



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



LG 2/2015

30 January 2015

**Part 15 – Local Government Act 2001
Revised Annual Declaration Forms**

Dear Chief Executive

The main purpose of this circular is –

- to bring to your attention the revised Annual Declaration Forms provided for with immediate effect by recently made regulations under Part 15 of the Local Government Act 2001 (the Act) arising from recent recommendations made by the Standards in Public Office Commission, and
- to remind local authorities about the importance of the ethical framework in local government and its requirements.

While there are no substantial changes to most of the requirements of the local government ethical framework, all relevant documentation, revised to reflect the recent regulations and other legislative changes (e.g. section 13 of the Act in relation to disqualification from membership of local authorities; section 166 of the Act in relation to connected persons, etc.) is being issued in full for completeness and ease of reference.

Appendix 1 to this circular sets out a summary of the essential features of Part 15 of the Act. **Appendix 2** summarises the main elements of the ethics framework for the assistance of Chief Executives and for the Ethics Registrars.

Part 15 of the Act sets out the ethical framework for all those involved in the local government service, both members and employees. This framework imposes a statutory duty on all in the service to maintain proper standards of integrity, conduct and concern for the public interest.

The purpose of the ethical framework is to support and promote the long tradition of honesty, impartiality and prioritisation of the common good that underlies the service of communities by local authorities. The framework –

- (a) sets out clearly for members and employees the standards of conduct expected of them and which must be adhered to on an ongoing basis; and
- (b) enables compliance with those standards to be demonstrated to the public, thereby upholding public confidence in the system of local government.

Annual Declarations

Following the making of the Local Government Act 2001 (Part 15) Regulations 2015 (SI No. 29 of 2015), in order to implement recent recommendations made by the Standards in Public Office Commission, your attention is drawn in particular to the revised legal requirement for Annual Declarations to be furnished at the beginning of each year.

1 Revised Annual Declaration Forms

The prescribed annual declaration form has now been revised for both Councillors and relevant Employees under the Act to declare they have read–

- the [Code of Conduct for Councillors](#), or as appropriate
- the [Code of Conduct for Employees](#),

and understand its meaning.

2. Additional requirements for Ethics Registrars

Ethics Registrars are now required to issue a copy of the relevant Code of Conduct with all Annual Declaration Forms that accompany the annual notice and make and maintain a record of each elected member and relevant employee in receipt of such a notice. A revised suggested notice for issue by the Ethics Registrar to –

- councillors, requiring submission of Annual Declaration is attached at **Appendix 3**
- employees, requiring submission of Annual Declaration is attached at **Appendix 4.**

3. In summary each Chief Executive should in future –

- ensure that the relevant Codes of Conduct and revised Annual Declaration Forms are issued by the Ethics Registrar to all councillors and relevant employees as soon as practicable in January 2015, and in subsequent years these should issue in the first week of January or as soon thereafter in that month as is practicable.
- ensure that all Ethics Registrars maintain accurate records of the supply of copies of the relevant Code of Conduct to all local authority members and relevant employees.
- note that the public register of interests is compiled from the annual declarations which must be returned by end February.

4. Under Section 171 of the 2001 Act, every member and relevant employee must prepare and furnish to the Ethics Registrar an Annual Declaration in writing containing –

- particulars of his or her declarable interests; and
- a declaration that they have read the Code of Conduct for Councillors and Employees and a further declaration that they understand its meaning, and

- an undertaking to have regard to and be guided by the relevant Code of Conduct in the exercise of his or her functions.

Regulations 6 and 7 of S.I. No. 29 of 2015 require the Ethics Registrar to notify, within the first week in January, or as soon afterwards in January as circumstances permit, each member and relevant employee about the need to comply with this requirement by the last day of February of each year and to enclose the Annual Declaration Form (which has been provided to local authorities in both Irish and English).

Please note that a person may not serve as Ethics Registrar for a continuous period of more than 2 years.

Under section 172 of the Act, the Ethics Registrar is required to maintain a Public Register containing, among other information, the particulars contained in the Annual Declarations. Section 174 of the Act sets out in greater detail the duty of the Ethics Registrar.

Replacement of Circular LG 26/04

This circular updates and replaces circular LG 26/04 of 13 December 2004. Revised –

- notes on Part 15 of Local Government Act 2001 for **Councillors** are attached at **Appendix 5**,
- notes on Part 15 of Local Government Act 2001 for **Relevant Employees** are attached at **Appendix 6**,
- notes on Part 15 of Local Government Act 2001 for **Non-Councillor Members of Local Authority Committees** are attached at **Appendix 7**,
- Annual Declaration Forms, in Irish and in English, for elected members and relevant employees are attached at **Appendix 8**.

These revisions take account of legislative changes since the issuing of circular LG 26/04 of 13 December 2004. In this context the previous –

- suggested notices for issue by Ethics Registrar requiring submission of the Annual Declaration by members and relevant employees,
- notes on Part 15 of Local Government Act 2001 for councillors, relevant employees and non-councillor members of local authority committees, and
- Annual Declaration Forms

attached to circular LG 26/04 should not be used with effect from January 2015.

A copy of the Local Government Act 2001 (Part 15) Regulations 2015 (SI No. 29 of 2015) is attached at **Appendix 9** for reference.

A copy of this circular, which is available on the SharePoint system, including –

- all appendices should be given to each elected member and to all relevant employees.
- appendices 1 and 7, together with a copy of the Code of Conduct for Councillors, should be given to each non-councillor member of local authority committees.

Queries

Any queries in relation to this circular may be directed to Jeanette Young (Local Government Policy Section) at Jeanette.young@environ.ie or 01-888 2728.

If your query relates to staff grades prescribed for purposes of Part 15 or any personnel aspects arising from its implementation please contact –

- Neil Maher (Local Government HR Section) at neil.maher@environ.ie or 053-911 7433, or
- Peter Connaughton (Local Government HR Section) at peter.connaughton@environ.ie or 053-911 7496

Yours sincerely



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To each Chief Executive
CC Ethics Registrars, AILG and LAMA