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**An Bille Rialtais Áitiúil (Comhairlí Baile a Aisiriú), 2018**  
**Local Government (Restoration of Town Councils) Bill**  
**2018**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**AN BILLE RIALTAIS ÁITIÚIL (COMHAIRLÍ BAILE A AISIRIÚ),  
2018**  
**LOCAL GOVERNMENT (RESTORATION OF TOWN  
COUNCILS) BILL 2018**

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EXPLANATORY MEMORANDUM

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*Purpose of Bill*

The purpose of this Bill is to provide for the restoration of the smallest tier of local government, the town councils, which were abolished by the Local Government (Reform) Act 2014.

*Provisions of Bill*

*Section 1* deals in standard form with the short title of the Bill and its collective citation with the Local Government Acts 1925 to 2016.

*Section 2* provides some standard definitions. The section also provides that, for the purposes of the Bill, a ‘qualifying built-up area’ is an area (other than an area that is, or that is within the administrative area of, a city) that –

- includes 1,000 or more dwellings occupied by at least 5,000 residents, with a maximum distance between any dwelling counted for this purpose and the building closest to it of 100 metres, and
- has a clearly defined urban centre that includes at the least a shop, a school, a place of worship or a community centre.

*Section 3* provides that every enactment and instrument or agreement in effect on the coming into operation of the Bill shall be read and have effect with such modifications as are necessary to give effect to the Bill, or an order under the Bill, and to have effect in conformity with it.

*Section 4* deals with regulations. It provides that the Minister may make regulations in order to enable the Bill to have full effect. Apart from providing for incidental, consequential, supplementary or transitional matters, regulations may also provide for securing continuity in local government and the operation of the law.

*Section 5* repeals sections 23 to 34 of the Local Government (Reform) Act 2014, which abolished town councils and made consequential provisions.

It is stated that the effect of this repeal shall be to revive so much of the Local Government Act 2001, which had established town councils, as was repealed by the Act of 2014.

*Section 6* provides in standard form for the commencement of the Bill.

*Section 7* provides that, on the coming into operation of the Bill, the Local Government Commission must consider every built-up area having

a population of at least 5,000, as set out in the CSO's Census Report of Population Distribution and Movements published following the last preceding census, for the purposes of –

- determining which if any of those areas it should declare to be a town,
- establishing a town council for each such town, and
- establishing the boundaries for each such town.

On publication of every subsequent census report, the Commission must consider every built-up area having a population of at least 5,000 as set out in that Report, and not being a town, for the purposes of –

- determining which of those areas it should declare to be a town,
- establishing a town council for each such town, and
- establishing the boundaries for each such town.

Likewise, the Commission must consider every established town, for the purposes of –

- terminating it as a town, and abolishing its town council, if the town no longer has a population of at least 5,000, or
- if the town is not so terminated, confirming or amending the boundaries of the town.

The Commission must give public notice of its intention to perform these functions, indicating that any person may make a submission to the Commission and that these submissions will be open for public examination.

Following consideration of the census report and any received submission, the Commission must make orders declaring qualified built-up areas to be towns (and establishing a town council and boundaries for the town) and, in relation to every town, either terminating it as a town or else confirming or amending its boundaries.

Orders must also provide for the holding of the first election of town councillors, in accordance with the Local Elections Acts 1974 to 2001, and may provide for other related matters.

*Section 8* provides for the functions of town councils. It states that each town council is the local authority of its town, and each town is for local government purposes the administrative area of the town council.

A town council shall be a body corporate and have a seal which shall be judicially noticed.

Further, each town council shall be a rating authority.

Every enactment that previously applied to the old town councils before their dissolution shall apply to the town councils established under this Bill.

*Section 9* states that each member of a town council shall be known as a councillor; collectively the councillors shall comprise the elected council of the town.

Each town council shall have a Cathaoirleach and Leas-Chathaoirleach, who may also be termed “Méara” or “Leas-Mhéara”, or “Mayor” or “Deputy Mayor”, respectively.

The number of members of a town council, where the population of the town exceeds 25,000, shall be 15. In any other case, the membership shall be nine.

All town council members shall be elected from one local electoral area, which shall consist of the administrative area of the town.

*Section 10* provides that a town council, in performing functions conferred on it by or under this Bill, must have regard to the resources, wherever originating, that are available to it for the purpose, the need to secure the most beneficial, effective and efficient use of those resources and the need to ensure that the cost of performing those functions does not exceed the council's income.

A town council must also have regard to the need for co-operation with, and the co-ordination of its activities with those of, other local and public authorities.

The Minister and every county council and town council, in performing functions conferred on them by, under or in connection with this Bill, must ensure that the cost of performing those functions can be met from within the resources available to them and on the presumption that the moneys provided by the Oireachtas towards meeting the costs of local government will not, by reason only of the passing of this Bill, be increased.

*Brendan Howlin TD*

*Iúil, 2018.*