



Coimisiún um Chaighdeáin in Oifigí Poiblí
Standards in Public Office Commission

Mr Daniel McLoughlin, Chief Executive
South Dublin County Council
County Hall,
Tallaght
Dublin 24
D24 YNN5

21 December 2018

Re: Notification Annual Declaration, Local Government Act 2001 (the “2001 Act”)

Dear Chief Executive

Pursuant to the Code of Conduct for both Employees and Councillors of local authorities, and on foot of queries regarding the obligations of employees and councillors to declare certain interests, the Standards in Public Office Commission (the “**Commission**”) wishes to provide clarity to elected members and employees of local authorities (“**Local Authorities**”) in respect of declarable interests of councillors and employees.

As you are aware, the Codes of Conduct referred to above provide that relevant advice “*may be issued from time to time by the Minister for Environment, Heritage and Local Government or by the Standards on Public Office Commission*”.

The Commission is writing to advise all local authorities (Chief Executives and Cathaoirleach) that the activities of Local Enterprise Offices (“**LEOs**”) are considered by it to be within the remit of ‘Declarable Interests’, Section 175 of the 2001 Act for the purposes of the statutory requirements of Section 171 of the 2001 Act. This means that, where a councillor or employee is engaged in outside activities (including contracts) with LEOs, they may fall to be declared. Further explanation follows.

1. Annual Declarations and Declarable Interests

Section 171 of the 2001 Act requires certain individuals, as identified by Section 167 of the 2001 Act (for example councillors and employees of local authorities), to furnish an annual declaration to include any declarable interests as outlined in Section 175 of the 2001 Act, in conjunction with an undertaking to have regard and be guided by the relevant Code of Conduct.

The 2001 Act provides significant detail as to what declarable interests can entail. The most relevant for the purposes of this notification is Section 175 (j) of the 2001 Act which outlines that a declarable interest can include being a party to a contract or in any other way being

directly or indirectly interested in the supply of goods and services to a local authority where the value of the supply during the relevant period exceeds €6,500 and / or if the supply was through a contract with a local authority, the aggregate of the contract's value exceeded €6,500.

2. LEOs

The County Enterprise Boards (Dissolution) Act 2014 (the "**Dissolution Act**") dissolved county enterprise boards and transferred their functions to Enterprise Ireland. Section 6(3)(a) of the Dissolution Act provides "*the functions transferred to Enterprise Ireland by this section shall, in the functional area of a local authority, be performed on its behalf by that local authority*".

The Commission acknowledges that Enterprise Ireland controls the funding and policies of LEO's, whilst the local authorities perform the functions, transferred to Enterprise Ireland pursuant to the Dissolution Act, where that is the functional area of a local authority. For example, each local authority has a Strategic Policy Committee on Economic Development, Enterprise Support and Culture and the Executive is required to have a Head of Enterprise function. The legislation provides for a partnership between Enterprise Ireland and the local authorities in ensuring the effective operation of LEOs.

From 1 January 2019, the Commission will consider that contracts and / or the supply of goods or services to local authorities will also include such activity with LEO's. The effect of this is that any such activity with LEOs is a declarable interest for the purposes of submitting an annual declaration as required by Section 171 of the 2001 Act. Please communicate this advice to all affected members/employees of the local authority.

The Commission has also communicated this advice to the Minister for Housing, Planning and Local Government so that the Minister is also fully aware of the notification obligations in respect of annual declarations for local authority members and employees.

If you have any queries in relation to the above, please do not hesitate to contact this office.

Yours sincerely,



Sherry Perreault
Head of Ethics and Lobbying Regulation
Standards in Public Office Commission
Chief Executive