61 of 2003 Re: Waste Management (Packaging) Regulations, 2003
S. I. No. 395 of 2004 Waste Management (Licensing) Regulations 2004

Guidelines & Circulars

DoEH&LG Circular WM 1/96 - REPAK Scheme for Packaging Waste
DoEH&LG Circular WM 3/97 Re: Waste Management (Licensing) Regulations, 1997 (S. I. No. 133 of 1997)
DoEH&LG Circular WM 6/97 Re: Amendment of Council Regulation (EC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community
DoEH&LG Circular WM 7/97 Re: Waste Management (Packaging) Regulations, 1997
DoEH&LG Circular WM 10/97 - Waste Management (Packaging) Regulations, 1997
DoEH&LG Letter WM 15/97 Re: Waste Management (Packaging) Regulations, 1997
DoEH&LG Circular WM 3/98 (25/5/98) Re: New Regulations on Waste Management
DoEH&LG Circular WM 3/98 (6/7/98) Re: Waste Management (Packaging) Regulations, 1997
DoEH&LG Circular Letter WM 7/98 Re: Movement of Hazardous Waste Within the State

DoEH&LG Circular WM 1/99 Re: Enforcement of the Waste Management (Packaging) Regulations, 1997

DoEH&LG Circular WM00/4 Re: Waste Management (Licensing) Regulations, 2000

DoEH&LG Circular WM 3/01 Re: Waste Management (Farm Plastics) Regulations, 2001 - S. I. No. 341 of 2001

DoEH&LG Circular WM 04/01 Re: Waste Management (Amendment) Act, 2001

DoEH&LG Circular WM 07/01 - Waste Management (Collection Permit) Regulations, 2001

DoEH&LG Circular L9/2001 Re: Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations, 2001 - S. I. No. 267 of 2001

DoEH&LG Circular WP & R 2/02 Re: Plastic Bag Levy

DoEH&LG Circular WIR 3/02 - Waste Management (Collection Permit) Regulations, 2001 - Collection of animal slurries, manure and septic tank sludge

DoEH&LG Circular WP & R 6/02 Re: Arrangements for dealing with abandoned vehicles

DoEH&LG Circular WPR 1/03 Re: Waste Management (Packaging) Regulations, 2003 - S. I. No. 61 of 2003

DoEH&LG Circular WPR 2/03 - All-island contract for the Management of Waste Refrigerators and Freezers

DoEH&LG Circular WIR 07/03 - European Communities (Incineration of Waste) Regulations, 2003

DoEH&LG Circular WIR 12/03 - Commencement of Certain Provisions of the Protection of the Environment Act 2003

DoEH&LG Circular WIR 13/03 -Weight/Volume Related waste Charging 2003

DoEH&LG Circular WIR 14/03 - Commencement of Certain Provisions of the Protection of the Environment Act 2003

DoEH&LG Circular WIR 17/03 -Landfill Levy, 2003

DoEH&LG Circular WPR 1/04 - All-island contract for the Management of Waste Refrigerators and Freezers

DoEH&LG Circular WPR 2/04 - All-island contract for the Management of Waste Refrigerators and Freezers

DoEH&LG Circular WIR 04/04 Re: Export of dry recyclables

DoEH&LG Circular WIR 05/04 - Waste Collection Permit Review

DoEH&LG Circular WIR 07/04 (i) Commencement of waste licensing provisions of the Protection of the Environment Act 2003 (ii) Waste Management (Licensing) Regulations 2004

DoEH&LG Circular WIR 09/04 - Weight/Volume Related Waste Charging

DoEH&LG Recycling for Ireland Manual 1994

DoEH&LG An Overview of the Waste Management Act, 1996

DoEH&LG A Guide to the Waste Management (Packaging) Regulations, 1997 (Revised) - 16 December 1997

DoEH&LG Waste Management (Collection Permit) Regulations, 2001 - Information Note and Guidance, September 2001

DoEH&LG Information Note on Plastic Bag environmental levy, January 2002

DoEH&LG Waste Management (Landfill Levy) Regulations, 2002 - Information Note and Guidance

DoEH&LG Study on Chewing Gum, Fast Food Packaging and ATM Receipt Litter

Provision and Operation of Waste Disposal Facilities

Description

The Council is responsible for the provision of facilities for the disposal of non-hazardous waste in the County. A waste licence is required from the Environmental Protection Agency.

Legislation

Environmental Protection Agency Act, 1992
Waste Management Act(s) 1996-2003
Protection of the Environment Act, 2003

EU Directives:

EU Council Directive 1993/31/EC of 26th April, 1999 on the landfill of waste
Commission Regulation EC No. 1685/2000 - 28/07/2000 laying down detailed rules for the implementation of Council Regulation (EC) No. 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds

Commission Regulation (EC) No. 2355/2002 - 27/12/2002 amending Commission Regulation (EC) No. 438/2001 laying down detailed rules for the implementation of Council Regulation (EC) No. 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds

Council Regulation (EC) No. 1105/2003 - 26/05/2003 amending Regulation (EC) No. 1260/1999 laying down general provisions on the Structural Funds

Commission Regulation (EC) No. 1145/2003 - 27/06/2003 amending Regulation (EC) No. 1685/2000 as regards the rules of eligibility for co-financing by the Structural Funds

Regulations

S. I. No. 262 of 1994 EC (toxic and Dangerous Waste (Regulations), 1994

S. I. No. 133 of 1997 Waste Management (Licensing) Regulations, 1997

S. I. No. 137 of 1997 Waste Management (Planning) Regulations, 1997

S. I. No. 147 of 1998 Waste Management (Movement of Hazardous Waste) Regulations, 1998

S. I. No. 146 of 1998 Waste Management (Amendment of Waste Management Act, 1996) Regulations, 1998

S. I. No. 162 of 1998 Waste Management (Licensing)(Amendment) Regulations, 1997

S. I. No. 164 of 1998 Waste Management (Miscellaneous Provisions) Regulations, 1998

S. I. No. 166 of 1998 European Communities (Amendment of Waste Management Act, 1996) Regulations, 1998

S. I. No. 185 of 2000 Waste Management (Licensing) Regulations, 2000

S.I. No. 397 of 2001 - Waste Management (Licensing) (Amendment) Regulations, 2001

S.I. No. 336 of 2002 - Waste Management (Licensing) (Amendment) Regulations, 2002

S.I. No. 395 of 2004 - Waste Management (Licensing) Regulations, 2004

Guidelines & Circulars

DoEH&LG Circular WM 3/97 Re: Waste Management (Licensing) Regulations, 1997 (S. I. No. 133 of 1997)

DoEH&LG Circular WM 3/98 - New Regulations on Waste Management

DoEH&LG Circular WM00/4 Re: Waste Management (Licensing) Regulations, 2000

Dept. of Finance Circular 34/2001 Financial Management and Control Procedures for the European Regional Development Fund (ERDF) 2000-2006

DoEH&LG Circular No. WIR 04/03 Re: Expenditure Certification Procedure for Assistance granted under the Structural Funds (Form B1)

DoEH&LG Circular PPP 3/03 Re: Financial Management and Control Procedures for the European Regional Development Fund 2000-2006

DoEH&LG Circular WIR 11/03 Re: Rules of Eligibility for Co-Financing by the Structural Funds

DoEH&LG Circular WIR 02/04 Development of Waste Management Infrastructure through Public Private Partnerships (PPPs)

DoEH&LG An Overview of the Waste Management Act, 1996

Landfill Manuals prepared under Section 62 of the Environmental Protection Agency Act, 1992 -

- Landfill Operational Practices
- Investigation for Landfill
- Landfill Monitoring
- Waste Acceptance

Site Selection

DoEH&LG Guidance Notes for Applicants ; Waste Licensing - Waste Disposal Activities (landfill and non-landfill sites)

EPA Guidelines on Environmental Management Systems and Reporting to the Agency

Waste Management Licensing: Aspects of Licensing Procedures - Objection and Oral Hearings

DoEH&LG Circular WM 01/02 - Waste Management Infrastructural Grant Scheme

DoEH&LG Circular WIR 05/03 - Waste Management Infrastructure - Subvention of Operating Costs of Recycling Facilities

DoEH&LG Circular WIR 15/03 - Waste Management Infrastructure - Allocation of €2.5m Funding for Operating Costs

DoEH&LG Circular WIR 01/04 - Waste Management Infrastructure capital Grants Scheme - Commencement of Waste Licensing Provisions of the Protection of the Environment Act, 2003

DoEH&LG Circular WIR 07/04 - Waste Management (Licensing) Regulations, 2004

Refuse Collection

Description

The Council is responsible for the collection of household waste within its area. However, this is not mandatory where -

- an adequate collection service is in existence, or
- collection would be unreasonably costly, or
- adequate means of disposal are already available to the householder.

The Council may collect non-household waste as well. The Council may contract out some elements of refuse collection to private contractors. Any Private Contractors engaged to collect refuse are required to obtain a Waste Collection Permit.

Legislation

Part IV of the Waste Management Act, 1996
Local Government (Financial Provisions) Act, 2000
Waste Management (Amendment) Act, 2001
Protection of the Environment Act 2003

Regulations

S.I. 149 of 1998 - Waste Management (Transfrontier Shipment of Waste) Regulations, 1998
S.I. 147 of 1998 - Waste Management (Movement of Hazardous Waste) Regulations, 1998
S.I. 402 of 2001 - Waste Management (Collection permit) Regulations, 2001
S.I. 540 of 2001 - Waste Management (Collection permit) (Amendment) Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular WM 00/2 - Local Government (Financial Provisions) Act, 2000
DoEH&LG Circular WIR 12/03 - Commencement of Certain Provisions of the Protection of the Environment Act 2003
DoEH&LG An Overview of the Waste Management Act, 1996

Litter Control

Description

The Litter Pollution Acts 1997 - 2003 states that no person shall deposit any substance or object so as to create litter in a public place or in any place that is visible to any extent from a public place. The onus is equally placed on both the occupier of a public place and the local authority to keep public places free of litter. The Council may serve notices under the Litter Pollution Acts in order to prevent and control the creation of litter and/or to remove litter. The objective is to make effective arrangements for the prevention and control of litter so as to achieve a cleaner outdoor environment.

Legislation

Litter Act, 1982

Litter Pollution Act, 1997

S. 14 of the Waste Management (Amendment) Act, 2001

Part 4 and S. 59 of the Protection of the Environment Act 2003

Waste Management Acts, 1996-2003

Regulations

S. I. No. 214 of 1997 Litter Pollution Regulations, 1999

S. I. No. 359 of 1999 Litter Pollution Regulations, 1999

Guidelines & Circulars

DoEH&LG Circular ALU 03/97 - Fixed Penalty Notices

DoEH&LG Circular ALU 05/97 - Public Information Campaign

DoEH&LG Circular ALU 04/97 - Grants for Litter Initiatives

DoEH&LG Circular Letter EP 3/99 - National Litter Pollution Monitoring System

DoEH&LG Circular EP 6/99 - Increased Penalties under the Litter Pollution Act 1997

DoEH&LG Circular WM 04/01 Re: Waste Management (Amendment) Act, 2001

DoEH&LG Circular Letter EPS 7/01 - National Litter Pollution Monitoring System

DoEH&LG Circular Letter LU 9/01 - Increase in On-the-Spot Litter Fine to €125

DoEH&LG Circular Letter 06/2002 - National Litter Pollution Monitoring System

DoEH&LG Circular EP 04/03 Re: Litter Management in Coillte Forest Properties

DEHLG Circular Letter 05/03 - National Litter Pollution Monitoring System

DoEH&LG Circular Letter 06/03 - Protection of the Environment Act, 2003

DoEH &LG Circular Letter EPS 2/04 -National Litter Pollution Monitoring System

DoEH&LG Circular EP 05/04 - Litter Pollution Acts 1997-2003

DoEH&LG Circular EP 04/04 - Litter Laws and Elections

DoEH&LG Annual Allocation : Grants for Anti-Litter Awareness Initiatives

DoEH&LG Action Against Litter - Guidelines for Local Authorities

DoEH&LG Litter Action Plan, January 2001

Street Cleaning

Description

The Council has a duty to ensure that public roads are kept free of litter as far as practicable.

Legislation

Litter Pollution Act, 1997

Regulations

S. I. No. 214 of 1999 Litter Pollution Regulations, 1997

S. I. No. 359 of 1999 Litter Pollution Regulations, 1999

Guidelines & Circulars

DoEH&LG Action Against Litter - Guidelines for Local Authorities

Recycling

Description

Local authorities actively promote a recycling ethos within their Council area. Recyclable collection facilities contribute to the development of sustainable employment coupled with sound environmental management. Bring Centres have been provided throughout the Council area. Bring Centres and bottle banks are located in *X locations in XYZ Council area*.

Legislation

Waste Management Act, 1996

Waste Management (Amendment) Act, 2001

Protection of the Environment Act, 2003

Regulations

S.I. No. 133 of 1997 - Waste Management (Licensing) Regulations, 1997

S.I. No. 183 of 1997 - Waste Management (Register) Regulations, 1997

S.I. No. 315 of 1997 - Waste Management (Farm Plastics) Regulations, 1997

Waste Management (Packaging) Regulations, 1997

S.I. No. 162 of 1998 - Waste Management (Licensing)(Amendment) Regulations, 1998

S.I. No. 165 of 1998 - Waste Management (Permit) Regulations, 1998

EC (Amendment of Waste Management Act, 1996) Regulations, 1998

S.I. No. 382 of 1998 - Waste Management (Packaging)(Amendment) Regulations, 1998

S.I. No. 185 of 2000 - Waste Management (Licensing) Regulations, 2000

S.I. No. 341 of 2001 - Waste Management (Farm Plastics) Regulations, 2001

S.I. No. 397 of 2001 - Waste Management (Licensing)(Amendment) Regulations, 2001

S.I. No. 401 of 2001 - Waste Management (Collection Permit) Regulations, 2001
S.I. No. 540 of 2001 - Waste Management (Collection Permit) (Amendment) Regulations, 2001
S.I. No. 605 of 2001 - Waste Management (Environmental Levy)(Plastic Bag) Regulations, 2001
S.I. No. 86 of 2002 - Waste Management (Landfill Levy) Regulations, 2002
S.I. No. 336 of 2002 - Waste Management (Licensing)(Amendment) Regulations, 2002
S.I. No. 61 of 2003 - Waste Management (Packaging) Regulations, 2003
S.I. No. 395 of 2004 - Waste Management (Licensing) Regulations, 2004
S.I. No. 871 of 2004 - Waste Management (Packaging)(Amendment) Regulations, 2004
S.I. No. 209 of 2005 - Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005
S.I. No. 340 of 2005 - Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005
S.I. No. 341 of 2005 - Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations, 2005

Guidelines & Circulars

DoEH&LG Manual - Recycling for Ireland 1994
DoEH&LG Circular WM 3/98
National Spring Clean 2001
DoEH&LG Circular EAS 01/02 - Local Environment Partnership Fund
DoEH&LG Circular WIR 10/03 - Use of Environment Fund to Support Local Authority Enforcement Measures
DoEH&LG Circular WPR 06/03 - All-Island Contract for the Management of Waste Fridges & Freezers
DoEH&LG Circular WIR 16/03 - Use & Support of the Environment Fund to Support Local Authority Enforcement Measures
DoEH&LG Circular WPR 06/04 - Management of Waste Fridges & Freezers - Recoupment of Expenditure incurred by local authorities
DoEH&LG Circular WIR 10/04 - Use of Environment Fund to Support Local Authority Enforcement Measures
National Waste Prevention Programme
Race Against Waste Campaign
Policy Document - Changing our Ways

Water Pollution / Quality Control / Nutrient Management Planning

Description

The EPA is responsible for the licensing and regulation of large/complex industrial, agricultural and other processes with significant pollution potential. Local and Sanitary Authorities continue to be responsible for the licensing and control of activities which are not licensable by the Agency. A licence is required from a local authority in respect of the discharge of trade, sewage or any other effluent to any waters or to any sewer. The object 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 achieved by

way of licensing and monitoring of discharges. Application must be made to the Council to obtain such a license. The Council may grant a discharge licence with/without conditions or refuse a discharge licence. An applicant for a discharge licence has a right to appeal the decision of the Local Authority to An Bord Pleanála. Each local authority maintains a Register of Licences which it has issued in respect of Discharges to Water and Sewers and this Register is available for public inspection. Anyone causing pollution through accidental discharge to waters or sewers must notify the Council immediately. Where pollution has occurred, the local authority may serve a notice on the person responsible and this notice can require the carrying out of certain specified works to remedy the damage caused by the pollution and works to ensure that the pollution does not/ can not reoccur. Fines can be imposed on anyone causing pollution. Where a person fails to comply with the terms of a notice issued by a local authority, the local authority can carry out the specified works and recover the costs for so doing.

Legislation

S. 171 and S. 172 of the Fisheries (Consolidation) Act, 1959
European Communities Act, 1972
Local Government (Water Pollution) Act, 1977
Local Government (Water Pollution) (Amendment) Act, 1990
Environmental Protection Agency Act, 1992
Part VII of the Local Government Act, 1994
Waste Management Act, 1996
Local Government Act, 2001 - Part 9, Chapter 5

EU Directives:

EC Directive 75/440/EEC - 16/06/75 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (as amended by 79/869/EEC, 90/656/EEC and 91/692/EEC) (Surface Water)
EC Directive 76/160/EEC - 08/12/75 concerning the quality of bathing water (as amended by 90/656/EEC and 91/692/EEC) (Quality of Bathing Waters)
EC Directive 76/464/EEC - 04/05/76 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (as amended by 91/692/EEC) (Dangerous Substances)
7 Daughter Directives all amended by 90/656/EEC and 91/692/EEC
EC Directive 78/659/EEC - 18/07/78 on the quality of fresh waters needing protection or improvement in order to support fish life (as amended by 90/656/EEC and 91/692/EEC) (Designated Salmonoid Waters)
Measurement and Sampling of Drinking Water 79/869/EEC amended by 81/855/EEC
EC Directive 79/923/EEC - 30/10/79 on the quality required of shellfish waters (as amended by 91/692/EEC) (Shellfish Waters)
Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances (as amended by 90/656/EEC and 91/692/EEC) (Ground Water)
EC Directive 80/778/EEC - 15/07/80 relating to the quality of water intended for human consumption (as amended by 81/858/EEC, 90/656/EEC and 91/692/EEC)
(Drinking Water) Mercury Discharges from Chlor-alkali Industries 82/176/EEC

Other Mercury Discharges by sectors other than the chlor-alkali electrolysis industry 84/156/EEC
HCH Discharges 84/491/EEC
EC Directive 86/280/EEC - 12/06/86 on limit values and quality objectives for discharges of certain dangerous substances included in List 1 of the Annex to Directive 76/464/EEC (as amended by 88/347/EEC and 90/415/EEC)
EC Directive 91/271/EEC concerning urban waste water treatment
Council Directive 91/676/EEC - 12/12/91 concerning the protection of waters against pollution caused by nitrates from agricultural sources (Nitrates)
Council Directive 91/692/EEC - 23/12/91 standardizing and rationalizing reports on the implementation of certain directives relating to the environment
Council Directive 98/83/EC
EU Directive 2000/60/EC the Water Framework Directive
Council Decision 77/795/EEC - 12/12/77 establishing a common procedure for the exchange of information on the quality of surface freshwater in the Community (as amended by Decision 86/574/EEC)
Commission Decision 92/446/EEC - 27/07/92 concerning questionnaires relating to directives in the water sector

Regulations

General:

Local Government (Water Pollution) Act, 1977 (Discharge of Trade Effluent and Sewage Effluent to Waters) Regulations, 1977
S. I. No. 108 of 1978 Local Government (Water Pollution) Regulations, 1978
S. I. No. 37 of 1983 Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978 (Amendment) Order, 1983
S. I. No. 271 of 1992 Local Government (Water Pollution) Regulations, 1992
S. I. No. 360 of 1995 Local Government Act, 1994 (Bye-Laws) Regulations, 1995
S. I. No. 184 of 1996 Local Government (Water Pollution) (Amendment) Regulations, 1996
S. I. No. 257 of 1998 Local Government (Water Pollution) (Nutrient Management Planning Consultation) Regulations, 1998
S. I. No. 42 of 1999 Local Government (Water Pollution) (Amendment) Regulations, 1999
S. I. No. 78 of 1999 Local Government Act, 1994 (Bye-Laws) Regulations, 1999
S. I. No. 573 of 2001 Local Government (Water Pollution) (Fees) Regulations, 2001
S. I. No. 722 of 2003 European Communities (Water Policy) Regulations 2003

Control:

S. I. No. 294 of 1985 Local Government (Water Pollution) (Control of Cadmium Discharges) Regulations, 1985
S. I. No. 55 of 1986 Local Government (Water Pollution) (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986
S. I. No. 31 of 1990 European Communities (Control of Water Pollution by Asbestos) Regulations, 1990

S. I. No. 348 of 1993 Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Aldrin, Dieldrin, Endrin, Isodrin, HCB, HCBD and CHCL3 Discharges) Regulations, 1993

S. I. No. 43 of 1994 Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol Discharges) Regulations, 1994

S. I. No. 245 of 1994 Local Government (Water Pollution) Acts, 1977 and 1990 (Control of EDC, TRI, PER, and TCB Discharges) Regulations, 1994

Quality:

Local Government (Water Pollution) Act, 1977 (Water Quality Management Plans) Regulations, 1978

S. I. No. 81 of 1988 European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988

S. I. No. 84 of 1988 European Communities (Quality of Bathing Waters) Regulations, 1988

S. I. No. 293 of 1988 European Communities (Quality of Salmonoid Waters) Regulations, 1988

S. I. No. 89 of 1989 European Communities (Quality of Bathing Waters) (Amendment) Regulations, 1989

S. I. No. 294 of 1989 European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989

S. I. No. 155 of 1992 European Communities (Quality of Bathing Water) Regulations, 1992

S. I. No. 145 of 1994 Quality of Bathing Waters (Amendment) Regulations, 1994

S. I. No. 200 of 1994 Quality of Shellfish Waters Regulations, 1994

S. I. No. 146 of 1996 Quality of Bathing Waters (Amendment) Regulations, 1996

S. I. No. 177 of 1998 Quality of Bathing Waters (Amendment) Regulations, 1998

S. I. No. 258 of 1998 Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) Regulations, 1998

S. I. No. 41 of 1999 Protection of Groundwater Regulations, 1999

S. I. No. 42 of 1999 Local Government (Water Pollution) (Amendment) Regulations, 1999

S. I. No. 439 of 2000 European Communities (Drinking Water) Regulations, 2000

S. I. No. 12 of 2001 Water Quality (Dangerous Substances) Regulations, 2001

S. I. No. 22 of 2001 Quality of Bathing Waters (Amendment) Regulations, 2001

S. I. No. 459 of 2001 Quality of Shellfish Waters (Amendment) Regulations, 2001

Guidelines & Circulars

EOLAS S.R. 6:1991 Septic Tank Systems - Recommendations for Domestic Effluent Treatment and Disposal from a Single Dwelling House

DoEH&LG Circular Letter 1/92 Re S. R. 6:1991

DoEH&LG Circular WP 9/89 Local Government (Water Pollution) Act 1977 - Consultation Procedures

DoEH&LG Circulars WP 7/92, WP 9/95 and WP 1/97 - Directive 91/676/EEC concerning the Protection of Waters against Pollution caused by Nitrates from Agricultural Sources
DoEH&LG Circular WP 3/96 Re: Section 22 of Local Government (Water Pollution) (Amendment) Act 1990
DoEH&LG Circular WP 6/96 Local Government (Water Pollution) (Amendment) Regulations, 1996
DoEH&LG Circular WP 6/97 Managing Ireland's Rivers and Lakes - A Catchment- Based Strategy Against Eutrophication
DoEH&LG Circular WP 7/97 Measures to Prevent and Deal with Water Pollution Incidents
DoEH&LG Circular Letter WQ 9/99 Catchment Based Water Management
DoEH&LG Circular Letter WQ 3/00 River Basin Management Projects
DoEH&LG Circular WSQ 4/01 - Prevention of Fish Kill and Other Water Pollution Incidents
DoEH&LG Circular L8/03 (WSP) Licensing of Trade Effluent Discharges to Sewers under Section 16 of the Local Government (Water Pollution) Act 1977
DoEH&LG Circular WQ 1/03 Quality of Drinking Water
DoEH&LG Circular W 2/03 - European Communities (Quality for Water Intended for Human Consumption) (Amendment) Regulations 2003
DoEH&LG Circular Letter WQ 3/03 European Communities (Water Policy) Regulations 2003
DoEH&LG Circular L1/04 - Implementation of National Drinking Water Regulations - European Court of Justice Judgement
DoEH&LG Circular WSP 2/04 - Drinking Water National Monitoring Programme
DoEH&LG Circular WSP 3/04 - Drinking Water Monitoring Report 2002
DoEH&LG Circular WSP 2/04 - Drinking Water National Monitoring Programme
DoEH&LG Circular WSP 5/04 - Drinking Water Monitoring Report 2003
DoEH&LG Code of Good Agricultural Practice, July 1996
Nutrient Management Planning Guidelines for Local Authorities
DoEH&LG / EPA Guidelines for the Establishment of River Basin Management Systems, July 2000
EPA Annual Reports on the Quality of Drinking Water in Ireland
Managing Ireland's Rivers and Lakes - A Catchment-Based Strategy Against Eutrophication

Air Pollution

Description

The EPA is responsible for the licensing and regulation of large/complex industrial, agricultural and other processes with significant pollution potential. Local and Sanitary Authorities continue to be responsible for the licensing and control of activities which are not licensable by the Agency. The aim is to control air pollution in order to ensure the protection of air quality. This is achieved by way of licensing of discharges and monitoring of air quality. Each local authority keeps a register of licenses issued and this register is available for public inspection.

Legislation

European Communities Act, 1972

Air Pollution Act, 1987

Environmental Protection Agency Act, 1992

S. 32 of the National Standards Authority of Ireland Act, 1996

EU Directives:

Air quality limit values for Sulphur Dioxide and Suspended Particulates 80/779/EEC, amended by 81/857/EEC, 89/427/EEC, 90/656/EEC and 91/692/EEC

Limit value for Lead 82/884/EEC amended by 90/656/EEC and 91/692/EEC

Air Pollution from industrial plants 84/360/EEC amended by 90/656/EEC and 91/692/EEC

Air quality standards for Nitrogen Dioxide 85/203/EEC amended by 85/580/EEC, 90/656/EEC and 91/692/EEC

EU Directive 88/609/EEC of 24/11/88 on the limitation of emissions of certain pollutants into the air from large combustion plants (amended by 90/656/EEC and 94/66/EEC)

Council Regulation (EC) No. 3322/88 of 14th October, 1988

EU "Framework" Directive 92/30/EC on ambient air quality assessment and management

Air Quality Framework 96/62/EEC including 3 older Directives to be replaced by new requirements under the Framework Directive

EU Directive 1999/13/EC of 11/03/99 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations

EU Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air

Council Directive 1999/94/EC

EU Directive 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air

Directive 2001/80/EC of the European Parliament and of the Council - 23/10/2001 - on the limitation of emissions of certain pollutants into the air from large combustion plants

EU Directive 2002/3/EC relating to ozone in ambient air

Regulations

S. I. No. 190 of 1963 Road Traffic (Construction and Use of Vehicles) Regulations, 1963

European Communities (Vehicles Testing) Regulations, 1981-1986

S. I. No. 378 of 1985 European Communities (Lead Content of Petrol) Regulations, 1985

S. I. No. 374 of 1986 European Communities (Lead Content of Petrol) Regulations, 1986

S. I. No. 244 of 1987 Air Pollution Act, 1987 (Air Quality Standards) Regulations, 1987

S. I. No. 212 of 1988 European Communities (Benzene Content of Leaded Petrol) Regulations, 1988

S. I. No. 266 of 1988 Air Pollution Act, 1987 (Licensing of Industrial Plant) Regulations, 1988

S. I. No. 298 of 1988 Air Pollution Act, 1987 (Authorised Fuel) Regulations, 1988
S. I. No. 317 of 1988 Local Government (Planning and Development) General Policy Directive, 1988
S. I. No. 333 of 1989 Air Pollution Act, 1987 (Retail Sale of Fuels) Regulations, 1989
S. I. No. 28 of 1990 Air Pollution Act, 1987 (Emission Limit Value for Use of Asbestos) Regulations, 1990
S. I. No. 123 of 1990 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 1990
S. I. No. 257 of 1991 Industrial Research and Standards (Section 44) (Petroleum Coke and other Solid Fuels) Order, 1991
S. I. No. 273 of 1992 Air Pollution Act, 1987 (Combustion Plant) Regulations, 1992
S. I. No. 274 of 1992 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 1992
S. I. No. 297 of 1993 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations, 1993
S. I. No. 347 of 1993 Air Pollution Act, 1987 (Municipal Waste Incineration) Regulations, 1993
S. I. No. 363 of 1993 European Communities (Mechanically Propelled Vehicle Emission Control) Regulations, 1993
S. I. No. 194 of 1994 European Communities (Mechanically Propelled Vehicle Emission Control) Regulations, 1994
S. I. No. 256 of 1994 Air Pollution Act, 1987 (Sulphur Content of Gas Oil) Regulations, 1994
S. I. No. 264 of 1996 Air Pollution Act, 1987 (Emission Limit Values for Combustion Plant) Regulations, 1996
S. I. No. 377 of 1996 Rules of the Superior Courts (No. 2) of 1996
S. I. No. 374 of 1007 - Control of Volatile Organic Compound Emissions Resulting from Petrol Storage and Distribution Regulations 1997
S. I. No. 375 of 1997 Air Pollution Act, 1987 (Petroleum Vapour Emissions) Regulations, 1997
S. I. No. 118 of 1998 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 1998
S. I. No. 278 of 2000 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 2000
S. I. No. 339 of 2001 European Communities (Consumer Information on Fuel Economy and CO2 Emissions of New Passenger Cars) Regulations, 2001
S. I. No. 575 of 2001 Air Pollution Act, 1987 (Licensing of Industrial Plant) (Fees Amendment) Regulations, 2001
National Standards Authority of Ireland Act, 1996 (Section 32) Regulations, 2001
S. I. No. 271 of 2002 Air Quality Standards Regulations 2002
S. I. No. 543 of 2002 Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002

Guidelines & Circulars

DoEH&LG Circular Letter AQ 2/97 - Implementation of Air Pollution Act

DoEH&LG Circular Letter AQ 3/97 - Implementation of Air Pollution Act

DoEH&LG Circular Letter AQ 6/97 -Air Pollution Act, 1987 (Petroleum Vapour Emissions)
DoEH&LG Circular Letter A/C 1/2001 European Communities (Consumer Information on Fuel Economy and CO2 Emissions of New Passenger Cars) Regulations, 2001
DoEH&LG Circular Letter AQ 1/2002 - National Standards Authority of Ireland Act, 1996 (Section 32) Regulations, 2001
DoEH&LG Circular Letter AC 3/02 - Air Quality Standards for SO₂, NO_x, PM₁₀, Lead, Benzene and CO - Air Quality Standards Regulations 2002
DoEH&LG Circular Letter AQ 1/03 - Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002
DoEH&LG Circular Letter AQ 2/03 - Extension on the Ban on the Marketing, Sale and Distribution of Bituminous Coal
DoEH&LG Circular Letter AQ 3/03 - Strategy to Resource Emission of Trans Boundary Air Pollution by 2010

Control of Noise Pollution

Description

A local authority can take action to deal with a noise nuisance. In addition, a local authority may serve a notice on the person in charge of premises, processes or works (other than licensed activities) to take measures to prevent or limit noise.

Legislation

S. 106 to S. 108 of the Environmental Protection Agency Act, 1992
S. 77 of the Roads Act, 1993

Regulations

S. I. No. 190 of 1963 Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963
S. I. No. 320 of 1988 European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations, 1988
S. I. No. 102 of 1989 European Communities (Lawnmowers) (Permissible Noise Levels) Regulations, 1989
S.I. No. 157 of 1990 - EC (Protection of Workers)(Exposure to Noise) Regulations, 1990
S.I. No. 297 of 1990 - EC (Construction Plant and Equipment)(Permissible Noise Levels) (Amendment) Regulations, 1990
S.I. No. 179 of 1992 - EPA Act 1992 (Noise Regulations)
S. I. No. 178 of 1994 Environmental Protection Agency Act, 1992 (Commencement)(No.2) Order, 1994
S. I. No. 179 of 1994 Environmental Protection Agency Act, 1992 (Noise) Regulations, 1994
EPA Noise Regulations, 1994
S.I. No. 359 of 1996 - EC (Construction Plant and Equipment)(Permissible Noise Levels) (Amendment) Regulations, 1996
S.I. No. 320 of 1998 - EC (Construction Plant and Equipment)(Permissible Noise Levels) Regulations, 1988

S.I. No. 632 of 2001 - EC (Noise Emissions by Equipment for Use Outdoors) Regulations, 2001
Road Traffic (Construction, Equipment & use of Vehicles) Regulations, 1963 - 2002

Control of Dangerous Buildings & Places

Description

The sanitary authority may take action to prevent buildings / places from being dangerous.

Legislation

Local Government (Sanitary Services) Act, 1964
Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999

Guidelines & Circulars

DoEH&LG Circular Letter LS 09/01 - Safety of Parapets and Analogous Building Elements

Control of Derelict Sites

Description

The central purpose of the Derelict Sites legislation is to provide effective arrangements for preventing and taking action against land dereliction. It imposes a general duty on all owners and occupiers of land to ensure that their land is not, or does not become, a derelict site. Local authorities are required to take all reasonable steps to ensure that land in their area does not become, or continue to be, a derelict site. A local authority may acquire by agreement or compulsorily any derelict site in their functional area. An annual levy (based on market value) is payable on certain derelict land in urban areas.

Legislation

S. 5 and S. 7 of the Valuation Act, 1988
Derelict Sites Act, 1990
Euro Changeover (Amounts) Act, 2001

Regulations

S. I. No. 192 of 1990 Derelict Sites Regulations, 1990
S. I. No. 148 of 1991 Derelict Sites (Cases Stated for High Court) (Fee) Regulations, 1991
S. I. No. 149 of 1991 Derelict Sites (Appeal Fees) Regulations, 1991
S. I. No. 286 of 1991 Derelict Sites (Commencement of Derelict Sites Levy) Regulations, 1991

Guidelines & Circulars

DoEH&LG Circular PD 76/41 - 27/07/90 Derelict Sites Act, 1990
DoEH&LG Circular PD 76/41 - 25/06/91 Derelict Sites Act, 1990
DoEH&LG Circular UR 10/01 Derelict Sites Act, 1990

Urban & Village Renewal

Description

Under this scheme, funding is available to finance measures to rejuvenate the social and economic life of towns and villages, rehabilitate the built environment and restore and conserve important elements of Irish architecture and heritage. Grants are made available to local authorities to undertake (a) environmental upgrading and streetscape projects in towns and (b) village improvement schemes. Matching funding is required from the local authority and / or private sources.

Legislation

Local Government (Planning and Development) Acts, 1963-1993
Local Government Act, 1991

EU Directives:

Commission Regulation (EC) No. 2355/2002 - 27/12/2002 amending Commission Regulation (EC) No. 438/2001 laying down detailed rules for the implementation of Council Regulation (EC) No. 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds

Regulations

S. I. No. 86 of 1994 Local Government (Planning and Development) Regulations, 1994 - Part X
S. I. No. 600 of 2001 Planning and Development Regulations, 2001 - Parts 8 and 10

Guidelines & Circulars

DEHLG Letter of 10/3/97 Re: Undergrounding of ESB cables
DEHLG Letter of 06/03/00 Re: Urban and Village Renewal Programme
DEHLG Circular UR 6/03 Regional Operational Programmes 2000-2006 - Requirements of Commission Regulation 2355/2002
DEHLG Annual Notification of Urban / Village / Architectural Conservation Grants
DEHLG Urban and Village Renewal Sub-Programme - Implementation Guidelines, June 1995
ICOMOS Ireland (International Council on Monuments and Sites) Guidelines re Urban and Village Renewal Sub-Programme of the Department of the Environment 1995, January 1996
National Development Plan 2000-2006

Water Safety

Description

Local authorities employ Lifeguards during the summer months to patrol those beaches which are frequented by bathers. Life-saving equipment is provided

and maintained at beaches and other places frequented by the public. Warning notices are displayed in areas where danger exists.

Legislation

Local Government Act, 2001 - S. 67 and Schedule 13

Guidelines & Circulars

DoEH&LG Circular Letter 4/99 Beach Safety

DoEH&LG Circular Letter LSS 2/00 Establishment of Irish Water Safety Association

Stray Animals/ Pounds

Description

Stray animals may be impounded by the local authority. The Council maintains a pound and employs a caretaker who looks after impounded animals.

Legislation

Pounds (Provision and Maintenance) Act, 1935

Animals Act, 1985

Regulations

S. I. No. 306 of 1985 Pounds Regulations, 1985

S. I. No. 30 of 1995 Pounds (Amendment) Regulations, 1995

Control of Horses

Description

The Council has power to make bye-laws for the control of horses in its area.

Legislation

Animals Act, 1985

Control of Horses Act, 1996

Regulations

S. I. No. 306 of 1985 Pounds Regulations, 1985

S. I. No. 30 of 1995 Pounds (Amendment) Regulations, 1995

Control of Dogs

Description

All dog owners are responsible for the licensing their dogs and for keeping them under proper control. The Council deals with the licensing of dogs and the control of dogs generally including strays. Dog licences can be purchased from any Post Office.

Legislation

Control of Dogs Act, 1986
Control of Dogs (Amendment) Act, 1992
S. 107 and S. 108 of the Environmental Protection Agency Act, 1992
S. 22 of the Litter Pollution Act, 1997
Euro Changeover (Amounts) Act, 2001

Regulations

S. I. No. 16 of 1987 - (Commencement) Order, 1987
S. I. No. 30 of 1987 - Control of Dogs Remuneration, 1987
S. I. No. 59 of 1987 - Control of Dogs (No. 2) Regulations, 1987
S. I. No. 79 of 1987 - (Commencement) No.2 Order 1987 Control of Dogs Act, 1986
S. I. No. 255 of 1988 Control of Dogs Act, 1986 (Guard Dogs) Regulations, 1988
S. I. No. 329 of 1989 Control of Dogs Act, 1986 (Guard Dogs) (Amendment) Regulations, 1989
S. I. No. 123 of 1991 - (Restriction of Certain Dogs) Regulations, 1991
S. I. No. 146 of 1991 - (Restriction of Certain Dogs) (Amendment) Regulations, 1991
S. I. No. 442 of 1998 Control of Dogs Regulations, 1998

Guidelines & Circulars

DoEH&LG Circular LSS 8/99 - Disposal by Local Authorities of Carcasses of Dead Dogs
DoEH&LG Circular LSS 6/01 - Dog License Fees and Dog Control
DoEH&LG Circular LSS 8/02 - Control of Dogs Act - Local Authorities Returns for 2001 and related matters
DoEH&LG Circular LSS 05/02 - Control of Dogs Act - Local Authorities Returns for 2002 and related matters
DoEH&LG Circular LSS 2/04 - Control of Dogs Act - Local Authorities Returns for 2003 and related matters

Milk and Dairies

Description

Local authorities have responsibility for the inspection of milk production holdings which supply milk for the preparation of heat treated drinking milk. The sale of raw milk is illegal in Ireland.

Legislation

Milk & Dairies Act(s), 1935-156
Health Act, 1947
Milk (Regulations of Supply) Act 1994

EU Directives

EU Directive 92/46 EEC on the Hygienic Production of Milk and Milk Based Products

Regulations

Milk and Dairies Regulations 1938-1962

Food Hygiene Regulations 1950 (as amended)

Poisons (control of residues in foods of animal origin) Regulations, 1985

S.I. No. 9 of 1996 - EC (Hygienic Production and Placing on the Market of Raw Milk, Heated Milk and Milk based products) Regulations, 1996

Guidelines & Circulars

Dept of Agriculture, Food & Forestry Guidelines for the inspection of the on-farm structural facilities and hygienic practises on a milk production holding.

Abattoirs & Food safety

Description

Responsibility for food safety rests with the Food Safety Authority of Ireland (FSAI). Provision is made however for service contracts between the FSAI and local authorities. Local Authorities have responsibility under the Abattoirs Act and the Public Health Acts to ensure that standards of hygiene in abattoirs etc. are maintained, and that all abattoirs in the Council area are operated in accordance with legislation and regulations. The veterinary section of a local authority is therefore concerned with the supervision and control of the production, distribution and sale of food of animal origin.

Legislation

Agriculture Act, 1931

Slaughter of Animals Act, 1935

Health Act, 1947

Disease of Animals Act(s) 1966-1996

EC Act, 1972

Abattoirs Act, 1988

Food Safety Authority of Ireland Act, 1988

Agriculture (Research, Training & Advice) Act, 1988

Animal Remedies Act, 1993

EU Directives

Council Directive 64/433/EEC of 26 June 1964 as amended

Council Directive 91/494/EEC of 19 July 1991 amending 64/433

EU Directive 91/497

Council Directive 91/498/EEC of 29 July 1991

EU Directive 92/5

Council Directive 93/11/EEC

Council Directive 93/11/EC (on the protection of animals at the time of slaughter or killing)

EU Directive 94/65

Council Directive 95/23/EEC of 22 June 1995

Regulations

Health Act, 1947 (Food Hygiene Regulations 1950) as amended

Poisons (Control of Residues in Food of Animal Origin) Regulations 1985

EC (Veterinary Medicinal Products) Regulations, 1986

S.I. No. 152 of 1989 - Abattoirs Act 1988 (Abattoirs) Regulations 1989
 EC (Control of Veterinary Medicinal Products and their Residues) Regulations, 1990
 S.I. No. 88 of 1992 - Abattoirs Act 1988 (Commencement) Order 1992
 Abattoirs (Health Mark) Regulations 1992
 Abattoirs Act, 1988 (Veterinary Examination) Regulations 1992
 S.I. No. 89 of 1992 - Abattoirs Act 1988 (Veterinary Examination) Regulations 1992
 EC (Protection of Animals at Time of Slaughter) Regulations, 1995
 EC (Welfare of Calves) Regulations, 1995
 EC (Welfare of Pigs) Regulations, 1995
 EC (Rabbit Meat and Farmed Game Meat) Regulations, 1995
 EC (Wild Game Meat) Regulations, 1995
 Animals Remedies Regulations, 1996
 Abattoirs (Control of Designated Bovine Offal) Regulations 1996
 Abattoirs (Health Mark)(Amendment) Regulations 1997
 S.I. No. 66 of 1997 - The European Communities (Fresh Meat) Regulations 1997
 S.I. No. 144 of 1998 - Diseases of Animals (BSE)(Specified Risk Material) Order 1998
 S.I. No. 12 of 1998 - Abattoirs Act, 1988 (Abattoirs)(Amendment) Regulations 1998
 Control of Animal Remedies & their Residues Regulations, 1998
 Abattoirs Act, 1988 (Veterinary Examination)(Amendment) Regulations 1999
 Abattoirs Act, 1988 (Abattoirs)(Amendment) Regulations 1999
 EC (Specified Risk Material) Regulations, 2000-2001
 Diseases of Animals (BSE)(Specified Risk Material) Order 2001
 EC (Minced Meat and Meat Preparation) Regulations, 1996
 EC (Meat products and other Products of Animal Origin) Regulations, 1995 and 1997
 EC (Labelling of Beef and Beef Products) Regulations, 2000

Guidelines & Circulars

EPA Guidance Notes on Emergency disposal of animals arising from FMD Outbreak (March, 2001).
 Foot and Mouth Disease (Circular FMD 1/02)
 Foot and Mouth Disease (Letter March, 2003)
 Recommendations of the Expert Group in relation to Foot & Mouth Disease Controls.
 Updated guidance note on emergency disposal of animals arising from foot and mouth disease.
 Precautionary measures against the possible spread of FMD (Circular 08/01)
 FSAI Guidance Notes

Fire Service, Fire Fighting & Emergencies

Description

The Council has a number of fire brigades located around the County in the main towns and provides premises and equipment necessary for fire fighting

purposes. These brigades provide a fast response around the clock, not only for fires, but also for traffic accidents, flooding and other emergencies. As a designated Fire Authority the Council is required to provide for the prompt and efficient extinguishing of fires in buildings and other places and for the protection and rescue of persons and property from injury by fire. The Fire Service may also assist at operations of an emergency nature in neighbouring Council areas when required.

Legislation

S. 10 & Part III of the Fire Services Act, 1981
Safety, Health and Welfare at Work Act, 1989
Safety, Health and Welfare at Work Act, 2005

EU Directives:

Council Directive 82/501/EEC of 24/6/82 on the control of major accident hazards involving dangerous substances (**Seveso Directive**)
Council Directive 96/82/EC of 9/12/96 on the control of major accident hazards involving dangerous substances (**Seveso II Directive**)

Regulations

S.I No.292 of 1986 - European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations 1986
S.I. No. 210 of 1987 - Fire Authority (Emergency Operations) Regulations, 1987
Health & Safety Regulations, 1989 - 2005
S.I No.476 of 2000 - European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000

Guidelines & Circulars

Emergency Response Guidebook, 1984
DoEH&LG Circular Letter Fire 1/87
DoEH&LG Circular Letter E.P. 3/90 Scheme of Assistance by the Chemical Industry to the Emergency Services at Chemical Transport Emergencies
DoEH&LG Circular Letter EP 5/92 Planning for Major Emergencies
DoEH&LG Circular Letter 1/94 Transportation of Hazardous Substances - Routing
DoEH&LG Circular E.P. 1/2001 European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2000
DoEH&LG Circular E.P. 4/2001 EMERGENCY PLANNING European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2000 (S. I. 476 of 2000) Council Directive 96/82/EC (Seveso II)
Inter-Departmental Committee on Major Emergencies - Report on November 2000 Flooding, March 2001
DoEH&LG Guidance Notes for Local Authorities - Emergency Planning - The Seveso II Directive and The European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2000, August 2001
DoEH&LG Circular Letter Fire 03/02 (27/05/02)
DoEH&LG Circular Letter Fire 06/03 - Fire Services Capital Programme (Fire Appliances Element)

DoEH&LG Circular EP 2/04 Re: "Controllers of Operations" in case of emergencies
Hazchem List 10 - Issued by HM Fire Service Inspectorate
Fire Service Council Notes on Recruit Firefighters & Breathing Apparatus
Fire Service Council Notes on Junior Officers
Fire Service Council Drill Book
Fire Service Council Training Guidelines
Fire Service Council Senior Officers Handbook
Fire Service Council Junior Officers Handbook
Fire Service Council Guidelines - Station Training
DoEH&LG Guidelines 1995 - Use of Breathing Apparatus

Fire Safety & Fire Prevention

Description

The Council actively aims to promote fire safety awareness and reduce the incidence of fires by educating the community about fire safety. In conjunction with the National Safety Council, the Council promotes Fire Prevention in the following ways:

- School visitations.
- School visits to Fire Stations.
- Talks to Community and other Groups.
- Advertising/radio.
- Distribution of leaflets and posters.

The fire authority also provides advice on fire evacuation drills and the use of fire safety equipment.

An Authorised Officer of the Council may enter at all reasonable times and inspect land or buildings to which the public have access. As well as carrying out Fire Safety inspections, an Officer may examine premises for Pre-Fire Planning purposes (to familiarise the Authority with layouts, hazards, etc. in the event of an emergency occurring there). It is an offence to refuse an authorised officer entry to land or a building.

Legislation

Fire Services Act, 1981
Licensing Acts, 1833 - 1981
Registration of Clubs Acts, 1904 - 1981
Public Dance Halls Act, 1935
Public Health (Amendment) Act, 1890
Gaming and Lotteries Acts, 1956 - 1979
Licensing of Indoor Events Act, 2003
Planning and Development Act, 2000
Building Control Act, 1990
Safety, Health & Welfare at Work Act, 1989
Safety, Health & Welfare at Work Act, 2005
Local Government Act, 2001 - S. 67 and Schedule 13

Regulations

S.I. No.249 of 1985 -DoEH&LG Fire Safety in Places of Assembly (Ease of Escape) Regulations, 1985

S.I. No. 319 of 1989 - Fire Services Act (Prescribed Premises) Regulations, 1989

S.I. No.496 of 1997 - Building Control Regulations, 1997

S.I. No.497 of 1997 - Building Control Regulations, 1997

S.I. No. 154 of 2001 - DoEH&LG Planning and Development (Licensing of Outdoor Events) Regulations, 2001

Health & Safety Regulations, 1989 - 2005

Guidelines & Circulars

DoEH&LG Circular Letter 1/02 Rent a Room Scheme - Fire Safety

DoEH&LG Guidelines in respect of fire precautions in Community Based Residences for Mentally Handicapped or Mentally Ill People, 1987

DoEH&LG Guidelines in respect of fire safety in places of public assembly, 1989

DoEH&LG Guidelines in respect of fire safety in existing hotels and guesthouses, 1989

DoEH&LG Guidelines for Fire Safety of Furnishings and Fittings in places of Public Assembly, 1989

DoEH&LG Guidelines in respect of fire safety in flats and apartments, 1994

DoEH&LG Guidelines in respect of fire safety in nursing homes, 1996

Dept. of Education Guidelines in respect of safety at Sports Grounds, 1996

Dept. of Education Guidelines in respect of safety at Outdoor Pop Concerts, 1996

DoEH&LG Guidelines in respect of fire safety in Hostels, 1998

DoEH&LG Guidelines in respect of fire safety at indoor concerts, 1998

DoEH&LG Guidelines on fire safety in pre-schools, 1999

DoEH&LG Guidelines in respect of residential Caravan parks for Travellers

Guide to Fire Safety in Guest Accommodation (2001)

Licensing of Indoor Events Act, 2003 - Explanatory Memorandum

Building Control

Description

The primary objective of Building Control is to protect public health and safety by ensuring compliance with the Regulations.

Under the legislation the Council is empowered to act as a Building Control authority with powers of:-

- a) Inspection
- b) Enforcement
- c) Prosecution

The building control authority can serve enforcement notices in cases of non-compliance and an application for an injunction can be made to the High Court in certain cases, if necessary.

Building control authorities must maintain a register - to include details relating to the submission of commencement notices, applications and decisions made in respect of fire safety certificates, applications for dispensations / relaxations, enforcement notices and decisions by An Bord Pleanála in relation to appeals.

As a fire authority the Council is responsible for determining Fire Safety Certificate applications made under the Building Control legislation. Where the Fire Authority considers a building to be a potentially dangerous building, under the Fire Services Act, 1981 and Indoor Licensing Events Act, 2003 the Fire Authority may serve a Fire Safety Notice or take other action on the owner or occupier of the building. A potentially dangerous building is a building, which in the event of a fire occurring would constitute a serious danger to life. A Fire Safety Notice may prohibit the use of a building or part of it, or prohibit its use for specified purposes, or prohibit the use of the building until specified works have been carried out to make the building safe. The works must be carried out to the satisfaction of the Fire Authority. A Fire Authority has the power to close down a building if it deems it to be unsafe. A Fire Authority may apply to the High Court for an Order to forbid or curtail the use of any building or land if in the opinion of the Fire Authority peoples lives are seriously put at risk.

Legislation

Local Government (Sanitary Services) Act, 1964

Fire Services Act, 1981

Building Control Act, 1990

Euro Changeover (Amounts) Act, 2001

Indoor Licensing of Events Act, 2003

EU Directives:

EU Construction Products Directive (CPD) - 89/106/EEC
Regulations

S. I. No. 198 of 1992 European Communities (Construction Products) Regulations, 1992

S. I. No. 210 of 1994 European Communities (Construction Products) (Amendment) Regulations, 1994

S. I. No. 496 of 1997 Building Control Regulations, 1997

S.I. No. 497 of 1997 Building Regulations, 1997 -2000

S. I. No. 10 of 2000 Building Control (Amendment) Regulations, 2000

S. I. No. 179 of 2000 Building Regulations (Amendment) Regulations, 2000

S. I. No. 249 of 2000 Building Regulations (Amendment) (No. 2) Regulations, 2000

S. I. No. 284 of 2002 Building Regulations (Amendment) Regulations, 2002

S. I. No. 581 of 2002 Building Regulations (Amendment) (No. 2) Regulations, 2002

S. I. No. 85 of 2004 Building Control (Amendment) Regulations 2004

Guidelines & Circulars

DoEH&LG Circular BCL 1/95 Promoting Awareness of Building Regulations

DoEH&LG Circular Letter BC 11/97 Consolidated / Upgraded Building Control

DoEH&LG Circular BC 11/98 Re: Building Regulations - Technical Guidance Documents (1997 Edition) : Amendments and Corrections

DoEH&LG Circular BC 7/99 Re: Compliance with Part M of the Building Regulations (Access to Buildings for People with Disabilities)

DoEH&LG Circular BC 10/99 Re: Enforcement of Building Regulations (New Houses)

DoEH&LG Circular Letter BC 6/2001 Re: Building Regulations 2000, Technical Guidance Document M: Practice Note

DoEH&LG Circular Letter BC 7/2001 Withdrawal of I.S. 51 - Clay Flue Linings and Flue Terminals

DoEH&LG Circular Letter BC 20/2001 Changeover to the euro - Building Control Penalties / Fees

DoEH&LG Circular Letter BC 4/2002 Use of Winders in Stairways

DoEH&LG Circular Letter BC 7/2002 Enforcement of Part M (Access for People with Disabilities) of Building Regulations

DoEH&LG Circular Letter BC 11/2002 Re: Building Regulations (Amendment) Regulations, 2002 - Part L - Conservation of Fuel and Energy

DoEH&LG Circular Letter: B.C. 8/2002 Construction Products: Transition from National Standards to European Harmonised Standards for the purposes of (1) Building Regulations; and (2) Public Procurement of Construction Products / Projects

DoEH&LG Circular BC 17/2002 Amending Building Regulations (Ventilation of Dwellings)

DoEH&LG Circular Letter BC 4/2003 Re: Numbering of Fire Safety Certificates (FSC)

CCMA Guidelines on the Implementation of the Building Control Act, 1990 and Regulations

Revised Technical Guidance Documents A-M 1997 Edition

Building Regulations, 1997 - Technical Guidance Documents (1997 edition) - Amendments and Corrections - June, 1998

Revised Technical Guidance Document M (2000 Edition)

Building Regulations (Amendment) Regulations, 2000 - Addenda et Corrigenda -Amendment to Technical Guidance Document M - Access for People with Disabilities

Building Regulations, 1997 - Amendment to Technical Guidance Document J

Building Regulations, 1997 - Amendment to Technical Guidance Document A (Structure)

Building Regulations, 1997 - Amendment to Technical Guidance Document C (Site Preparation and Resistance to Moisture)

Revised Technical Guidance Document F (Ventilation) (2002 Edition)

DoEH&LG Explanatory Memorandum - Transition from National Standards to Harmonised European Technical Specifications / Standards (Construction Products), August 2002

Major Emergency Planning

Description

One of the main functions undertaken by the fire section is to update and review the operation of the Major Emergency Plan for the council area. The local authority is obliged to produce a Major Emergency Plan in conjunction with the Health Services Executive and the Garda Siochana for the council. The purpose of the plan is as follows: -

- To set out the procedures to be followed and the functions to be undertaken by the various emergency services (Local Authority, Health Board, Gardai) in response to an emergency
- To set out Contact details of persons and bodies with a role in responding to emergencies

The plan sets out the basis for a co-ordinated response to a major emergency and the different roles and functions to be performed by the various agencies. This Plan must be reviewed and updated on a regular basis.

Legislation

Fire Services Act, 1981

Dangerous Substances - Petroleum Stores

Description

As a fire authority, the Council is responsible for the licensing of petroleum stores. The Council may grant or refuse an application for a Licence. If the Council refuses to grant a Licence or grants a Licence on conditions with which the applicant is dissatisfied, the applicant may appeal to the Health and Safety Authority. Where the Authority gives a direction with which the applicant is dissatisfied, the applicant may appeal to the High Court. An authorised officer of the Council may enter, inspect and examine any premises used as a petroleum store.

Legislation

Dangerous Substances Act, 1972

Dangerous Substances (Amendment) Act, 1979

Air Pollution Act 1987

Regulations

Dangerous Substances (Conveyance of Petroleum by Road) Regulations, 1979

S. I. No. 301 of 1979 Dangerous Substances (Licensing Fees) Regulations, 1979

S. I. No. 311 of 1979 Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979

S. I. No. 313 of 1979 Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979

S.I No. 312 of 1979 Dangerous Substances (Petroleum Jetties) Regulations, 1979

S.I. 269 of 1986 - Dangerous Substances (European Agreement concerning the International carriage of dangerous goods by road) ADR Regulations, 1986

S.I. 267 of 1986 - Dangerous Substances Act, 1972 (Part IV) Declaration) Order 1986

S. I. No. 303 of 1988 Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 1988

S.I. 201 of 1990 - Dangerous Substances (Storage of Liquefied Petroleum Gas) Regulations, 1990

Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Amendment Regulations, 1980 & 1996

S.I No. 375 of 1997 - Air Pollution Act 1987 (Petroleum Vapour Emmissions) Regulations, 1997

S.I. 424 of 1999 - Dangerous Substances (Retail & Private Petroleum Stores) (Amendment) Regulations, 1999

Guidelines & Circulars

Circular Letter 1/94 Transportation of Hazardous Substances - Routing

Issued by the N.S.A.I, Dublin:

- IS 3216 part 2 1989 Code of Practice for the Bulk Storage of Liquefied Petroleum Gas.

- IS 3216 part 1 1988 Code of Practice for the Bulk Storage of Liquefied Petroleum Gas.

- IS 3213 1987 Code of Practice for Storage of LPG Cylinders and cartridges.

- IS 813 1996 Domestic Gas Installations.

- IS 820 2000 Non Domestic Gas Installations

Dangerous Substances - Explosive Stores

Description

The local authority is responsible for the licensing / registration of premises used as explosives stores. The Council maintains a Register of Stores of Explosives such as bullets, cartridges, etc. Applications for Fireworks displays are also subject to license.

Legislation

Explosives Act, 1875

S. 11 of the Fire Services Act, 1981

Regulations

S. I. No. 42 of 1955 Stores for Explosives Order, 1955

Liquor Licenses, Club Licenses & Dance Licenses

Description

The applicant for the grant or renewal of a Licence under the Licensing Acts, 1833- 2002 (public houses, hotels etc.), Registration of Clubs Acts, 1904 - 1981 and Public Dance Halls Act, 1935 & 1977 must give 28 days written notice to the Fire Authority of the application. This gives the Council the opportunity to inspect premises on an annual basis and to give evidence in Court, prior to the granting of the Licence. Persons who extend their licensed premises are also required to apply to the Circuit Court to have their licence extended and must notify the fire authority in advance.

Legislation

Licensing Acts, 1833 - 2002

Registration of Clubs Acts, 1904 - 1981
Public Dance Halls Acts, 1935 & 1977

Programme Area 6: Recreation & Amenities

Under the Recreation and Amenity programme Kilkenny County *Council* provides a number of services to the public,

- Swimming Pools
- Parks & Open Spaces
- Arts Programme
- Sports & Leisure
- Playgrounds
- Library Service
- Archive Service

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Recreation and Amenity directorate works.

Swimming Pools

Description

The Council makes annual contributions towards the running costs of swimming pools at a number of locations. A new Leisure Complex incorporating a swimming pool and ancillary facilities is being built at Scanlon Park, Kilkenny and is due for completion in 2008.

Legislation

Local Government Act, 2001 - S. 67 and Schedule 13

Parks & Open Spaces

Description

The Council is responsible for the management and upkeep of public parks and open spaces contained in the Council area. Parks and open spaces may include neighbourhood parks, wildlife sanctuaries, nature reserves, road embankments, redeveloped cemeteries and tip-heads, coastal areas, nature parks, river valleys, etc. The Council can also acquire land for recreational facilities and can lease it out as recreation areas and make bye-laws for its control and operation.

Legislation

Local Government Act, 1994

Open Spaces Act, 1906

Local Govt. Planning & Development Acts 1963 & 1976 regarding provision of open spaces for new developments

Guidelines & Circulars

DoEH&LG Guidelines on provision of Open Spaces by Local Authorities, 1987
DoEH&LG Guidelines on Tree Preservation for Planning Authorities, 1994

Arts Programme

Description

The Council's Arts Programme is a very important aspect of the Council's work in the Recreation, Arts and Cultural Areas. The Council employ an Arts Officer whose role is to ensure that all sectors of the community can have access to and participate in the arts. The Council can also provide financial or other assistance to stimulate public interest in the arts, promote knowledge of the arts or improve standards in the arts within its functional area.

Legislation

Local Government Act, 2001 - S. 67 and Schedule 13
Arts Act, 2003

Guidelines & Circulars

Local Authorities and The Arts, Appointment of Arts Officer, Guidelines for Local Authorities - The Arts Council.
Arts Grant Scheme (section 12, Arts Act, 1973)
Public Art: Per Cent for Arts Scheme - General National Guidelines - 2004

Sports & Leisure

Description

The Council operates a Sports & Leisure Centre at Scanlon Park, Loughboy, Kilkenny. This facility is currently being extended and upgraded to include swimming pool, leisure complex and ancillary facilities and is due for completion in 2008.

Legislation

Local Government Act, 1994
Local Government Act, 2001

Playgrounds

Description

The Council may provide new Playgrounds throughout the administrative Council area as well as maintaining existing public playgrounds and may provide assistance to Communities for the purposes of providing or maintaining their own play facilities.

Legislation

Local Government Act, 2001

Guidelines & Circulars

Ready, Steady, Play - A National Play Policy

Library Service

Description

The public library is the local centre of information, making all kinds of knowledge and information available to its user. Kilkenny Library service aim is to offer to all in the Council area, equal access to information, education, recreation and culture, for quality of life. The local library is a community resource, where people find out what's happening locally, go to talks and workshops, enjoy exhibitions, borrow books and audio-visual material and activities for adults and children; reference services; local studies/archives; public internet access and online services; reading groups; multicultural collections and facilities/ formats for those with visual and other impairments. The Library Capital Programme provides grants to Local Authorities for the provision of new libraries including mobile libraries. Proposals for new library projects are initiated by the library authorities and examined by the Department of the Environment, Heritage & Local Government in consultation with An Chomhairle Leabharlanna in accordance with standard procedures laid down in Department Circulars. A library authority must prepare and adopt a Library Development Programme outlining its existing library services and its development objectives and priorities for the library service. The adoption of a library development is a reserved function of the elected members of the local authority.

Legislation

Public Libraries Act, 1947

Local Government (Financial Provisions)(No. 2) Act, 1983

Local Government Act, 1991

Local Government Act, 1994

Local Government Act, 2001 - Part 9, Chapter 3

Regulations

Public Bodies Order 1946 - 1993

The Public Libraries Act, 1947 (Grant Regulations), 1961

Guidelines & Circulars

DoEH&LG Circular Letter G2/88 Procedures for Public Library Projects & Arrangements for Payment of Capital Grants

DoEH&LG Circular Letter G286/17 - Memorandum of Procedure & Controls for Public Library Projects

DoEH&LG Circular BCL 4/95 Library Development Programmes

BCL 4/95 - Library Development Programmes

DoEH&LG Circular Letter LSS 1/99 Re: Capital Funding Programme for Libraries

DoEH&LG Circular Letter LS 2/99 - Tax free donations to public libraries and An Chomhairle Leabharlanna

DoEH&LG Circular Letter LSS 5/99 Public Libraries - Membership Promotion for young people of schoolgoing age

DoEH&LG Circular Letter LSS 5/00 Re: Capital Funding Programme for Libraries

DoEH&LG Circular Letter LSS 3/03 - Provision of Optical Scanning Facilities for the Visually Impaired in Public Libraries: Guidelines and Grant Aid

Branching Out - A New Public Library Service

DoEH&LG Optical Scanning Facilities - Guidelines for Library Authorities, June 2003

DoEH&LG Guidelines on Public Internet Access: Acceptable Use Policy, 2003

Archive Service

Description

It is a function of a local authority to make arrangements for the proper management, custody, care and conservation of local records and local archives and for inspection by the public of local archives.

In addition to the archives of Council records, the Archive is custodian to the archives of the predecessor bodies of the present local government system and to a significant collection of archives of private origin.

Legislation

S. 80 of the Local Government Act, 2001

Guidelines & Circulars

DoEH&LG Circular A 1/96 Local Authority Records and Archives

DoEH&LG Report of the Steering Group on Local on Local Authority Records and Archives, 1996

DoEH&LG Guidelines for local authority archives services, 1996

SOCIETY OF ARCHIVISTS, IRISH REGION Local Authority Archives in Ireland: a policy document, 2000

LGMSB National Retention Policy for Local Authority Records, 2002

LOCAL AUTHORITY ARCHIVISTS' GROUP Local Authority Archives in Ireland, 2003

Programme Area 7: Agriculture, Education, Health & Welfare

The Education, Health and Welfare sections of *Kilkenny County Council* provides a number of services to the public,

- Veterinary Services
- Higher Education Grants
- Residential Homes & Schools
- Civil Defence
- Coroner

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls regarding the above services.

VETERINARY SERVICES

FOOD SAFETY, DISEASES OF ANIMALS, ANIMAL WELFARE AND AGRICULTURAL FUNCTIONS GENERALLY

DESCRIPTION:

Kilkenny County Council has entered a Service Contract with the Food Safety Authority of Ireland (F.S.A.I.) for the period from 1st January 2006 to 31st December 2010 under F.S.A.I. Act 1988.

Under this contract, Kilkenny County Council has approval and supervisory responsibilities for low throughput slaughterhouses and low throughput small meat manufacturing plants in the county. Involvement in the following zoonoses investigation of food poisoning outbreaks, rapid alert system for food and feed, missions of the Food and Veterinary Office of the E.U. to Ireland, Official Food Controls Services, and F.S.S.A.I. Working Groups.

The Council has statutory responsibilities for the auditing of liquid milk production holdings, producing milk for heat treatment for sale on the domestic market and the issuing of Slaughter Licences to slaughter people. The Council has responsibility for the Control of Horses and the Control of Dogs, e.g. strays etc.

The Council contributes to Teagasc and pays superannuation of former employees of the County Committees of Agriculture.

<u>Legislation & Regulations</u>	
Food Safety Authority of Ireland Act, 1998.	No. 29 of 1998
Health Act, 1947	No. 28 of 1947
Regulation (EC) No. 178/2002 of the European Parliament and of the	

Council of 28 th January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.	
European Communities (Food and Feed Hygiene) Regulations 2005	S.I. No. 910 of 2005
Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 th April 2004 on the hygiene of foodstuffs	
Corrigendum to Regulation (EC). No. 852/2004 of the European Parliament and of the Council of 29 th April 2004 on the hygiene of foodstuffs	
Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	
Corrigendum to Regulation (EC) No., 853/2004 of the European Parliament and of the Council on 29 April 2004 laying down specific hygiene rules for food of animal origin	
European Communities (Quick-frozen Foodstuffs) Regulations, 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 2001
Food Additives	
European Communities (Additives, colours and sweeteners in foodstuffs) Regulations, 2000	S.I. No. 437 of 2000
European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004	S.I. No. 58 of 2004
Slaughter of Animals	
Abattoirs Act 1988 (other than Section 3 - 17,21-34, 48 and 50)	No. 8 of 1988
Microbiological Criteria	
Commission Regulation (EC) No. 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	No. 2073/2005
Official Control of Foodstuffs	
Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation	No. 2074/2005

<p>(EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council</p>	
<p>Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004</p>	<p>No. 2076/2005</p>
<p>Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption</p>	
<p>Corrigendum to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption</p>	
<p>Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law,</p>	

animal health and animal welfare rules.	
Corrigendum to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.	
Labelling	
European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002	S.I. No. 483 of 2002
European Communities (Labelling of Beef and Beef Products) Regulations, 2000	S.I. No 435 of 2000
European Communities (Labelling of Beef and Beef Products)(Amendment) Regulations, 2002	S.I. No. 485 of 2002
European Communities (Labelling and Marketing Standards for Poultrymeat) Regulations 2004	S.I. No 42 of 2004
European Communities (Labelling and Marketing Standards for Poultrymeat) (Amendment) Regulations 2004	S.I. No 50 of 2004
Materials in contact with foodstuffs	S.I. No. 139 of 2006
European Communities (Plastics and other materials) (Contact with food) Regulations 2006 (S.I. No. 139 of 2006)	S.I. No. 139 of 2006

Specified Risk Material	
Commission Regulation (EC) No 1974/2005 of 2 December 2005 amending Annexes X and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards national reference laboratories and specified risk material No 1974/2005	No. 1974/2005
Council Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (other than Articles 5, 7, 11-15, 17-21, 24-25) as amended	
European Communities (Removal of Bovine Vertebral Column) Regulations , 2004	S.I. No 528 of 2004
Zoonosis	
European Communities (Zoonoses) Regulations, 1996	S.I. No. 528 of 2004
European Communities (Zoonoses) Regulations, 1996 S.I. No.2 of 1996 Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	
European Communities (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for <i>Trichinella</i> in meat	No 2075/2005
Animal Remedies	

Animal Remedies Act, 1993 (other than Sections 4 and 5)	No. 23 of 1993
Control of Animal Remedies and their Residues Regulations, 1998 (other than Regulations 3-5, 10-14, 20-21, 24)	S.I. No. 507 of 1998
Milk	
Milk and Dairies Act 1935 - 1956	
Animal Welfare	
Disease of Animals Act 1966-1986 Slaughter of Animals Act 1935 E.C. (Welfare of Farmed Animals) Regulations 2008 Diseases of Animals Act 1966 (Notification and Control of Animal Diseases) Order 2006	S.I. No. 14 of 2008 S.I. No. 359 of 2006
Agriculture	
Agriculture Act 1931 Agriculture (Research, Training and Advice) Act 1988	

GUIDELINES INTERPRETATIONS, PROCEDURES AND PRACTICES.

Department of Agriculture, Food and Fisheries Foot and Mouth Disease Manual Vol. 1 and 2. Kilkenny County Council Avian Influenza Information Document.

F.S.A.I. Guidance Notes: No. 3, No. 8, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 17, No. 18, No. 20 and No. 23.

PRECEDENT:

F.S.A.I. Codes of Practice No. 3 and No. 5

FUNCTION:

VETERINARY SERVICES

CONTROL OF DOGS

The Council deals with the licensing of dogs and the control of dogs e.g. strays. The Council employs the I.S.P.C.A. to run the Dog Shelter and the Dog Warden service.

LEGISLATION Control of Dogs Act, 1986

Control of Dogs (Amendment) Act, 1992

Litter Pollution Act, 1997

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REGULATIONS Control of Dogs Act, 1986 (Guard Dogs) Regulations, 1988
Control of Dogs Act, 1986 (Restriction of Certain Dogs) Regulations, 1991
Control of Dogs Regulations, 1998.

GUIDELINES AND CIRCULARS Local Authorities' Returns for 1998 and
related matters LSS 06/99 Disposal by local authorities of carcasses of dead
dogs LSS 8/99 Dog Licence Fees and Dog Control LSS 6/01 Control of Dogs
Act 1986 & 1992 - Local Authorities Returns for 2001 and related matters
LSS/102 Control of Dogs Act 1986 & 1992 - Local Authorities Returns for 2001
and related matters LSS 05/02 Control of Dogs Act 1986 & 1992 - Local
Authorities Returns for 2003 and related matters LSS 2/04

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:

VETERINARY SERVICES

CONTROL OF HORSES

The Council has power to deal with the control of horses e.g. stray horses in
public areas.

LEGISLATION

Control of Horses Act, 1996

REGULATIONS

Control of Horse Regulations 1997 S.I. No. 171 of 1997.

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Bye Laws

PRECEDENTS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:

VETERINARY SERVICES

MILK AND DAIRIES

The Council has responsibility for the inspection of milk production holdings
which supply milk for the preparation of heat treated drinking milk. The sale of
raw milk is illegal presently in the Republic of Ireland.

LEGISLATION Milk and Dairies Act, 1935

Milk and Dairies Act, 1956

E.C. Regulation No. 852/2004 (Hygiene of Foodstuffs).

E.C. Regulation No. 853/2004 (Specific Hygiene Rules for food of animal
origin).

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REGULATIONS Milk and Dairies Regulations, 1938-1962

GUIDELINES AND CIRCULARS

Guidelines for the Registration of Milk Production Holding (Directive 92/46/EEC) produced by D.A.F.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:

VETERINARY SERVICES

LICENSING OF SLAUGHTER PEOPLE

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All slaughterpeople (Home and Export Slaughterhouses) must hold a slaughter person's licence which is issued by the Council.

LEGISLATION Slaughter of Animals Act 1935.

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:

VETERINARY SERVICES

FORD SAFETY

DESCRIPTION Under the Service Contract with F.S.A.I., the Council have responsibilities for food safety in the

- a. Low throughput slaughterhouses.
- b. Stand Alone Meat manufacturing Premises, and
- c. Meat Transport Vehicles (associated with the above).

Part-time Veterinarians are employed to do the Ante- and Post-Mortem inspections. (Each animal slaughtered must have both, before it is passed for human consumption and Health marked. The Stand Alone Meat Manufacturing Premises are under the supervision of the Wholetime Veterinary Officer and are approved by the Council as an agent for F.S.A.I. Meat transport vehicles of the above premises are also inspected. The Council facilitates and promotes Inter Agency Working Regional Zoonosis Committees and if necessary, the setting up of Food-borne Disease Outbreak Control Teams. Thus promoting pro-active food safety at a local level between multi-disciplinary professionals. The Council facilitates the involvement of the Wholetime Veterinary Officer in F.S.A.I. Working Groups on topical food safety issues, e.g. training of food workers.

LEGISLATION

Food Legislation	Acts and Statutory Instruments
Food General	
Food Safety Authority of Ireland Act, 1998.	No. 29 of 1998
Health Act, 1947	No. 28 of 1947
Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 th January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.	
European Communities (Food and Feed Hygiene) Regulations 2005	S.I. No. 910 of 2005
Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 th April 2004 on the hygiene of foodstuffs	
Corrigendum to Regulation (EC). No. 852/2004 of the European Parliament and of the Council of 29 th April 2004 on the hygiene of foodstuffs	
Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	
Corrigendum to Regulation (EC) No., 853/2004 of the European Parliament and of the Council on 29 April 2004 laying down specific hygiene rules for food of animal origin	
European Communities (Quick-frozen Foodstuffs) Regulations, 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 2001
Food Additives	
European Communities (Additives, colours and sweeteners in foodstuffs) Regulations, 2000	S.I. No. 437 of 2000
European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004	S.I. No. 58 of 2004
Slaughter of Animals	
Abattoirs Act 1988 (other than Section 3 - 17,21-34, 48 and 50)	No. 8 of 1988

Microbiological Criteria	
Commission Regulation (EC) No. 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	No. 2073/2005
Official Control of Foodstuffs	
Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council	No. 2074/2005
Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004	No. 2076/2005
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	
Corrigendum to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of	

official controls on products of animal origin intended for human consumption	
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.	
Corrigendum to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.	
Labelling	
European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002	S.I. No. 483 of 2002
European Communities (Labelling of Beef and Beef Products) Regulations, 2000 European Communities (Labelling of Beef and Beef Products)(Amendment) Regulations, 2002	S.I. No 435 of 2000 S.I. No. 485 of 2002
European Communities (Labelling and Marketing Standards for Poultrymeat) Regulations 2004	S.I. No 42 of 2004
European Communities (Labelling and Marketing Standards for Poultrymeat)	S.I. No 50 of 2004

(Amendment) Regulations 2004	
Materials in contact with foodstuffs	S.I. No. 139 of 2006
European Communities (Plastics and other materials) (Contact with food) Regulations 2006 (S.I. No. 139 of 2006)	S.I. No. 139 of 2006
Specified Risk Material	
Commission Regulation (EC) No 1974/2005 of 2 December 2005 amending Annexes X and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards national reference laboratories and specified risk material No 1974/2005	No. 1974/2005
Council Regulation (EC) 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (other than Articles 5, 7, 11-15, 17-21, 24-25) as amended	
European Communities (Removal of Bovine Vertebral Column) Regulations , 2004	S.I. No 528 of 2004
Zoonosis	
European Communities (Zoonoses) Regulations, 1996	S.I. No. 528 of 2004
European Communities (Zoonoses) Regulations, 1996 S.I. No.2 of 1996 Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	
European Communities (Monitoring of	S.I. No. 154 of 2004

Zoonoses) Regulations 2004	
Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for <i>Trichinella</i> in meat	No 2075/2005
Animal Remedies	
Animal Remedies Act, 1993 (other than Sections 4 and 5)	No. 23 of 1993
Control of Animal Remedies and their Residues Regulations, 1998 (other than Regulations 3-5, 10-14, 20-21, 24)	S.I. No. 507 of 1998

GUIDELINES AND CIRCULARS

F.S.A.I. Guidance Notes No. 3, No. 8, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 17, No. 18, No. 20 and 23.

F.S.A.I. Codes of Practice No. 3 and No. 5.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Local Authority Veterinary Service: Standard Operating Procedures.

PRECEDENTS

Higher Educations Grants

Description

The Council awards grants to eligible students attending approved full-time courses in third level institutions in Ireland and other EU countries. Grants are on a graduated basis and may contain a maintenance element, as well as fees (where exemption from fees does not apply) and charges for student services, registration and examinations. The value of grants and the income limits for eligibility are set annually by the Minister for Education and Science. The bulk of the cost is recouped from the Department of Education and Science. Grants which are means tested are awarded in accordance with the Higher Education Grants Scheme, which is prepared annually by the Department of Education and Science, and adopted by the Council for this Local Authority. The Scheme sets out details of grant eligibility and the grants payable. Special rates of maintenance grants payable to disadvantaged grant holders were introduced in the academic year 2000/2001 (Top-Up Grants).

Legislation

Local Authorities (Higher Education Grants) Act, 1968

Local Authorities (Higher Education Grants) Act, 1978

Local Authorities (Higher Education Grants) Act, 1992

Guidelines & Circulars

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 8 December, 1998 -
Re: Payment of Maintenance Grants to students in Northern Ireland and the
UK

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 13th May, 1999 - Re:
The assessment of reckonable income with reference to the "*Change in
Circumstances*" Clause

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 01 June 1999 -
Payment of Field Trips costs in respect of grantholders studying outside of
Ireland

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 20 July 1999 -
Clarification of the amendments to the 1999 Higher Education Grants Scheme

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 26th July 1999 - Re:
Maximum Tuition Fee Limit applicable to the Royal College of Surgeons
1998/99

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 10th October, 2000 -
Re: Local Authorities (Higher Education Grants) Act, 1968-1992 and Student
Support Schemes

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 25th June, 2001 -
Special Rates of Maintenance Grants payable to Disadvantaged Grantholders
for the Academic Year 2000/01

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 10th August, 2001 -
Frequently asked Questions on Top-Up Grant

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 14th August, 2001 -
Re: Income Statement from Department of Social Community and Family
Affairs

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 20th August, 2001 -
One-Parent Family Payments

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 21st August, 2001 -
Amended Document: One-Parent Family Payments

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 19th October, 2001 -
Amendment to Higher Education Grant Scheme 2001

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 9th November, 2001
- Eligibility of Refugees under the Free Fees Initiative

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 26th February, 2003
- Re: Amendment to Maintenance Grants Schemes to Include Nationality
under the Change in Circumstances Clause

DEPARTMENT OF EDUCATION AND SCIENCE Letter - 28th February, 2003
- Re: Graduate Skills Conversion Programme 2002-2003

Residential Homes & Special Schools

Description

The Council contributes towards the cost of maintaining children from the County in residential houses and special schools. The cost of such maintenance is fixed by regulations.

Legislation

Children Acts, 1908 to 1989

Children Act, 1908

Children Act, 1934

Children Act, 1941

Children (Amendment) Act, 1949

Children (Amendment) Act, 1957

Children Act, 1989

Regulations

S. I. No. 358 of 1983 Education (Transfer of Departmental Administration and Ministerial Functions) Order, 1983

Children Act, 1941 (Section 21) Regulations, 1984

Guidelines & Circulars

DoEH&LG Circular Letter FIN 12/84 - Education (Transfer of Departmental Administration and Ministerial Functions) Order, 1983

Civil Defence

Description

Civil Defence is a voluntary humanitarian organisation dedicated to assisting the community in a variety of ways, but particularly to alleviate suffering in times of crisis and emergency. The Service is used widely at various community events in the Council area. Services provided range from First Aid and/or Ambulance Cover at Sporting Events, Parades, Festivals, Agricultural Shows, etc. The Civil Defence Officer co-ordinates and controls all operations and activities of Civil Defence. All other personnel are volunteer members. Volunteers are trained in five services to deal with emergency situations and their ability to respond depends on their availability at any given time. Training Classes are held for Civil Defence volunteers.

Legislation

Air - Raid Precautions Act 1939 - 1946

Civil Defence Act, 2002

Regulations

Conditions of Service Form C.D. / 1.

Uniforms - Appendix B C.D. 12 / 1958

Guidelines & Circulars

Induction Training Manual

Rescue Training Manuals

Department of Defence Civil Defence Circulars on River S.A.R. 8/94, 1/97.

Health & Safety Guidelines for Civil Defence 11/91.

Towards 2000 Initiative - Department of Defence Training Plan

Circular 12/90 & 2/91 - Organisation of Civil Defence

Circular 7/91 - Re. Active Membership and Age of Civil Defence Members

County Kilkenny Civil Defence Plan 2004-2007

Plan for Radiological Emergencies from Peace Time Accidents

Plan for Radiological Emergencies from Remote Wars

Code of Practise for Volunteers

Code of Conduct for Volunteers

Grievance and Disciplinary Procedures for Volunteers

Coroner

Description

The Council is responsible for the employment of coroner(s) and the expenses associated with inquests / post-mortem examinations as directed by the Coroner.

Legislation

Coroners Act, 1962

Guidelines & Circulars

Dept. of Justice Circular Letter - 14/5/97 - Re: Revised remuneration package for coroners

Dept. of Justice, Equality & Law Reform Circular Letter (Ref. 31/161) - 03/06/2003 - Coroners grading

Dept. of Justice, Equality & Law Reform Periodic Circular Letters revising rates

Programme Area 8 :Corporate Affairs

The Corporate Affairs sections of *Kilkenny County Council* provides a number of services to the elected members, other directorates within the local authority, employees and directly to the public,

- Supporting the County/City Councils
 - Meetings of Council & Committees of the Council
 - Corporate Policy Group (CPG) & Strategic Policy Committees (SPCs)
 - Payments to Members of Council for Attendance at Meetings
 - Expenses of Members-Annual Allowance
 - Local authority member - Superannuation Gratuity
 - Ethics Code for Elected Members
 - Disclosure of Donation Statements
 - Franchise Section/Register of Electors
 - Local Elections
- Co-ordinates the provision of miscellaneous services both to the public and to other directorates
 - Data Protection
 - Freedom of Information
 - Council Publications
 - Irish Language
 - Customer Service
- Human Resources & Staff Welfare
 - Recruitment & Manpower Planning
 - Conditions of Employment
 - Removal Expenses and Travel & Subsistence
 - Career Break
 - Job Sharing
 - Leave Entitlements
 - Maternity, Parental and Adoptive Leave
 - Sick Leave Scheme - Officers
 - Sick Leave Scheme - Employees
 - Safety, Health & Welfare of Staff
 - Staff Training & Development
 - Suspensions
 - Termination of Employment
 - Appeals to the Minister in Relation to Pay, Duties & Conditions of Service
 - Extension Beyond the Age Limit
 - Code of Conduct for Staff/Ethical Framework for Employees

- Officers - Membership of Local Authority
- Application for Additional Posts
- Industrial and Employee Relations
- Equality
- Workplace Partnership

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls to which the Corporate Affairs section works.

The Director of Roads, Emergency, Planning and Corporate is responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

Supporting the *County Council*

Description

The Corporate Affairs section provides the administrative service for meetings of (1) the *County Council* and (2) Corporate Policy Group and also assist the additional standing committees already listed. Area Committees and Strategic Policy Committees each have their own Secretariats that service their meetings. The secretariats are located within the relevant local authority and usually they share secretarial/administrative support with the relevant Director of Services for the Directorate.

Meetings of Council & Committees of the Council

Description

The *County Council* is statutorily obliged to hold an Annual Meeting and a Budget Meeting and such other meetings as are necessary to conduct its business. The Annual Meeting is held in June of each year. The *Cathaoirleach* and *Leas-Cathaoirleach* are elected at the Annual Meeting. A schedule of ordinary monthly meetings for the forthcoming year, are agreed at the Annual Meeting.

A special meeting may be convened by the *Cathaoirleach* at any time, or by any five members if the *Cathaoirleach* fails to act on a requisition made by the five members to do so. A set of rules called "Standing Orders" are adopted by the Council for the regulation of its meetings and proceedings. Members of the public and representatives of the media may attend meetings of the Council.

The Council is required to establish Strategic Policy Committees, consisting of elected members and representatives of sectoral interests, to consider matters connected with the formulation, development, monitoring and review of policy.

The Council may establish a committee, Area Committee, in respect of a specific area e.g. a local electoral area or a committee in respect of a specific function.

The Budget Meeting is held in late November/early December within the period prescribed by the Minister for the Environment, Heritage and Local Government.

Monthly Council meetings are held on the *Third* Monday of the month.

Area Committees meetings are also held *each month* and the Strategic Policy Committees meet approximately, *every third month*.

Legislation

Local Government Act, 1994

Parts 6, 7 and Schedule 10 of the Local Government Act 2001

Regulations/Orders

Standing Orders of *Kilkenny County = Council*

S. I. No. 129 of 1999 Local Government Act, 1994 (Local Authority Meetings) (Interim) Regulations, 1999

S. I. No. 165 of 1999 Local Government (Reorganisation) Act, 1985 Section 27 (Specified Bodies) Regulations, 1999

S. I. No. 226 of 1999 Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999

S. I. No. 66 of 2002 Local Government Act, 2001 (Meetings) Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular LG 7/99 Section 27: Local Government (Reorganisation) Act, 1985

DoEH&LG Circular LG 6/99

DoEH&LG Circular LG 9/99 Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999

DoEH&LG Circular Letter LG 08/04 Strategic Policy Committees

DoEH&LG Circular Letter LG 10/04

Corporate Policy Group (CPG) & Strategic Policy Committees (SPCs)

Description

Section 48 of the Local Government Act, 2001 provides for the establishment of SPCs. The role of these Committees is to consider matters connected with the formulation, development, monitoring and review of policy which relates to the functions of the local authority and to advise the authority on these matters. These Committees consist of 6 elected members and three non-elected nominees drawn from the various sectors of society. Each SPC is chaired by an elected member who is assisted by a Director of Services. The CPG consists of the Chairperson of each of the SPC's together with the Cathaoirleach of the Council. The CPG considers matters referred to it by the SPC's before they are referred to the full council for decision. The County

Manager must consult with the CPG during preparation of the local authority's draft budget and during preparation of the local authority's Corporate Plan.

Legislation

Local Government Act, 2001

Regulations

Local Government Act, 2001 (Meetings) Regulations, 2002

Guidelines & Circulars

Better Local Government: A programme for Change (Booklet produced by the DoEH&LG, 1996)

DoEH&LG Guidelines, Nov 1997 - SPC Guidelines

DoEH&LG Booklet, March 1998 - "Focus on SPCs"

DoEH&LG Guidelines, August 1999 for the Establishment & Operation of SPCs

DoEH&LG Circular Letters 6/99, 10/04 & 16/04

Review of the Operation of SPC's - IPA Booklet 2004

Payments to members of Council for attendance at Meetings

Description

Representational Payment: This salary type payment for Councillors (who were not members of the Oireachtas) was introduced by the Minister for the Environment, Heritage and Local Government with effect from the 1st January 2002. The Representation Payment is subject to P.A.Y.E in the normal way and P.R.S.I at the appropriate class. It is linked to a Senator's salary (¼ thereof) and the current rate (at September 2005) is €16,756 per annum.

Legislation

Local Government Act, 1991

Local Government Act, 1991

Local Elections (Disclosure of Donations & Expenditure) Act, 1999

Local Government Act, 2001

Electoral Acts, 1963-2005

Regulations

Local Government (Representational Payment for Members) Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular Letter LG 13/04 - Code of Conduct for Councillors

DoEH&LG Booklet "Code of Conduct for Councillors" - June 2004

Expenses of Members - Annual Allowance

Description:

Members of the Council are entitled to payment of expenses and subsistence in respect of their attendance at meetings of the Council (80% attendance record is requested to achieve maximum payment). Other allowances are:

- Cathaoirleach's and Leas-Cathaoirleach's allowance
- SPC Chairperson's allowance
- Entertainment and associated expenses
- Members' expenses for attendance at meetings, conferences etc. held within or outside the State
- Representational allowances

Legislation

Local Government Act 2001 Section 142 & 143

Regulations

S. I. No. 391 of 1993 Local Government (Expenses of Local Authority Members) Regulations, 1993

S. I. No. 361 of 1995 Local Government (Expenses of Local Authority Members) (Amendment) Regulations, 1995

S. I. No. 552 of 2001 Local Government (Representational Payment for Members) Regulations, 2001

Guidelines & Circulars

DoEH&LG Circular Letter LG 49/2 Expenses of Local Authority Members

DoEH&LG Circular Letter LG 2/95 Expenses of Members

DoEH&LG Circular Letter LG 5/95 General Council of County Councils - conferences / seminars

DoEH&LG Circular Letter LGP 5/98 Expenses of Members

DoEH&LG Circular Letter of 17th July, 2000 (File Ref. LG66/20.64) Re: Travel Expenses for certain members of County / City Development Boards and Strategic Policy Committees

DoEH&LG Circular Letter LG 15A/2001 Representational Payment for Councillors

DoEH&LG Circular LG 12/01 Expenses of Members - Euro Rates

REVENUE COMMISSIONERS Letter - 7/1/2002 - Re: Taxation of Payments made to Local Authority Members

REVENUE COMMISSIONERS Letter - 11/7/2002 - Re: Taxation of allowances

paid to Cathaoirleach and Leas-Chathaoirleach of Local Authorities

DoEH&LG Circular Letter LG 11/02 Local Government Act, 2001 - Allowances under section 143

DoEH&LG Circular Letter LG 02/04 Expenses of Members

DoEH&LG Periodic Circular Letters revising Representational Payment

DoEH&LG Periodic Circular Letters Revising Rates

DoEH&LG Periodic Circular Letters Revising Subsistence Allowances Abroad

DoEH&LG-New System of allowances for local authority members

Local Authority Members - Superannuation Gratuity

Description

Each local authority can make a payment of a gratuity to Councillors based on their service as members from 4th May 2000 (service prior to that date is not reckonable). The maximum gratuity is three times the Representational Payment rate on date of cessor and is payable after 20 years service. The minimum qualifying service required for the gratuity is 3 years. The gratuity is automatically paid on retirement (subject to the above conditions) at or after age 50

Legislation

Local Government Act 2001 Section 142
Local Government (No. 2) Act, 2003

Regulations

S. I. No. 281 of 2002 Local Authority Members (Gratuity) Regulations, 2002
S. I. No. 378 of 2002 Local Authority Members (Gratuity) (Amendment) Regulations, 2002
S. I. No. 302 of 2003 Local Authority Members (Gratuity) (Amendment) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular Letter S. 7/2002 Superannuation Gratuity for Councillors
REVENUE COMMISSIONERS letter of 18th July, 2002 Re: Superannuation Gratuity for Councillors
DoEH&LG Circular Letter S. 9/2002 Superannuation Gratuity for Councillors - Amendment Regulations
DoEH&LG Circular Letter S.9/2003 Superannuation Gratuity for Councillors - Amendment Regulations
DoEH&LG Summary for Local Authorities - Local Authority Members (Gratuity) Regulations, 2002
DoEH&LG Notes on Local Authority Members (Gratuity) (Amendment) Regulations, 2003

Ethics Code for Elected Members

Description:

The Ethical Framework for the Local Government Service requires elected members to maintain proper standards of integrity, conduct and concern for the public interest in carrying out their functions. Members of a Local Authority are required to furnish an annual declaration of “declarable interests”. The Council must maintain a public register of declarable interests and appoint an ethics registrar. The necessary forms are issued to all Councillors in early January for completion and return by the end of February.

“Declarable Interests” include, any profession, business or occupation of dealing in or developing land. Any other paid employment or occupation; any interest in land within the state; shares or investments over €12,697.38 in any company or enterprise. A directorship or shadow directorship of any company. A register of Annual Declarations is maintained and is available for inspection by the public/media.

Legislation

Local Government Act 2001. Part 15, Sections 167 (1)(a) 171 and 175)

Regulations

S. I. No. 582 of 2002 Local Government Act, 2001 (Part 15) Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular LG 24/02 Local Government Act, 2001 - New Ethical Framework for Local Government Service

Local Government Act 2001 Code of Conduct for Councillors, June 2004

Disclosure of Donation Statements

Description:

Members of a Local authority are required to complete and return a Donation Statement by the end of January each year in respect of donations received during previous calendar year.

A register of Donation Statements I maintained and is available for inspection by the public.

Legislation

Local Elections (Disclosure of Donations and Expenditure) Act 1999 as amended by the Electoral (Amendment) Act 2001

Franchise Section/Register of Electors

Description

The County/City Council is obliged by law to prepare and publish the Register of Electors for its administrative area each year. Registration authorities are required to make a house -to -house of other sufficient enquiry for the purpose of preparing the register. Registration forms are made available at the City Council offices, public libraries , post offices. Garda stations and health centres. It is the responsibility of each person who satisfies the registration requirements to ensure that his/her name is on the register. The accuracy of the register depends to a large extend on the co-operation of the public in providing the necessary information.

A draft register is published on 1st November and is available for public inspection at the County Hall, branch libraries and post offices. Claims for addition or deletion of names must be made by 25th November. Interested parties are notified of the County Registrar's decision on these claims and can appeal to the Circuit Court if dissatisfied.

The Register is published on 1st February and comes into force on 15th February for a period of twelve months. A supplement is published prior to any election or referendum. Voters who are not included on the register, but are qualified on residency and age grounds, can apply to have their names

included on the supplement. Applications must be received at least 15 working days before polling day.

A Postal Voters' List and Special Voters' List (disabled electors) are also published each year. Persons with a physical disability or illness who reside at home and are unable to go in person to a polling station can vote by post. Each application for inclusion on the Special Voters' List must be supported by a medical certificate. Electors who wish to remain on the Special Voters' List from year to year must renew their applications annually. The closing date for receipt of applications each year is 25th November.

Legislation

Electoral Act 1992
Electoral (Amendment) Act 1996
Electoral Act 1997
European Parliament Elections Act, 1997
Electoral (Amendment) Act, 1998
Electoral (Amendment) Act 2001
Electoral (Amendment) Act, 2002
Electoral (Amendment) (No. 2) Act, 2002

EU Directives:

EC Directive 93/109/EC - 06/12/93

EC Directive 94/80/EC - 19/12/94 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

Regulations

Electoral Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular Letter F1/95 Re: Supplement to the Register of Electors
DoEH&LG Circular Letters F4/97 and F5/97 Electoral (Amendment) Act, 1996
DoEH&LG Circular Letter F26/97 Draft Register of Electors - deletion of names
DoEH&LG Circular Letter F18/98 Registration of EU citizens as electors at 1999 European elections
DoEH&LG Circular Letter F59/99 Potential European Electors
DoEH&LG Circular Letter F11/00 Register of Electors: Asylum Seekers and Refugees
DoEH&LG Circular Letter F12/00 Register of Electors: Asylum Seekers and Refugees
DoEH&LG Circular Letter F 12/03 Registration of EU citizens as electors at 2004 European elections
DoEH&LG Circular Letter F 08/04 Exchange of information about "new" European electors (Council Directive 93/109/EC of 6 December 1993)
Memorandum for the Guidance of Registration authorities in preparation of the Register of Elections

Local Elections

Description

Elections to the County/City Council, or Local Elections are held every five years. The actual polling day and the polling period (at least twelve hours) are fixed by order of the Minister for the Environment, Heritage and Local Government. The period (a week) for nominating candidates to stand at a local election occurs 4 weeks before polling day. A candidate, if not self-nominated, must give consent to nomination. Nomination of a candidate may be made by any person registered in the same electoral area for which s/he proposes to nominate the candidate. A person can be nominated to stand in more than one area. Members are elected by secret ballot according to a system of proportional representation. Casual vacancies in membership are filled by co-option. Any person aged 18 or over may question the outcome of a local election on certain grounds by way of petition in the Circuit Court within 28 days of the declaration of the results.

Persons aged 18 and over are entitled to be registered to vote at local elections for the local electoral area in which they ordinarily live. Citizenship is not a requirement for voting at a local election. Persons who live in urban areas administered by borough councils or town councils are entitled to vote at elections for both the county council and the urban authority concerned.

Generally, electors vote in person at their local polling station. The Council is responsible for drawing up Polling Schemes for the electoral areas, specifying the number of polling stations and the polling station in which people must vote. Postal voting is available to An Garda Síochána, the Defence Forces, civil servants (and their spouses) attached to Irish missions abroad, electors living at home who are unable to vote at a polling station due to a physical illness or disability, and electors whose occupations are likely to prevent them from voting at their local polling station, such as fishermen, airline pilots etc. (including full-time students registered at home who are living elsewhere while attending an educational institution in the State). Special voting is available to electors living in a hospital, nursing home or similar institution who are unable to vote at a polling station due to a physical illness or disability. The last local Elections were held on the 11th June 2004.

Legislation

Parts 111 and 1V of the Local Government Act 1941

The Electoral Act 1963

Local Elections Act 1972

Electoral (Amendments) Act 1973

Local Elections Act 1973

Local Elections (Petitions & Disqualifications) Act 1974

Local Government (Re-Organisation) Act 1985

Electoral Act 1992

Electoral Act 1997

Local Government Act 1998

Local Elections (Disclosure of Donations and Expenditure) Act, 1999

Part 4 - Local Government Act 2001

Electoral (Amendment) Act 2001

Electoral (Amendment) Act, 2002
Electoral (Amendment) (No. 2) Act, 2002
Local Government (No.2) Act 2003

EU Directives:

EC Directive 94/80/EC - 19/12/94 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

Regulations

S. I. No. 128 of 1965 Local Elections Regulations, 1965
S. I. No. 297 of 1995 Local Elections Regulations, 1995
S. I. No. 136 of 1999 Local Elections (Forms) Regulations, 1999
S. I. No. 175 of 2004 Electoral (Amendment) Regulations 2004
S. I. No. 216 of 2004 Local Government Act 2001 (Section 161) Order, 2004

Guidelines & Circulars

DoEH&LG Circular LG(P) 09/2004 Local Government Act 2001 (Section 161) Order 2004
DoEH&LG Circular F. 39/02 Local Elections (Disclosure of Donations and Expenditure) Act, 1999
DoEH&LG Circular Letter F. 1/03 Local Elections (Disclosure of Donations and Expenditure) Act, 1999 - Guidelines for Third Parties concerning Donations
DoEH&LG Circular Letter LG(P) 09/04 Local Government Act 2001 (Section 161) Order 2004
Memorandum for the Guidance of Returning Officers at Local Elections (for particular election)
Local Elections Regulations, 1995 - Consolidated Version, June 2003
Local Elections (Disclosure of Donations and Expenditure) Act, 1999 - Consolidated Version, November 2002
Memorandum for the Guidance of Returning Officers at Local Elections (June 2004)

Data Protection

Description

The Data Protection Acts give you the right to get a copy, clearly explained, of any information about you kept on computer or in a structured manual filing system, by any person or organisation (Section 4 of the Data Protection Acts, 1988 and 2003). *Kilkenny County Council* undertakes to operate best practice in relation to its responsibilities under the Data Protection Acts. Our approach is informed and guided by the principles contained in the Rules for Data Protection as detailed by the Data Protection Commissioner. These rules provides a framework that ensures that organisations ensure the following,

1. That they obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose for purposes for which it was obtained.
8. Give you a copy of your personal information on request

Legislation

Data Protection Act, 1988
Data Protection (Amendment) Act 2003

Guidelines & Circulars

A Guide for Data Controllers
Data Protection Rules

Further information
www.dataprotection.ie

Freedom of Information

Description

All requests for information received under the Freedom of Information Acts, 1997 - 2003 are processed by the Freedom of Information Officer. The part of the Section 15 Reference Book entitled "Guide to the Freedom of Information Acts, 1997 - 2003" provides details on how to make a Freedom of Information Request and the time limits which apply and the appeal procedures.

Legislation

Freedom of Information Act 1997
Freedom of Information (Amendment) Act, 2003

Regulations

Fol Act, 1997 (Section 6 (4), (5) & (6)) Regulations, 1998
Fol Act, 1997 (Section 6 (9)) Regulations, 1998
Fol Act, 1997 (Section 28 (1)) Regulations, 1998
Fol Act, 1997 (Section 47 (3)) Regulations, 1998
Fol Act, 1997 (Section 17) Regulations, 1998
Fol Act, 1997 (Section 18) Regulations, 1998
Fol Act, 1997 (Section 25 (9)) Regulations, 1998
Fol Act, 1997 (Section 47 (3)) (Amendment) Regulations, 1998
Fol Act, 1997 (First Schedule) (Amendment) Regulations, 1998
Fol Act, 1997 (Third Schedule) (Amendment) Regulations, 1998
Fol Act, 1997 (Section 6 (4)(b)) Regulations, 1999
Fol Act, 1997 (Section 28 (6)) Regulations, 1999
Fol Act, 1997 (First Schedule) (Amendment) Regulations, 1999
Fol Act, 1997 (Prescribed Bodies) Regulations, 1999
Fol Act, 1997 (Prescribed Bodies) Regulations, 2000

Fol Act, 1997 (Prescribed Bodies) (No. 2) Regulations, 2000
Fol Act, 1997 (Prescribed Bodies) (No. 3) Regulations, 2000
Fol Act, 1997 (Prescribed Bodies) Regulations, 2001
Fol Act, 1997 (Prescribed Bodies) (No. 2) Regulations, 2001
Fol Act, 1997 (Prescribed Bodies) (No. 3) Regulations, 2001
Fol Act, 1997 (Prescribed Bodies) (No. 4) Regulations, 2001
Fol Act, 1997 (Classes of Health Professionals) Regulations, 2001
Fol Act, 1997 (Prescribed Bodies) Regulations, 2002
Fol Act, 1997 (Prescribed Bodies) (No. 2) Regulations, 2002
Fol Act, 1997 (Miscellaneous Revocations) Regulations, 2003
Fol Act, 1997 (Fees) Regulations, 2003
Fol Act, 1997 (Section 17 (6)) Regulations, 2003
Fol Act, 1997 (Section 18 (5)(a)) Regulations, 2003

Precedents

Decisions of the Information Commissioner 1998 to date

Guidelines & Circulars

Freedom of Information (Amendment) Act, 2003 _Explanatory Notes
DoEH&LG Circular Letter LG (P) 08/03 - Amendment Act, 2003
DoEH&LG Circular Letter LG (P) 10/03 - Fol (Fees) Regulations, 1998, Fol
Section 17 (6) Regulations, 2003, Fol Section 18(5A) Regulations, 2003
DoEH&LG Circular Letter LG (P) 12/03 - Fol & EU Complaints
Circular Letter BC 4/99 - FOI Act, 1997 "Tender Notices - Commercially
Sensitive Information
LGMSB Publication (2002) - National Records Retention Policy for Local
Authority Records
CPU (Central Policy Unit) Guidelines

Further information:

www.foi.gov.ie

www.oic.gov.ie

Council Publications

Description

In addition to publishing an extensive number of publications which seek to highlight the variety of work that the Council undertakes each local authority is required by legislation to publish a number of documents. Each Council is required to prepare a Corporate Plan to coincide with the five-year intervals between local elections. The Corporate Plan is the overall framework for the organisation, setting out goals and objectives in respect of its many functions and activities. It will assist the Council in reviewing its activities, objectives, priorities and resources. The Corporate Plan must be approved and adopted by the elected members of the local authority. A local authority may at any time decide by resolution to review its Corporate Plan. The Manager must prepare an annual progress report in respect of the Corporate Plan and this report must be submitted to the elected members at the annual Budget meeting or at such other time as the elected council may by resolution decide.

Under Section 221 of the Local Government Act, 2001 each local authority must also publish an Annual Report. This Report must be adopted by the elected members of the local authority. The Annual Report sets out the activities of the local authority for the relevant year, the activities of its Strategic Policy Committees, details of the annual progress report on the Corporate Plan, details of meetings of the local authority, financial statements and other general information on the local authority.

Legislation

Local Government Act, 1991
Local Government Act, 1994
S. 134 of the Local Government Act, 2001

Guidelines & Circulars

DoEH&LG Circular LG 24/7 dated 19/2/1992 - Annual Report
DoEH&LG Circular LA (P) 1/97 dated 18/2/1997 - Annual Report
DoEH&LG Circular TAU 3/2000 dated 7/4/2000 - Annual Report - Inclusion of Information on Activities of the Local Travellers Accommodation Consultative Committee
DoEH&LG Circular LG 9/00 - Service Indicators in Local Authorities
DoEH&LG Circular LG 15/2 - Annual Report
DoEH&LG Circular LG 49/2 & 2/95- Expenses of Members
DoEH&LG Circular LG 8/98 - SPCs
DoEH&LG Circular LG 14/04 Guidelines on the preparation of Corporate Plans 2004-2009

Irish Language

Description

The Local Government Act, 2001 gave statutory recognition to measures to encourage the use of Irish in local authorities. The Act contains a general power to enable local authorities to take such steps as they consider appropriate to encourage the use of the Irish language. The Official Languages Act, 2003 aims to ensure that anyone who wishes to conduct their business with local authorities through the medium of Irish is facilitated to do so. Each local authority is required to publish Irish language versions of all and any documents, records or publications that are available to the public.

Legislation

Local Government Act, 2001
Official Languages Act, 2003

Customer Service

Description

The Local Government Act, 2001 each local authority is required to take such steps as are practicable to improve customer service to the public generally. Each Council prepares and publishes a Customer Service Action Plan and this Plan is available at all local authority offices open to the public. The plan identifies the services offered by each local authority and sets out in detail the principles of Quality customer service that each member of the local authority

can and should expect from their dealings with the local authority. The Plan sets out the Customer Complaints Procedure and includes a Customer Service Complaint Form and this Form should be completed by anyone wishing to make a complaint in relation to the quality of any of the services or activities of the Council. If a customer remains dissatisfied with the response of the local authority to their complaint, they may lodge a complaint with the Ombudsman. The office of the Ombudsman is an independent agency established to deal with cases of mal-administration with certain public bodies. A complaint may be lodged with the Ombudsman's Office at any time.

The Equal Status Act, 2000 prohibits discrimination in relation to the provision of goods and services by any company including public sector bodies.. Discrimination is outlawed on ten grounds - marital status, family status, gender, race, age, religion, disability, sexual orientation, membership of the travelling community and victimisation.

Legislation

Section 71 of the Local Government Act, 2001
Equal Status Act, 2000

Regulations

S. I. No. 274 of 2003 Local Government Act, 2001 (Section 237A)
Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular Letter LG 9/00 dated 26/5/00 - Service Indicators in local Authorities

DoEH&LG Circular LG 14/00 Principles of Quality Customer Service

DoEH&LG Circular LG 07/2003 Local Authorities and Oireachtas Members

DoEH&LG Guidelines to assist local authorities in meeting the commitments to customer service improvement under the P.P.F. and S.M.I.

DoEH&LG Information Note - Local Government Act, 2001 (Section 237A)
Regulations, 2003 - July 2003

DoEH&LG Guidelines - Customer Consultation

Human Resources & Staff Welfare

The HR Section within the local authority deals with the human resource and staff welfare requirements of the staff employed by the local authority across all the directorates.

PAYROLL – Payment of Salaries & Wages

Description

Subject to any statutory requirements and / or agreements made with staff representatives, either locally or nationally, the local authority shall determine the remuneration and conditions of employment of its employees.

Legislation

Section 10 and 22 of the Local Government Act, 1941

Section 29 and 30 of the Local Government Act, 1941
Section 42 of the Local Government Act, 1946
Section 9 of the Local Government Act, 1955
Section 20 of the Local Government Act, 1955
Payment of Wages Act, 1991
National Minimum Wage Act, 2000
Section 158 (1) a Local Govt Act 2001

Regulations

S. R. & O. 1943 No. 161 Local Government (Officers) Regulations, 1943
Articles 11, 12 and 13 of Local Government (Officers) Regulations, 1943
Article 21 of Local Government (Officers) Regulations, 1943

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 Local Government Officers
DoEH&LG Circular Letter EL 5/67 Starting Pay on Appointment or Promotion
DoEH&LG Circular Letter EL 15/70 Recoupment of Salaries and Chargeable Expenses (Secondment)
DoEH&LG Letter of 29/7/75 Starting Pay on Promotion
DoEH&LG Circular Letter EL 4/76 Starting Pay of Clerical Officers appointed to A.S.O. posts
DoEH&LG Circular Letter 4/79 Incremental Credit for temporary service
DoEH&LG Circular Letter LA(P) 3/80 Overtime
DoEH&LG Circular Letter EL 1/81 (additional increments for post graduate experience - engineering grades)
DoEH&LG Circular EL 1/89 Overtime
DoEH&LG Circular Letter EL 3/95 Increments for Temporary Staff / Incremental Credit
DoEH&LG Circular Letter EL 9/96 Remuneration of Substitutes
DoEH&LG Circular Letter EL 14/96 credit for temporary service and previous permanent service for incremental purposes
DoEH&LG Circular Letter EL 17/97 Overtime
DoEH&LG Circular Letter EL 18/97 Starting Pay on Promotion
DoEH&LG Circular Letter EL 7/00 'Personal to holder' Long Service Increments and Age Related Pay Scales
DoEH&LG Circular Letter EL 8/00 Retained Firefighters 1999 Agreement
DoEH&LG Circular Letter LGP 9/00 Better Local Government - a Programme for Change
DoEH&LG Circular Letter EL 9/01 Clerical Officers and Analogous Grades - Permanent and Temporary staff - Incremental credit
DoEH&LG Circular Letter EL 04/02 Car Allowances and Substitution Allowances
DoEH&LG Letter of 11th July, 2002 Scheme of Performance Related Awards for Managers, Assistant Managers and Directors of Services
DoEH&LG Letter of 13th August, 2002 Scheme of Performance Related Awards
DoEH&LG Circular Letter LG (P) 11/03 Scheme of Performance Related Awards for Managers, Assistant Managers and Directors of Services
DoEH&LG Circular Letter EL 9/2003 Re: Craftworkers Parallel Benchmarking / Analogue Review

DoEH&LG Circular Letter EL 4/2004 Re: General Operative and Related Grades (including Waterworks and Sewerage Caretakers, Retained Firefighters and Traffic Wardens)
DoEH&LG Fall Back Rule (Credit for allowances)
DoEH&LG Periodic Notifications of revision of remuneration in line with National Wage Agreements etc.
Particulars of Office

PENSIONS (SUPERANNUATION)

Description

The Human Resources Section has responsibility for the calculation of pensions, lump sums, gratuities etc as part of the Superannuation Scheme (Pensions) for Local Authority Staff / Spouses and Children.

The Pensions (Amendment) Act 2002 makes provision for Personal Retirement Savings Accounts (PRSAs). Employees excluded from the Superannuation Scheme (Pensions) for Local Authority Staff / Spouses and Children. are entitled to contribute to a standard PRSA. The Council can arrange deductions from payroll in respect of PRSA contributions.

Legislation

Local Government (Superannuation) Act, 1956
Pensions (Increase) Act, 1964
Pensions (Abatement) Act, 1965
Local Government (Superannuation) Act, 1980
S. 54 of the Pensions Act 1990-1996
Family Law Act, 1995
Family Law (Divorce) Act, 1996
Local Government (Superannuation) Consolidation Scheme 1998
Pensions (Amendment Act), 2002
Public Service Superannuation (Miscellaneous Provisions) Act 2004

Regulations/Schemes

S. I. No. 346 of 1984 Local Government (Superannuation) (Gratuities) Regulations, 1984 and amendments
Local Government (Superannuation) Act 1956 (Consolidation) Scheme, 1987
Local Government (Superannuation Revision) (Consolidation) Scheme, 1986
Local Government Spouses and Children Scheme, 1986
S. I. No. 215 of 1991 Occupational Pension Schemes (Disclosure of Information) Regulations
S. I. No. 84 of 1997 Circuit Court Rules
S. I. No. 349 of 1998 Disclosure Regulations
S. I. No. 362 of 1998 Vocational Education Superannuation Schemes (Transfer of Departmental Administration and Ministerial Functions) Order, 1998
S. I. No. 455 of 1998 Local Government (Superannuation) (Consolidation) Scheme, 1998
S. I. No. 288 of 2002 Local Government (Superannuation) (Consolidation) (Amendment) Scheme, 2002

S. I. No. 397 of 2003 Pensions Ombudsman Regulations, 2003
S. I. No. 178 of 2004 Local Government (Superannuation) (Consolidation)
(Amendment) Scheme 2004

Guidelines & Circulars

DoEH&LG Circular Letter EL 41/75 Local Government (Superannuation) Act,
1956 Marriage Gratuities
DoEH&LG Circular Letter EL 3/92
DoEH&LG Circular Letter S 14/95 Reckonability for Pension Purposes of
Service Abroad with APSO
DoEH&LG Circular Letter of 30/3/95 Introduction of Full PRSI
DoEH&LG Circular Letter LA 6/95 Revised social insurance status and
conditions of service of certain local authority officers
DoEH&LG Circular Letter S 17/97 Reckonability of Acting-Up Payments for
Superannuation Purposes
DoEH&LG Circular Letter S 18/98 Pensionability of Temporary Wholetime
Officers
DoEH&LG Circular Letter S 21/98 Transfer of responsibility for the
superannuation of VEC teachers to the Department of Education and Science
DoEH&LG Circular Letter S 24/98 Revised Forfeiture Provisions under the
Local Government Superannuation Code
DoEH&LG Circular Letter S 25/98 Additional Voluntary Contributions (AVC's)
DoEH&LG Circular Letter S 1/99 Local Government
(Superannuation)(Consolidation) Scheme, 1998
DoEH&LG Circular LG(P) 18/99 Superannuation of Directors of Community
and Enterprise
DoEH&LG Circular Letter S 8/99 Dispensing with probate in certain areas
DoEH&LG Circular Letter S 9/99 Additions to service in the case of ill-health
retirements
DoEH&LG Circular Letter S 10/99 Supplementary Pensions
DoEH&LG Circular Letter S 3/00 Additional Voluntary Contributions
(Retirement Benefits) Plans (A.V.C.'s)
DoEH&LG Circular Letter S 6/00 Application of a Personal Long Service
Increment (LSI) to Pensioners
DoEH&LG Circular Letter S 9/00 Payment of a Death Gratuity in respect of a
wholetime employee who dies during the qualifying period for pensionability
DoEH&LG Circular Letter S 5/2001 Transfer of responsibility for the
superannuation of Institute of Technology and VEC staff (other than vocational
teachers) to the Department of Education and Science
DoEH&LG Circular Letter of 1st March, 2001 Better Local Government -
Pension Issues
DoEH&LG Circular Letter S.8/2001 Tax Deduction from Refunds made under
the Purchase of Notional Service Scheme
DoEH&LG Circular Letter S. 10/2001 Increase in Retirement Lump Sum
DoEH&LG Circular Letter S. 17/2001 Local Government Superannuation
Scheme - Budget 2002
DoEH&LG Circular Letter S. 1/2002 Family Law Legislation and the
Administration of Public Service Pensions
DoEH&LG Circular Letter S. 2/2002 Superannuation Contributions - Officers
on full PRSI

DoEH&LG Circular Letter S. 4/2002 1. Equalisation of Pension Provisions for all Local Authority Staff 2. Superannuation Implications of the Protection of Employees (Part-Time Work) Act, 2001

DoEH&LG Circular Letter S. 6/2002 Reduction in Qualifying Period for Preserved Benefits

DoEH&LG Circular Letter of 21st August, 2002 Better Local Government - Pensions Issues

DoEH&LG Circular Letter S. 10/2002 Additional Voluntary Contributions (AVCs) - SIPTU Officer Grades

DoEH&LG Circular Letter S. 13/02 Superannuation Seminars (questions and answers)

DoEH&LG Circular Letter S. 14/02 Pensionability of Temporary Wholetime Officers Employed by Local Authorities

DoEH&LG Circular Letter S. 15/2002 Pensionability of Part-Time Staff

DoEH&LG Circular Letter S. 1/2003 Abolition of the qualifying period for pensionability for wholetime non-officers

DoEH&LG Circular Letter S. 2/2003 Possible Tax Refunds to Certain Widows

DoEH&LG Circular Letter S. 3/2003 Pensions (Amendment) Act, 2002 - Remittance of contributions within 21 days

DoEH&LG Circular Letter S.11/2003 Personal Retirement Savings Accounts (PRSAs)

DoEH&LG Circular Letter S.12/2003 Personal Retirement Savings Accounts (PRSAs)

DoEH&LG Circular Letter S. 13/2003 Pensions Ombudsman - Procedures for Internal Resolution of Disputes

DoEH&LG Circular Letter LG (P) 19/03 Retained Firefighters - Review of Retirement Age ; Retirement Gratuity

DoEH&LG Circular Letter S.1/2004 Pensions Ombudsman - Procedures for Internal Resolution of Disputes

DoEH&LG Circular Letter S.3/2004 Pension Increases - Waterworks and Sewerage Caretakers

DoEH&LG Circular Letter S.4/2004 Public Service Superannuation (Miscellaneous Provisions) Bill 2004

DoEH&LG Circular Letter S.5/2004 Public Service Superannuation (Miscellaneous Provisions) Act 2004

DoEH&LG Revisions of the Guide to Local Authority Superannuation

DoEH&LG Local Government Superannuation Scheme - Annual Reports

PENSIONS BOARD Guidance Notes (Family Law Acts), April 1997

PENSIONS BOARD A Brief Guide

Computer System for the Local Government Superannuation Scheme, Version 8.05 (Superannuation Scheme Management System - SSMS)

Explanatory Booklet on the Local Government Superannuation Scheme - 1956 Scheme Employees, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - 1956 Scheme Officers, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Employees, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Officers Paying Modified (Class D) PRSI, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Officers Paying Full (Class A) PRSI, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Temporary Wholetime Officers Appointed Prior To 6 April 1995, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Temporary Wholetime Officers Appointed On or After 6 April 1995, December 2001

RECRUITMENT & MANPOWER PLANNING

Description

Functions include all recruitment, advertising of vacancies, holding of interview competitions, assignment of personnel and execution of employment contracts.

The Minister for the Environment, Heritage and Local Government has prescribed the qualifications and conditions of office for professional, technical, administrative and clerical grades. Eligibility criteria include professional qualifications and / or experience.

Managerial and senior professional grades are recruited by the Public Appointments Service (PAS), formerly the Local Appointments Commission (LAC,) on behalf of the local authority. Requests are made to the PAS 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 for appointment being made to the County Manager by the PAS.

In the case of other grades, vacancies are generally filled by open competition. For the administrative grades of Staff Officer, Senior Staff Officer, and Administrative Officer, it is a prerequisite that applicants for these posts be existing officers of a local authority, health board or VEC in the State, Institute of Technology, the General Medical Services (Payments) Board, St. James's Hospital Board, Beaumont Hospital Board, An Bord Altranais, or the Local Government Computer Services Board. However, from the 1st of January 2007, 20% of grades V - VII will be filled by open competition.

Vacancies for craft workers, overseers, 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 to these positions is by way of internal competition.

Legislation

Local Authorities (Officers & Employees) Acts 1926, 1940, 1983

County Management Act, 1940

Local Government Act, 1941

Local Government Act, 1946

Section 12(1) Local Government Act, 1955

Section 6(1) County and City Management (Amendment) Act, 1955

Section 160 (1) a to e Local Government Act 2001

Terms of Employment (Information) Act, 1994

S. 11 of the Local Government Act, 1998
Part 14, Chapter 4 of the Local Government Act, 2001
Protection of Employee (Part Time Work) Act 2001
Protection of Employees (Fixed Term Work Act) 2003
Employment Equality Act 2004

Regulations

Local Government (Officers) Regulations, 1943
S. I. No. 221 of 1966 Local Officers (Irish Language) Regulations, 1966
S. I. No. 61 of 1974 Local Government (Appointment of Officers) Regulations, 1974
Local Government (Age Limit Order), 1991
S. I. No. 262 of 1997 Local Government (Appointment of Officers) (Amendment) Regulations, 1997
S. I. No. 190 of 1999 Local Government (Major Offices) Order, 1999
S. I. No. 222 of 1999 Local Authorities (Officers and Employees) Act, 1926 Local Authorities (Declaration of Offices) Order, 1999
S. I. No. 505 of 2002 Local Authorities (Officers and Employees) Act, 1926 Local Authorities (Declaration of Offices) Order, 2002
S. I. No. 529 of 2002 Local Authorities (Officers and Employees) Act, 1926 Local Authorities (Declaration of Offices) (No. 2) Order, 2002
S. I. No. 293 of 2003 Local Authorities (Declaration of Offices) Order, 2003

Guidelines & Circulars

DoEH&LG Circular Letter G 33/47 Acceptance of Office
DoEH&LG Circular Letter EL 7/52 Local Government Officers
DoEH&LG Circular Letter EL 8/66 Local Officers (Irish Language) Regulations, 1966
DoEH&LG Circular Letter EL 7/75 Regrading of Clerical and Administrative Staff
DoEH&LG Letter L.A. (P) 12/84 Restrictions on Staffing
DoEH&LG Circular Letter LA(P) 19/84 Recruitment methods for Local Authority Employees (Servant Grades)
DoEH&LG Circular Letter LA(P) 11/85 Rationalisation of Rate/Revenue Collection arrangements
DoEH&LG Circular Letter LA(P) 8/94 Provisions in Part IX of the Local Government Act, 1994 relating to Local Authority Personnel Matters
DoEH&LG Circular Letter LA(P) 4/96 Devolution of Responsibility for Personnel Matters
DoEH&LG Circular Letter LA(P) 13/96 Amendment of Qualifications of Grades IV-VII and Particulars of Office of Grade IV
DoEH&LG Circular Letter EL 3/97 Restructuring of Technician Grades

DoEH&LG Circular Letter LA(P) 3/97 Restructuring of Clerical / Administrative Grades
DoEH&LG Circular Letter LA(P) 4/97 Restructuring of Technician Grades
DoEH&LG Circular Letter LA(P) 6/97 Recruitment to posts for which the Leaving Certificate is a requirement
DoEH&LG Circular Letter LA(P) 7/97 New Structure for Technician Grades Qualifications and Particulars of Office for various posts

DoEH&LG Letter EPS 15/98 of 7th December, 1998 Pilot Environmental Graduate Internship Programme

DoEH&LG Circular Letter LGP 1/99 Recruitment of Directors of Community and Enterprise

DoEH&LG Circular Letter LG(P) 2/99 Local Government (Officers Age Limit) Order, 1999

DoEH&LG Circular LG(P) 4/99 Recruitment to posts for which the Leaving Certificate is a requirement

DoEH&LG Circular LG(P) 7/99 Local Government (Major Offices) Order, 1999

DoEH&LG Circular LG(P) 10/99 Local Authorities (Officers and Employees) Act, 1926 Local Authorities (Declaration of Offices) Order, 1999

DoEH&LG Circular Letter LGP 11/99 Recruitment of Directors of Community and Enterprise

DoEH&LG Circular Letter LG(P) 2/00 Extension of the Common Recruitment Pool - Amendment to Qualifications and Particulars of Office

DoEH&LG Circular Letter LG(P) 6/00 Recruitment to posts for which the Leaving Certificate or an examination of equivalent standard is a requirement

DoEH&LG Circular Letter LGP 9/00 Better Local Government - a Programme for Change

DoEH&LG Circular Letter LGP 12/01 Better Local Government - Confined Competitions

DoEH&LG Circular Letter LG(P) 13/01 Garda Clearance for Local Authority Social Workers

DoEH&LG Letter of 21st June 2001 Qualifications and Particulars for the new office of Head of Finance

DoEH&LG Circular Letter EL 10/2001 Re: Clerk of Works

DoEH&LG Circular Letter LGP 16/01 1. Local Government (Declaration of Duties of Office - Local Authority Professional Officers) Order, 2001 and 2. Director of Services and County / City Engineer - Particulars of Office

DoEH&LG Circular Letter LGP 7/02 Arts Officer and Archivist

DoEH&LG Letter of 7th February 2002 Recruitment of Community and Enterprise Development Officers to serve as Local Co-ordinators for the Rapid Programme

DoEH&LG Circular Letter LG (P) 03/02 Creation of new information systems employments

DoEH&LG Circular Letter EL 1/02 Remuneration of County and City Librarians

DoEH&LG Circular Letter LGP 10/02 Local Authorities (Declaration of Offices) Order, 2002

DoEH&LG Letter of 20th November 2002 Clerk of Works / Building Inspector

DoEH&LG Letter of 17th June 2003 Partnership Facilitators

DoEH&LG Circular Letter LG (P) 18/03 Protection of Employees (Part-Time Work) Act, 2001 and Protection of Employees (Fixed-Term Work) Act, 2003 - Amendment of Qualifications

DoEH&LG Circular LG (P) 05/04 Amendment of Clerical Officer Qualifications

DoEH&LG Circular LG (P) 08/04 - Assistant Staff Officer Qualifications

DoEH&LG Circular LG (P) 11/04 Amendment of Library Assistant, Library Assistant (Special) Qualifications

CONDITIONS OF EMPLOYMENT

Description

Conditions of employment for any given member of staff of a local authority can involve one, some or all of the following; Remuneration, Starting Pay, Increments, Tenure of Office, Probation, Suspensions, Removal from Office, Hours of Attendance, Overtime, Substitutes, Secondment.

A period of probation must be served when a person who is not already a permanent member of staff of a Local Authority is appointed to a permanent post. Generally permanent staff hold office until they resign/retire or are removed from office. Temporary staff hold office for a specified period as stated in their Contract of Employment or until their specified work/duties have been completed. County Managers are now appointed on a fixed term contract. The assignment of duties to staff is a matter for the County/City Manager under the Particulars of Office for each office approved by the Minister subject to any agreements, which have been made with the staff.

Permanent Officers generally hold office until resignation/retirement or removal from office. Temporary Officers hold office for a specified period or until a specified work or duty has been completed/or pending the appointment of another person to hold office or a substitute officer.

Subject to any statutory requirements and / or agreements made with staff representatives, the local authority shall determine the conditions of employment of its employees. The appropriate Minister may specify retirement age limits. The appropriate Minister may also specify requirements or conditions and the Local Government Management Services Board may issue guidelines, codes of practice or other guidance.

Legislation

Local Authorities (Officer and Employees) Act, 1926
Local Authorities (Officer and Employees) Act, 1940
Local Government Act, 1941
Local Government Act, 1946
Local Government Act, 1955
County & City Management (Amendment) Act, 1955
Local Authorities (Officer and Employees) Act, 1983
Payment of Wages Act, 1991
Section 47 of the Local Government Act, 1991
Organisation of Working Time Act, 1997
National Minimum Wage Act, 2000
Minimum Notice and Terms of Employment Acts, 1973-2001
Unfair Dismissals Acts, 1977-2001
Terms of Employment (Information) Acts 1994-2001
Part 14, Chapter 4 of the Local Government Act, 2001
Protection of Employees (Part-Time Work) Act, 2001
Redundancy Payments Acts, 1967-2003
Protection of Employees (Fixed-Term Work) Act 2003
Section 159 (3) a and b Local Government Act 2001
Employment Permits Act 2003

Regulations

Sections 10 & 20 of the Local Government act, 1941
S. R. & O. 1943 No. 161 Local Government (Officers) Regulations, 1943
Article 32 (1) Local Government (Officers) Regulations, 1943
Article 32 (2) of the Local Government (Officers) Regulations, 1943
S. I. No. 140 of 1957 Age Limit Order, 1957
Local Government (Irish Language) Regulations, 1966
Local Government (Appointment of Officers) Regulations, 1974
S. I. No. 128 of 1991 Local Government (Tenure of Office) Order, 1991
Local Government (Appointment of Officers) (Amendment) Regulations, 1997
S. I. No. 221 of 2000 Local Government (Tenure of Office) Order, 2000
Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations 2001

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 Local Government Officers
DoEH&LG Circular Letter EL 5/67 Starting Pay on Appointment or Promotion
DoEH&LG Letter of 29/7/75 Starting Pay on Promotion
DoEH&LG Circular Letter EL 7/75 - Regrading of Clerical & Administrative Staff
DoEH&LG Circular Letter EL 4/76 Starting Pay of Clerical Officers appointed to A.S.O. posts
DoEH&LG Circular Letter EL 1/81 (additional increments for post graduate experience - engineering grades)
DoEH&LG Circular Letter LA(P) 11/85 - Rationalisation of Rate/Revenue Collection Arrangements
DoEH&LG Circular Letter LA(P) 23/86 Employment of Officers over the Age Limit Extension
DoEH&LG Circular Letter LA(P) 2/92 Local Government (Tenure of Office) Order, 1991
DoEH&LG Circular Letter LA(P) 8/94 Provisions in Part (IX) of the Local Government Act, 1994 relating to Local Authority Personnel Matters
DoEH&LG Circular Letter LA(P) 4/96 Devolution of Responsibility for Personnel Matters
DoEH&LG Circular Letter LS(P) 6/96 - Employment of People with Disabilities
DoEH&LG Circular Letter EL 8/96 Senior Fire Officers Rostering Agreement
DoEH&LG Circular Letter EL 10/96 Site Supervision for Capital Projects - Engineering Posts
DoEH&LG Circular Letter EL 11/96 Site Supervision for Capital Projects: Site Technician / Clerk of Works Posts
DoEH&LG Circular Letter LA(P) 4/96 - Amendment of Qualifications
DoEH&LG Circular Letter LA (P) 3/97 - Recruitment of Clerical Administrative Grades
DoEH&LG Circular Letter LA (P) 4/97 - Recruitment of Technician Grades
DoEH&LG Circular Letter LA (P) 6/97 - Recruitment of Posts for which the Leaving Certificate is a Requirement
DoEH&LG Circular Letter EL 18/97 Starting Pay on Promotion
DoEH&LG Circular LGP 7/2000 Local Government Act, 2000: Local Government (Tenure of Office of Managers) Regulations, 2000: Local Government (Tenure of Office) Order, 2000

DoEH&LG Circular Letter EL 7/00 'Personal to holder' Long Service Increments and Age Related Pay Scales
 DoEH&LG Circular Letter EL 8/00 Retained Firefighters 1999 Agreement
 DoEH&LG Circular Letter LGP 9/00 Better Local Government - a Programme for Change
 DoEH&LG Letter of 11th July, 2002 Scheme of Performance Related Awards for Managers, Assistant Managers and Directors of Services
 DoEH&LG Letter of 13th August, 2002 Scheme of Performance Related Awards
 DoEH&LG Circular Letter LG (P) 11/03 Scheme of Performance Related Awards for Managers, Assistant Managers and Directors of Services
 DoEH&LG Circular Letter EL 9/2003 Re: Craftworkers Parallel Benchmarking / Analogue Review
 DoEH&LG Circular Letter LA(P) 13/03 - Protection of Employees (Fixed Term Work) Act, 2003
 DoEH&LG Circular Letter EL 4/2004 Re: General Operative and Related Grades (including Waterworks and Sewerage Caretakers, Retained Firefighters and Traffic Wardens)
 DoEH&LG Circular Letter LG (P) 5/04 - Amendment of Clerical Officer Qualifications
 DoEH&LG Circular Letter LG (P) 5/04 - Amendment of Staff Officer Qualifications
 DoEH&LG Rule on promotion of a servant to an officer grade
 DoEH&LG Periodic Notifications of revision of remuneration in line with National Wage Agreements etc.
 Qualifications & Particulars of Office for each Post as laid down by the DoEH&LG
 Dept. OF Enterprise, Trade & Employment - Protection of Employees (Fixed-Term Work) Act 2003 - Explanatory Booklet for Employers and Employees
 DoEH&LG Circular Letter E.L. 1/81 (additional increments for post graduate service engineering grades)
 DoEH&LG Circular Letter E.L. 08/2005 Calculation of acting up allowances and incremental credit on promotion
 PO/226/05 Local rule in relation to starting pay on promotion to salaried position.
 Department of Environment rule on promotion of a servant to an officer grade
 Local Authorities (declaration of Offices Order) 2003
 Local Authorities (declaration of Offices Order) 2002
 Local Authorities (declaration of Offices Order) No 2 2002

REMOVAL EXPENSES AND TRAVEL & SUBSISTENCE

Description

The removal expenses scheme enables local authorities to make payments in respect of Removal Expenses incurred by permanent and pensionable officers who secure a promotion to an office in another local authority carrying a maximum salary higher than the maximum salary attached to their existing office.

Travel and subsistence expenses are paid to local authority staff in accordance with the provisions laid down in the Circulars relating to Travel and Subsistence.

Regulations

Local Government (Officers) Regulations, 1943

Guidelines & Circulars

DoEH&LG Circular EL 13/78 - Removal Expenses

DoEH&LG Circular EL 6/79 - Removal Expenses

DoEH&LG Circular EL 5/84 - Removal Expenses

DoEH&LG Circular LA (P) 21/87 - Removal Expenses

DoEH&LG Circular LA (P) 1/95 - Removal Expenses

DoEH&LG Circular LA (P) 10/96 - Removal Expenses

DoEH&LG Circular LA (P) 10/97 - Removal Expenses

DoEH&LG Circular Letter LG(P) 1/00 Payment of lodging allowances under removal expenses scheme

DoEH&LG Circular LA (P) 10/04 - Removal Expenses

DoEH&LG Periodic Circulars Payments allowable under the removal expenses scheme

Periodic Circular revising rates for removal expenses

Periodic Circular revising rates for Travel & Subsistence expenses

CAREER BREAK

Description

Local authority employees may be granted special leave without pay under the Career Break scheme. The Career Break scheme enables a local authority to grant special leave for a specific period of time and subject to certain conditions.

Guidelines & Circulars

DoEH&LG Circular Letter LA (P) 18/84 - Career Breaks

DoEH&LG Circular Letter LA 7/86 - Career Breaks in the Local Authority Service

DoEH&LG Circular LA(P) 18/87 - Reduction in Local Authority Staff Numbers

DoEH&LG Circular LA(P) 1/93 - Career Breaks in the Local Authority Service

DoEH&LG Circular Letter LA(P) 4/96 Devolution of Responsibility for Personnel Matters

DoEH&LG Circular Letter LG(P) 8/2000 Career Break and Job-Sharing Schemes

DoEH&LG Circular Letter LG (P) 22/04

Work SHARING

Description

A scheme exists whereby posts may be filled on a job-sharing basis. Job Sharing is available to Local Authority Staff in accordance with the provisions of the Job Sharing Scheme as laid down by The Department of the Environment, Heritage and Local Government.

Guidelines & Circulars

DoEH&LG Circular LA (P) 11/86 – Job Sharing Scheme
DoEH&LG Circular LA (P) 18/87 – Reduction in Local Authority Staff Numbers
DoEH&LG Circular Letter LG (P) 13/02 – Local Authority Worksharing Scheme
DoEH&LG Circular Letter LG (P) 22/04 – Local Authority Worksharing & Social Insurance Contributions

LEAVE ENTITLEMENTS

Description

Local authority staff are entitled to annual leave in compliance with the Organisation of Working Time Act, 1997, and in accordance with local union/management agreement. Staff are also entitled to special leave (with and without pay), subject to certain conditions, e.g. compassionate, interview, study, paternity, force majeure, parental, carers and military training leave. Applications for all forms of Staff Leave are processed through the HR section.

Legislation

Holidays and Employees Act, 1973-1991
Worker Protection (Regular Part Time Employees) Act, 1991
The Parental Leave Act 1998
Organisation of Working Time Act, 1997
Carers Leave Act 2001

Regulations

Art. 22 and 23 Local Government (Officers) Regulations, 1943
Holidays (Employees) Act, 1973
(Public Holidays) Regulations, 1993
Social Welfare (Consolidated Payments Provisions) (Amendment) (No.2) Regulations, 1995
S. I. No. 475 of 1997 Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997
Organisation of Working Time (records) Regulations 2001

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 Local Government Officers (Part F - Leave)
DoEH&LG Circular Letter EL 12/71 Special Leave (Interviews)
DoEH&LG Circular Letter EL 59/75 Special Leave with pay on marriage
DoEH&LG Circular Letter LA (P) 4/96 – Unpaid Leave
DoEH&LG Circular Letter EL 59/75 - Marriage
DoEH&LG Circular Letter EL 12/71 – Interview Leave
DoEH&LG Circular Letter LA (P) 19/80 & 4/98 - Study/Exam Leave
DoEH&LG Circular Letter 18/80 – Death/ Family Circumstances/Anticipation of Annual Leave:
DoEH&LG Circular Letter LA (P) 10/81 - Training with Defence Forces
DoEH&LG Circular Letter LA (P) 12/88 – Special Leave on the Death of a Child

Dept. of Finance Circular 28/91 Special Leave for domestic reasons
DoEH&LG Circular Letter LA 6/95 Revised social insurance status and conditions of service of certain local authority officers
DoEH&LG Circular Letter LA (P) 4/96 - Devolution of Responsibility for Personnel Matters
DoEH&LG Circular Letter LG(P) 3/99 Organisation of Working Time Act, 1997 - Entitlement of Jobsharers to the benefit of public holidays
DoEH&LG Circular Letter LG(P) 5/2000 Paternity Leave
DoEH&LG Circular Letter LG(P) 5/01 Changes in Maternity Leave and Adoptive Leave
DoEH&LG Circular LG (P) 11/02 - Term Time Leave Scheme
DoEH&LG Circular Letter LG(P) 12/02 Amendments to Parental Leave Entitlement (Age & Disability)
DoEH&LG Circular Letter LG (P) 07/03 - Public Holiday Entitlement,
DoEH&LG Circular letter LG (P) 06/03 - Term time leave
DoEH&LG Circular Letter LG (P) 21/03 Amendment to Parental Leave Entitlement (Age)

MATERNITY, ADOPTIVE & PARENTAL LEAVE

Description

Maternity Leave, Adoptive Leave and Parental Leave is available to Local Authority Staff in accordance with the provisions of these schemes as laid down by the Department of the Environment, Heritage & Local Government.

Legislation

Maternity Protection Act, 1994
Adoptive Leave Act, 1995
Parental Leave Act, 1998
Part 14, Chapter 4 of the Local Government Act, 2001
Maternity Protection (Amendment) Act 2004

Regulations

S. I. No. 446 of 1994 Safety, Health and Welfare at Work (Pregnant Employees, etc) Regulations, 1994
S. I. No. 446 of 1994 Maternity Protection (Disputes & Appeals) Regulations, 1995
S. I. No. 18 of 1995 Maternity Protection (Time off for Anti- Natal & Post-Natal Care) Regulations, 1995
S. I. No. 19 of 1995 Maternity Protection (Health & Safety Leave Certification) Regulations, 1995
S. I. No. 20 of 1995 Maternity Protection (Health & Safety Leave Remuneration) Regulations, 1995
S. I. No. 195 of 1995 Adoptive Leave (Referral of Disputes and Appeals) (Part V) Regulations, 1995
European Communities (Parental Leave) Regulations, 2000

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 Local Government Officers (Part F - Leave)
DoEH&LG Circular Letter LA(P) 15/81 Maternity Leave

DoEH&LG Circular Letter LA(P) 7/84 Adoptive Leave
DoEH&LG Circular Letter LA(P) 11/88 Public Holidays in periods of Maternity Leave
DoEH&LG Circular Letter LA 6/95 Revised social insurance status and conditions of service of certain local authority officers
DoEH&LG Circular Letter LA(P) 4/96 Devolution of Responsibility for Personnel Matters
DoEH&LG Circular Letter LG(P) 3/99 Organisation of Working Time Act, 1997 - Entitlement of Jobsharers to the benefit of public holidays
DoEH&LG Circular Letter LG(P) 5/2000 Paternity Leave
DoEH&LG Circular Letter LG(P) 5/01 Changes in Maternity Leave and Adoptive Leave
DoEH&LG Circular Letter LG(P) 12/02 Amendments to Parental Leave Entitlement (Age & Disability)
DoEH&LG Circular Letter LG(P) 07/03 Public Holiday Entitlement
DoEH&LG Circular Letter LG (P) 21/03 Amendment to Parental Leave Entitlement (Age)
DoEH&LG Circular Letter LG (P) 18/04 - Parental Leave & Sick Leave
Explanatory Note on the amendment of 8th February, 2001 of the Maternity Protection Act, 1994
Explanatory Note on the amendment of 8th February 2001 of the Adoptive Leave Act, 1995

SICK LEAVE SCHEME (OFFICERS)

Description

The scheme deals with the granting of sick leave and payment of salary during sick leave. Employees at the grades that were formally recognised as Officer grade 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 (Officers) Regulations 1943 apply.

Regulations

Section 20 of the Local Government (Officers) Regulations, 1943

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 – Local Government Officers
DoEH&LG Circular Letter LA (P) 17/80 – Sick Leave
DoEH&LG Circular Letter LA (P) 6/95 - Revised social insurance status and conditions of service of certain local authority officers
DoEH&LG Circular Letter LA (P) 5/93 – Payment of Salary to Officers on Extended Sick Leave
DoEH&LG Circular Letter LA 6/95 Revised social insurance status and conditions of service of certain local authority officers
Local Authority Sick Pay Scheme for officer grades

SICK LEAVE SCHEME (EMPLOYEES)

Description

The scheme deals with the granting of sick leave and payment of sick pay during sick leave to employees at the grades that were formally recognised as no-Officer grade. Sick leave and the payment of sick pay may be granted at the discretion of the County Manager.

Guidelines & Circulars

DoEH&LG Circular Letter LA 6/95 Revised social insurance status and conditions of service of certain local authority officers
Local Authority Sick Pay Scheme for non-officer grades

SAFETY, HEALTH & WELFARE OF STAFF

Description

The purpose of these provisions is to protect the health and safety of all Council staff and any person whom may be affected by the Councils work operations. The Councils of the County and City of Kilkenny has prepared a Safety Statement in accordance with the Safety, Health and Welfare at Work Act, 2005. Health and Safety Training is provided to all staff. A number of Safety Representatives has been appointed. A joint Safety Committee has been established which consists of members of management and employees and the main function of this Committee is to consider the implementation of the Safety Statement and to make recommendations to management concerning health, safety and welfare.

While the County Manager carries the final responsibility for the safety, health and welfare, he does so through line management. Each supervision or manager has responsibility for the staff and the workplaces under his/her supervision. All employees have responsibility to ensure that safe work practices as laid down in the Council Health and Safety Statements are adhered to. A Health and Safety Officer has been appointed to advise and assist Council staff and any persons whom may be affected by Councils operations on matters of occupational safety, health and welfare.

Any workplace health and safety issues outside the councils remit or general health and safety advice should be referred to the national body for health and safety – The Health and Safety Authority (HAS).

Legislation

Safety, Health and Welfare at Work Act, 2005

Regulations

Abrasive Wheels Regulations, 1982
General Application Regulations, 2007
Biological Agent Regulations, 1994
Carcinogen Regulations, 2001
Chemical Agent Regulations, 2001

Confined Spaces Regulations, 2001
Asbestos Regulations, 2006
Safety, Health and Welfare at Work (Construction) Regulations, 2006
Any other regulations made by the minister under the act

Guidelines

Most guidance for workplace health and safety can be obtained through The Health and Safety Authority at: www.hsa.ie

STAFF TRAINING & DEVELOPMENT

Description

Staff training and development is provided in accordance with an annual training programme. Training is aimed at improving the skills and knowledge of staffing a wide range of areas relevant to the Council's activities. The overall emphasis on training is to facilitate the professional and personal development of staff. Training consists of on-the-job training and attendance at courses of particular relevance to the area of Council activity to which the person is assigned. Training is also aimed at facilitating staff in keeping themselves up-to-date with changes in technology, new methodologies/techniques, and changes in legislation. Limited financial support is provided for staff participating in third level education courses.

SUSPENSIONS

Description

Local authorities have the power to impose suspensions on staff. Suspensions can be for either short periods or and long periods. The approval of the Minister is required where an extension in excess of 2 months is sought by the local authority. The suspension may be with or without pay.

Legislation

County Management Act, 1940
Local Government Act, 1941
Local Government Act, 1955
Local Government Act, 1994
Part 14, Chapter 4 of the Local Government Act, 2001

Regulations

Sections 10 & 20 of the Local Government act, 1941
S. R. & O. 1943 No. 161 Local Government (Officers) Regulations, 1943
Article 32 (1) Local Government (Officers) Regulations, 1943
Article 32 (2) of the Local Government (Officers) Regulations, 1943
S. I. No. 140 of 1957 Age Limit Order, 1957
Local Government (Appointment of Officers) Regulations, 1974
Local Government (Officers) Regulations, 1983

Guidelines & Circulars

DoEH&LG Circular Letter LA(P) 8/94 Provisions in Part (IX) of the Local Government Act, 1994 relating to Local Authority Personnel Matters

TERMINATION OF EMPLOYMENT

Description

Termination of Employment of local authority employees whether full-time, part time or on contract is subject to the full range of employment legislation. A member of staff may be removed from office if the statutory grounds exist, i.e. unfitness for office, failure to carry out a lawful order into effect or other misconduct.

Legislation

County Management Act, 1940
Unfair dismissals Acts, 1977 - 1993
Redundancy Payments Acts, 1967 - 2003
Protection of Employments Act, 1997
Payment of Wages Act, 1991
Organisation of Working Time Act, 1997
National Minimum Wage Act, 2000
Local Government Act, 2000
Minimum Notice and Terms of Employment Acts, 1973-2001
Terms of Employment (Information) Acts 1994-2001
Part 14, Chapter 4 of the Local Government Act, 2001
Protection of Employees (Part-Time Work) Act, 2001
Protection of Employees (Fixed-Term Work) Act 2003

Regulations

Sections 10 & 20 of the Local Government act, 1941
S. R. & O. 1943 No. 161 Local Government (Officers) Regulations, 1943
Article 32 (1) Local Government (Officers) Regulations, 1943
Article 32 (2) of the Local Government (Officers) Regulations, 1943
S. I. No. 140 of 1957 Age Limit Order, 1957
Local Government (Appointment of Officers) Regulations, 1974
Local Government (Officers) Regulations, 1983
S. I. No. 128 of 1991 Local Government (Tenure of Office) Order, 1991
Local Government (Appointment of Officers) (Amendment) Regulations, 1997
S. I. No. 221 of 2000 Local Government (Tenure of Office) Order, 2000
Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations 2001

Guidelines & Circulars

DoEH&LG Circular Letter EL 7/52 Local Government Officers
DoEH&LG Circular Letter LA(P) 23/86 Employment of Officers over the Age Limit Extension
DoEH&LG Circular Letter LA(P) 2/92 Local Government (Tenure of Office) Order, 1991
DoEH&LG Circular Letter LA(P) 8/94 Provisions in Part (IX) of the Local Government Act, 1994 relating to Local Authority Personnel Matters

DoEH&LG Circular Letter LA(P) 4/96 Devolution of Responsibility for Personnel Matters
DoEH&LG Circular Letter LS(P) 6/96 - Employment of People with Disabilities
DoEH&LG Circular Letter EL 10/96 Site Supervision for Capital Projects - Engineering Posts
DoEH&LG Circular Letter EL 11/96 Site Supervision for Capital Projects: Site Technician / Clerk of Works Posts
DoEH&LG Circular LGP 7/2000 Local Government Act, 2000: Local Government (Tenure of Office of Managers) Regulations, 2000: Local Government (Tenure of Office) Order, 2000
DoEH&LG Circular Letter LGP 9/00 Better Local Government - a Programme for Change
DoEH&LG Circular Letter LA(P) 13/03 - Protection of Employees (Fixed Term Work) Act, 2003
Qualifications & Particulars of Office for each Post as laid down by the DoEH&LG
Dept. OF Enterprise, Trade & Employment - Protection of Employees (Fixed-Term Work) Act 2003 - Explanatory Booklet for Employers and Employees
Local Authorities (declaration of Offices Order) 2003
Local Authorities (declaration of Offices Order) 2002
Local Authorities (declaration of Offices Order) No 2 2002

APPEALS TO THE MINISTER IN RELATION TO PAY, DUTIES AND CONDITIONS OF SERVICE

Description

An officer may make an appeal to the Minister for the Environment Heritage and Local Government if he/she is aggrieved by a decision, which the Board has made in relation to his/her remuneration, duties or conditions of service.

Legislation

Section 10 Local Government Act, 1941
Section 12 Local Government Act, 1955

Regulations

Section 35, Local Government (Officers) Regulations, 1943

EXTENSION BEYOND THE AGE LIMIT

Description

Officers who cease to hold office on reaching the retirement age are not retained in a temporary capacity beyond retirement age except in exceptional circumstances.

Regulations

Age Limit Order, 1957
Section 158(1) C Local Government Act 2001

Guidelines & Circulars

Circular Letter LA (P) 23/86

RULES OF CONDUCT/ETHICAL FRAMEWORK FOR EMPLOYEES

Description

Local authority employees are prohibited from engaging in any other occupation which would impair the performance of their duties, or which might conflict with the interests of the local authority or be inconsistent with the discharge of their duties. An employee, the qualifications for whose post are wholly or in part professional, shall not engage in private practice in the profession in which he or she is employed by the local authority or in any cognate profession. Where an employee is in breach the local authority shall determine the appropriate disciplinary action to be taken.

Local authority staff are required to act with due courtesy and consideration in the course of their duties. In particular, they have a duty to deal with members of the public with the utmost courtesy and impartiality whether at meetings, personal interviews or otherwise. The Ethical Framework for the Local Government Service requires all staff to maintain proper standards of integrity, conduct and concern for the public interest in carrying out their functions. Relevant employees are required to furnish an annual declaration of "declarable interests". The Council must maintain a public register of declarable interests and appoint an ethics registrar.

The Rules also relate to matters such as placing of contracts and purchasing/sale of goods by local authorities, acceptance of gifts or rewards for help or information given to the public on official matters, use of influence, courtesy and impartiality when dealing with members of the public.

Legislation

Local Government (Officers) Regulations, 1984
Part 14, Chapter 4 of the Local Government Act, 2001

Regulations

S. I. No. 69 of 1984 Local Government (Officers) Regulations, 1984
S. I. No. 582 of 2002 Local Government Act, 2001 (Part 15) Regulations, 2002
S. I. No. 73 of 2003 Local Government Act, 2001 (Part 15) Regulations, 2003

Guidelines & Circulars

DoEH&LG Circular Letter EL 2/60 Rules of Conduct
DoEH&LG Circular Letter EL 48/74 Rules of Conduct for Officers of Local Authorities
DoEH&LG Circular Letter LA(P) 10/84 Engaging in Private Practice
DoEH&LG Circular Letter LA(P) 3/96 Engaging in Private Practice and Declaration of Interests
DoEH&LG Circular LG 24/02 Local Government Act, 2001 - New Ethical Framework for Local Government Service
DoEH&LG Circular LG 77/3/15 Part2 New Ethics Framework - Annual Declaration and Public Register

OFFICERS - MEMBERSHIP OF LOCAL AUTHORITY

Description

Persons holding a post at or above a certain level are prohibited from holding such posts on becoming an elected member of the local authority concerned. In addition, the holders of such posts are prohibited from holding office on becoming a member of any local authority whose functional area is, or is situated within (a) the same county or county borough, or (b) any county or county borough adjoining the county or county borough within which the employing local authority is situated.

Legislation

Section 21 (2) Local Government Act, 1955
Local Elections (Petitions & Disqualifications) Act, 1974
Local Government Act, 2000
Local Government Act, 2001

Regulations

Local Government (Officers) Order 1952
Local Elections (Petitions & Disqualifications) Order, 1974
Local Elections (Petitions & Disqualifications) Order, 1976

APPLICATION FROM COUNCIL FOR ADDITIONAL POSTS

Description

Sanction of increases in the Staff Numbers approved for an individual local authority or requests for creation of posts outside current controls are made to the Department of Environment, Heritage & Local Government.

Legislation

Local Authorities (Officers and Employees) Act, 1926
Local Authorities (Officers and Employees) (Amendment) Act, 1940
Local Authorities (Officers and Employees) (Amendment) Act, 1983
Local Government Act, 1998
Local Government Act, 2001

Guidelines & Circulars

DoEH&LG Letter L.A. (P) 12/84 - Restrictions on Staffing
DoEH&LG Circular Letter LA(P) 19/84 Recruitment methods for Local Authority Employees (Servant Grades)
DoEH&LG Circular Letter LA(P) 8/94 - Provisions in Part IX of the Local Government Act, 1994 relating to Local Authority Personnel Matters
DoEH&LG Circular LA (P) 4/96 - Devolution of Responsibility for Personnel Matters

INDUSTRIAL AND EMPLOYEE RELATIONS

Description

Each Local authority has put in place formal procedures to deal with grievances and disciplinary matters. Communication is maintained with the trade unions on a range of issues of concern. Where a dispute has not been resolved at local level, the industrial relations machinery, involving the Labour Relations Commission and, ultimately, the Labour Court, will be utilised.

Legislation

Industrial Relations Acts, 1946 – 1990
Holidays (Employees) Acts, 1973 & 1991
Payment of Wages Act, 1991
Minimum Notice and Terms of Employment Acts, 1973 – 1991
Terms of Employment (Information) Act, 1994
Maternity Protection Act, 1994
Adoptive Leave Act, 1995
Organisation of Working Time Act, 1997

Regulations

Local Government (Officers) Regulations, 1943
Local Government (Officers) Regulations, 1984

Guidelines & Circulars

Local Grievance Procedures
Disciplinary Procedures
Sexual Harassment Policy
Employment Agreements
Labour Court Decisions
Labour Relations Commission

EQUALITY

Description

Employers are obliged to take all reasonable steps to provide a working environment free of all forms of discrimination and harassment. In addition local authorities are required to ensure that the services they provide are also free from discriminative bias. To this end, the Equality Action Programme for local authorities was put in place which involves the adoption of Dignity at Work policies, the appointment of an Equality Officer, the establishment of an Equality Action Team and the appointment of Designated Contact Persons. New guidelines have been issued to promote a more professional approach to competitions / interviews and to ensure the equal treatment of all candidates.

Legislation

Anti-Discrimination (Pay) Act, 1974
Employment Equality Act, 1977
Employment Equality Act, 1998 – 2004

Equal Status Act, 2002

Guidelines & Circulars

DoEH&LG Circular Letter LG (P) 10/98 Equality Action Programme
DoEH&LG Code of Practice for the Employment of People with Disabilities in
the Local Authority Service, July 1999
Dignity at Work Policy
Maternity Policy
Code of Practice for the employment of people with disabilities.

WORKPLACE PARTNERSHIP

Description

The objective of workplace partnership is to achieve joint ownership between management, unions and staff and so replace the adversarial approach to change within the organisation with an open co-operative process based on effective consultation and participation by all concerned. Kilkenny County Council has a Workplace Partnership Committee and there committee is served by a Workplace Partnership facilities. There are also a number of working groups which are set up to look at change management issues from time to time.

Guidelines & Circulars

Partnership 2000 and subsequent national wage agreements between the social partners up to the current wages 2016 agreement
Framework Document for partnership in Local Authorities
Deepening Partnership in Local Government/Strategic Plan 2003-2005
Handling Significant change through Partnership Protocol Document
Agreement on Information and Consultation Arrangements
Strategic Plan 2008-2012

Finance, I.T. and Common Activities

In addition to the programme areas identified above each Local Authority has a number of functional support sections that can be amalgamated under the additional programme area of Finance and I.T. In addition there a number of common themes that cut across all programme areas and Council activities.

- Finance
 - Local Authority Budget
 - Annual Financial Statement
 - Internal audit and control
 - External Audit
 - Treasury Management
 - Receipting, lodging & managing of cash and cheques received
 - Creditor payments
 - Contribution to Vocational Education Committee
 - Payment of Wages and salaries
 - Payment of pensions to former staff, spouses and children
 - Payment of travel & subsistence expenses
 - Insurance cover
 - Determination of annual rate
 - Collection of rates
 - Water & environmental waste collection charges
 - Asset management and disposal of land

- General Themes
 - Public procurement
 - Financial guarantees given by local authority
 - Public-private partnerships
 - National Development Finance Agency
 - Provision of Artistic Features

The rules, regulations, guidelines, etc detailed below are the more important legislative, regulatory and directive controls which underpin the work of the Finance and I.T. sections as well the general themes identified.

The Finance and I.T. sections (sometimes referred to as Information Systems) are headed up by a Head of Section referred to as either the Head of Finance or the Head of Information Systems. The functional heads are responsible for the day-to-day operation of the directorate as well as contributing to the overall strategic focus of *Kilkenny County Council* through his/her participation in the Senior Management Team.

LOCAL AUTHORITY BUDGET

Description

Each local authority is required to prepare a Budget every year known as the “Local Authority Budget”. The format of the Annual Budget is prescribed in legislation. The Annual Budget sets out the total estimated revenue expenditure and income of the Council for the forthcoming financial year. Expenditure and income are broken down between the *eight* programme groups as listed in this manual.

The draft Local Authority Budget summarises the income and expenditure in respect of each programme group, shows the amount to be charged to town councils (if applicable), the amount of any incoming debit balance and the amount which will be received from the Local Government Fund. The balance must be raised from the commercial rates. The annual “rateable valuation multiplier” (formerly “rate in the £”) is calculated by dividing this balance by the effective (commercial) valuation. The adoption of the Annual Budget and the determination of the rateable multiplier is a function reserved to the elected members of the Council.

The draft Local Authority Budget is considered by the elected members. Notice of the meeting for consideration of the budget, commonly known as the ‘Annual Budget meeting’, must be published giving at least 7 days’ notice. It must be held within the period prescribed by the Minister for the Environment, Heritage and Local Government each year (in recent years between the end of November and the middle of January).

At the Annual Budget meeting, or at any adjournment of the meeting held within 21 days, the elected members must adopt the Local Authority Budget with or without amendment(s) and determine the “rateable valuation multiplier”.

Public notice must be given that the draft budget has been prepared and is available for public inspection and this notice must give details of the date, time and venue for the Budget meeting. A copy of the adopted Budget must be made available for public inspection and purchase at the principal offices of the local authority during normal office hours.

Legislation

S. 9 and S. 10 of the Local Government (Financial Provisions) Act, 1978
S. 55(3) of the Local Government Act, 1991
Part VIII of the Local Government Act, 1994
Local Government (Financial Provisions) Act, 1997
Local Government Act, 1998
Part 12, Chapter 1 and Part 21 of the Local Government Act, 2001
S. 133 of the Local Government Act, 2001

Regulations

S.R.&O.1946. No. 273 Public Bodies Order, 1946, Articles 53 to 59
S. I. No. 155 of 1955 Public Bodies (Temporary Provisions) Order, 1955
S. I. No. 167 of 1975 Public Bodies (Amendment) Order, 1975

S. I. No. 173 of 1977 Public Bodies (Amendment) Order, 1977
S. I. No. 340 of 1985 Public Bodies (Amendment) Order, 1985
S. I. No. 271 of 1987 Public Bodies (Amendment) (No. 4) Order, 1987
S. I. No. 172 of 1993 Local Government Act, 1991 (Removal of Controls) Regulations, 1993
S. I. No. 275 of 1993 Public Bodies (Amendment) Order, 1993
S. I. No. 367 of 1998 Public Bodies (Amendment) Order, 1998
S. I. No. 508 of 2002 Local Government (Financial Procedures and Audit) Regulations 2002, Part II
Accounting Code of Practice (ACOP)

Guidelines & Circulars

DoEH&LG Circular FIN 18/92 Central Management Charge
DoEH&LG Circular FIN 16/96 Local Authority Estimates of Expenses
DoEH&LG Circular FIN 21/96 Local Authority Funding
DoEH&LG Circular FIN 14/97 Local Authority Estimates of Expenses
DoEH&LG Circular FIN 16/97 Local Authority Estimates of Expenses
DoEH&LG Circular FIN 18/97 Local Authority Funding
DoEH&LG Circular FIN 20/97 Local Authority Funding
DoEH&LG Circular FIN 2/98 Local Authority Funding
DoEH&LG Circular FIN 16/98 Local Authorities Estimates
DoEH&LG Circular FIN 17/98 Local Authority Estimates
DoEH&LG Circular FIN 18/98 Local Authority Estimates of Expenses (Rate of 1p in £IR)
DoEH&LG Circular FIN 21/98 Local Authority Estimates - Capping of Rates
DoEH&LG Letter Fin 1/2002 Rateable Valuation Multiplier and Statutory Notices and forms under the PBO 1946 - 1998
DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance
DoEH&LG Circular Fin 20/02 Accounting Code of Practice : Revised Appendix G - Format of the Annual Budget
DoEH&LG Circular Letter Fin 30/2003
DoEH&LG Annual Notification of Local Government Fund General Purpose Allocations
DoEH&LG Needs and Resources Model

ANNUAL FINANCIAL STATEMENT

Description

After the close of the financial year a summary of the accounts in prescribed form, called the "Annual Financial Statement", is prepared. The Annual Financial Statement (AFS) contains details of expenditure and income, both revenue and capital, for each of the eight programme groups for the year in question. The AFS is prepared on an Accruals Accounting Basis. It also contains a Balance Sheet, statements of debtors and creditors, and other explanatory statements.

The AFS includes notes to the accounts to aid in their interpretation. Following the preparation of the AFS, the Statement together with a report on it by the County Manager, must be forwarded to each member of the local authority and the AFS must be considered at a meeting of the local authority.

It is then forwarded to the Department of the Environment, Heritage and Local Government. The Department nominate a Local Government Auditor to audit the final accounts of the local authority.

Legislation

Local Government (Financial Provisions) Act, 1997
Local Government Act, 1998
Part 12, Chapter 1 of the Local Government Act, 2001

Regulations

Public Bodies Order 1946 - 1993
Local Government (Financial Procedures & Audit) Regulations, 2002
Accounting Code of Practice (ACOP)

Guidelines & Circulars

DoEH&LG Circular FIN 18/92 Central Management Charge
DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance
DoEH&LG Circular Fin 24/2003 Re Identification and Valuation of Historical Assets
DoEH&LG Circular Fin 02/2004 Re: Format and Preparation of the Annual Financial Statement 2003
DoEH&LG Circular Fin 09/2004 FMS Related Issues
DoEH&LG Circular Fin 11/2004 Re: Atkins Fixed Asset Valuation Model
DoEH&LG Circular Fin 15/2004 Re: Submission of AFS 2003 & Other FMS Related Issues
DoEH&LG Accounting for Income - General Guidelines
DoEH&LG Local Authority Accounting in Ireland - Asset Register Guidelines
DoEH&LG Guidance Note - Accounting for Assets 2003

INTERNAL AUDIT & CONTROL

Description

An important function of the Finance Section is the undertaking of a system of internal audit and control. The fundamental role of the internal auditor is to be independent of his organisation and report on control weaknesses and make sure they are followed up in an appropriate timescale "provide assurance that in key risks areas, standards and policies are in place and are being implemented effectively.

The role of internal audit is to:

1. To conduct its programme of work, looking at the business, risks, consultation with and giving support to senior executives and audit committee
2. Internal auditors give an opinion on whether controls are effective and efficient - **Line management design controls - audit cannot give an independent opinion afterwards on controls if it has designed them.**
3. To alert senior management and the chair of the board to any concerns that arise out of that work
4. Internal audit also looks at value for money in terms of economy, efficiency, and effectiveness

Internal checking of all money receipted and lodged is carried out on an ongoing basis. The operations and procedures of the *County* Council are checked on a regular basis. The accounts of every officer, who receives money on behalf of the Council, are checked regularly by the Finance Section. In cases of irregularity, an investigation is carried out and a report is made to management for appropriate action to be taken.

Legislation

Local Government Act, 1941(Part)

Local Government Act, 1946(Part)

S. 14 and S. 15 of the Local Government (Financial Provisions) Act, 1997(Part)

Local Government Act, 2001

Regulations

Local Government (Financial Procedures & Audit) Regulations, 2002

Guidelines & Circulars

Periodic circulars issued by the Department of the Environment Heritage & the Local Government

DoEH&LG Value for Money Studies Nos. 1-22

Accounting Code of Practice

EXTERNAL AUDIT OF ACCOUNTS

Description

The Local Government Auditor is appointed by the Minister for the Environment, Heritage and Local Government to audit the accounts of the Local Authority and to report on them.

Notice of the commencement of the audit is published. The annual financial statement, vouchers and other documents must be made available for inspection during office hours by any member of the public and a copy may be purchased at a price not exceeding the reasonable cost of making a copy.

An objection to the auditor may be made by any person in respect of the inclusion of any item in, or the omission of any item from, the accounts. Such objection must be made in writing and must be made within 10 days of the commencement of audit. The auditor must consider such written objections, make a decision on same and convey such decision to the local authority.

Following receipt of the audited financial statement, it is considered by the local authority together with the auditor's report, if any.

The Minister for the Environment, Heritage and Local Government may direct that an extraordinary audit of accounts of a local authority be carried out, if it appears to the Minister appropriate to do so.

Legislation

S. 12 and S. 19 to S. 21 of the Local Government (Ireland) Act, 1871

S. 18 to S. 20 of the Local Government (Ireland) Act, 1902

S. 61(3) of the Local Government Act, 1925

S. 70 to S. 71 of the Local Government Act, 1941
S. 68 and S. 94 of the Local Government Act, 1946
S. 49 of the Local Government Act, 1955
S. 15 of the Local Government (Financial Provisions) Act, 1997
Part 12, Chapter 2 of the Local Government Act, 2001

Regulations

Public Bodies Order 1946 - 1993
S. I. No. 508 of 2002 Local Government (Financial Procedures and Audit) Regulations 2002, Part III

Guidelines & Circulars

DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance

TREASURY MANAGEMENT

Description

The Finance section is responsible for the management of the Council's cash transactions including banking, borrowing, leasing and investments.

Legislation

S. 42 of the Local Government Act, 1955
Local Government (No. 2) Act, 1960
Part 12, Chapter 1 of the Local Government Act, 2001

Regulations

Public Bodies Order 1946 - 1993
Local Government (Financial Procedures & Audit) Regulations, 2002

Guidelines & Circulars

DoEH&LG Fin 23/98 - ESB Global Valuation
DoEH&LG Fin(D)2/98 - Local Loans Fund Interest Rate
DoEH&LG Fin 24/98 - Local Government Funding 1997 & 1998
DoEH&LG Fin 3/99 - Re: Local Government Act 1998
DoEH&LG Fin 27/98 - Equalisation Fund Payments
DoEH&LG - fin 2/98 - Euro Conversion Rate

RECEIPTING, LODGING & MANAGING OF CASH AND CHEQUES RECEIVED

Description

Payments are received for Council services at the Receipts (Cash) Office. Receipts are issued in respect of all payments. All money received is lodged in the bank.

Legislation

S. 8 of the Local Government Act, 1946
Part 12, Chapter 1 of the Local Government Act, 2001

Regulations

Public Bodies Order 1946 - 1993

Local Government (Financial Procedures & Audit) Regulations, 2002

Guidelines & Circulars

DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance

CREDITOR PAYMENTS

Description

All accounts for goods, services etc. are processed through the Finance Section, having been passed for payment by the certifying officer of the relevant section within the Council. Tax is deducted from payments as required by law.

Payment for the supply of goods or services must be made by the date specified in a written contract. If there is no written contract or if the payment date is not specified in the written contract, payment must be made within 30 days of receipt of an invoice or receipt of goods, whichever is later. If payment is not made within this period, interest is payable in respect of the period beginning on the expiry of the specified 30 days and ending on the date on which the payment is made. The rate of interest is fixed by the Minister for Enterprise, Trade and Employment. In the case of a dispute, a supplier may refer the dispute to arbitration in which case the purchaser must agree to arbitration.

Legislation

Local Government Act, 1991

Prompt Payment of Accounts Act, 1997 (as amended)

Taxes Consolidation Act 1997

Part 12, Chapter 1 of the Local Government Act, 2001

Regulations

S. I. No. 502 of 1997 Prompt Payment of Accounts Act, 1997 (Rate of Interest Penalty) Order, 1997

European Communities (Late Payment in Commercial Transactions) Regulations, 2002

Accounting Code of Practice (ACOP)

Guidelines & Circulars

DoEH&LG Circular Letter FIN 17/97 Prompt Payment of Accounts Act, 1997

DoEH&LG Circular Letter Fin 23/97 Prompt Payment of Accounts Act, 1997

DoEH&LG Letter - 23 January, 1998 - Prompt Payment of Accounts Act, 1997

DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance

Tax Clearance - Circular BC 5/95 and Circular 22/95 (Dept. of Finance)
Withholding Tax - Booklet issued by the Revenue Commissioners - Guidance for Accountable Persons in relation to Withholding Tax on Professional Services
Relevant Contracts Tax - Revenue Commissioners Explanatory Notes for Principal Contractors

CONTRIBUTION TO VOCATIONAL EDUCATION COMMITTEES

Description

The Council makes an annual contribution to the Vocational Education Committee (VEC). It is based on the valuation of commercial property.

Legislation

Vocational Education Acts, 1930 to 1962

Guidelines & Circulars

DoEH&LG Circular Letter Fin. 9/90 VEC Statutory Demands / Superannuation

PAYMENT OF WAGES & SALARIES

Description

The Finance Section is responsible for payment of wages and salaries. Arrangements are made for deduction and payover of P.A.Y.E., P.R.S.I., superannuation contributions, V.H.I., life assurance etc.

Whenever a variation in the remuneration of employees arises, the prior consent, by resolution, of the elected members is required.

Legislation

Payment of Wages Act, 1991

Worker Protection (Regular Part-Time Employees) Act, 1991

Maternity Protection Act, 1994

Organisation of Working Time Act, 1997

Part 14, Chapter 4 of the Local Government Act, 2001

Various Finance Acts

Regulations

S. R. & O. 1943. No. 161 Local Government (Officers) Regulations, 1943

Accounting Code of Practice (ACOP)

Guidelines & Circulars

DoEH&LG Circular Letter L.A. (P) 3/80 Overtime

DoEH&LG Circular Letter L.A. (P) 15/81 Maternity Leave

DoEH&LG Circular Letter L.A. (P) 11/88 Public Holidays in periods of Maternity Leave

DoEH&LG Circular EL 1/89 Overtime

DoEH&LG Circular Letter LA 6/95 Revised social insurance status and conditions of service of certain local authority officers
DoEH&LG Circular Letter EL 17/97 Overtime
DoEH&LG Circular Fin 15/02 New statutory provisions related to local government
Finance
DoEH&LG Periodic Notifications of revision of remuneration in line with National Wage Agreements etc.
Memorandum circulated by the Local Government Staff Negotiations Board on 20th November 1987 - Eating-on-Site Allowance (craft and general operative grades)
DoEH&LG Periodic increases in allowance - Eating-on-Site Allowance (craft and general operative grades)
P.A.Y.E. Employers Guide - Edition No. 7
P.R.S.I. Contribution Rates - SW 14
Social Welfare Rates of Payment - SW 19

PAYMENT OF TRAVELLING EXPENSES & SUBSISTENCE ALLOWANCE

Description

Travel expenses and subsistence allowances are paid to local authority staff in accordance with the provisions laid down in the Circulars relating to Travel and Subsistence. The finance section is responsible for payment of these expenses and allowances based on expense forms received from staff and authorised by line managers.

Regulations

Local Government (Officers) Regulations, 1943

Guidelines & Circulars

Periodic Circular revising rates for Travel & Subsistence expenses

PAYMENT OF PENSIONS TO FORMER STAFF, SPOUSES AND CHILDREN

Description

The Finance Section is responsible for payment of pensions (former staff of the Council, V.E.C. and Committee of Agriculture / spouses and children) including deduction of P.A.Y.E. and any other statutory or non-statutory deductions as required.

Legislation

Local Government (Superannuation) Act, 1956
Pensions (Increase) Act, 1964
Pensions (Abatement) Act, 1965
Local Government (Superannuation) Act, 1980
Pensions (Amendment Act), 2002
Public Service Superannuation (Miscellaneous Provisions) Act 2004

Regulations

S. I. No. 346 of 1984 Local Government (Superannuation) (Gratuities) Regulations, 1984 and amendments

S. I. No. 455 of 1998 Local Government (Superannuation) (Consolidation) Scheme, 1998

S. I. No. 288 of 2002 Local Government (Superannuation) (Consolidation) (Amendment) Scheme, 2002

S. I. No. 178 of 2004 Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2004

Guidelines & Circulars

DoEH&LG Circular Letter S. 7/87 Pensions Increase

DoEH&LG Circular Letter S. 15/97 Pension Increases - Staff who retired before PCW Restructuring Agreements

DoEH&LG Circular Letter S. 17/97 Reckonability of Acting-Up Payments for Superannuation Purposes

DoEH&LG Circular Letter S. 18/97 Pension Increases - Staff who retired before PCW Restructuring Agreements

DoEH&LG Circular Letter S.8/2001 Tax Deduction from Refunds made under the Purchase of Notional Service Scheme

DoEH&LG Circular Letter S. 2/2002 Superannuation Contributions - Officers on full PRSI

DoEH&LG Circular Letter S. 4/2002 1. Equalisation of Pension Provisions for all Local Authority Staff 2. Superannuation Implications of the Protection of Employees (Part-Time Work) Act, 2001

Explanatory Booklet on the Local Government Superannuation Scheme - 1956 Scheme Employees, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - 1956 Scheme Officers, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Employees, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Officers Paying Modified (Class D) PRSI, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Revision Scheme Officers Paying Full (Class A) PRSI, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Temporary Wholetime Officers Appointed Prior To 6 April 1995, December 2001

Explanatory Booklet on the Local Government Superannuation Scheme - Temporary Wholetime Officers Appointed On or After 6 April 1995, December 2001.

INSURANCE COVER

Description

It is the responsibility of the Head of Finance to ensure that insurance cover is arranged for all risks, in particular, Public Liability, Employers Liability and Fire.

Legislation

Local Authorities (Mutual Assurance) Act, 1926
Local Authorities (Mutual Assurance) Act, 1928
Local Authorities (Mutual Assurance) Act, 1935
Civil Liability Acts 1961- 2004
Personal Injuries Assessment Board Act 2003
Various Court Acts
Safety, Health & Welfare at Work Acts 1989 - 2005

Regulations

Public Bodies Order 1946 - 1993

Guidelines & Circulars

DoEH&LG Value for Money Studies Nos. 1-22

DETERMINATION OF ANNUAL RATE

Description

All fixed property including land, buildings and other structures is valued for rating purposes. The valuation of a property is determined and altered by the Commissioner of Valuation and not by the Local Authority. The Valuation Lists are subject to revision. The rating authority or any ratepayer can propose a revision of the valuation of any property. The Council submits lists of revision requests to the Commissioner of Valuation on an ongoing monthly basis. Any person aggrieved by a valuation revision may appeal to the Commissioner of Valuation (through the rating authority) within 28 days. If still dissatisfied, a person has 28 days to appeal to the Valuation Tribunal. Fees are prescribed in respect of applications for revision and appeals.

In practice, rates are now payable on industrial and commercial property only. Rates are based on the valuation of the property and the annual rate on valuation. Rate demands are issued to all occupiers liable for rates. Reminders and various means, including legal proceedings, are used in order to collect rates due.

Where a ratepayer is aggrieved at the failure of a rating authority to grant him an allowance, or where he feels that the wrong allowance has been granted, he may, within 2 months of the date of the making of the rate, write to the rating authority asking them to grant the appropriate allowance. If the rating authority refuse or fail to reply within 28 days, the ratepayer can apply to the District Court, within 4 months of the making of the rate, to have the relief given.

A Valuation Certificate for any property may be obtained from the Revenue Section of the Council on payment of the appropriate fee.

A rated occupier or owner may seek an apportionment of a rateable valuation for example where two or more businesses operate from different portions of one premises.

Under the Industrial Development Act 1986, a commercial property can apply for two-thirds rate remission for 10 years, provided the ratepayer can furnish certification from Forbairt or ForFas or compliance with the above Act. The granting of this remission is a function reserved for the elected members on receipt of the relevant certificate referred to.

Legislation

Poor Relief (Ireland) Act, 1838
Poor Law Valuation Act, 1838
S. 32 of the Valuation (Ireland) Act, 1852
Valuation (Ireland) Act, 1854
Part V of the Local Government Act, 1941
Part II and S. 74 of the Local Government Act, 1946
S. 45 to S. 46 of the Local Government Act, 1955
Local Government (Rates) Act, 1970
Local Government (Financial Provisions) Act, 1978
Local Government (Financial Provisions) Act, 1983
Industrial Development Act, 1986
Valuation Act, 1986 (Plant and Machinery)
Valuation Act, 1988
Part VIII of the Local Government Act, 1994
Schedule 4 to the Local Government Act, 2001
Valuation Act, 2001

Regulations

Public Bodies Order 1946 - 1993
S. I. No. 38 of 2000 Local Government (Certificate of Rateable Value) (Amendment) Order, 2000
S. I. No. 508 of 2002 Local Government (Financial Procedures and Audit) Regulations 2002, Part IV

Guidelines & Circulars

DoEH&LG Circular Letter FIN 11/78 Local Government (Financial Provisions) Bill, 1977
DoEH&LG Circular Letter FIN 2/79 Local Government (Financial Provisions) Act, 1978
DoEH&LG Circular Fin 15/02 New statutory provisions related to local government finance

COLLECTION OF RATES

Description

Rates are payable in two moieties, the first on issue of the demand, the second of 1st July. Revenue Collectors are employed by the local authorities and have responsibility for collection of rates in assigned areas. Where the Collector is unable to obtain payment in the normal way, legal proceedings may be taken to recover the outstanding amount with costs.

Legislation

Local Government (Financial Provisions) (No. 2) Act, 1983

Local Government (Financial Provisions) Act, 1997
Local Government (Financial Provisions) Act, 2000

Regulations

Public Bodies Order 1946 - 1993

S. I. No. 508 of 2002 Local Government (Financial Procedures and Audit)
Regulations 2002, Part IV

Guidelines & Circulars

DoEH&LG Circular Letter FIN 11/78 Local Government (Financial Provisions)
Bill, 1977

DoEH&LG Circular Letter FIN 2/79 Local Government (Financial Provisions)
Act, 1978

DoEH&LG Circular Fin 15/02 New statutory provisions related to local
government finance

ASSET MANAGEMENT & DISPOSAL OF LAND

Description

A Register of all Lands and Properties owned by the Council is maintained in the Asset Management Section of the Finance section. A Fixed Assets Register has been compiled and this Assets Register shows all assets owned by the Council and their valuation - Lands, Properties, Machinery, Equipment, Office Buildings, etc. This Assets Register forms part of the Annual Financial Statement and is held in the Finance section of the Council.

Section 183 of the Local Government Act, 2001 deals with proposed disposals of land by local authorities. The procedure to be followed when disposing of land is set out in this Act. A disposal of land can only be carried out with the approval of the elected members.

Legislation

Section 183 of the Local Government Act, 2001

COMMON ACTIVITIES

The common activities that all programme areas and Council activities may use from time to time are itemised below. The legislation, regulations, guidelines and circulars relating to these common activities are outlined for each activity.

PUBLIC PROCUREMENT

Description

Public Procurement rules govern the award of contracts for the purchases of works, goods and/or services by public bodies. Contracts that exceed specified financial thresholds are subject to one of four EC Public Procurement Directives, implemented by Irish law.

Where the EC Public Procurement Directives do not apply, Irish public bodies are required to follow the Green Book and Public Procurement Guidelines Competitive Process - Supplies and Services, both published by the Department of Finance.

Public sector tendering procedures are designed to ensure transparency and accountability in the placing of public contracts funded from local, national and EU revenue.

Contracts are usually advertised on the eTenders website and in the national press. EU Directives set out the thresholds in respect of Works, Service, Supplies and Utilities Contracts. If contracts exceed the stated threshold the contract must be advertised in the Official Journal of the European Union (OJEU). Prior Indicative Notices (PIN) are no longer obligatory but are encouraged as an aid to transparency where there is significant procurement. Publication of a PIN entitles authorities to avail of shortened times for submission of tenders.

Tendering may be carried out using Open Tender procedures (open advertisement), Restricted Tender procedures (selected contractors invited to tender) or Negotiated Tender (negotiation with individual contractor). Tenders may not necessarily be awarded to the lowest tenderer - the most economically advantageous tender may be successful.

In addition, most local authorities have their own purchasing procedures. Purchasing procedures within the local authority will specify the number of quotations required, the level of authorisation for acceptance of tenders, issuing of orders and authorisation of payments.

Legislation

S. 229 of the Local Government Act, 2001

EU Directives

2004/18/EC Co-ordination of procedures for Public Works, Public Supply and Public Service Contracts

2004/17/EC Co-ordination of procedures for water, energy, transport and postal services sectors

89/106/EEC Construction Products Directive (CPD)
 89/665/EEC Public Remedies / Compliance Directive
 92/13/EEC Utilities Remedies Directive
 92/50/EEC Public Services Directive (as amended by 97/52/EEC)
 93/36/EEC Public Supplies Directive
 93/37/EEC Public Works Directive (as amended by 97/52/EEC)
 93/38/EEC Utilities Directive (as amended by 98/4/EEC)
 97/52/EC Coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively
 2001/78/EC - 13/9/2001 (Directive on the use of standard forms in the publication of public contract notices)

Regulations

S. I. 36/92 and S. I. 293/94 (Public Works Directive)
 S. I. 37/92 and S. I. 292/94 (Public Supplies Directive)
 S. I. (38/92; 5/94 and) 309/94 (Public Remedies / Compliance Directive)
 S. I. (103/93 and) 51/95 (Utilities Directive)
 S. I. (104/93 and) 51/95 (Utilities Remedies Directive)
 S. I. 173/93 (Public Services Directive)
 S. I. No. 198 of 1992 European Communities (Construction Products) Regulations, 1992
 S.I. 173/93 (Public Services Directive)
 S. I. No. 210 of 1994 European Communities (Construction Products) (Amendment) Regulations, 1994
 S.I. 36/92 and S.I. 293/94 (Public Works Directive)
 S.I. (38/92; 5/94 and) 309/94 (Public Remedies / Compliance Directive)
 S.I. (103/93 and) 51/95 (Utilities Directive)
 S.I. (104/93 and) 51/95 (Utilities Remedies Directive)
 S. I. No. 378 of 1998 European Communities (Award of Public Service Contracts) Regulations, 1998
 S. I. No. 379 of 1998 European Communities (Award of Public Supply Contracts) (Amendment) Regulations, 1998
 S. I. No. 380 of 1998 European Communities (Award of Public Works Contracts) (Amendment) Regulations, 1998

Guidelines & Circulars

DoEH&LG Circular BC 5/87 Procedures for the engagement of Consultants and Settlement of Fees in Public Construction Contracts (incorporating Department of Finance Circular 11/87)
 DoEH&LG Circular Letter L 3/90 Sanitary Services Major Schemes Programme - Development of Proposals
 DoEH&LG Circular BC 7/90 Council Directive 89/440/EEC enclosing a copy of the directive
 DoEH&LG Circular BC 9/90 Council Directive 89/440/EEC concerning co-ordination of procedures for the award of public works contracts
 DoEH&LG Circular BC 4/91 Publication of Contract Notices in the OJEC*
 DoEH&LG Circular BC 1/92 Prior Indicative Notices
 DoEH&LG Circular BC 2/92 Standardisation of Contract Notices in the OJEC*

DoEH&LG Circular BC 3/92 Public Procurement Contract Award or Post Award Notices

DoEH&LG Circular BC 5/92 Council Directive 89/665/EEC on the application of review procedures to the award of public supply and public works contracts

DoEH&LG Circular BC 13/92 Compliance with the rules in the publication of tender notices in the OJEC*

DoEH&LG Circular Letter L 9/92 Sanitary Services Major Schemes Programme - Appointment of Consultants

DoEH&LG Circular BC 7/93 Council Directive 92/50/EEC relating to the co-ordination of procedures for the award of public service contracts

DoEH&LG Circular BC 9/93 Revision of procedures for the Engagement of Consultants

DoEH&LG Circular BC 4/94 EU Directives on Public Procurement

DoEH&LG Circular BC 7/94 Public Procurement Guide (1994 edition)

DoEH&LG Circular BC 5/95 Tax Clearance Procedures for Public Sector Contracts (replaces BC 1/91 and BC 11/94 withdrawn)

DoEH&LG Circular BC 5/96 GCC Guidance Notes in Infringement Procedures

DoEH&LG Circular BC 9/98 Remedies Directive

DoEH&LG Circular BC 13/98 Public Procurement - EU Amending Directive 97/52/EC - Option for Tender Quotations / Payments in Euro

DoEH&LG Circular Letter BC 11/2000 Third Party Certification of Standard of Re-Inforcing Steel Bars

DoEH&LG Circular BC 1/2001 Report of the Strategic Review Committee (SRC) on the Construction Industry (*"Building our Future Together" - 1997*) : Implementation of the SRC Procurement Recommendations - Public Funded Construction Projects

DoEH&LG Circular BC 2/2001 Evaluation of Tenders - Most Economically Advantageous Tender Criteria

DoEH&LG Circular L 3/01 Revision of Procedures for Approval of Schemes and Engagement of Consultants under the Water Services Investment Programme

DoEH&LG Circular HS 4/01 Procurement Procedures for the appointment of consultants to assist in the preparation of Housing Strategies under Part V of the Planning and Development Act

DoEH&LG Circular BC: 11/2001 Construction Tender Quotations / Payments in Euro only

DoEH&LG Circular VHU 04/01 Competitive tendering procedures for construction contracts in voluntary housing projects

DoEH&LG Circular BC 21/2001 Tax Clearance Procedures

Dept. of Finance Circular Letter of 13 May 2002 DIRECTIVE 2001/78/EC *New Standard Forms for publication of notices for contracts placed by public bodies and by entities operating in the Utilities sector*

DoEH&LG Circular Letter BC 9/2002 New European Standard for Cement

DoEH&LG Circular PD 10/02 Public Works Contracts - EU Directive 93/37/EEC: Court of Justice of the European Communities Judgement of 12 July, 2001 - Case C - 399/98 - Project "Scala 2001": Implications for local authorities - Planning and Development Act 2000

DoEH&LG Circular Letter: B.C. 8/2002 Construction Products: Transition from National Standards to European Harmonised Standards for the purposes of

(1) Building Regulations; and (2) Public Procurement of Construction Products / Projects
 DoEH&LG Circular BC 1/2003 Public Procurement Guidelines - Engagement of Consultants - Clarification
 DoEH&LG Circular Letter BC 5/2003 Contractor Membership of Pension / Sick Pay Scheme Condition for Award of Public Works Contracts
 DoEH&LG Circular BC 7/2003 "Procedural Arrangements for Implementation of the Procurement Recommendations of the Strategic Review Committee on the Construction Industry applicable to Construction projects with effect from 31 March, 2001" (February, 2001)
 DoEH&LG Circular BC 10/2003 Architectural Design Competitions - Eligibility
 DoEH&LG Circular IPPP 3/03 Revision to the Standard Rules of Measurement for Building Work
 DoEH&LG Circular IPPP 05/03 Modernising Public Procurement - A Strategy for the Local Government Sector
 DoEH&LG Circular L7/04 Water Services DBO Contracts - Site Staff
 DoEH&LG Circulars notifying updates of CONDOC for Water Services Civil Works and Mechanical and Electrical Plant Contracts (V. 3.4 Release 7 June 2001)
 DoEH&LG Periodic Circulars notifying revised threshold values for contracts which must be published in the OJEC*
 DoEH&LG Memorandum on the provision of houses by local authorities (N7/92)
 Public Procurement (1994 Edition - Green Book)
 Procedural Arrangements for Implementation of 26 Recommendations of the Strategic Review of the Construction Industry applicable to Public Funded Construction Contracts with effect from 31 March, 2001 - Department of Finance, December 2000
 DoEH&LG Explanatory Memorandum - Transition from National Standards to Harmonised European Technical Specifications / Standards (Construction Products), August 2002
 DoEH&LG Guidance Note : Model Duties for Employer's Site Staff on Water Services DBO Contracts
 Public Procurement Guidelines Competitive Process 2004 (Supplies & Services)

FINANCIAL GUARANTEES GIVEN BY LOCAL AUTHORITIES

Description

From time to time, local authorities become involved in capital projects which require financial commitments, including financial guarantees. Local authorities must, in considering possible involvement in projects of this nature, ensure that any such involvement could not have serious financial consequences for them into the future which could prejudice their ability to provide quality services to the public.

Guidelines & Circulars

DoEH&LG Circular 12/04 (02/06/2004) Financial guarantees by local authorities in non-DoEH&LG sponsored projects

DoEH&LG Letter of 17th June, 2004 Financial guarantees by local authorities in non-DoEH&LG sponsored projects

PUBLIC-PRIVATE PARTNERSHIPS

Description

PPPs are essentially partnerships between public sector organisations and private sector investors and businesses for the purpose of designing, planning, financing, constructing and / or operating infrastructure projects normally provided through traditional procurement mechanism by the State.

The benefits of a PPP are that the public and private sectors will have certain advantages relative to each other, and these advantages can be exploited so as to deliver a superior project or service in the most economically efficient manner. The risks are identified from the outset and a key aspect of PPPs is that risks are placed with the party best able to manage them. As a number of risks associated with the designing, building and operation of the asset may be transferred to the private partner, the risks facing the local authority are lowered. As the private sector is paid according to their performance, the incentive to perform is heightened.

The main types of PPPs are -

- Outsourcing and service contracts;
- Design, build and operate contracts;
- Design, build, operate and finance contracts;
- Concession contracts;
- Joint Ventures arrangements.

Legislation

State Authorities (Public Private Partnership Arrangements) Act, 2002

Guidelines & Circulars

DoEH&LG Circular PPP 1/00

DoEH&LG Circular L 2/2000 Re: Water Services Investment Programme - Grouping of Small Schemes

DoEH&LG Circular PPP 02/01 Framework Agreement for the provision of Integrated Legal and Financial services for the development and implementation of public private partnerships within the water services and waste management services

DoEH&LG Circular L10/01 Water Services Investment Programme - Procurement using Public Private Partnership Arrangements

DoEH&LG Circular IPPP 4/03 The policy framework for the development of Public Private Partnerships within local government

Framework Agreement for the provision of Integrated Legal and Financial services to the Department of the Environment, Heritage and Local

Government for the development and implementation of public private partnerships within the water services and waste management services

PUBLIC-PRIVATE ADVISORY GROUP ON PPPs Framework for Public Private Partnerships *"Working Together for Quality Public Services"*, 21 May 2001

DoEH&LG A Policy Framework for Public Private Partnership Projects in the Water Services Sector

DoEH&LG Public Private Partnerships in the Water Services Sector -
Technical Note no. 1 - Appointment of Advisers
DoEH&LG Public Private Partnerships in the Water Services Sector -
Technical Note no. 2 - Preparing a PPP Assessment Report

NATIONAL DEVELOPMENT FINANCE AGENCY

Description

At the beginning of 2003 the National Development Finance Agency (NDFA) was set up to assist public bodies to carry out major infrastructure projects, in particular PPP projects. Public bodies are required to seek the advice of the NDFA on the financing of major infrastructure projects (a threshold of €20 million applies).

Legislation

National Development Finance Agency Act, 2002

Guidelines & Circulars

DoEH&LG Circular PPP 2/03 National Development Finance Agency

PROVISION OF ARTISTIC FEATURES

Description

The Department of the Environment, Heritage and Local Government operates a scheme for art in public places (Per Cent for Art Scheme). Under the Scheme, the Council can include in the cost of a capital project (i.e. Road Construction, Housing Estate etc.) a sum for an artistic feature (1% of construction costs).

Legislation

S. 13(8)(c) of the Roads Act, 1993

Guidelines & Circulars

DoEH&LG Circular Letter N 8/86 Provision of Artistic Features in a Project
DoEH&LG Circular Letter N 8/87 Provision of suitable Artistic Features in Local Authority Projects
DoEH&LG Circular Letter N 4/89 Provision of suitable Artistic Features in Local Authority Projects
DoEH&LG Circular LS 1/97 Artistic Embellishment Scheme
Public Art Research Project - Steering Group Report to Government, 1988

Information Systems

IS Infrastructure

Kilkenny County Council has an extensive IT network. Built primarily on Cisco equipment the network includes a Local Area Network(LAN), Metropolitan Area Network(MAN) and a Wide Area Network(WAN). Key city offices are

linked to County Hall by either a mixture of fibre, wireless and laser technologies. Area offices are linked to County Hall via high speed licensed wireless links. The library branches outside the city connect to the network using digital leased line technology. The main comms room is located in County Hall and it hosts all servers, web sites and the main communication equipment.

Web Sites

The Information Systems department look after a large number of web sites for Kilkenny Local Authority re-launched the Kilkenny Portal www.kilkenny.ie which is now built on the PTools Content Management System. The new portal contains updated versions of the following web sites

- Kilkenny County Council - <http://www.kilkennycoco.ie>
- Kilkenny Borough Council - <http://www.kilkennycity.ie>
- Kilkenny County Library - <http://www.kilkennylibrary.ie>
- Kilkenny Tourism - <http://www.kilkennytourism.ie>
- Fire Services - <http://fire.kilkennycoco.ie>

The new sites are built to be fully accessible offering many useful features for the visually impaired including a BrowseAloud facility. The content management system also makes it easier for staff in the various local authority sections to update the web sites themselves. Irish language versions of the main pages are also available.

Other sites maintained by the department are:-

- Woodstock Gardens - <http://www.woodstock.ie>
- County Development Board - <http://www.kilkennycdb.ie>

Library Service

In 2006 the Kilkenny County Library updated their library system to the Horizon system which is now used in all branches. The library catalog was also updated to the HIP system and is available online at www.kilkennylibrary.ie

Glossary of Terms & Acronyms

A list of acronyms and terms commonly used by local authorities, e.g. PMDS, LANPAG, etc...along with an explanation of the term should be included in this page. This list does not claim to be exhaustive. Additions should be made to suit local circumstances.

ACOP	Accounting Code of Practice
Administration	Typically, information of this type can pertain to the general running of the Council for both elected and staff.
AFS	Annual Financial Statement
APSO	Agency for Personal Service Overseas
Cathoirleach	Chairperson of the County Council.
CCMA	County & City Managers Association
CDB	County Development Board
CEB	Community Enterprise Board.
CPG	Corporate Policy Group
DoS	Director of Services
DoEH&LG	Department of the Environment, Heritage and Local Government
EIA	Environmental Impact Assessment (EIA) is a procedure for assessing the likely effects on the environment of a proposed development
EIS	Environmental Impact Statement (EIS) contains an analysis of the likely effects, good and bad, of a project on the environment
EPA	Environmental Protection Agency
EU	European Union
EU Directives /	Much of the work of the public service is now influenced by EU Guidelines
EU Guidelines	European Union legislation (or draft legislation) on particular aspects of policy enacted at Union level. Material held on these EU files generally contains information on the legislation or guideline in question and how it is operated in this State

F.E.E.	Foundation for Environmental Education in Europe
FOI	Freedom of Information Acts 1997 and 2003
HBCI	House Building Cost Index
IFFPG	Irish Farm Films Producers Group
Internal	This relates to the day-to-day management of the Council.
IPC Licence	Through the application of an Integrated Pollution Control (IPC) Licensing System, one licence is issued to cover all aspects of air, water, waste and noise emissions
IWSA	Irish Water Safety Association
LA 21	Local Agenda 21
LAC	Local Appointments Commission
LANC	Local Authority National Council
LANPAG	Local Authority National Partnership Advisory Group
	Legislation Legislation refers to the procedure by which a proposal becomes law through the introduction of an Act of the Oireachtas (primary legislation) or through regulations made by the Minister under such Acts (secondary legislation)
LGCSB	Local Government Computer Services Board
LGMSB	Local Government Management Services Board
LRC	Labour Relations Commission
LTACC	Local Traveller Accommodation Consultative Committee
NDFA	National Development Finance Agency
NRA	National Roads Authority
NSC	National Safety Council
NTACC	National Traveller Accommodation Consultative Committee
OEE	Office of Environmental Enforcement (EPA)
OJEC	Official Journal of the European Communities
PMAMG	Performance Management Advisory & Monitoring Group
PMDS	Performance Management & Development System
PRSA	Personal Retirement Savings Account
PVG	Performance Verification Group

SEO	Senior Executive Officer
S. I.	An S. I. is a statutory instrument i.e. a regulation made by the Minister under an Act of the Oireachtas. A regulation is often referred to as secondary legislation, while the Act is primary legislation (See also legislation)
SIM	Social Inclusion Measures
SPC	Strategic Policy Committee
SSMS	Superannuation Scheme Management System
Sustainable	Sustainable development is commonly defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. It aims at improving the quality of life, in economic and social terms, while conserving the natural resources upon which development ultimately depends
V.E.C.	Vocational Education Committee
WSIP	Water Services Investment Programme
WSNTG	Water Services National Training Group