



**AN BILLE UM BAINISTI CHATHRACH AGUS CONTAE  
(LEASU), 1954.  
CITY AND COUNTY MANAGEMENT (AMENDMENT) BILL,  
1954.**

**EXPLANATORY MEMORANDUM.**

1. The purpose of this Bill is to amend the City and County Management Acts so as to give to the elected members of local authorities greater and more detailed powers in regard to expenditure, and greater powers of direction, supervision and control over the actions of city and county managers generally, and to make certain minor amendments in the law relating to City and County Management.

2. *Section 2* provides that the members of a local authority may, at any time, by resolution, require the manager to inform them of his proposals before performing any specified function. The resolution may apply to any particular case or occasion or to every case or occasion of the performance of the specified function, but such resolution shall not apply to any function in respect of officers and servants or to individual health functions (i.e. decisions relating to the applicability of health services to individual persons). This section also provides that the manager shall not undertake any new works or incur any expenditure on them without first informing the members who may by resolution require the manager not to proceed with the works. They may not direct the manager not to proceed with works which the local authority are required by law to undertake (*Section 3*).

3. *Section 4* provides that the members of a local authority may require the manager to do any particular act, matter or thing which can lawfully be done and for which the money is or has been provided. Such a requisition may not, however, extend to any functions in respect of officers or servants or the performance of an individual health function. Under existing law notice of intention to propose a resolution requiring the manager to do any particular thing must be signed by not less than one-third of the members and a date between seven and fourteen days of the date of the notice specified for the holding of a special meeting at which the resolution is to be proposed. The resolution must be carried by either more than half the total membership of the local authority or by more than two-thirds of the members present and voting. These provisions are being repealed. Under the new procedure the written notice of intention to propose a resolution need only be signed by three members. The resolution may be moved at an ordinary meeting or at a special meeting summoned for the purpose and a simple majority of the members present and voting is sufficient provided the number voting for the resolution exceeds one-third of the total membership of the local authority.

4. *Section 6* provides that a manager shall not submit any proposal to increase or decrease the number of permanent offices, nor shall he fix an increased or decreased rate of remuneration applicable to any class, description or grade of officers or servants without the consent by resolution of the members of the local authority.

5. *Section 7* provides that a local authority shall elect from amongst its members an estimates committee to consist in the case of a county council of two members from each electoral area, and in the case of every other local authority of not more than one-third of its membership. It will be the duty of the estimates committee to prepare the annual estimate of expenses and to furnish the members of the local authority with financial statements in such manner and at such intervals as the local authority may direct. The manager shall attend (or, if unable himself, designate another officer to attend) each meeting of the committee, and furnish them with whatever information they require. Where the manager considers that the estimate of expenses as a whole, or any portion thereof, would seriously prejudice the efficient or economical performance of the duties of the local authority he shall prepare a separate report setting out the provision which in his opinion is necessary, and copies of such report shall be furnished to members with copies of the estimate. If the estimates committee fail to prepare the estimate the manager shall prepare it. (*Sections 8 and 9*).

6. The existing provisions in the Acts in regard to estimates meetings are being repealed and *section 10* sets out the new procedure to be followed. It provides that a local authority may adjourn the estimates meeting as often as it wishes, provided that consideration of the estimate is not adjourned to a meeting later than twenty-one days after the first meeting. (Under existing law, the members of a local authority cannot at the estimates meeting make an amendment in the estimate to which the manager objects. Consideration of any such amendment must be postponed for at least six days (fourteen days in the county boroughs) to a second meeting. At that meeting, discussion being limited to the amendment which caused the adjournment, the business of the estimates meeting must be completed.)

7. *Section 12* provides that the Minister may group for management purposes two counties, the councils of which have by resolution requested him to do so.

8. Where the councils of two grouped counties request by resolution that the counties should cease to be grouped the Minister may, under *section 13*, terminate the grouping. *Section 14* makes similar provision in regard to Dublin City and County. The counties grouped at present are Carlow and Kildare, Kilkenny and Waterford, Laoighis and Offaly, Leitrim and Sligo, Longford and Westmeath, and Tipperary, North Riding and Tipperary, South Riding.

9. Local authorities have at present the power, subject to the approval of the Minister, of making regulations for the reception and examination of tenders. *Section 15* will extend this power to cover the seeking of tenders, and will require local authorities after each election to decide whether or not to make regulations or to amend or revoke existing regulations regarding tenders.

10. *Section 17* provides that the manager may with the approval of the Minister appropriate to the function in question delegate any of his functions to an approved officer of the local authority. The manager will however be responsible for the acts of the delegate and the delegation will be revocable by him at any time.

11. The remaining sections contain consequential and minor provisions.

*An Roinn Rialtais Aitiúil.*  
*Feabhra, 1955.*