



Kildare County Council  
Standing Orders for the  
Regulation of Business and Proceedings  
at Meetings of the  
Athy Municipal District  
Date: Monday, 15 March 2021

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## Definitions

In these orders,

The “**Act**” means the Local Government Act 2001 (as amended).

The “**Cathaoirleach**” means the person elected as Cathaoirleach of the Athy Municipal District at the Annual Meeting of the Municipal District or the agreed chair of a Meeting in the absence of the Cathaoirleach. It also means the person elected as chair of a committee of the Municipal District. For these standing orders, the reference is not to the Cathaoirleach of the Council, which is a different role.

The “**Chief Executive**” means the Kildare County Council Chief Executive or her/his duly appointed deputy.

The “**Council**” means the elected policy-making forum for the administrative county of Kildare.

An “**excluded day**” means a Saturday or a Sunday or a public holiday within the meaning given in the Organisation of Working Time Act 1997 or any other day on which the principal offices of the council are closed.

The “**Leas Cathaoirleach**” means the person elected as Leas Cathaoirleach of the Athy Municipal District at the Annual Meeting of the Municipal District. For these standing orders, the reference is not to the Leas Cathaoirleach of the Council, which is a different role.

A “**Meeting**” means a Meeting pursuant to the Act of the Municipal District save where the context indicates otherwise.

The “**Meetings Administrator**” means the person assigned the duties of Meetings Administrator pursuant to the Act.

A “**Member**” means a person elected or co-opted as a councillor in accordance with law to membership of the Municipal District.

A “**motion**” is a formal proposal for action relating to a function of the council for the business of the municipal district to be put before the committee for approval.

A “**Municipal District**” is an administrative area of local governance at sub-county level comprised of one or more local electoral areas.

The “**Municipal District Manager**” means the person delegated the duties of the Chief Executive in servicing of the Athy Municipal District.

A “**Point of Order**” is an appeal to the Cathaoirleach for a ruling on a matter of procedure.

The “**remote**” attendance of a Meeting of the Municipal District provides for participation, from a different location, using an agreed telecommunications link.

A “**Question**” is a request for information, that excludes a proposal for action, relating to a function of the council for the business of the municipal district.

A “**Quorum**” shall be one-fourth of the total number of Members of the Municipal District plus one or, where one-fourth of such total number is not a whole number, the Quorum shall be the next highest whole number plus one. The Quorum for a Meeting of the Athy Municipal District thereby is **three**, except where otherwise required by legislation. Members attending or remotely attending a Meeting will count for the constitution of a Quorum.

## **1. Meetings of the Municipal District**

Unless upon any occasion when it is otherwise fixed by statute or by resolution of the Municipal District Members, ordinary Meetings of the Municipal District shall be held on the third Monday of each month at 10.00 a.m. A schedule of ordinary Meetings of the Municipal District for the ensuing year shall be approved at the November Meeting of the Municipal District each year.

## **2. Annual Meeting**

In every year in which a local election is held the annual Meeting shall be held on the date specified by the local authority, which shall be not later than ten days after the annual Meeting of the local authority, and not on an excluded day.

In every year which is not an election year, the annual Meeting shall be held on the day of the ordinary Meeting of the Municipal District in July.

Whenever an annual Meeting is for any reason not held on the appointed day the Meetings Administrator shall, following consultation with the Cathaoirleach, or if the office of Cathaoirleach is vacant or he/she is unable to act, with the Leas Cathaoirleach, convene a Meeting for a day which the administrator considers to be the earliest convenient date for that purpose.

In an election year, the Municipal District Members shall publish a notice of their annual Meeting on the website of the local authority immediately upon the setting of the date for this Meeting by the local authority. The notice shall state the date and venue of the annual Meeting, that the first business of the Meeting will be the election of the Cathaoirleach, and where

appropriate specify the bodies to which the Municipal District Members are entitled to make appointments at that or a subsequent Meeting.

At an annual Meeting in an election year the Meetings Administrator shall chair the Meeting until a new Cathaoirleach is elected. Any employee of the local authority selected in accordance with this subparagraph shall not have any vote.

At an annual Meeting in an election year the election of a Cathaoirleach is to be the first business of an annual Meeting and the next business, the election of a Leas Cathaoirleach. In the case of the annual Meeting in an election year, the business to be transacted after the election of the Cathaoirleach and the Leas Cathaoirleach shall include the consideration of the election, appointment or nomination of Members of bodies elected, appointed or nominated by the Municipal District Members.

### **3. Meeting to Consider Draft Budgetary Plan**

The Chief Executive shall consult with the Municipal District Members in the preparation of the draft local authority budget and for this purpose a draft budgetary plan will be prepared. This draft budgetary plan will allow the Municipal District Members determine the manner in which the General Municipal Allocation will be spent. The draft budget plan shall be considered by the Municipal District Members within the period determined by the Minister and the deliberations shall be concluded at least 21 days prior to the date set for the local authority budget Meeting.

#### **4. Special Meetings**

A special Meeting of the Municipal District may be convened at any time by the Cathaoirleach, or if the office of Cathaoirleach is vacant or the Cathaoirleach is unable to act, by the Leas Cathaoirleach, or by the Cathaoirleach on foot of a request in writing presented to her/him by any three Members.

Where the Cathaoirleach refuses or neglects to act on foot of a request within seven days of it being presented to her/him, the Members making the request may convene a Meeting. The provisions of paragraph 6 of Schedule 10 of the Act shall apply in relation to the calling of such a Meeting.

#### **5. Hour of Meeting**

The hour of Meeting of the Municipal District shall be 10.00 a.m. or at such other hour as may from time to time be fixed by resolution of the Municipal District Members. The Municipal District shall rise not later than 1.00 p.m.

#### **6. Place of Meeting**

In so far as practicable the place for holding Meetings of the Municipal District shall be the principal offices of the council at Áras Chill Dara, Devoy Park, Naas and Meetings shall normally be held there. From time to time, by resolution, the Municipal District may appoint an alternative location for a particular Meeting.



In accordance with Section 29 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 the Meetings of the Municipal District may be held at:

- the Council chamber,
- one or more council buildings or rooms linked using telecommunications,
- an electronic, digital, or virtual location, web address or a conference call telephone number,
- a combination of the above to provide for attendance and remote attendance by Members.

## **7. Summoning of Meeting**

A notification to attend a Municipal District Meeting, other than a Meeting to consider the Draft Budget Plan, shall

- a. be sent by e-mail or otherwise delivered to each Member of the Municipal District,
- b. specify the place, date and time of the Meeting,
- c. give not less than three clear days' notice.

The three clear days shall only exclude

- i. the normal day for receipt of the notice,
- ii. the day of the Meeting

In the case of the draft budget plan Meeting, seven days' notice shall be given.

The notification shall include or be accompanied by an agenda listing the business to be transacted at the Meeting. Subject to Standing Order 16 no business shall be transacted at a Meeting other than that specified in the agenda which relates to the

Meeting or business required by the Act, or otherwise by law, to be transacted at the Meeting.

An agenda which has been sent or delivered for this purpose may be altered (whether by way of addition, deletion or otherwise) if an agenda specifying the alteration is delivered or sent to each Member not less than three clear days before the day on which the Meeting is to be held.

In the case of a special Meeting convened by requisition under Standing Order 4, a copy of the requisition shall be sent with the notification.

A notification shall have the signature of the Meetings Administrator and any document claiming to have that signature shall be deemed, until the contrary is proved, to have been duly issued or given with the authority of the Municipal District Members.

Want of service or non-receipt of a notification by any Member or lack of a signature or any other defect in the notification does not affect the validity of a Meeting or of any act or thing done at the Meeting.

For the purposes of this standing order "signature" includes an e-signature or facsimile of a signature by whatever process reproduced or a printed version of the name of the Meetings Administrator.

## **8. Public Notice of Meeting**

Public notice of the place, date and time of a Municipal District Meeting shall be displayed not less than three clear days before the day of the Meeting in or at the principal office of the council and at the place of the Meeting, in a position convenient for public inspection during normal office hours.

The notice shall include the agenda for the Meeting or specify a place where the agenda can be inspected and in the case of a Meeting requisitioned under Standing Order 4, the agenda shall include or be accompanied by a copy of the requisition and the foregoing documents shall be published on the council's website on their date of issue.

Subject to any arrangements as it may make, the Municipal District shall supply a copy of a public notice and agenda to the media.

## **9. Constitution of Meetings**

Where Members are attending remotely, all participants should:

- engage in the meeting through MS Teams, using headsets and a webcam where practicable
- establish a connection ten minutes prior to the commencement of the Meeting to allow themselves and the Meeting Administrator the opportunity to test the connection
- mute their microphones

Each Member remotely attending a Meeting has personal responsibility to ensure and confirm to the Meetings Administrator that there is no other person present, or with access to the Member's equipment or telecommunications link, who is not entitled to hear, see or participate in the consideration of items at the Meeting.

The chair shall be taken by the Cathaoirleach at a Meeting of the Municipal District within fifteen minutes after the time appointed for such Meeting or in his/her absence by the Leas Cathaoirleach or otherwise by a Member called thereto by general agreement or chosen by vote of the Members present to chair the Meeting, and such Member shall leave the chair on the arrival at the Meeting of the Cathaoirleach or Leas Cathaoirleach; similarly, the Leas Cathaoirleach will yield the chair to the Cathaoirleach.

The names of the Members attending Meetings in Áras Chill Dara shall be recorded by each Member using the electronic system provided either via the biometric reader or the access card reader or the attendance register. Meetings held outside of Áras Chill Dara or Meetings with remotely attending participants will be recorded by the Meetings Administrator in an attendance register provided for that purpose.

Any Member or official attending a Meeting remotely must, when speaking, be able to be heard (and seen, where practicable) by all other participants, and in turn, a remote participant must be able to hear (and see, where practicable) the other participants.

The Cathaoirleach will at the outset, and at any reconvening of a Meeting with remotely attending Members, request a roll call of Members and ensure that they can hear and, where practicable, see those in attendance. Any Member attending remotely should also confirm at the outset and at any reconvening of the meeting that they can hear and, where practicable, see the proceedings.

As soon as practicable, the Cathaoirleach and the Meetings Administrator should be informed by a remotely attending Member if he/she becomes disconnected from a telecommunications link during a Meeting by phoning or texting the Leas-Cathaoirleach, or another practical means.

Members leaving the meeting should make every effort to inform the Cathaoirleach through the chat function that they are exiting the meeting to ensure there is a Quorum remaining and so that it is not presumed to be a loss in connectivity.

Whenever a Meeting of the Municipal District is abandoned owing to failure to obtain a quorum the names of those present at the time and place appointed for such Meeting shall be recorded by the Meetings Administrator and they shall for all purposes be deemed to have attended a duly constituted Meeting.

If a quorum is not present within thirty minutes after the time fixed for the Meeting or at any time during the Meeting, the Meeting shall stand adjourned to a day to be named by the Cathaoirleach.

## 10. **Order of Business**

The order of business at all Meetings other than annual Meetings, Draft Budget Plan Meetings and special Meetings shall, subject to the provisions of any enactments, be as follows:

- I. Declaration of pecuniary or beneficial interests under Section 177 of the Act
- II. Confirmation of the minutes of Municipal District Meetings and the noting of reports of progress in matters raised at previous meetings
- III. Business prescribed by statute, Standing Orders, reports or recommendations presented by or on behalf of the Chief Executive, and correspondence.

The order of business at Meetings of the Municipal District shall be so arranged as to permit grouping of items, which relate to specific services accountable to directors by notices of Motions and then by notices of Questions.

In the case of a Meeting convened for a special purpose the business specified in the notification for such Meeting and no other business shall be transacted.

At any ordinary Meeting of the Municipal District, it shall be proper, if a majority of the Members present and voting so decide, to take an item for consideration out of the sequence of listing on the agenda, provided always that such decision shall not affect any business required by statute to be done at the Meeting.

## 11. Minutes

Minutes of the proceedings of a Meeting of the Municipal District shall be drawn up by the Meetings Administrator.

The minutes shall include:

- the date, place and time of the Meeting;
- the names of the Members present at the Meeting;
- the names of the senior employees of the council present at the Meeting;
- reference to any report submitted to the Members at the Meeting;
- where there is a roll call vote, the number and names of Members voting for and against the motion and of those abstaining;
- particulars of all resolutions passed at the Meeting;
- such other matters considered appropriate.

A copy of the minutes of a Meeting shall be sent or given by the Meetings Administrator to each Member of the Municipal District.

Minutes of a Meeting shall be submitted for confirmation as an accurate record at the next following ordinary Meeting, where practicable, or where not, at the next following Meeting and recorded in the minutes of that Meeting.

A Member may object, when the question that they be confirmed is put from the chair, provided the Member had given notice in writing to the Meetings Administrator by noon on the Tuesday prior to the Meeting, to any part thereof as not being an accurate record. Members shall be notified in advance of a Meeting of such objections.

Upon a motion any question of altering the record shall be determined by the Municipal District by majority vote of those Members who were present at the appropriate Meeting. When confirmed with or without amendment, the minutes of a Meeting shall be signed by the person chairing the Meeting at which they were submitted for confirmation, and any minutes claiming to be so signed shall be received in evidence without proof.

A copy of the minutes when confirmed in accordance with this standing order shall be open to inspection at the principal offices of the council and any person may inspect and make a copy of, or abstract from, the minutes during the usual office hours of the authority.

## **12. Notices of Motion**

Every notice of motion dated and signed by the Member or Members giving it shall be delivered to the Meetings Administrator and shall be recorded in the order of its receipt and shall appear on the agenda in the following order:

- Adjourned motions
- Joint proposers' motions
- Single proposer motions

Where there are two or more motions relating to the same topic which are substantially the same, they shall be listed together.

A notice of motion delivered by electronic means shall, if it has the name of a Member appended thereto and if it appears to have been sent by her/him, be deemed for the purposes of this order to have been delivered by that Member.



No notice of motion shall be set down on the agenda for any Meeting unless such notice of motion shall have been delivered to the Meetings Administrator at least twelve clear days before the date of such Meeting.

No Member shall be permitted to have more than two motions (excluding adjourned motions) on the agenda for any Meeting of the Municipal District. A member shall be permitted to have a question in lieu of a motion on the agenda. For the purpose of this paragraph, the limit of two motions shall apply across all the agendas for Municipal District Meetings so that the listing of a motion in relation to one Municipal District Meeting shall cause a corresponding reduction in a Member's entitlement to have motions listed for another Municipal District Meeting.

Any notice of motion submitted jointly in the names of two or more Members shall be considered as a notice of motion submitted separately by each Member subscribing to the notice and each section of a multiple motion shall be considered as constituting a separate motion.

A notice of motion recommending or involving expenditure shall not be considered by the Municipal District unless the Municipal District has before it at the same time a certificate from the appropriate officer setting out the estimated expenditure which would be involved by the adoption of the motion.

Any notice of motion relating to a matter normally dealt with by a committee or coming within the terms of reference of any committee(s) shall be referred to such committee(s) as the Meetings Administrator may determine. Any dispute on such reference shall be determined by the Cathaoirleach.

The Meetings Administrator shall decide on the listing of motions on the agenda in accordance with Standing Orders and the Code of Conduct for Councillors. If the Meetings Administrator and the Member submitting the motion cannot agree on the listing of a motion, the Member shall receive notification of the Meeting Administrator's decision. The Member may then appeal the decision to a panel, that comprises of the Cathaoirleach, the Chair of the Protocol and Procedures Committee and the Municipal District Manager, who will collectively consider the appeal on the listing of the motion and their decision on the matter shall be final.

### **13. Notices of Question**

Every notice of question dated and signed by the Member or Members giving it shall be delivered to the Meetings Administrator and shall be recorded in the order of its receipt and shall appear on the agenda in the order they are received by the Meetings Administrator.

Where there are two or more questions relating to the same topic which are substantially the same, they shall be listed together.

No question shall be set down on the agenda for any Meeting unless such notice of question shall have been delivered to the Meetings Administrator at least twelve clear days before the date of such Meeting.

No Member shall be permitted to have more than two questions on the agenda for any Meeting of the Municipal District, save where a question has been submitted in lieu of a motion. For the purpose of this paragraph, the limit of questions shall apply across all the agendas for Municipal District Meetings so that the listing of a question in relation to one Municipal District Meeting

shall cause a corresponding reduction in a Member's entitlement to have questions listed for another Municipal District Meeting.

Any notice of question relating to a matter normally dealt with by a committee or coming within the terms of reference of any committee(s) shall be referred to such committee(s) as the Meetings Administrator may determine. Any dispute on such reference shall be determined by the Cathaoirleach.

The Meetings Administrator shall decide on the listing of questions on the agenda in accordance with Standing Orders and the Code of Conduct for Councillors. If the Meetings Administrator and the Member submitting the question cannot agree on the listing of a question, the Member shall receive notification of the Meeting Administrator's decision. The Member may then appeal the decision to a panel, that comprises of the Cathaoirleach, the Chair of the Protocol and Procedures Committee and the Municipal District Manager, who will collectively consider the appeal on the listing of the motion and their decision on the matter shall be final. Only the Member, or Members, putting the question shall be allowed to speak on the question, but only then to elicit clarifying information within the scope of the original question in reply. No debate or other shall be allowed on a question.

Except with the permission of the Cathaoirleach the submitter of a question may speak for up to two minutes to elicit clarifying information.

Questions shall, as far as possible, be answered at the Meeting for which they are submitted; and in any case where the requested information is not available, the reply will be conveyed in writing to the Member concerned as quickly as possible after the Meeting and recorded in the progress report of the subsequent Meeting.

#### **14. Motions to Amend or Revoke Resolutions**

A motion to revoke or amend a resolution of the Municipal District Members can only be made on notice inserted in the agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made; but no such motion shall be allowed to appear on the agenda to revoke or amend any resolution of the Municipal District within six months of the date of the adoption of such resolution except with the written assent of not less than two-thirds of the Members of the Municipal District. A resolution may not be revoked at the Meeting at which it has been adopted.

It shall be necessary for adoption of a motion to revoke or amend a resolution of the Municipal District that at least a majority of the Members of the Municipal District vote in favour of the motion. This is subject to any statutory requirement.

Subject to the above, any matter decided by the Municipal District by motion on notice or on the report of a committee shall not be re-opened within six months of the date of such decision.

#### **15. Reports for Meetings**

Reports for Meetings of the Municipal District to be issued to Members three days in advance of a Meeting. Reports can be issued electronically but must carry the name of the person issuing the report. Where no written report is issued within the timeframe outlined above, the Director of Services for the relevant service area must attend the Meeting. Where a Member is satisfied with a report it can be taken as read at the Meeting.

## **16. Motion for Purpose of Dealing with Urgent Business**

Notwithstanding any other provisions of these standing orders a motion regarding urgent business, related to a function of the Municipal District, must be submitted to the Cathaoirleach, Municipal District Manager and Meetings Administrator at least three working days in advance of the Meeting at which the issue is to be considered, subject to the requirement that at least a majority of the Members of the Municipal District vote in favour and subject to no such motion being deemed to be carried until two thirds of the Members present vote in its favour.

## **17. Adjournment of Municipal District Meeting**

A Meeting of the Municipal District may be adjourned by consent of the Members present or by a decision of the Cathaoirleach under standing orders dealing with disorder, and the business should stand adjourned until the next Meeting.

A special Meeting may be adjourned from time to time until its business is concluded.

## **18. Motions and Amendments**

The proposer of an amendment to a motion shall upon moving same, deliver a copy in writing or by a telecommunications link to the Cathaoirleach and Meetings Administrator.

A motion, notice of which stands in the agenda and which has been proposed and seconded, may be withdrawn only on leave obtained from a majority of the Municipal District Members present at the Meeting and at the request of the Member concerned. A motion may either be proposed by the Member in whose name it stands or if he/she be absent, by any Member authorised by her/him in writing to the Meetings Administrator to

propose it on her/his behalf, but unless so proposed, the motion shall be removed from the agenda and shall not re-appear except on fresh notice.

A motion or an amendment when not seconded is lost.

An amendment which has been proposed and seconded may be withdrawn only on leave obtained from a majority of the Municipal District Members present at the Meeting and at the request of its proposer and seconder.

Every amendment shall be relevant to the motion on which it is moved and shall be either

- to leave out words,
- to leave out words and insert or add others,
- to insert or add words.

An amendment shall not be in order if it is equivalent to a direct negative or if it is not in fact an amendment of the motion it purports to amend.

Whenever an amendment on an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. Notice of all amendments shall be given in writing to the Cathaoirleach and Meetings Administrator and communicated to the Meeting by the Meetings Administrator before the first amendment is taken.

When an amendment is affirmed the original motion as amended becomes the substantive motion upon which any further amendment, of which notice has been given may be moved.

When an amendment is lost any further amendment of which notice has been given may be proposed, but only one amendment

shall be at any time before the Meeting and an amendment shall not be in order if the Cathaoirleach rules it to be substantially the same as an amendment already lost.

## **19. Order of Debate**

When a Meeting has Members attending remotely:

- Members will request to address the Meeting through the chair by maintaining a display of the electronic hand symbol
- The Cathaoirleach's decision in determining the order of speakers shall be final

Reports of progress in matters raised at previous meetings shall be noted without debate.

Except with the permission of the Cathaoirleach the proposer of a motion may speak for four minutes, other Members may speak on the motion for one minute, with the proposer having a right of reply for one minute while the motion remains before the Cathaoirleach and when the proposer replies the debate on the motion is closed. A Member may speak once upon any item on the agenda or on any motion except a motion which is to be put without debate.

A Member may speak more than once on the same motion or amendment for the purpose only of submitting a point of order or making a personal explanation. The Cathaoirleach's decision in determining a point of order or personal explanation shall be final.

The Cathaoirleach shall ascertain that a motion is seconded, and the Meeting shall hear any report on it before the proposer is permitted to speak to it.

A motion “that the Municipal District proceed to the next business” may be made after any motion has been proposed and seconded. When made it shall be determined without amendment or debate and if it be affirmed the business interrupted by such motion shall not be proceeded with further at that Meeting and unless the Municipal District Members otherwise determine shall be adjourned to the next ordinary Meeting. The motion to proceed to next business shall not be made more than once during the debate on any question.

At any time during a discussion on a motion a Member may move “that the question be now put” and if such leave be given by the assent of the majority of Members present and voting, the motion shall be put, subject to the right of reply by the proposer of the original or substantive motion.

When two or more Members at the same time offer to speak, the Member called upon by the Cathaoirleach shall have precedence.

A Member while speaking shall address only the Cathaoirleach. No Member shall address the Cathaoirleach, unless from the seat or a telecommunications link reserved for the Member.

A Member speaking shall not be interrupted except upon a question of order but may give way to a Member desiring to make a personal explanation.

When a Member seeks to make a Point of Order, the Member then addressing the Cathaoirleach shall give way until the question of order has been determined by the Cathaoirleach.



The Cathaoirleach is the sole judge of order at Meetings of the Municipal District and has authority to maintain order and enforce prompt obedience to his/her ruling. When during a debate the Cathaoirleach rises, any Member then speaking shall give way to the Cathaoirleach.

Members shall comply with the Code of Conduct for Councillors, act with civility, show courtesy to each other and to the employees and no Member shall use offensive or unbecoming language; and employees shall show similar courtesy to Members.

Members must bear in mind that discussions at Meetings are not privileged.

The Cathaoirleach shall call a Member to order for irrelevance, repetition, false statements, offensive or unbecoming language, imputations of improper motives, reflections of a personal character upon another Member or an employee or a third party, or a disorder, and may direct such Member, if speaking, to discontinue their speech. Any Member having made such statements or used such objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof when requested by the Cathaoirleach to do so, shall be subject to a ruling on disorder, including consideration on irregularity, impropriety, offensiveness or persistently disregarding the ruling of the chair.

## **20. Disorderly Behaviour/Conduct**

If, in the opinion of the Cathaoirleach, a Member's conduct is considered to be disorderly then the Cathaoirleach may move that the named Member concerned leave the Meeting and the motion, if seconded, shall be put and determined without discussion.

Where the Municipal District decides that a named Member leave a Meeting, that named Member shall immediately leave the Meeting and shall not be entitled to speak or to take any further part in that Meeting on that day.

Where, in the opinion of the Cathaoirleach, there is general disorder which impedes the orderly transaction of business or where a named Member against whom it was resolved that he/she leave the Meeting refuses to do so, the Cathaoirleach may adjourn or suspend the Meeting for such period as he/she considers necessary in the interests of order.

Schedule 10 of the Act provides that sanctions can be applied against a councillor who refuses to leave a Meeting after the passing of such motion and whose refusal then causes that Meeting to be adjourned.

## **21. Ethics**

Members shall at all times comply with the provisions of law relating to their conduct in public office and especially with all of Part 5 of the Act and with any guidelines on ethics, the Code of Conduct for Councillors 2019 and any codes of conduct issued by or on behalf of the government.

Members shall comply in all respects with Section 177 of the Act; and any Member having a pecuniary or beneficial interest in a matter before a Meeting of the Municipal District or any of its committees, or having knowledge that a connected person, as defined in the Act, has any such interest, shall declare the interest and withdraw from the Meeting for so long as the matter is being discussed or considered and shall have no part in the proceedings relating thereto and shall refrain from voting in relating to it. **The onus is on the Member to declare the interest to the Cathaoirleach and the members and leave the chamber. Where the member is attending remotely, they must terminate any telecommunications link with the Meeting. The declaration will be recorded in the minutes at the time of departure.**

Their departure will be confirmed by the Meetings Administrator, who will invite the relevant Member, by a practicable and pre-agreed method of communications, to re-join the meeting at the appropriate time.

## **22. Deputations**

Municipal Districts may by resolution decide to receive a deputation in person or by remote attendance. The scheduling of an agreed date and time for a deputation should take account of the business of the proposed Municipal District Meeting.

The receipt of a deputation is conditional on the Meetings Administrator being provided with a submission on the issues not less than seven clear days before the day on which the Meeting is to be held.

Deputations to Municipal Districts shall consist of not more than three persons and any member may address the Meeting. The

deputation may speak to present the issues for not more than five minutes. The Cathaoirleach shall not permit any discussion on the subject matter of the deputation while the deputation is being received. The Members of the Municipal District committee may question the deputation to elicit further information but the deputation but shall not be entitled to ask questions or engage in debate.

When, in the opinion of the Cathaoirleach, a deputation has stated its case and no further useful purpose can be served by their extended attendance, he/she shall have power to terminate the Meeting with the deputation.

A deputation shall receive a report on the issues raised after the Members of the committee have received a copy of the report.

Deputations shall not be received save in accordance with this order.

### **23. Questions, Votes and Divisions**

Every question shall be determined by a show of hands or an electronic show of hands or an electronic vote, unless a Quorum of Members request a roll call vote, in which case the names for and against the motion or amendment shall be taken down in writing and recorded in the minutes.

When voting is determined using electronic equipment, a Member shall only record a vote using the equipment at the seat or the telecommunications link assigned to the Member. Failures in the accurate use of electronic voting equipment shall be notified to the Cathaoirleach for the record as soon as they are observed.

A vote taken with Members attending remotely constitutes a valid vote towards the decision of the Council.

To commence a vote, the Cathaoirleach shall ensure that all electronic hand symbols are de-selected. Members will then display their electronic hand symbol in response to the Cathaoirleach's instructions during periods for indicating a vote for, against or an abstention.

Where a Member loses connectivity during a statutory vote, every effort will be made to re-establish a connection. If a connection cannot be restored within a reasonable timeframe, every effort will be made to allow the member to vote by telephone call with the Leas Cathaoirleach.

Where the Cathaoirleach has not formally declared the result of a vote, or is in doubt as to whether his/her declaration is right or wrong, he/she is entitled if he/she thinks fit to take a second vote on the matter, especially if he/she considers that through some misunderstanding the first vote did not properly represent the sense of the Meeting at that time. For the business of meetings with remote attendance, the Cathaoirleach may clarify a decision by roll call vote.

Each Member present at a Meeting of the Municipal District shall have a vote unless prohibited by any enactment.

Without prejudice to any enactment or other provisions of these standing orders requiring either the presence of a specified number or proportion of the Members or that a specified number or proportion should vote in favour for the doing of any particular act, all acts of the Municipal District which are reserved functions or questions duly coming or arising before a Meeting of the Municipal District shall be determined by a majority of the Members present and voting or where there is an equality of

votes, by a second or casting vote of the Cathaoirleach who shall have and may choose to exercise such a vote.

#### **24. Exercise of Reserved Functions by the Local Authority**

Where the Chief Executive, following consultation with the Cathaoirleach or Leas Cathaoirleach advises that any proposed exercise or performance of a reserved function should be by the Council, no motion or resolution purporting to exercise or perform such function shall be put.

A motion to decide to refer the matter to the Corporate Policy Group as to whether the function should be exercised and performed by the Council of the local authority or by the Municipal District Members may be proposed and seconded at the Meeting and put for decision at that Meeting in accordance with Standing Order 18.

Any reserved function, the subject of advice from the Chief Executive and referred to the Corporate Policy Group, shall not be exercised or performed unless and until the Corporate Policy Group indicates that it may be so exercised by the Municipal District Members.

#### **25. Attendance of Public and Media**

Members of the media and public can remotely attend Meetings by applying for a telecommunications link that is compatible with the technology available to the council.

The right of the public and representatives of the media to attend Municipal District Meetings is subject to the following: -

A resolution decided by the Municipal District to meet in committee.

Members of the public and representatives of the media will occupy the places, or use an agreed telecommunications link, allotted to their use.

The public shall be admitted subject to the availability of adequate accommodation or an agreed telecommunications link and public safety. Members of the public shall be seated and maintain silence and observe any directions given by the Cathaoirleach or by any employee in attendance upon the Municipal District Members. Such employees are responsible for the execution of all measures necessary for the maintenance of order and decorum in and about the chamber and on any telecommunications links.

If a member of the public interrupts a Meeting at any time or endeavours, without the permission of the Municipal District Members to address a Meeting, the Cathaoirleach shall warn her/him and if the interruption continues shall order that person's removal or telecommunications link be disconnected.

In the case of a general disturbance in any part of the Meeting room open to the public, or from telecommunications links open to the public, the Cathaoirleach shall order that part to be cleared or the telecommunications link to be disconnected.

No cameras, communication, screen or sound capturing technologies may be used to record any participants or proceedings in a Meeting of the Municipal District without the prior approval of the Members.

Making or receiving voice calls on mobile telephones or computers shall not be permitted at Meetings of the Municipal District except for the purposes of remote attendance.

During the course of a Meeting [from the time the Meeting is opened until it is closed], the use of social media to report on business of Municipal District Meetings is prohibited without the prior approval of the Municipal District Members.

## **26. In Committee Meetings**

Where the Municipal District is of the opinion that the absence of members of the public and or representatives of the media from the whole or part of a particular Meeting is desirable because of the special nature of the Meeting or of an item of business to be or about to be considered at the Meeting or for other special reasons, the Municipal District may, by resolution in respect of which, at least one-half of the total number of Members vote in favour, decide to meet in committee for the whole or part of the Meeting concerned. The resolution in this instance shall indicate in a general way the reasons for the resolution and those reasons shall be recorded in the minutes of the Meeting.

Notwithstanding the above, the first half-hour from the start of a Municipal District Meeting may be in closed session, by agreement of the Municipal District Members, to allow for discussion of private and confidential matters.

Where the Municipal District has by resolution decided to meet in committee for some or all of the Meeting, each Member remotely attending a Meeting has personal responsibility to ensure and confirm to the Meetings Administrator that there is no other person present, or with access to the Member's equipment or telecommunications link, who is not entitled to hear, see or participate in the consideration of items at the Meeting. Once the exclusion has been agreed by the Members, the Meetings Administrator shall call on each member participating remotely to



so confirm, and such confirmations shall be noted in the minutes before commencement of discussion on the matter at hand.

## **27. Committees**

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

In the election of committees, candidates shall be proposed and seconded and if the number so proposed and seconded does not exceed the number of vacancies, those proposed and seconded shall be declared elected. Should the number of those proposed and seconded exceed the number of vacancies the provisions of paragraph 18 of Schedule 10, of the Act (and the requirements of any other enactment) will apply to appointments to committees.

Every special committee, at its first Meeting, shall appoint a Cathaoirleach from its Members and, where practical, fix the day and the hour of future Meetings.

Whenever a vacancy occurs in the Membership of any committee of the Municipal District Members, by reason of the death, resignation or disqualification of a Member, such vacancy shall be filled as soon as circumstances permit, by the Municipal District Members after due notice.

In a committee, a motion or amendment may be proposed without a seconder, and a Member may speak more than once to any question, but otherwise the rules of order of the Municipal District Members, so far as they are conveniently applicable, shall govern all proceedings of committees, and the Member in the Chair at any Meeting of a committee shall determine questions of order.

Every committee, in the whole of its proceedings, shall be governed by the Standing Orders or Resolutions of the Municipal District Members affecting such committee.

A copy of every report of a committee to be submitted to the Municipal District Members shall, before the submission thereof, be transmitted to every Member at least four days before Meetings of Municipal District Members, save in cases of urgency when reading of the report to the Municipal District Members shall suffice.

Save for Meetings of such committees, as the Municipal District Members may specify from time to time, representatives of the media and the public may be present at Meetings of committees of Municipal District Members. When confidential matters are under discussion committees may decide to exclude such representatives from the Meeting or the relevant portion of the Meeting.

The Meetings Administrator shall summon a Meeting of any committee at the request of the Cathaoirleach of the committee, or any three of its Members, or whenever the Meetings Administrator deems it necessary in special circumstances that such committee shall meet.

The Cathaoirleach of the Municipal District shall be ex-officio a Member of every committee except those where membership is fixed by statute.

In the absence of the Cathaoirleach of a committee, the chair shall be taken by any Municipal District Member of the committee agreed at the Meeting.

The Cathaoirleach of each committee shall be responsible to the Municipal District Members for the general management of the business entrusted to such committee.

The Municipal District Members may resolve themselves into a committee of the whole of the Municipal District Members for the transaction of business to be specified in the resolution.

The decisions of the committees of the Municipal District Members shall not become binding, until approved by the Municipal District Members, unless the Members specifically empowers these committees to deal (without further reference to it) with certain matters, subject to the appropriate legal provisions.

## **28. Suspension of Standing Orders**

Subject to the provisions and requirements of the Act, and any other enactment, any standing order, except numbers 14, 16, 18, 19, 20, 21 and 23, may at any time be suspended on a motion proposed without notice for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the Municipal District, subject to the requirement that at least two-thirds of the Members present vote in favour, any fraction in the calculation of two-thirds being disregarded.

## 29. **Amendment and Duration of Standing Orders**

These standing orders shall remain in force from the date of their adoption, which date shall be recorded and entered on a copy to be held at the council's head office, until such time as the Municipal District shall decide by resolution to repeal them. Pending any such resolution, these orders may be amended by a resolution of the Municipal District for which two thirds of the Members of the Municipal District vote in favour.

For this purpose, two thirds of the Membership shall be determined by disregarding any fraction remaining after the calculation of two thirds.

Adopted by the Athy Municipal District on Monday, 15 March 2021 pursuant to the provisions of Section 44 of the Local Government Act 2001 [as amended], in witness whereof the seal of the Council has been affixed.

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Aoife Breslin

Cathaoirleach, Athy Municipal District

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Annette Aspell

Athy Municipal District Manager