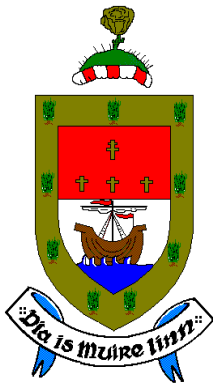


# FREEDOM OF INFORMATION

## SECTION **15** REFERENCE MANUAL



*Comhairle Contae Mhaigh Eo*  
*Mayo County Council*



**Notice: Information in this Manual may change**

We intend to keep this manual as accurate and up to date as possible. However some of the information may change after the manual is published through no fault of Mayo County Council. There may be changes to,

- staff
- contact details including addresses
- legislation
- organisational structures, and
- areas of responsibility.

When there are changes, we will update this manual within a reasonable time. You can download the most up-to-date version of this manual from the Mayo County Council website [www.mayococo.ie](http://www.mayococo.ie).

The information contained in this Section 15 Reference Manual is only a guide. It is not a legal interpretation of any legislation mentioned.

# Freedom of Information

## Section 15 Reference Manual

### Contents

Introduction	Pg. 4
Overview of Mayo County Council	Pg. 6
What information does Mayo County Council keep on record?	Pg.17
How do I access records held by Mayo County Council ?	Pg.18
Freedom of Information Act - General Outline	Pg.19
How do I ask for information from Mayo County Council using FOI?	Pg.20
How can I get information held on record changed?	Pg.21
How do I find out why decisions were made?	Pg.22
Can we refuse to give you information under the FOI Acts?	Pg.22
Can I appeal an FOI Decision made by Mayo County Council?	Pg.23
Is there a Fee for getting information under the FOI Acts?	Pg.25
What is our policy on Confidentiality?	Pg.27
What are our rules, practices, procedures and guidelines?	Pg.27
The role of Mayo County Council /services we provide	Pg.28-114
Glossary of Terms	Pg.115-116

## **Introduction**

This manual has been prepared in line with the requirements of Section 15 of the Freedom of Information Acts 1997 and 2003.

This manual is designed to help the public find out about their rights under the Freedom of Information Acts and to give answers to the following questions you may have.

### **How does Mayo County Council operate the FOI Acts?**

This manual gives details of Mayo County Council and

- how it is structured;
- how it is organised;
- what it does;
- what powers it has;
- the services it provides; and
- what type of records it holds.

We also detail the rules, practices, procedures and guidelines that we use to decide on Freedom of Information requests.

### **How do I get information under the FOI Acts?**

This manual tells you how to,

- get access to records
- apply to change any information about you that is on record and that is incomplete, incorrect or misleading; and
- how to find out why we made a decision that affected an individual.

### **Who do I contact to make a FOI request?**

This manual gives the names, job titles and contact details of members of our staff who are responsible for handling queries related to the Freedom of Information Acts.

**How do I appeal a FOI decision made by Mayo County Council that I think is unfair?**

This manual tells you what rights you have to review or appeal decisions we make under the Freedom of Information Acts.

**How can I get a copy of this manual?**

The manual and other *Mayo County Council* publications as well as more detailed information on *Mayo County Council* and its activities are available on our website - [www.mayococo.ie](http://www.mayococo.ie).

A copy of this manual will also be provided on request. Request should be directed to,

*Name*            *John Mc Hale*  
*Title*            *Freedom of Information Officer*  
*Address*        *Áras an Chontae..*  
                      *Castlebar.*  
                      *Co. Mayo..*

*Tel:*            *(094) 9047307*  
*Fax:*           *(094) 9023937.*  
*Email:*        *foi@mayococo.ie*

## Overview of Mayo County Council

### Mission Statement

*"Our Mission is to improve the quality of life for people living in Mayo and enhance the attractiveness of the County as a place to live in, work, enjoy, and invest."*

*Mayo County Council is an organisation with approximately 1,300 staff. It provides services for a population of over 123,000 people spread over an area of some 5,000 square kilometres. Mayo County Council is both a representational body for the people of Mayo, as well as a provider of essential services to the citizens of County Mayo because the Irish system of Local Government encompasses both democratic representation and public administration..*

*Mayo County Council, as the Local Authority for Mayo, provides an extensive range of infrastructure services, and plays an active role in the development of the County's industry, business, social, arts, heritage and cultural affairs. It also functions as the regulatory body for certain matters at local level.*

### Representational Role of Mayo County Council

The representational role is performed by the directly elected members of Mayo County Council. Mayo County Council is made up of 31 elected members drawn from 7 electoral areas. Members of Mayo County Council are elected according to the system of proportional representation for a period of five years.

The Chairman is elected from the membership of the Council, at the statutory Annual Meeting of the Council.

The functions of the elected members are called '**Reserved Functions**' and these are essentially the policy framework within which the *County Manager* operates. The Reserved Functions include,

- approve the Development Plan for the Council area and make changes;
- approve a scheme of letting priorities for local authority housing;
- approve and adopt the annual budget;
- make, amend and revoke bye-laws; and
- approve the borrowing of money by the Council.

The elected Council makes its decisions by the passing of 'resolutions' at our monthly council meetings. The monthly full Council meetings for the elected members of *Mayo County Council* usually take place on the *second Monday* of every month.

#### **What are Strategic Policy Committees?**

The elected members of *Mayo County Council* carry out a number of their duties through participation in Area Committees and Strategic Policy Committees (SPCs). In *Mayo County Council* there are 7 Area Committees covering the following geographical areas :- Belmullet, Westport, Ballinrobe, Castlebar, Claremorris, Ballina, Swinford.. There are 6 SPCs in *Mayo County Council*:-

- ✚ *Cultural, Education, Heritage & Corporate Affairs SPC;*
- ✚ *Environmental Policy & Emergency Services SPC;*
- ✚ *Housing SPC;*
- ✚ *Planning & Economic Development SPC;*
- ✚ *Roads & Transportation SPC; and*
- ✚ *Water Supply & Sewerage SPC.*

Each of the SPCs usually consists of 11 people, 7 elected members, 4 representatives drawn from sectoral groups. A Director of Services and some of the staff in their Directorate support the work of each SPC.

The purpose of each SPC is to formulate policy recommendations for consideration by the Council.

### **What is the Corporate Policy Group?**

The Chairs of each of the SPCs along with the Cathaoirleach form the Corporate Policy Group (CPG).

A number of other separate Committees also exist within Mayo County Council. Full details of the work of these other Committees can be found by accessing the Mayo County Council website, [www.mayococo.ie](http://www.mayococo.ie).

### **Operational Role (day-to-day work) of Mayo County Council**

The day-to-day work of Mayo County Council is carried out by the County Manager and his/her staff. They are responsible for,

- the day to day administration of Mayo County Council; and
- the provision of services to the public in County Mayo.

The functions carried out by the County Manager are called 'Executive Functions'. These functions include,

- the granting or refusal of planning permission.
- the letting of local authority homes.
- the management of staff.

The County Manager performs the Executive Functions by means of a written "**Managers Order**". When making decisions he/she must act in a way that is consistent with the policy framework that has been established by the elected members and he/she must take into account the wishes of the elected members.

Mayo County Council divides its work into 8 different programme areas that are common to all local authorities,



1. Housing and Building
2. Roads, Transportation and Safety
3. Water Supply and Sewerage
4. Development Incentives and Controls
5. Environmental Protection
6. Recreation and Amenity
7. Education, Health & Welfare
8. Miscellaneous Services

In *Mayo County Council* the provision of services across these eight operational areas are managed by 7 Directors of Services. Each of the 7 Directors of Services manages the operations of a directorate. The directorates in *Mayo County Council* are as follows,

1. *Ballina/Swinford Areas (including Ballina Town Council)*
2. *Westport/Belmullet Areas (including Westport Town Council)*
3. *Castlebar/Ballinrobe/Claremorris Areas (including Castlebar Town Council)*
4. *Corporate Affairs*
5. *Capital Works*
6. *Finance*
7. *Community & Enterprise.*

## **FINANCING OF SERVICES:**

**The expenditure of Mayo County Council on provision of services can be classified under two headings:**

1. Revenue (or Current) Expenditure - i.e., day to day provision of services e.g.: housing, maintenance, roads maintenance etc. The main sources of funding for this expenditure are as follows:
  - Government Grants and Subsidies
  - Commercial Rates
  - Goods & Services, e.g.: Housing Rents, Housing Loan Repayments
  - Fees and Charges for Services etc.
  
2. Capital Expenditure - i.e., expenditure on creating assets, e.g., house building, major road improvement works, etc. the main sources of funding for this expenditure are:
  - Capital grants from Central Government
  - Borrowing
  - Other Capital Receipts, e.g., Sales of Lands

## **REGULATION OF SERVICES:**

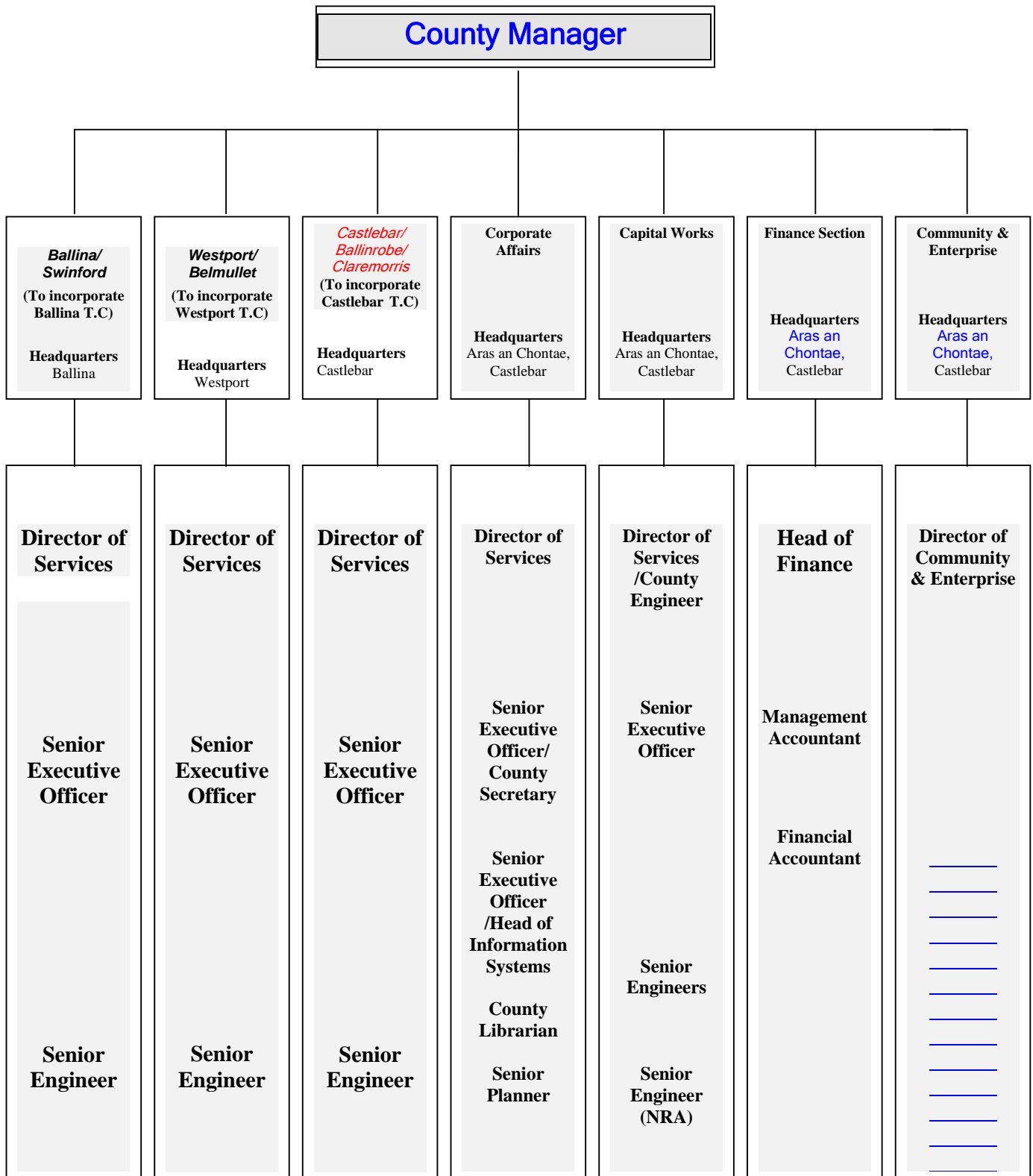
The operations of the Local Authority are regulated by:

- Directives
- National Legislation
- Local Legislation, i.e., Bye Laws
- Adopted Policies of the Council

In addition, a range of rules procedures and guidelines are used by the Local Authority in making its decisions, determinations and recommendations under the many schemes operated by it.

**A full list of these items has been published in a separate manual produced in accordance with Section 16 of the Freedom of Information Act, 1997.**

Mayo County Council is structured as follows



## ELECTED MEMBERS

### BALLINA ELECTED MEMBERS:

Cllr. Gerry Ginty	Killala Road, Ballina	Non-Party
Cllr. Michelle Mulherin	47, Moy Heights, Ballina	Fine Gael
Cllr. Jarlath Munnely	The Acres, Killala	Fine Gael
Cllr. Annie May Reape	Pearse Street, Ballina	Fianna Fáil
Cllr. Eddie Staunton	Ballynacloy, Crossmolina	Fine Gael
Cllr. Seamus Weir	Coolcronan, Foxford	Fine Gael

### CASTLEBAR ELECTED MEMBERS:

Cllr. Cyril Burke	Premier Estates Maloney, I.P.I Centre Breaffy Road, Castlebar	Fine Gael
Cllr. Frank Durcan	Westport Road, Castlebar	Non-Party
Cllr. Blackie K. Gavin	Sion Hill, Castlebar	Fianna Fáil
Cllr. Henry Kenny	Straide Road, Ballyvary	Fine Gael
Cllr. Michael Kilcoyne	9, Turlough Road, Castlebar	Non-Party
Cllr. Eugene McCormack	49, Knockaphunta Park, Castlebar	Fine Gael
Cllr. Al McDonnell	Castle Street, Castlebar	Fianna Fáil

### CLAREMORRIS ELECTED MEMBERS:

Cllr. Michael Burke	Convent Road, Ballinrobe	Fine Gael
Cllr. Tom Connolly	Garrywadreen, Claremorris	Fine Gael
Cllr. John Cribbin	Knockanara, Ballyhaunis	Fine Gael
Cllr. Richard Finn	Birchfield, Claremorris	Non-Party
Cllr. Patsy O'Brien	Robeen, Hollymount	Fine Gael
Cllr. Damien Ryan	Milehill, Ballinrobe	Fianna Fáil

#### BELMULLET ELECTED MEMBERS:

Cllr. Rose Conway-Walsh	Drum, Clogher, Belmullet	Sinn Féin
Cllr. Gerry Coyle	Doolough, Geesala, Ballina	Fine Gael
Cllr. Michael Holmes	Newfield, Mulranny, Westport	Non-Party
Cllr. Micheál McNamara	Cantáin na nEan, Achill Sound	Fianna Fáil

#### SWINFORD ELECTED MEMBERS:

Cllr. Eugene Lavin	Gortgarve, Kiltimagh	Fine Gael
Cllr. Jimmy Maloney	Ummoon, Foxford	Fianna Fáil
Cllr. Joseph Mellett	Brabazon Park, Swinford	Fine Gael
Cllr. Gerry Murray	The Square, Charlestown	Sinn Féin

#### WESTPORT ELECTED MEMBERS:

Cllr. Margaret Adams	King's Hill, Westport	Fianna Fáil
Cllr. Peter Flynn	King's Hill, Westport	Fine Gael
Cllr. Austin F. O'Malley	Doughmakeon, Roonagh P.O. Louisburgh	Fine Gael
Mr. John O'Malley	The Demesne, Carrowholly, Westport	Fine Gael

***The Council meets on the second Monday of every month***



**MAYO COUNTY COUNCIL HAS EIGHT AREA OFFICES AT THE**

**FOLLOWING LOCATIONS:**

<b><u>BALLINA:</u></b>	<b>Arran Place, Ballina, (Beside Dunnes Stores)</b>
Telephone No.	<b>(096) 76100</b>
E-mail:	<a href="mailto:Ballinaao@mayococo.ie">Ballinaao@mayococo.ie</a>
<b><u>BALLINROBE:</u></b>	<b>Kilmaine Road, (Beside Health Centre), Ballinrobe</b>
Telephone No.	<b>(092) 9541029</b>
E-mail:	<a href="mailto:Ballinrobeao@mayococo.ie">Ballinrobeao@mayococo.ie</a>
<b><u>BELEMULLET:</u></b>	<b>Church Road, Belmullet</b>
Telephone No.	<b>(097) 81004</b>
E-mail:	<a href="mailto:Belmullet@mayococo.ie">Belmullet@mayococo.ie</a>
<b><u>CASTLEBAR:</u></b>	<b>The Mall, Castlebar</b>
Telephone No.	<b>(094) 9024444</b>
E-mail:	<a href="mailto:Castlebarao@mayococo.ie">Castlebarao@mayococo.ie</a>
<b><u>CLAREMORRIS:</u></b>	<b>Ballyhaunis Road, Claremorris</b>
Telephone No.	<b>(094) 9362954</b>
E-mail:	<a href="mailto:Claremorrisao@mayococo.ie">Claremorrisao@mayococo.ie</a>
<b><u>SWINFORD:</u></b>	<b>Station Road, Swinford</b>
Telephone No.	<b>(094) 9251495</b>
E-mail:	<a href="mailto:Swinfordao@mayococo.ie">Swinfordao@mayococo.ie</a>
<b><u>WESTPORT:</u></b>	<b>Westport Civic Offices, Ballinrobe Road, Westport</b>
Telephone No.	<b>(098) 25731</b>
E-mail:	<a href="mailto:Westportao@mayococo.ie">Westportao@mayococo.ie</a>

*There is also an area office located in the following:*

<b><u>NEWPORT:</u></b>	<b>The Quay Road, Newport</b>
Telephone No.	<b>(098) 41169</b>
E-mail:	<a href="mailto:Newport@mayococo.ie">Newport@mayococo.ie</a>

**MAYO COUNTY COUNCIL OFFICE HEADQUARTERS**  
**COMPRISE BASEMENT AND THREE FLOORS**  
**ARRANGED AS FOLLOWS:**

**GROUND FLOOR:** Reception, Council Chamber, Councillors Meeting Rooms, Castlebar Area Office, Planning Section, Civil Defence.

**FIRST FLOOR:** County Manager's Office, Director of Services (Southern Region), County Secretary's Office, Personnel Section, Director of Services Corporate Affairs, General Purposes Section, Accounts Payable, Accounts Receivable, Head of Finance / Finance Section, Local Government Auditor's Office, I.T. (Information Technology) Section, Environment Enforcement Section.

**SECOND FLOOR:** Director of Services and County Engineer (Capital Works), Roads Section, Water Services, Environment Section and Internal Audit.



## ***What information does Mayo County Council keep on record ?***

We maintain a wide variety of records in a number of different formats. A record is defined in the Freedom of Information Act as follows:

*a "record" includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act, 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing."*

Examples of the types of records created or held by *Mayo County Council* can include,

- minutes of meetings;
- letters we received or sent;
- notes of telephone conversations;
- maps;
- drawings,
- papers and files;
- photographs;
- films;
- micro-films and micrographic records;
- sound recordings;
- pictorial records;
- magnetic tapes;
- magnetic discs;
- optical or video discs;
- other machine readable records;
- excel spreadsheets;
- e-mails;
- GIS systems, etc.

Section 80 of the Local Government Act 2001 also states that any such copies made of records either made or received will also be treated as records.

There is a more detailed description of the records held by each of our sections in the later chapter of this manual dealing with the activities and services provided by *Mayo County Council*.

### **How do I access records held by Mayo County Council ?**

We make a wide range of information about our activities and services available to the public without asking them to make a Freedom of Information request.

#### **Information that *Mayo County Council* makes available to the public**

The public is able to obtain the following information without having to make a formal request using the Freedom of Information Acts or any other piece of legislation.

- information about our functions, activities and schemes;
- a number of our publications; and
- documents published on our website

#### **Information Available under Other Legislation**

The public can access a range of information under other legislation, for example, the right to view a planning file under the Planning and Development Acts. These rights will remain unchanged and such information is excluded from the provisions of the Freedom of Information Acts

### **Freedom of Information Acts 1997 – 2003**

The Freedom of Information Acts 1997 – 2003 allow people access to information held by public bodies which is not available as a matter of routine or under other legislation.

**Before you ask us for information under the Freedom of Information Acts please contact us to find out if the information is already available from us free of charge.**

Some information is not immediately available under the Freedom of Information Acts. It may be restricted by certain exemptions or involve specific procedures and time limits.

## Freedom of Information Act - General Outline

The Freedom of information legislation was enacted on April 21<sup>st</sup>, 1997. The Act was initially applied to Government departments and certain Government bodies from April 21<sup>st</sup>, 1998. It was applied to local authorities and health boards from October 21<sup>st</sup>, 1998. Since then the Act has encompassed many more public bodies.

Subject to the provisions of the Freedom of Information Act :-:

- *a person is entitled to access information held by public bodies*
- *a person is entitled to have official information about them changed when it is incomplete, incorrect or misleading; and*
- *a person is entitled to find out the reasons why decisions were made that affect themselves.*

The Act says people have the right to gain access to official information to the greatest extent possible, consistent with;

- the public interest; and
- the right to privacy of individual.

In particular people have the right to access:

- *all local authority records created since October 21, 1998 which are not routinely available through other sources;*
- *records created before October 21<sup>st</sup>, 1998, which are needed to understand records created after the 1997 Act was put in place;*
- *personal records about themselves no matter when they were created; and*
- *in the case of local authority staff members personnel records created from a date three years before October 21<sup>st</sup>, 1998.*

The Freedom of Information (Amendment) Act 2003 came into effect on April 11, 2003. This Act introduced a number of important amendments to the 1997 Act notably in relation to;

- Section 19 (General Records);
- Section 20 (Deliberations of Public Bodies);
- Section 24 (Security, Defence and International Relations); and
- Section 47 (Fees).

### **How do I ask for information from *Mayo County Council* using the Freedom of Information (FOI) Act?**

1. You must ask for information in writing: either by post, email or fax. Your requests should be addressed to;

John Mc Hale  
*Freedom of Information Officer*  
*Mayo County Council*  
*Áras an Chontae*  
*Castlebar*  
*Co. Mayo*  
*Tel: (094) 9047307.*  
*Fax: (094) 9023937*  
*Email: foi@mayococo.ie*

- 
2. You must specify that you are asking for the information under the Freedom of Information Act.
  3. You must identify the records that you are looking for. Your request should give us enough information so that we can clearly identify the records you are looking for. This will reduce the possibility of delays.
  4. You must include the appropriate fee with your request (*see Fees Associated with FOI requests*)

5. You must state in what format you would like the records. For example, do you want them as photocopies, do you want to come in and view the originals or get copies of them on computer discs?

### **How can the public get information held on record changed?**

Under the Freedom of Information Acts a member of the public can ask for records held by public bodies to be changed when they contain personal information about them that is:

- incomplete;
- incorrect; or
- misleading.

If you want us to change personal information about you that is being held on our records you must:

- apply to us in writing;
- specify the record concerned;
- specify the change that you want made;
- send us information that shows how the record concerned is incomplete, incorrect or misleading

If after this we agree to change a record that contains personal information about yourself we may do one of the following:

- alter the record so as to make it complete, correct or not misleading; or
- add to the record a statement stating why we are satisfied that the information is incomplete, incorrect or misleading; or
- delete the information from the record

## **How do I find out why decisions were made ?**

Under the Freedom of Information Acts anyone who has a 'material interest', (i.e.) anyone who is directly affected, by something *Mayo County Council* does has the right to have the reasons why explained to them.

If you are applying for just such a statement of why a decision was taken by Mayo County Council, you must:

- put the request in writing;
- show that you are affected by the action we have taken; and
- show that you have a material interest in what was done.

## **Can we refuse to give you information under the FOI Acts ?**

Under the Freedom of Information Acts we may refuse to give you access to a record for specific 'administrative grounds' or if the record is an exempt record

### **Administrative grounds for refusing requests**

Administrative reasons why your request may be refused include:

- the record does not exist or cannot be found;
- your request is not detailed enough to enable us to identify the record;
- there is too large a quantity of records involved;
- the law requires that the record must be published and it is intended to publish the record within 12 weeks;
- the request is considered frivolous, that is, made for a less than serious reason;
- the request is considered vexatious, that is, designed to annoy or irritate;
- the request is part of a pattern of obviously unreasonable requests from the same person or group of people acting together; or
- the required fee or deposit has not been paid

## **Exempt Records**

We may refuse to give you access to a record on the basis that it is exempt from the provisions of the Freedom of Information Acts. Examples of exempt records include records relating to:

- the deliberative process of a public body;
- investigations, inquiries or negotiations of public bodies;
- court proceedings;
- security, defence and international relations;
- law enforcement;
- information obtained in confidence;
- commercially sensitive information; and
- personal information about someone other than the person looking for the information (a 'third party').

## **Can I appeal a FOI Decision made by *Mayo County Council* ?**

Under the Freedom of Information Act, if you are dissatisfied with the initial response received (refusal of information, form of access, fees, etc.), you may appeal the decision.

### **Internal Appeal**

The first step of the appeals procedure is to seek a review of the original decision we have made by somebody more senior within *Mayo County Council*. This more senior staff member is called the Internal Reviewer and this first step is called an 'Internal Review'. Requests for Internal Reviews must be made within 4 weeks of our original decision.

If you have not received a reply from us within 4 weeks of you making your original request it will be treated the same as if we refused your request. and allows you to proceed to internal review.

**Requests for internal review should be submitted in writing to:**

*Mr Joe Loftus.*  
*Director of Services Corporate Affairs*  
*Mayo County Council*  
*Áras an Chontae*  
*Castlebar, Co. Mayo..*

We must review our original decision within three weeks of receiving your request for an internal review. Under the Act if we fail to complete the internal review within this time we have in effect turned down your appeal and you may now appeal the decision to the Information Commissioner.

### **Appeal to the Information Commissioner**

Request for Independent review should be made in writing to the Information Commissioner at the following address,

Office of the Information Commissioner,  
18 Lower Leeson Street,  
Dublin 2

Tel: 01 639 5689 / 1890 223030

Fax: 01 639 5674

E-mail: [info@oic.gov.ie](mailto:info@oic.gov.ie)

Website: [www.oic.gov.ie](http://www.oic.gov.ie)

### **Exceptions**

You may appeal some of our original decisions directly to the Information Commissioner without an internal review of the original decision. The exceptions to the internal review process are very limited and are detailed below.

1. When the initial decisions was made by the *County Manager*, in person. As such decisions have been made by the Head of Mayo County Council in person there is no more senior staff person within our organisation that can internally review that decision.
2. If we defer your access to records for a specific period.
3. If we decide to extend the period of time to process your request.
4. If we decide that it is in the public interest to make certain records available that would otherwise be subject to the exempt provisions of the Act.

We will send you information about how to appeal our decision as part of our decision.



## **Is there a fee for getting information under the FOI Acts ?**

There are two types of charges that apply under the FOI Act(s):

### **1. Fees for a record or a review of a decision**

- There is no fee for requesting records that only contains personal information about yourself.
- A fee of €15 must accompany your request for any records that contain more than just your own personal information. A reduced fee of €10 applies in relation to such requests if you are covered by a medical card.
- A fee of €75 must accompany most applications for internal review of a decision made by us. A reduced fee of €25 applies if you are covered by a medical card.
- There is no fee for internal review applications if the original records requested contain only your own personal information or if you wish for a review of the decision to impose a fee or deposit.
- A standard fee of €150 (€50 for medical card holders) must accompany all requests for a review by the Information Commissioner for records relating to non-personal information. No fee is payable for certain applications (eg amendment of records, statement of reasons, decision to charge a fee, etc.).

### **2. Fees and deposits for the search, retrieval and copying of records.**

The FOI Act allows us to charge you for the time spent finding records and for any photocopying costs incurred by in providing the material requested. It is unlikely that we will charge any fees in relation to personal records, except where a large number of records are involved.

Fees for search, retrieval and copying of records are set by the Department of Finance and are currently at the following levels:

- €20.95 per hour spent searching for information;
- €0.04 per sheet for a photocopy;
- €0.51 for a 3 and half inch computer diskette;
- €10.16 for a CD-ROM.

When sending in a postal order, money order or making payment by cheques all fees should be made payable to *Mayo County Council*.

### **Reduced Fees and Waivers**

We will not charge fees for the search, retrieval and copying of records if the cost of collecting that fee would be greater than the fee itself.

Where the information in the record would be of particular assistance to the understanding of an issue of national importance we may waive or reduce the search, retrieval and copying fee and the deposit.

In the case of personal information, where the fees would not be reasonable, having regard to the means of the requester, we may waive the fees.

#### **Summary of Fees:**

<b>Type of Request/Application</b>	<b>Standard Fee*</b>	<b>Reduced Fee**</b>
<b><u>Request for a record</u></b>		
<b>Initial Request</b>	<b>€15</b>	<b>€10</b>
<b>Internal Review</b>	<b>€75</b>	<b>€25</b>
<b>Review by Information Commissioner</b>	<b>€150</b>	<b>€50</b>
<b>Request for a record containing personal information</b>	<b>No Charge</b>	<b>No Charge</b>
<b>Application under section 17 for amendment of a record containing incorrect, incomplete or misleading personal information.</b>	<b>No Charge</b>	<b>No Charge</b>
<b>Application under section 18 for the reasons for a decision affecting the individual</b>	<b>No Charge</b>	<b>No Charge</b>

## **What is our policy on Confidentiality ?**

We will treat any information given to us as confidential when it is clearly given to us in confidence by people or organisations. This is subject to our obligations under law, including the Freedom of Information Acts 1997 and 2003.

If you consider the information you give us to be commercially sensitive or confidential and you want it to remain undisclosed you must tell us when you first give us this information. You should also explain to us why you consider the information to be commercially sensitive or why you wish it to be considered confidential. Then, if someone asks for this information in a Freedom of Information request, we may consult you before we decide whether or not to grant that request.

## **What are our rules, practices, procedures and guidelines ?**

In accordance with Section 16 of the FOI Act 1997 *Mayo County Council* has prepared a manual that sets down our rules, procedures, practises and guidelines for making certain decisions that affect the rights and privileges of members of the public.

All our directorates are subject to a wide range of rules, policies, procedures, guidelines, bye-laws, EU Directives, court decisions and national legislation. The Section 16 manual identifies the specific policies, guidelines and legislation etc that informs the decision making of each directorate.

Please read this section of the Section 15 manual together with the Section 16 manual mentioned above. If you want a copy of the Section 16 manual please use the contact details given on page 5 of this Manual.

**What is the role of *Mayo County Council* and what services do we provide ?**

In order to help you understand better what each directorate of *Mayo County Council* does we have provided details of,

- the structure of each directorate;
- the responsibilities of each directorate;
- the services each directorate provides;
- the records each directorate is likely to hold.

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### HOUSING SECTION (H)



#### **STRUCTURE OF HOUSING SERVICE IN MAYO COUNTY COUNCIL:**

Mayo County Council as a local authority is responsible for the planning and development of all public housing within its functional area. Housing policy itself is determined by central government. The principal legislation may be found in the Housing Acts, 1966 - 1998.

The Mayo County Council is the primary agent of social housing in Mayo. The Housing policy of the Council is to ensure that every family in the county can obtain a dwelling of good quality, located in an acceptable environment at a price or rent that they can afford. In order to meet these aims Mayo County Council have put in place a full range of housing services which allow individuals the opportunity of either renting or owning their own homes.

Housing services include the processing of housing applications, housing allocations, rent calculation/collection, inspection of private rented dwelling, processing of loan/grant/affordable/ application/allocation, administration of Rental Accommodation Scheme. The County Manager has overall responsibility for Housing Administration.

Each Electoral Area in Mayo has its own local Housing Office, which is responsible for service delivery for that Electoral Area.

#### **MAYO COUNTY COUNCIL'S HOUSING FUNCTION:**

- Provider/manager of rented Local Authority housing for those unable to provide housing from their own resources.
- Provider/manager of accommodation for travellers.
- Promoter of home ownership through Tenant Purchase Schemes, Shared Ownership Scheme, Affordable Housing Scheme, and various loan options, for those who fulfill certain criteria.
- Facilitator for approved voluntary or non-profit housing organisations in provision of rented accommodation and facilities.
- Enforcer of housing standards and controls in relation to private rented dwellings.
- Provider of grants for adaptation of houses for physically disabled and repair grants for elderly people.
- Provider of accommodation under the Rental Accommodation Scheme.

The following range of Housing Services are provided by Mayo County Council :-

**NOTE:** Many of the schemes referred to below have conditions attached.  
Full details of all schemes are available from your local Housing Office.

#### **(H.1) LOCAL AUTHORITY HOUSING:**

Mayo County Council has approximately 1,650 rented properties in its ownership. Each year a number of new houses are built while a number of houses will be sold to existing tenants under Tenant Purchase Schemes.

The actual number of houses built depends on the allocation of Capital Funds from Central Government. These houses along with causal vacancies, which arise, are then available for letting.

In 2007 the number of applicants for this accommodation on Mayo County Council's housing list at any time averages approximately 800.

##### **(H.1.1) ASSESSMENT OF HOUSING NEEDS**

Advertisements are published in the local papers alerting the public to the fact that the Council is about to carry out an assessment of housing needs and inviting them to make application.

Applications are assessed and an estimate of likely needs for re-housing is established for the coming three years.

##### **(H.1.2) PROVISION OF LOCAL AUTHORITY HOUSING:**

##### **(H.1.3) ALLOCATION OF LOCAL AUTHORITY HOUSING:**

- The assessment of need involves two distinct phases:
  - a) an initial evaluation to determine the most appropriate support option for the customer's needs, and
  - b) a more comprehensive assessment for those who have been determined to have a long term housing need.

###### **1<sup>st</sup> Phase - Initial Evaluation**

This phase involves an initial evaluation to determine the likely type of housing support required and to provide an indication of whether their need is likely to be long or short term in nature. This process involves early engagement with individuals seeking housing support, including providing information on alternative options outside the supported housing sector.

- Applications are submitted with evidence of income, details of previous accommodation or other relevant reports e.g. Medical Reports. Application may be refused at this stage.
- Application is assessed by administrative staff (such factors as household size, household income, the present accommodation of the applicant (if any), the condition of that accommodation and any special circumstances including age, disability and medical circumstances will be taken into consideration).
- A decision is made based on the application and in accordance with the Council's Scheme of Letting Priorities. The allocation of a house is an Executive Function.

#### **(H.1.4) ALLOCATION OF ISOLATED RURAL HOUSE:**

- Application is submitted and is referred for assessment and Engineers inspection within the Housing Section.
- A decision is made on the application based on both assessments.
- Following approval, provided funds are available, the following administrative procedures are carried out:
  - A land registry search
  - Legal site transfer
  - Part 8 - Planning Procedure
  - Tender for contractors.
- Contractor appointed - given 12 months maximum to complete house.

#### **ALTERNATIVES:**

As applications for Local Authority housing greatly exceeds availability, a number of alternative schemes may be considered in lieu of Housing.

- **Transfer applications from existing tenants**  
Transfers from existing tenants will also be considered if there are no rent arrears.
- **Allocation of Vacant houses**  
As vacancies arise, they will be allocated in accordance with applicant's position on the list as determined under the "Scheme of Letting Properties" above and the Council's "Statement of Policy on Housing Management".
- **Extensions to Local Authority Houses in lieu of Re-Housing**  
Where an applicant is an existing tenant of the Local Authority, but existing accommodation is overcrowded, an extension to existing accommodation may be provided in lieu of re-housing.

#### **(H.1.5) HOUSING MAINTENANCE:**

Mayo County Council has responsibility to maintain all rented dwellings. Policy in relation to maintenance is set out in "Statement of Policy on Housing Management" and in greater detail in the Local Authority Tenant Handbook published jointly by Mayo County Council and the Town Councils of Ballina, Castlebar and Westport. This statement details the respective responsibilities of the County Council and the tenant in relation to maintenance.

The tenant's responsibility to maintain the property in good condition is included in the "Tenancy Agreement" which is signed at the commencement of the tenancy.

Repair requests should be made to the relevant: Local Housing Office.

#### **(H.1.6) ESTATE MANAGEMENT:**

Mayo County Council welcomes tenant participation in the management of its housing estates. The Council will provide grant-aid for certain improvements subject to availability of funds. Resident committees in many estates are involved in this area.

The Council has adopted a Policy on Anti-Social Behaviour which outlines how anti-social behaviour issues are dealt with.

#### **(H.1.7) RENT ON LOCAL AUTHORITY DWELLINGS:**

Rents on all houses allocated are based on Mayo County Council's "Differential Rents Scheme" as updated. This scheme sets minimum and maximum rents for Local Authority Houses, with rents charged on the basis of household income.

Fixed rents still apply in the case of some tenants.

#### **(H.1.8) HOUSING RENT COLLECTION:**

Mayo County Council gives tenants the following options in relation to method of payment of rent:

- Payment at the Local Housing Office, during office hours
- Door to door collection
- Payment through An Post Household Budgeting Schemes for tenants in receipt of certain Social Welfare Payments
- Direct Debit/Bank Giro - Trans-cash
- Revenue Collector Clinics - (List of times and locations available)
- Bill Pay - operated by An Post. Facilitates payment at any time through the local Post Office.



### **(H.1.9) TRAVELLER ACCOMMODATION:**

Mayo County Council endeavours to provide housing for travelling families who apply and who are considered to be in need in accordance with the Council's policy. The Council's policy is set out in detail in the "Traveller Accommodation Plan 2004 - 2008".

<b>GENERAL RECORDS:</b>
<ul style="list-style-type: none"><li>- Plans, costings, tenders, relating to the provision of housing</li><li>- Notification to Council of allocations</li><li>- Maintenance records</li><li>- Statistical information and returns on housing needs, allocations, etc.</li><li>- Financial records relating to Expenditure/Income</li><li>- Technical records plans/reports re House Building</li></ul>

<b>PERSONAL RECORDS:</b>
<ul style="list-style-type: none"><li>- Applications for Housing</li><li>- Medical/Social Worker / Traveller Liaison Officer reports on applicants</li><li>- Reports on accommodation</li><li>- Assessment of Individual Housing need</li><li>- Income details for rent calculation purposes</li><li>- Details of rent and payments history</li><li>- Revenue Collector reports where relevant</li><li>- Legal records where relevant</li></ul>

### **(H.2) ASSISTANCE TO THOSE HOUSING THEMSELVES:**

#### **(H.2.1) TENANT PURCHASE:**

- Individuals who have been tenants of a Local Authority house for a minimum of one year may apply to purchase that house by means of the Tenant Purchase Scheme. Applications are submitted to the relevant Housing Office in the Electoral Area.
- The actual transfer is affected by means of a Transfer Order.
- Transfer Order is registered in the Land Registry and the tenant becomes the owner of the house.

## **(H.2.2) HOUSING LOANS:**

- Income Eligibility Limits for Shared Ownership, Affordable Housing and Local Authority House Purchase Loans:

Eligibility will continue to be determined in accordance with the existing formula approach. However, with effect from 1 January 2006, the product of the formula ( $2\frac{1}{2} A + B$ ) must not exceed €100,000 where, in the income tax year immediately preceding the date of the application:

- 'A' is the larger of the incomes of the borrower and, if any, that of the borrower's spouse or any person cohabiting as husband or wife with the borrower or any joint borrower(s); and
- 'B' is the income, if any, of such spouse, person cohabiting or joint borrower(s), as the case may be.

In the case of a single income household, this has the effect of increasing the income eligibility limit from €36,000 to €40,000 per annum.

### **(A) HOUSE PURCHASE:**

- Applications may be made to the relevant Housing Office for loans for the purchase or construction of a private house.
- Applicants are assessed according to certain criteria, which includes an income test.
- Applicants approved for Local Authority housing and tenants for more than one year of Rental Subsidy Scheme housing surrendering their dwellings are exempt from this test.
- Loans can be up to 97% of the price of the house, subject to a maximum of €185,000.
- Mortgage repayments should not exceed 35% of a household's net income.

### **(B) HOME IMPROVEMENTS LOANS:**

- Applicants eligible for Local Authority House Purchase Loans are also eligible for loans for the carrying out of necessary works to improve repair/extend their existing houses.
- A maximum loan has been set at €38,000.

### **(C) SHARED OWNERSHIP:**

- Scheme designed to assist those who are not able to afford full ownership of a house. This provides for the ownership being shared between the shared owner and the County Council.
- Applications can be made to the relevant Housing Office for provisional approval.

**Note:** No commitment to purchase/build should be made prior to full approval being obtained.

- Applicants must satisfy criteria including an income test.
- The applicant selects the property, but it must be acceptable to the Local Authority.
- The applicant must buy at least 40% of the value of the house. Rent is then payable on share of property owned by the Local Authority.

• **Rent Subsidy:**

Shared Ownership customers may be entitled to a rent subsidy, depending on household income in accordance with the following table:

<b>Household Income</b>	<b>Annual Subsidy Payable</b>
<b>€</b>	<b>€</b>
13,000 and under	2,550
13,001 to 15,500	2,300
15,501 to 18,000	2,050
18,001 to 20,500	1,800
20,501 to 23,000	1,550
23,001 to 25,500	1,300
25,501 to 28,000	1,050

**(D) AFFORDABLE HOUSING SCHEME:**

**Principles:**

- The 1999 Affordable Housing Scheme provides for:
- The building of new houses on land owned or purchased by local authorities; and
- The purchase of turnkey developments by local authorities for sale.

These houses are subsidised by the State (site subsidy) and are provided at less than market value.

Where the local authority is building on their own sites or purchased land, they can apply to the Department of Environment, Heritage and Local Government for a site subsidy.

The site subsidy payable for the Dublin Metropolitan Area (including the city of Dublin and the counties of Dun Laoghaire-Rathdown, Fingal, South Dublin and certain District Electoral Divisions in Kildare, Meath and Wicklow) and the cities of Cork, Limerick, Waterford and Galway is up to €50,000. The site subsidy for areas other than those set out above is up to €31,800.

The 1999 Affordable Housing Scheme targets persons with low to middle incomes and is primarily aimed at First Time Buyers.

Each local authority determines the areas of need for affordable homes, having regard to areas where affordability gaps are greater and where there is a need to secure a social housing mix.

**Eligibility:**

- Primarily aimed at First Time Buyers. (Certain exceptions apply such as applicants who are separated or divorced, who may have previously owned a property).
- Tenants and tenant purchasers of local authority homes who intend to return their home to the local authority on purchasing an affordable home.
- Persons included by a local authority in its latest assessment of housing needs under Section 9 of the Housing Act, 1988, or accepted for inclusion in the next such assessment (Council's Housing List).
- Local authorities determine the general eligibility of applicants under the terms of the scheme and then decide on priorities within those eligible in accordance with their own criteria.

**Income Eligibility:**

- Single applicant must have an income less than €40,000 in the preceding tax year.
- Joint applicants income limits are based on 2.5 times the larger gross salary plus once the smaller gross salary. This combined income must be no greater than €100,000.

Example of how the proposed formula and limit would apply in different circumstances is shown below:

	Single Income Household	Single Income Household	Two Income Household	Two Income Household
<b>Principle Income</b>	€40,000	€41,000	€32,000	€40,000
<b>Subsidiary Income</b>	Nil	Nil	€18,000	€18,000
<b>Formula</b>	€40,000 x 2.5 = €100,000	€41,000 x 2.5 = €102,500 = €98,000	€32,000 x 2.5 + €18,000 = €118,000	€40,000 x 2.5 = €18,000
<b>Eligible ?</b>	Yes	No	Yes	No

### **Financial Arrangements:**

- Mortgage finance can be obtained from participating private lending institutions or from the local authority.
- A 3% deposit is required along with a 97% mortgage.
- A record of savings is required.
- A purchasers ability to repay a mortgage must be considered.
- Low income earners may be eligible for mortgage allowance or where loan has been provided by local authority they may qualify for a mortgage subsidy, but cannot avail of both.

### **Clawback:**

If the purchaser sells their affordable home within 20 years, they must pay back a percentage of the sale price to the local authority. The clawback is in place to prevent inappropriate profits arising from the sale of an affordable home. The clawback applies whether the purchaser has a local authority mortgage or a mortgage with a bank or building society.

Allocation:

Houses are allocated in accordance with the Scheme of Allocating Priorities.

- **Mortgage Subsidy:**

A mortgage subsidy may be available, depending on household income in accordance with the following table;

<b>Household Income</b>	<b>Annual Subsidy Payable</b>
<b>€</b>	<b>€</b>
13,000 and under	2,550
13,001 to 15,500	2,300
15,501 to 18,000	2,050
18,001 to 20,500	1,800
20,501 to 23,000	1,550
23,001 to 25,500	1,300
25,501 to 28,000	1,050

### **(E) PART V AFFORDABLE:**

#### **Principles:**

- Part V Affordable came about as a result of Part V of the Planning and Development Acts 2000 - 2006.
- Part V introduced the provision of affordable housing as part of private residential developments.
- A local authority may acquire up to 20% of a residential development to be provided for affordable housing and/or social housing.

- The local authority's housing strategy defines the percentage mix of social and affordable housing required.
- One of the key objectives of Part V is to increase the integration of different housing tenures.
- Developers transfer up to 20% (depending on local housing strategy) of land/units, or sites, or equivalent financial contribution, or other land/units off site to the local authority.

**Eligibility:**

- Primarily aimed at First Time Buyers. (Certain exceptions apply such as applicants who are legally separated or divorced, who may have previously owned a property).
- Income limits are based on the person not exceeding 35% of their net income on mortgage repayments. A single applicant's income can range up to €58,000 approximately and joint applicants can have a combined income up to €75,000 depending on local authority area. These are approximate limits only.

**Financial Arrangements:**

- Mortgage finance may be obtained from private lending institutions or the local authority.
- Mortgages can be provided by private lenders or the local authority.
- Local authorities may use the Shared Ownership mechanism in Part V Schemes to make the homes more accessible to lower income households.
- Low income earners may be eligible for mortgage allowance or where the loan has been provided by the local authority, they may qualify for a mortgage subsidy, but cannot avail of both.

**Clawback:**

If the purchaser sells their affordable home within 20 years, they must pay back a percentage of the sale price to the local authority. It is in place to prevent inappropriate profits arising from the sale of an affordable home. The clawback applies whether the purchaser has a local authority mortgage or a mortgage with a bank or building society.

**Allocation:**

Houses are allocated in accordance with the Scheme of Allocating Priorities.

**(H.2.3) IMPROVEMENTS WORKS IN LIEU OF LOCAL AUTHORITY HOUSING:**

- This scheme allows a Local Authority to improve or extend privately owned accommodation for an approved applicant as an alternative to providing Local Authority Housing.
- Persons availing of this scheme are required to pay a weekly or monthly charge related to their means and the cost of the works carried out on the house.

#### **(H.2.4) MOBILITY AIDS HOUSING GRANT**

This grant is available to cover a basic suite of works to address mobility problems, primarily, but not exclusively, associated with ageing. The works grant aided under the scheme include;

- Grab-rails / Access ramps
- Level access showers
- Stair-lifts
- Other minor works deemed necessary to facilitate the mobility needs of a member of a household.

#### **(H.2.5) THE HOUSING ADAPTATION GRANT**

This grant is intended for people with a disability and is available to assist in the carrying out of works which are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of a person with a disability who has an enduring physical, sensory, mental health or intellectual impairment. The types of works allowable under the scheme include;

- The provision of access ramps / Stair lifts
- Downstairs toilet facilities
- Accessible showers
- Adaptations to facilitate wheelchair access
- Extensions and any other works which are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of a person with a disability.

#### **(H.2.6) SCHEME OF HOUSING AID FOR OLDER PEOPLE**

This grant is available to assist older people living in poor housing conditions to have necessary repairs or improvements carried out. The types of works grant aided under the scheme include;

- Structural repairs or improvements
- Re-wiring
- Repairs to/replacement of windows and doors
- The provision of heating, water and sanitary services, cleaning, painting and dry-lining
- This scheme now incorporates the Housing Aid for the Elderly Scheme formerly administered by the Health Service Executive.

### **(H.2.7) MORTGAGE ALLOWANCE SCHEME:**

- Applies to those who surrender their Council house and buy a private house with a mortgage of not less than €38,000 and to tenants of rental subsidy scheme houses who return their house to the voluntary body.
- The Housing Section of the Local Authority assesses applications. The allowance is payable directly by the Department of the Environment to the Lending Agency and not to the tenant/purchaser. The total allowance payable is €11,420 paid over the first five years of the mortgage.

#### **General Records:**

Part V Agreements.

#### **Personal Records:**

Housing Grant Loan Applications.  
Housing Loan Applications.  
Technical reports on properties.  
Income details for Loan and Grant Applications.  
Affordable Housing Applications.  
Income details for Affordable Applications.  
Individual Loan Account records.  
Loan Register.  
Loan Legal documents.  
Occupational Therapist Report on Grant Applications.

### **(H.3) VOLUNTARY HOUSING:**

Mayo County Council also support voluntary bodies in the provision of housing and other facilities under the following schemes:

#### **(H.3.1) CAPITAL ASSISTANCE SCHEME:**

- Approved voluntary bodies may apply under the Capital Assistance Scheme to provide accommodation for those with special needs, e.g., the elderly, disabled or homeless. To obtain approved status, applications should be made to the Minister for Environment, Heritage and Local Government Housing Grants Section, Ballina, County Mayo.
- The voluntary body must submit to the Housing Section plans for the scheme and proof of approved planning permission for the scheme. An application for capital assistance in respect of the voluntary body is then completed in the Housing Section.
- The completed application is then forwarded for approval to the Department of the Environment, Heritage and Local Government.



When approval is received, the non-repayable loan is awarded to the voluntary body (the loan is not repayable provided the body complies with the terms of the scheme). The loan available covers up to 95% of the approved cost of the works; a minimum of 75% of houses built must be reserved for approved housing applicants of the local authority. Loans of up to 100% of the approved cost of the work can be made provided all proposed tenants have been assessed as being in need of social housing.

#### **(H.3.2) CAPITAL LOAN AND SUBSIDY SCHEME:**

- Approved voluntary bodies may apply under the Capital Loan Subsidy Scheme to provide accommodation for families in need of housing. Approval is sought in respect of the costs of the Housing Scheme.
- The accommodation is financed by way of loan and subsidy. The Council advances a loan to the approved body to cover 100% of the cost. The Housing Section in turn applies to the Department of the Environment, Heritage and Local Government for sanction.
- A loan is advanced by the local authority to the voluntary body for the building of the Housing Scheme. The loan is partly repaid from rents paid by tenants and the balance is subsidised by the Department of the Environment, Heritage and Local Government.

#### **(H.3.3) JOINT VENTURE HOUSING:**

#### **(H.3.4) CO-OPERATIVE HOUSING:**

##### **RECORDS:**

- Applications from voluntary bodies
- Technical reports
- Approval of Department of Environment, Heritage and Local Government
- Mortgage Documents
- Financial details of Schemes
- Subsidy Claims

#### **(H.4) STANDARDS OF PRIVATE RENTED DWELLINGS:**

The local authority has responsibility for enforcement of the legal requirements of registration. The local authority has the power to investigate breaches of the regulations and to prosecute offences which carry substantial financial penalties.

##### **RECORDS:**

- Applications for Registration
- Register of Properties.

#### **(H.5) RENTAL ACCOMMODATION SCHEME:**

The Rental Accommodation Scheme was introduced as a new housing initiative in July 2004. This scheme is for people who are receiving rent supplement and who are deemed by Mayo County Council to have a long-term housing need. The Rental Accommodation Scheme will seek to source good quality accommodation in the private sector for the mid to long term (minimum four years) in order to provide security of tenure for RAS tenants. The scheme will provide an additional housing option, thereby giving greater choice and will ensure improved quality and standard of accommodation. RAS tenants may enjoy a financial benefit if they secure employment.

At the end of 2007 there are 1,064 family units for whom this scheme is likely to be an option;

- Applications are invited from all long term recipients of Rent Supplement (currently being administered by the Department of Social & Family Affairs through the local Community Welfare Officer network).
- Application is assessed by administrative staff in order to establish type of accommodation required, areas of choice, special requirements etc.
- Determination made on eligibility following Garda clearance and confirmation of current tenancy having been conducted satisfactorily.
- Accommodation in the private rented sector is sourced based on demand and availability.

#### **GENERAL RECORDS:**

- Statistical information and returns on transfers, pending etc.
- Financial records relating to Expenditure/Income.

#### **PERSONAL RECORDS:**

- Applications for Rental Accommodation Scheme from clients
- Applications to register properties from Landlords/Property owners
- Interview details regarding housing need
- Income details for rent calculation purposes
- Garda Clearance Certificate
- Declaration regarding current rent account
- Technical Assessment of properties offered
- Signed Contracts
- Tenant authorisation to cease rent supplement
- Payment option authorisation
- Tax clearance certificates
- PRTB Registration No.
- Fire Safety Certificates, where required
- Insurance details for properties on Rental Accommodation Scheme.

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### ROADS & TRANSPORT SECTION (RT)



### STRUCTURE OF ROADS SECTION IN MAYO COUNTY COUNCIL:

#### **Roads Administration:**

The Roads function of Mayo County Council is divided between works of a Capital nature (mainly improvement works) and those of a Revenue nature (mainly maintenance works). The Director of Services and County Engineer has overall responsibility for the Roads function, with particular responsibility for the Roads Capital function. In addition there are three Regional Offices located at Castlebar, Ballina and Westport, headed by a Director of Service and appropriately staffed. These offices provide day-to-day customer service.

#### **Roads Design Section:**

The Director of Services and County Engineer has overall responsibility for the design, construction of roads. There is a Regional Road Design Office located at The Mall, Castlebar. This office works in liaison with the National Roads Authority in respect of major improvements to the National Primary and National Secondary Roads network.

Major improvements to the National Roads network consists of the construction of new roads and bridges to include by-passes of town and villages or realignments of existing national routes.

The Roads Design staff, located at Council headquarters, deal with road design for Regional and Local roads and have responsibility for the design of minor improvement works on the National Road networks. Minor improvements consist of pavement overlays on existing routes.

## MAYO COUNTY COUNCIL'S ROADS FUNCTION:

The overall objective is to develop a public road network adequate to cater for the ever- increasing volume of modern traffic and to provide the necessary infrastructure to support economic and social development, with due regard for the safety and amenity of all road users.

"Public Road" means a road over which a public right-of-way exists and the responsibility for the maintenance of which lies on a road authority.

### ROADS CLASSIFICATION:

- **National Primary:** roads are major long distance through routes linking the principal ports and airports, cities and large towns
- **National Secondary:** roads are medium distance through routes connecting important towns and linking to the national primary routes
- **Regional:** roads are the main feeder routes into, and provide the main links between, national roads
- **Local:** roads including all rural and urban roads other than national or regional roads.

- 

### **ROADS SERVICES**

The Roads Section of Mayo County Council provides the following range of services. Application forms required in order to avail of these services may be obtained from the Roads Section, which is located on the second floor of Aras an Chontae, The Mall, Castlebar, or alternatively at: Ballina, Belmullet, Claremorris, Kiltimagh, Newport, Swinford, or Westport Area Offices.

## **(RT.1) PROVISION OF ROADS NETWORK:**

### **(RT.1.1) PREPARATION OF FIVE YEARS ROADS PLAN**

Mayo County Council prepares a five-year road's plan, which sets out medium term plans for the development of regional and local roads and the funds required for the proposed works. Proposals included are chosen through prioritisation of need with reference to factors such as traffic flows, accident statistics and current deficiencies. The plan is submitted to the Department of Transport (D.O.T). When the D.O.T has given notification of roads grants available the annual programme of works is finalised. The programme concentrates on improvement works, which preserve investment in the existing road infrastructure.

### **(RT.1.2) DESIGN OF ROADS NETWORK:**

The design of major improvement works on National Roads is carried out in consultation with the National Roads Authority (N.R.A).

### **(RT.1.3) LAND ACQUISITION:**

The County Council acquires lands that are required for future road developments in advance by either agreement or through compulsory acquisition. Where a portion of land is required to widen, enlarge, or improve a public road, a landowner completes a Land Agreement Form once a purchase price has been agreed.

Where the County Council is satisfied that land is required for any of their powers, duties, functions and the land cannot be acquired because:

1. The owner refuses to sell
2. The price is considered excessive
3. There is no identifiable title to the land

The Compulsory Purchase Order procedure may be initiated, this procedure is lengthy and is necessitated by many road projects.

### **(RT.1.4) IMPLEMENTATION OF ENVIRONMENT IMPACT STUDY (E.I.S):**

Where proposed works will have a major environmental impact on an area e.g. in terms of noise, traffic volumes etc. an (E.I.S.) must be prepared

The County Council must also comply with Planning Legislation in relation to the following:

- Construction of new roads, widening or realignment of an existing road, where the length of the new road or of the widened or realigned portion of the existing road which is 100m or more in an urban area and 1km or more in length in an area outside of an urban area
- Construction of a bridge or tunnel

### **(RT.1.5) TENDERING OF CONTRACTS FOR ROADS SCHEME:**

The County Council advertises for tenders for major works, which are carried out by contract. Under European Directives, certain tenders for works, supplies and services must be advertised in the Official Journal of the European Communities and are also published in national and local newspapers. The Council also avails of the ETenders website for the purposes of advertising tenders.

Tenders for annual supplies such as hire of machinery and stores materials are published in national and local newspapers. Since 2006, the Council uses the LAQuotes website to advertise for machinery supplies and materials. Tenders for specialised equipment or materials may be invited from specific suppliers.

**(RT.1.6) SUPERVISION OF ROADS SCHEME:**

**(RT.1.7) IMPROVEMENT AND MAINTENANCE OF NATIONAL ROADS:**

Mayo County Council is the road authority for the National Primary and Secondary Roads in the County.

**- NATIONAL PRIMARY ROADS:**

N5 - Westport/Swinford/Charlestown/ to Roscommon Co. Boundary

N17 - Charlestown/Knock/Claremorris/Ballindine to Galway Co. Boundary

N26 - Ballina (There are proposals at design stage to construct a new road (By-passing Foxford from Mount Falcon near Ballina to Bohola)

**Total 138.2 kms**

**- NATIONAL SECONDARY ROADS:**

N58 - Ballyvary to Foxford

N59 - Sligo Border near Ballina to Bangor Erris/Newport/Westport/Leenane

N60 - Castlebar/Claremorris/Ballyhaunis to Roscommon Co. Boundary

N83 - Roscommon Co. Boundary to N17 at Glentavraun

N84 - Castlebar/Balinrobe/Shrule to Galway Co. Boundary

**Total 272 kms**

The National Roads Authority has overall responsibility for planning and supervising the construction, improvement and maintenance of the network of National Roads.

Mayo County Council Road Design Section Staff prepare designs for all major schemes on National Roads. The Section applies to the National Roads Authority for approval and funding.

The extent of improvements and maintenance works on national roads depends on the annual grant allocation made by the National Roads Authority. Major improvement works are now in the main carried out by contract.

## **(RT.1.8) IMPROVEMENT AND MAINTENANCE OF NON-NATIONAL ROADS:**

### **(A) Regional Roads -**

Mayo County Council is the road authority for the Regional Roads in the County,

**Total 590.8 kms**

### **(B) Local Roads -**

Mayo County Council is the road authority for the Local Roads in the County,

**Total 5,333 kms**

In addition to the annual Department of Transport discretionary grant allocation, the Council commits significant resources to maintenance and improvement works.

Following notification of the grant allocation by the Department of Transport, a programme of works is prepared (Road Works Scheme in County Mayo). Over 80% of the road works on non-national roads are carried out by direct labour, with contractors being employed for the peak season and for specialised macadam work. The selection of projects and the manner of their execution seek to optimise the return from expenditure incurred.

## **(RT.1.9) DECLARATION OF ROADS TO PUBLIC ROADS:**

The County Council may declare a road to be a public road where it has:

1. Satisfied itself that the road is of general public utility
2. Considered the financial implications for the Council of the proposed declaration

The Council must give adequate public notice of its intention to declare the road public and give due consideration to any objections or representations made. The making of an order declaring the road to be public and the consideration of any objections or submissions received is a reserved function of the elected members.

The Council has the power to take in charge roads, footpaths, lighting, water and sanitary services of a housing estate provided they are not located on private property. The developer of the estate must have completed the services to an acceptable standard and be in accordance with architectural drawings showing a detailed description and location of underground services. The County Council then carries out their own inspection of the estate. Roads and footpaths are taken in charge by way of the road declaration procedure; remaining services are taken in charge by recommendation of the Council.

### **(RT.1.10) PUBLIC LIGHTING:**

As a road authority, Mayo County Council is responsible for the provision and maintenance of public lighting. Traffic-route lighting is generally provided in the course of road improvement works.

A number of single lights at rural locations are provided each year.

The E.S.B. arranges the supply, installation and maintenance of public lighting on behalf of the Council. Faults should be reported directly to the E.S.B. in Mayo. The cost of the provision and maintenance of all public lighting is paid for by Mayo County Council.

## **(RT.2) CONTROL OF ROADS NETWORK:**

### **(RT.2.1) TEMPORARY CLOSURE OF ROADS:**

A road authority has power to temporarily close public roads for road races or other events, to permit the carrying out of works, or for any other purpose. The regulations relating to the temporary closure of roads require the publication of two notices -

1. A notice of intention to temporarily close the road at least two weeks prior to closure
2. A notice of the decision to temporarily close the road must be published at least seven days prior to the closure.

The notice of intention must allow for objections to be made in writing to the road authority within a specific period being not less than 3 days from the date of publication of the notice. The road authority must consider any objections received and not withdrawn.

### **(RT.2.2) ABANDONMENT OF ROAD:**

When a road becomes abandoned its maintenance is no longer the responsibility of the Road Authority. A notice must be published in at least one local newspaper of the intention to abandon the road and a sign must be placed at either end of the effected road for at least fourteen days. The actual abandonment order is a reserved function of the elected members, who must take into consideration any objections or representations received in relation to the abandonment. Once the order takes place a further notice must be published in a newspaper announcing the decision and any objector and those who made representations must be notified. The abandonment of national and regional roads require the approval of the Minister for Transport, national roads also require the approval of the (N.R.A.)



### **(RT.2.3) ROAD OPENING LICENCE:**

A person who wishes to open a public road or footpath for any purpose must obtain a road opening licence. It is otherwise an offence to deface, damage or excavate a public road without statutory authority.

#### **The fees are as follows:**

<b>A.</b>	<b>Road openings to access utilities other than Mayo County Councils:</b>	
	<b>Category</b>	<b>Charge</b>
	<b>Local Roads</b>	<b>Flat fee of €500</b>
	<b>Regional Roads</b>	<b>Flat fee of €750</b>
	<b>National Roads/Urban Roads</b>	<b>Quotation required</b>
<b>B.</b>	<b>Connection to services owned by Mayo County Council - all works to be carried out by Mayo County Council:</b>	
	<b>Connection of 12mm service pipe to a watermain <math>\leq</math> 150mm diameter:</b>	
	<b>Road opening required</b>	<b>€1,500</b>
	<b>No road opening</b>	<b>€1,000</b>
	<b>Connection of 12mm service pipe to a watermain <math>\geq</math> 150mm diameter:</b>	
	<b>Road opening required</b>	<b>€1,800</b>
	<b>No road opening</b>	<b>€1,300</b>
	<b>Larger connections &gt; 12mm</b>	<b>By quotation</b>
	<b>Standard sewer connection/surface water connection:</b>	
	<b>Standard 100mm saddle connection to main sewer:</b>	
	<b>Road opening required</b>	<b>€2,400</b>
	<b>No road opening</b>	<b>€1,900</b>
	<b>Other connections</b>	<b>By quotation</b>

The Applicant must notify the Area Engineer once the work is completed. The Area Engineer will then have the road restored to its' original condition.

### **(RT.2.4) HEAVY LOAD PERMIT:**

A special permit is required for the use on a public road maintained by the County Council of any vehicle or trailer whose laden weight, dimensions etc. exceed allowed limits. The permit sets out details of the load, vehicle, weight, route and any restrictions to the route. The applicant must undertake to refund to the Council the amount of any damage caused to the public road by the use of the vehicle or trailer.

**(RT.2.5) DAMAGE TO PUBLIC ROADS:**

It is an offence to deface, damage or dig up a public road or allow any material such as clay, slurry or fodder onto a public road where it would create a hazard. Landowners are obliged to ensure that water, soil or other material does not flow or fall onto a public road. In relation to drainage, they must ensure that water is not preventing from draining into, through or under their land from a public road.

The Council's written consent is required where a landowner proposes to deepen or widen an existing drain or dig a new drain within 50 feet from the nearest edge of the road. Consent is not required for the ordinary maintenance of the drain. Where complaints are received by phone, in person, or in writing, regarding matters such as flooding, dirt/other matter on roads, condition of road, etc., the relevant area engineer investigates the matter. A report is prepared on the incident, which is sent to the Senior Executive Engineer for a recommendation as to action. A notice may be served on the landowner to take specified steps to stop the falling or flowing of water/soil etc., onto the public road. Failure to comply with such a notice is an offence subject to a fine of up to €1270 and/or six months in prison.

**(RT.2.6) HEDGECUTTING/DANGEROUS STRUCTURES, TREES ETC:**

There is an obligation on landowners and occupiers to ensure that roadside structures such as trees, shrubs etc. do not become a danger to those using or working on a public road. A road authority can serve a written notice on a landowner or occupier requiring the carrying out of specified works within a period of time stated in the notice to ensure the safety of those using or working on a public road. A person on whom a notice has been served may appeal to the District Court against the notice within fourteen days. The road authority may carry out the work itself in a case where a person fails to comply with a notice and may recover the costs from the landowner/occupier. The road authority can also take action itself to deal with immediate and serious hazards where it is imperative that a danger be removed at once.

**(RT.3) TRAFFIC MANAGEMENT:**

**(RT.3.1) TRAFFIC MANAGEMENT PLAN:**

The Traffic Management Plan is drawn up in order to maximise the use of current street networks. The Council's Road Design Section produces the proposed plan. The draft plan is then put on public display for one month during which time; submissions may be made by those affected by the plan. The draft plan is also sent to the Gardai and relevant bodies and is then put before the elected members of the council for comment. The final plan is drawn up to include changes arising from these consultations. A notice is then published in a

local newspaper informing the public of the date on which the plan comes into operation.

#### **(RT.3.2) SPEED LIMIT BYE LAWS:**

The procedure for the provision/revision of speed limits is as follows:

- The proposal is sent to the *Garda Chief Superintendent*
- It is approved by the *Area Committee* of the *County Council* and is then referred to the *Council's Road Design Section* for preparation of map
- In the case of a *National Road*, the proposals must be sent to the *National Roads Authority* for their consent to the speed limit
- A copy is sent to the *Garda Commissioner* and *Urban District Council* or *Town Commissioners* if relevant, inviting their submissions and setting out the latest date for receipt of same
- The *Bye-Laws* together with the submission received are placed before the members of the *Council* for adoption
- A notice must be placed in a local newspaper advising the public of the *Bye-Laws*
- A copy is sent to the *Garda Superintendent* and the relevant *Area Engineer* for implementation

#### **(RT.3.3) PARKING BYE LAWS:**

The *County Council* has the power to make *Bye-Laws* for the control and regulation of parking in specific parking places and may provide for the payment of fees for parking. The procedure is as follows:

- The proposals must be sent to the *Garda Commissioner*
- Public notice must be given of the proposed *Bye-Laws* in at least one local newspaper allowing a period of one month for the inspection of the proposal and a further two weeks for the making of objections or representations
- Consideration of any representations made by the *Commissioner* or the public
- The *Bye-Laws* together with submissions received are placed before the members of the *Council* for adoption
- A notice must be placed in a local newspaper advising the public of the coming into force of the *Bye-Laws*

#### **(RT.4) PROMOTION OF ROAD SAFETY:**

The road safety role of local authority is a wide-ranging one, from road construction to school warden schemes. They now have an expanded role in promoting road safety by developing more initiatives at local level:

- Establishment of working groups to co-ordinate the activities of agencies and bodies involved, such as engineers, *Gardai*, teachers etc
- Development of a road safety strategy
- Co-ordination with the *National Safety Council* - advertising, promotions and media campaigns
- Seeking sponsorship

**(RT.4.1) JUNIOR SCHOOL WARDENS:**

The Junior School Warden Service is designed to provide safe crossing facilities for children in the vicinity of primary schools in provincial towns and villages.

The Local Authority is responsible for the introduction and operation of schemes, with the co-ordination of the Gardai, school management boards, teachers, parents and children. The National Safety Council provides assistance with the initial organisation of schemes. Mayo County Council has schemes in operation at present.

**(RT.4.2) CO-ORINATION OF ROAD SAFETY COMMITTEE:**

The committee comprises of a Chairman Director of Services, the Senior Executive Engineer of the Road Design Section, The Administrative Officer of the Roads Section and a member of the Garda Siochana. The aim of the committee is to

Co-ordinate the efforts of all agencies involved with road safety to promote road safety in the County.

**(RT.4.3) DETERMINATION OF LOW-COST ACCIDENT MEASURES:**

The National Roads Authority and the Department of Transport allocate funds for a programme of low cost safety improvement measures. The N.R.A. guidelines states that, as a general rule, proposals relating to single sites should cost more than €20,000 and should address locations where there has been at least three-recorded injury accidents in the previous three years. In the case of proposals relating to lengths of road, these should not exceed €25,000 in cost and should have at least five-recorded recorded injury accidents in the previous three years.

**(RT.4.4) SCHOOL FLASHING LIGHTS:**

The Road Design Office has put proposals before the N.R.A. to have flashing lights placed at all schools on National Roads throughout the County.

**(RT.4.5) PEDESTRIAN CROSSINGS:**

Pedestrian Crossings only operate on National Roads in County Mayo at present.

**(RT.4.6) TRAFFIC CALMING MEASURES:**

Road development works may, because of improved riding surface or increased road widths, promote increased traffic speeding on approaches to new roundabouts or on approaches to built-up areas. The Council may introduce measures such as rumble strips, or in the case of built-up areas, traffic calming schemes within the boundaries of 50 kmh speed zones, involving the re-development of the road in cross sections. Proposals for traffic calming measures must be forwarded to the Garda Commissioner and notice published in a newspaper allowing a period of one month for representations to be made in writing to the Council.

## **(RT.5) COMMUNITY INVOLVEMENT:**

### **(RT.5.1) COMMUNITY ROAD-WORKS SCHEME:**

It is open to Local Authorities to seek the support of local communities for improvement and maintenance work on non-national roads. This can involve the local communities undertaking activities such as opening and maintaining drains, removing grass banks to aid road drainage, providing hard stands at field entrances, etc. alternatively, the communities can make a financial contribution towards road-works, while the Council continues to carry out road reconstruction, surface dressing, etc.

Mayo County Council is positively disposed towards encouraging community involvement in road works. Advertisements have been placed in local newspapers and invitations have been issued to community groups.

### **(RT.5.2) LOCAL IMPROVEMENT SCHEMES:**

Mayo County Council has power to construct and improve certain non-public roads, and to undertake minor drainage improvements associated with the road improvements. The expenses of the Council in carrying out local improvement scheme are met partly by State grant and partly by local contribution (10% - 40% of the cost). Future maintenance is the responsibility of the users.

### **(RT.5.3) COMMUNITY ALERT SIGNS:**

Schemes are carried out each year depending on available financial resources. Members of the local community establish community Alert areas in association with the Gardai and signs indicating that such a group exists are placed at the various locations throughout the area. The local community and a map showing the proposed locations of each sign must be submitted to the County Council supply the sign and poles. The signs are erected free of charge by the Council on behalf of the community subject to approval of the chosen locations. There is an exemption on the need to apply for planning permission, subject to the signs complying with the recommended specifications.

## **(RT.6) PIERS AND HARBOURS:**

Mayo County Council provides funding for the maintenance of piers and harbours in its charge. Works of a capital nature e.g. pier improvements is undertaken on the basis of a 75% grant from the Department of the Marine.

In recent years the Department of Communications, Rural and Gaeltacht Affairs, has allocated capital funding for a number of piers, both new and existing, in Gaeltacht areas and where such piers afford access to islands.

**(RT.7) SPECIAL RESTORATION PROGRAMME:**

In 1995, the Government approved a major ten-year restoration programme for the non-national roads. The improvement works under this programme involve surface dressing, surface restoration or road reconstruction. In the case of maintenance works, particular attention must be given to the provision/restoration/maintenance of roadside drainage.

Funds are being allocated to that part of the network, which is most deficient, not on a geographic basis. The record funding available will ensure that real progress can be made in eliminating unsatisfactory road conditions encountered in many areas and securing lasting improvements in the condition of the roads.

**(RT.8) E.U CO-FINANCED PROJECTS:**

In 1994, a scheme of specific grants was introduced to meet 100% of the cost to Local Authorities of individual road improvement projects.

These co-financed projects must have a significant impact on employment and promote rural development/agriculture or economic activity in industry, tourism, fisheries or forestry. Specialised work had been carried out by contract.

**(RT.9) SCHEDULE AND MAP:**

Mayo County Council keeps a schedule and map of all public roads for which it has responsibility.

**PERSONNAL RECORDS:**

- Names
- Wages
- Training history of workers

**GENERAL RECORDS:**

- Environmental Impact Statements
- Five Year Roads Plan
- Annual Road-works Programme
- Plans and costings for all road projects, community Road-works projects, urban/village renewal projects, local improvement schemes, public lighting proposals
- Tender received for projects
- Designs for proposed major projects in the County
- Applications for temporary closure of roads, road opening licences, water connections, vehicle permits, scaffolding licences, Junior School Warden Schemes, Urban/Village Renewal Scheme, Community Road-works, Local Improvement Scheme, Community Alert Signs
- Complaints regarding roads/roads users
- Landowners upon whom compulsory Purchase Order procedures have been initiated.

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### WATER SERVICES SECTION (W)



- Provide an adequate supply of piped water of suitable quality for domestic, industrial, agricultural and other uses.
- Provide a safe and adequate system for disposal of Sewage and other Waste Waters.

### STRUCTURE OF WATER SERVICES IN MAYO COUNTY COUNCIL:

The Senior Executive Officer and Senior Engineer, with appropriate Administrative, technical and other staff both in Headquarters and throughout the county, manage the Water and Sewerage Services Section.

The Water Services Office is located on the second floor of:

Aras an Chontae,

The Mall,

Castlebar.



## **(W.1) PROVISION OF MAJOR & SMALL WATER & SEWERAGE SCHEMES**

### **(W.1.1) DETERMINATION OF WATER & SEWERAGE NEEDS**

#### Provision and Improvement of Schemes:

The Council has received monies from the EU Cohesion Funds for the development of major schemes.

The Department of the Environment also operates small scheme programmes, which is used to fund the provision and improvement of schemes, which cost less than €634,000. The Council receives an annual allocation under this heading.

(W.1.2) SERVICED LAND INITIATIVES:

(W.1.3) DESIGN OF SCHEMES:

(W.1.4) LAND ACQUISITION:

(W.1.5) IMPLEMENTATION OF ENVIRONMENTAL IMPACT STUDY (E.I.S):

(W.1.6) TENDERING OF CONTRACTS FOR WATER & SEWERAGE SCHEMES:

(W.1.7) ACQUISITION OF WATER RIGHTS:

(W.1.8) WAYLEAVES:

## **(W.S.2) OPERATION & MAINTENANCE OF WATER & SEWERAGE SCHEMES:**

The operation and maintenance of both schemes is the function of the areas, under the Area Directors.

### **(W.S.2.1) OPERATION & MAINTENANCE OF WATER SCHEMES:**

The Council maintains Public Water Supply Schemes producing millions of gallons of water per day. The Council has a network of Water Caretakers who maintain the schemes under supervision of the sections Technical Staff.

**(W.S.2.2) OPERATION & MAINTENANCE OF SEWERAGE SCHEMES:**

The Council maintains Public Sewerage Supply Schemes throughout the County. Local Authorities are obliged to provide treatment facilities, which provide a level of treatment required under the EC legislation, the Council has a programme for providing new sewerage schemes and updating existing schemes to provide the required level of treatment.

**(W.S.2.3) WATER QUALITY REQUIREMENTS:**

Maintenance and management of the operation of Water Treatment Plants are continuously under review. Drinking waters are monitored in accordance with the requirements set down under European Communities (Quality of water intended for Human Consumption) Regulations 1988. Samples of Water at various stages on water schemes including samples from the tap are taken on a regular basis. A report on the quality of water is produced annually and is available from the Council's offices.

**(W.S.2.4) PROVISION OF WATER AND SEWERAGE CONNECTIONS:**

Application forms and information are available at Mayo County Council's area offices and at the Water Services Section of Mayo County Council Headquarters located in Castlebar.

The cost of Water and Sewerage connections are as outlined in Mayo County Council's Development Contribution Scheme.

**(W.S.2.5) WATER CHARGES:**

**BACKGROUND**

Government policy requires all Local Authorities to recover the cost of providing Water Services (Water and Sewerage) from all non-domestic users. This is in accordance with the *Polluter Pays Principle* and the requirements of Article 9 of the EU Water Framework Directive.

Water charges are based on metered usage so consumers pay for water services in a fair and equitable way, i.e., the less you use the less you pay. The charges will only relate to non domestic element of the water supply, e.g. Business, farming, institutions and all connections not strictly for domestic use.

### **NEW CHARGING STRUCTURE**

The new Charging structure comes into effect on the 1<sup>st</sup> of January 2008. The 2008 water services charges will be determined at the annual budgetary meeting in December 2007.

A typical bill has five elements, detailed as follows:-

<b>Water Services Charges</b>	
<b>Customer Standing Charge</b>	This covers the administrative, contract and management costs associated with the new water services charging system. Each customer will receive one Customer standing charge per year, payable in advance.
<b>Meter Maintenance Charge</b>	This covers the reading and maintenance costs associated with individual meters. Each customer will receive one annual Meter maintenance charge for the water meter on <u>each</u> connection the public water scheme.
<b>Volumetric Charges</b>	<u>Volumetric Water Charge</u> . This covers the Non-domestic portion of the running costs of the Public Water Supply Schemes.
	<u>Volumetric Sewerage Charge</u> . This covers the Non-domestic portion of the running costs of the Public Sewerage Schemes. The volume is calculated based on the water in / water out principle, and equates to the volume of water supplied through the water meter. This charge only applies to customers connected to a public sewerage system.
<b>Fixed Sewerage Charge</b>	For customers connected to a public sewerage scheme but have a private water supply, (ie. Connected to a Group Water Scheme), they will pay a fixed Sewerage charge. This covers the Non-domestic portion of the running costs of the Public Sewerage Schemes.
<b>Domestic Water Allowance</b>	Government policy states that there is no domestic water charges, therefore each occupied domestic house will be given an allowance of 225 cubic meters of water per year (50,000 Gallons). The domestic allowance will also be applied to the volumetric sewerage charge if applicable. It is the responsibility of each customer to

	ensure that they have submitted the correct number of domestic water connections to Mayo County Council's Water Services Charges section. All customers will be periodically audited to review the number of Domestic water connections. No domestic water allowance will be applied to fixed charges.
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*Note:-* A Domestic water connection is any connection to a dwelling house or apartment which is occupied. The domestic allowance equates to 617 litres per day. Please visit the Mayo County Council web site [www.mayococo.ie](http://www.mayococo.ie) for details on typical domestic water usage and water conservation advice.

<b>(W.S.3) OVERALL ADMINISTRATION OF IMPLEMENTATION OF GROUP, RURAL WATER &amp; SEWERAGE SCHEMES:</b>
-----------------------------------------------------------------------------------------------------------

**(W.S.3.1) GRANTS FOR GROUP WATER & SEWERAGE SCHEMES:**

Grants are available from the Council for the provision of new or the upgrading of existing Group Water Schemes and Sewerage Schemes. An annual subsidy is also payable towards the operational costs of both privately sourced and publicly sourced Group Water Schemes.

**(W.S.3.2) GRANTS FOR IMPROVEMENT OF WATER SUPPLY:**

A grant for the provision or necessary improvement of an individual water supply to a house may be payable to assist households dependent on private individual water supplies who are incurring capital expenditure to provide a piped supply of water for domestic purposes, or remedy serious deficiencies in an existing supply of water for domestic purposes. Grants of up to 75% of the approved cost subject to a maximum of €2,031 are available, however, the Scheme does not apply to houses to which a Public or Group Scheme Water Supply has already been provided or can reasonably be provided.

**INFORMATION AVAILABLE THROUGH THE WATER SERVICES SECTION:**

- Plan for protection of Water Supplies - set out the Council's planned response to incidents that threaten the public water supply and gives details of all schemes and contact staff
- Water quality monitoring results
- Conditions and fees for water and sewerage connections
- Explanatory memorandum on Grants for provision or necessary improvement on an individual water supply to a house
- Details of Grants available in respect of Group Scheme

**RECORDS:**

- Operational details in relation to schemes e.g. maps of pipe works
- Details of applications for water and sewerage connections
- Consumer information in relation to water charges and water consumption
- Legislation and guide lines in relation to the functions of the Sections (see Section 16 manual)
- Files in relation to water and sewerage schemes generally
- Contracts for the provision and maintenance of schemes
- Financial records in relation to the operation of the Section

## **WATER SERVICES LEGISLATION:**

- Public Health (Ireland) Act, 1878 (as amended)
- Water Supplies Act, 1942
- European Communities (Quality of Water intended for Human Consumption) Regulations 1988
- Environmental Protection Agency Act, 1992
- Urban Waste Water Treatment Regulations 1994

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### PLANNING SECTION (P)



Mayo County Council have under the Local Government (Planning & Development) Acts 2000 - 2007, the duty of preparing and implementing Development Plans for their functional area, of controlling development, improving amenities and conserving the natural environment.

#### STRUCTURE OF PLANNING SECTION:

*The services of the Planning Department which include Forward Planning, Development Control and Enforcement are delivered by a mix of administrative and technical staff working together in a coherent manner. The Area Managers for Ballina, Castlebar and Westport have overall responsibility for Planning Administration with the Administrative Officer of the Planning Section providing a range of planning services.*

On a daily basis the Planning Department must engage in consultations with other offices and bodies in order to assess development proposals and to prepare Development Plans. These bodies may include several internal local authority offices such as Housing, Sanitary Services, Roads and Fire Departments and various Statutory Bodies such as the Western Health Board, An Taisce, National Roads Authority and Government Departments.

## **MAYO COUNTY COUNCIL'S PLANNING AND LOCAL DEVELOPMENT FUNCTION:**

- To prepare and adopt the County Development Plan and Local Area Plans.
- To continue to deal with planning applications and development enquiries as expediently as possible
- To monitor developments to ensure they are not unauthorised, and enforce regulatory codes including Building Control.
- To accelerate the planning process by consulting with the public in relation to any proposed developments.
- To facilitate further local development and employment, by working with the employment agencies such as IDA in relation to large sites for industry and also providing small industrial sites.

### **SERVICES:**

#### **PREPARATION OF DEVELOPMENT PLAN**

Mayo County Council, as a Planning Authority, is required by the 2000 Planning Act as amended, to prepare a Development Plan for its functional area and to renew this Plan every six years. The Planning Authority must give notice of its intention to review its existing Development Plan within four years from the adoption of the existing Plan. The making, reviewing and varying of the Plan is a function reserved to the elected members.

The Development Plan must set out the 'overall strategy for proper planning and sustainable development' and indicate the 'development objectives for the area of the Planning Authority'. The 2000 Act contains certain mandatory objectives that must be included in the Development Plan. These include development objectives for land use zoning, preservation, improving and extending amenities, provision of infrastructure, conservation and protection of the environment and provision of traveller accommodation. It also includes development objectives relating to community planning, and the protection of the linguistic and cultural heritage of the Gaeltacht.

The Council officials prepare a Draft Plan based on a detailed survey and analysis of the area and on submissions from the public and local bodies. Following approval of the Draft Plan by the Council Members (by majority vote), it is put on public display for a minimum of 10 weeks and notice of intention to put it on display is published in local newspapers.



The Planning Authority must engage in a consultation procedure, which involve oral hearings, written submissions and liaise with interested bodies prior to adopting a Development Plan. Any person may make a submission or observation on the Draft Plan. The Council Members, having considered the comments, may change the Draft Plan based on the comments or on their own views. If the amendment is a material alteration of the Draft, the amendments go on further public display for a minimum period of four weeks and once again written submissions or observations are invited within that period. Following consideration of any new comments, the Plan is formally adopted by the Councillors and becomes the official Development Plan for the area.

When a Development Plan is formally made, the County Council gives public notice to this effect and the Plan is then available for public inspection during office hours at the Planning Office, Local Libraries and other Local Authority Area Offices.

Mayo County Council's current Development Plan was adopted in May 2008. It can be viewed or downloaded on the website [WWW.MAYOCOCO.IE](http://WWW.MAYOCOCO.IE). Hard copies or C.D ROM's of this Plan can be purchased from the Planning Office located in Castlebar.

### **CONTROL OF NEW DEVELOPMENT & BUILDING**

Control of development in the County Area excluding the urban areas is the responsibility of Mayo County Council as the Planning Authority for the area. Planning legislation provides that permission must be obtained for any development, other than certain development which is exempted. Development is defined in the 2000 Act as the 'carrying out of any works (building, demolition and alteration) on, in, over or under land or the making of any material (i.e. significant) change in the use of any structures or other land'.

Exempted developed is development for which planning permission is not required e.g. some agricultural works and minor constructions within certain defined limits. Categories of exempted development are set out in the 2000 Planning Act as amended and the Planning and Development Regulations 2001 - 2006.

The duty of Mayo County Council is to ensure that applications are made for development in the county and to issue decisions on the applications lodged. In dealing with applications, the Planning Authority is restricted to considering the proper planning and sustainable development of the area and they must have regard to the Development Plan for the area. There is a special procedure laid down for granting permissions, which materially contravene the Development Plan. Developments which could give rise to environmental pollution may, in

addition to planning permission, require a license from the Environmental Protection Agency.

Under section 247 of the Planning and Development Act 2000, Planning Authorities have a duty to enter into consultations with any person who has an interest in land and who intends to make a planning application. Mayo County Council hold weekly Planning Clinics in order to facilitate pre-planning enquiries and to comply with this section of the Act.

### **PLANNING PERMISSION (PLANNING APPLICATION PROCESS).**

The following sets out the procedure by which planning permission may be obtained:

Application is submitted to Planning Office with appropriate documentation: Copy of Public Notices - (Newspaper & Site Notice), 6 copies of Site Location Map and Site Layout Plans, 6 copies of House Plans and/or Building Drawings and 6 copies of Specifications and Appropriate Fee.

The Planning Authority must make a decision on a planning application within eight weeks from the date of receipt of a valid application or within four weeks from the date of receipt of further information requested by the Planning Authority to enable it to fully consider the application. If permission is not given within the appropriate period, the applicant obtains permission by default. The decision issued may be a decision to grant permission with or without conditions or a decision to refuse. In making their decision the local authority must have regard to the proper planning and sustainable development of its functional area and have due regard to the Development Plan. The County Manager cannot make a decision contrary to his own Development Plan, but there is a procedure whereby the elected members may authorise the County Manager to decide to grant permission in contravention of the Plan. The planning system includes a comprehensive appeals process and under this all planning decisions made by the Planning Authority may be subjected to independent review by An Board Pleanala.

The planning system is open and transparent and everyone (individuals, residents association, etc.,) has the right to view, free of charge, all documents submitted with a planning application, at the planning office during normal business hours. A submission or observation on an application must be made in writing to the, Planning Authority at Aras an Chontae, Castlebar within five weeks of receipt of the application and must be accompanied by a fee of €20.

Internal reports on an application prepared by or on behalf of the Planning Authority can be viewed after the planning decision has been made, during the period of appeal. Planning files are available for public inspection for the life of the permission (usually 5 years unless extended). Planning files over seven years can be inspected for a fee of €50.

The Planning Register and register map, which is a record of all planning applications, decisions, appeals enforcement action, etc., is open to public inspection, free of charge, at the planning office. Copies of entries in the register can be purchased at a fee not exceeding the reasonable cost of making a copy.

### **CONTROL OF UNAUTHORISED DEVELOPMENT**

Mayo County Council, as a Planning Authority, has wide powers of enforcement to ensure that development is carried out in conformity with planning permissions granted, and to prevent developments about to commence or which have commenced without planning permission, from continuing. Legal action must, however, be commenced by the Planning Authority within a period of 7 years from the breach of the planning laws occurring.

Members of the public who wish to bring any alleged unauthorised development to the attention of Mayo County Council must do so in writing to the Planning Enforcement Section. On receipt of a written complaint, it will be investigated and appropriate action taken if deemed expedient to do so.

### **TYPICAL ACTION TAKEN IN SUCH CIRCUMSTANCES IS AS FOLLOWS:**

A Warning Notice is issued where unauthorised development is about to commence or has commenced. If the Warning Notice is not complied with and the unauthorised development continues, the person responsible may be prosecuted and liable to a fine of up to €12,697,380 and/or two years in prison.

An Enforcement Notice is sometimes issued to "force" a person to cease or remove an unauthorised development or to comply with the terms of a planning permission. If the Enforcement Notice is not complied with, the person responsible is liable to be prosecuted and fined up to €12,697,380 and/or two years in prison.

The County Council as a Planning Authority or any other person may apply to the Circuit or High Court for an order under Section 160 of the 2000 Planning Act prohibiting unauthorised development (including unauthorised use). The court has broad powers in making such orders and developers acting in an unauthorised manner may be liable for very substantial fines and costs. A person or group of persons such as a residents association can use this section, without reference to the Planning Authority, to seek a remedy for unauthorised development that affects them.

### **CONTROL OF BUILDING STANDARDS**

Mayo County Council is a Building Control Authority and as such has powers in relation to securing compliance with building regulations. The purpose of the regulations is to promote good practice in the design and construction of buildings in the interest of health, safety and welfare of persons who use them.

The Building Control Authority has the following powers to enable them to promote the observance of the building regulations:

- To inspect buildings and the associated design plans, etc.
- To enforce the Building Regulations by service of notice.
- To obtain a High Court Order in urgent cases .
- To prosecute offenders.

The Building Control Regulations impose important requirements on persons carrying out construction work.

### **COMMENCEMENT NOTICES**

A Commencement Notice must be submitted to the Building Control Authority (i.e. Mayo County Council) not more than 28 days and not less than 14 days before the commencement of works. Commencement Notice forms are issued when issuing planning permission and can also be obtained from the Planning Office. A fee is payable when submitting a commencement Notice.

### **PROMOTION OF INDUSTRIAL, COMMERCIAL & OTHER DEVELOPMENT**

Mayo County Council as a Planning Authority, in addition to determining planning policy and controlling development in the County, has a leading role to play in the development of the County by carrying out developments in its own right, fostering the development of obsolete areas of the County and generally encouraging the development of the local economy to make the County a better place to work and live.

### **TWINNING COMMITTEE:**

The Twinning Committee consists of eight Councillors whose main brief is to foster twinning arrangements with other areas both home and abroad. Mayo is currently twinned with Calderdale Council in Halifax, Northumberland County Council and Tameside Metropolitan Borough. In 1997, new links were forged with Cheltenham Borough Council. The principle aims of setting up twinning links are to promote the economic development of the County, mainly from a tourism point

of view. Every effort to promote Mayo as a high quality tourist destination is made through the Twinning Committee in conjunction with Mayo Naturally Ltd.

**MAYO COUNTY COUNCIL AND N.A.S.C.:**

Mayo County Council is a member of N.A.S.C., which is a partnership of public institutions, aiming to promote the integrated and sustainable development of the areas for which the partners are responsible, and, to this end, maximise the benefits to these areas in the context of National and European policies and programmes. The partners involved in NASC are Mayo County Council, Galway County Council, Donegal County Council, Kerry County Council, University College Galway, Udaras na Gaeltachta and Meath County Council. Objectives of the NASC partnership include the following:

- To ensure that the partners are informed about relevant European matters. .
- To attract European funding for the implementation of projects and initiatives which contribute to the sustainable development of the partners' areas.
- To have beneficial input to the policy-making and programme making process at National and European level.

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### ENVIRONMENT SECTION (E)



#### FREEDOM OF ACCESS TO INFORMATION ON THE ENVIRONMENT:

- Requests shall be made in writing and, generally should be replied to within one month of receipt. This can be extended with notice in writing to two months due to the nature or extent of a request
- Reasonable charges may be made having regard to the cost of making available the information.
- Public authorities may refuse requests on certain mandatory grounds (e.g. Personnel Information/Third Party Information) or discretionary grounds (e.g. Commercial Confidentiality/Matters "sub judice" etc.).

Full details in relation to these Regulation are available from the Environment Department at Aras an Chontae.

The Council is also committed to a policy of making information on the Environment as widely available as possible subject to statutory and legal exceptions including the Freedom of Information (F.O.I.) Act. In this regard many statutory registers or other official publications, whether published by the Council or other bodies such as the Environment Protection Agency are available for public inspection together with leaflets provided by E.N.F.O. which are also available at the Council's Libraries and Area Offices.

### **MAYO COUNTY COUNCIL'S ENVIRONMENT FUNCTIONS:**

- To implement the Connaught Waste Management Plan in accordance with the Waste Management Act, 1996 to 2007, through the development of waste management infrastructure and facilities.
- The issuing of Waste Permits and Waste Collection Permits in accordance with the Waste Management Act, 1996-2007 and the Waste Management (Permit) Regulations, 2008 and Waste Management (Collection Permit) Regulations, 2008.
- The licensing of trade effluent or sewage effluent to waters or sewers in accordance with Section 4 & Section 16 of the Local Government (Water Pollution) Acts, 1977 - 1990.
- Implementing the Council's river, lake-water, groundwater and seawater protection policies.
- The implementation of the Council's Litter Management Plan, including Schools Promotions and Tidy Towns activities.
- The provision of Burial Grounds.
- The control of Derelict Sites.
- The enforcement of environmental legislation.

### **STRUCTURE OF ENVIRONMENTAL PROTECTION SECTIONS:**

Environmental functions such as Waste Management, Protection from Pollution and water monitoring are delivered by a mix of Administrative and Technical Staff working together in a coherent manner in the Environment Section. Functions such as assistance provided to Tidy Towns Associations and Community Groups are provided in Castlebar, Westport and Ballina.

The Director of Services for Environment has overall responsibility for Environmental Protection Administration with the Senior Executive Officer and staff of the Section providing a range of services.

The various Engineering/technical staff based in the Environment Section provides technical advice in relation to Environmental Protection Services.

Liaison is maintained with other Departments of the Council including the Water Services Section and the Planning Section while there is ongoing contract with such statutory bodies as the Fisheries Board, the Western Health Board and the Environmental Protection Agency in the assessment of Air and Water Pollution Licences and in relation to complaints received from members of the public.

### **ENVIRONMENTAL FUNCTIONS:**

The following range of Environmental Protection Services are provided by Mayo County Council:

#### **(E.1) WASTE MANAGEMENT:**

##### **(E.1.1) PROVISION AND OPERATION OF LANDFILL SITES**

Under the provisions of the Waste Management Act 1996 the Council operates two Landfill Sites, as licensed by the Environmental Protection Agency, to strict environmental standards at Rathroeen, Ballina and Derrinnumera, Newport. The licensed capacity for Derrinnumera Landfill, Newport, is 40,000 tonnes, while the licence for Rathroeen Landfill, Ballina, allows an annual intake of 45,000 tonnes.

##### **(E.1.2) RECYCLING**

Mayo County Council has two Recycling Centres at Derrinnumera Landfill, Newport, and Rathroeen Landfill, Ballina. Both Recycling Centres accept a vast range of materials for recycling including paper, cardboard, plastics, glass, tetrapak cartons, clothes, electrical / white goods, timber and metals. The public can also bring certain hazardous wastes such as waste paints, medicines, motor oils, batteries and fluorescent lamps. In addition to these two major centres, the County Council in co-ordination with Rehab have provided a total of 93 No. Recycling units for clear, green and brown glass, aluminium cans and textiles, throughout the County.



### **(E.1.3) STREET CLEANING**

Mayo County Council employ staff and have acquired equipment to provide a street cleaning service, which operates on a daily basis in all the towns within the County.

### **(E.1.4) LITTER CONTROL**

The County Council operates a Litter Awareness Campaign with the schools and continues to develop partnership with the business community and Tidy Towns organisations in relation to litter control.

The Council currently employs an Environmental Awareness Officer and seven part-time Litter Wardens who are pro-active in the promotion of litter awareness initiatives and the enforcement of the Litter Pollution Act 1997. Mayo County Council employs three Environment Enforcement Officers to enforce Waste Management legislation, etc.

### **(E.1.5) BEACH CLEANING**

The Area Offices have responsibility for cleaning of beaches in their respective administrative areas.

#### **RECORDS:**

- Waste and Hazardous Waste Management Plans
- Derrinnumera and Rathroeen Landfill Sites. All records in accordance with the Licences as issued
- Waste - Transfrontier Shipment Activities
- Register of Waste Permits and Waste Collection Permits under the Waste Management Act 1996
- Lists of community groups and schools entered in Environmental competitions
- Litter Management Plan in accordance with the Litter Pollution Act 1997.
- Certification of registration of Bring Sites with EPA
- Register of Water Pollution Licences issued in accordance with Sections 4 & 16 of the Local Government (Water Pollution) Act 1977 - 1990

## **(E.2) POLLUTION CONTROL:**

### **(E.2.1) MONITORING OF WATER POLLUTION**

Statutory responsibility for water management and protection rests primarily with the Local Authority. The Local Government (Water Pollution) Acts 1977 - 1990 and Regulations made thereunder including EU Regulations constitute the main national legislation in this regard. The EPA Regional Laboratory carries out the monitoring of water quality on behalf of Mayo County Council. This involves the analysis of sources of drinking water supplies, surface waters, freshwaters and effluent discharges.

### **(E.2.2) WATER POLLUTION DISCHARGE LICENCES**

Commercial activities, which are connected to the public sewer or discharge to ground or surface water require a Licence under the Water Pollution Acts, 1977 - 1990. The effluents are monitored regularly to ensure compliance with the Licence requirements. The Environment Section maintain a Register of the 98 No. Licences, which have been issued in respect of Discharges to Waters.

In addition, the Council maintain a Register of the 29 No. Licences, which have been issued in respect of Discharges to Sewers.

The Council deals with problems of Water Pollution by way of Notices under the Water Pollution Acts, which may lead to Court action in certain cases.

### **(E.2.3) AIR POLLUTION**

Under the Air Pollution Act, the Council monitors emissions from Licensed activities. A Register of such Licences is available for public inspection.

### **(E.2.4) NOISE POLLUTION**

Any person (including a Local Authority) may make an application to the District Court under the terms of the Noise Regulations 1994, to seek an Order to deal with the nuisance. Under the Environmental Protection Agency Act 1992 the County Council has wide ranging powers to deal with noise as a nuisance.

### **(E.2.5) FARM SURVEY**

The Council has carried out surveys in the catchments of Lough Conn, Lough Carra, Lough Mask and Moher Lough amongst others. The Council has also surveyed catchments of many of the domestic drinking water sources within the County.

#### **RECORDS:**

- Water Quality Management Plans for Rivers
- Register of Water Pollution Licences issued
- Register of Air Pollution Licences issued by Mayo County Council
- Register of Integrated Pollution Control Licences issued by the E.P.A.
- Information Leaflet and Application Form to District Court to make complaint in relation to noise under Environmental Protection Agency Act 1992 and the Noise Regulations 1994

#### **MONITORING RECORDS:**

- From Monitoring Stations operated on behalf of the Council by the E.P.A. (Regional Laboratory)
- Records of Farm Surveys
- Records on Bathing Water Quality
- Records on Drinking Water Quality
- Monitoring results on Sewage Treatment Plants
- Records under Urban Wastewater Directive

### **(E.3) ENVIRONMENTAL PROTECTION INITIATIVES:**

#### **(E.3.1) LITTER MANAGEMENT PLAN**

The Councils Litter Management Plan was reviewed and adopted in September 2007, under the Litter Pollution Act 1997/2003. The Plan operates for a 3 year period and is reviewed annually.

#### **(E.3.2) CLEANER COMMUNITY CAMPAIGN AND LITTER ACTION LEAGUE**

The Environment Section promotes environmental awareness through a series of activities, including the annual Cleaner Community Campaign and Litter Action League. The County Council gives awards in recognition of those who make efforts to improve their surroundings through the Tidy Housing Estate, Tidy Burial Grounds, Tidy Schools Competition, the Local Area Environmental Project and the Litter Clean-Up Competition.

## **(E.4) SAFETY OF STRUCTURES AND PLACES:**

### **(E.4.1) DERELICT SITES**

The Environment Section maintains a Register of Derelict Sites. The Council must give notice to owners of their intention to place a site on the Register. The Council has authority to serve notices on owners/occupiers of land, specifying measures to be taken to prevent land from becoming or continuing to be a derelict site.

The person on whom the notice is served must be afforded an opportunity of making representations to the Local Authority concerning the terms of the notice.

In certain cases, the Council may acquire by agreement or compulsorily any derelict site in their area.

### **(E.4.2) WATER SAFETY**

The County Council in co-ordination with the voluntary Mayo Water Safety Committee and the Irish Water Safety Association promote water safety in the county. The Committee covers all aspects of the service including training for Lifeguards, Water Safety Classes, Lifesaving Competitions, Schools Poster Competition and liaison with the public and media. The Council provides lifebuoys at strategic places and warning signs to notify bathers of any known hazards.

### **(E.4.3) CASUAL TRADING**

The County Council has adopted Bye-Laws in relation to the control, regulation, supervision and administration of Casual Trading in Claremorris Town.

These Bye-Laws were adopted early in 2004.

## **(E.5) BURIAL GROUNDS**

### **(E.5.1) PROVISION OF BURIAL GROUNDS**

The County Council carries out an assessment of needs of average annual usage. From this assessment a priority list is drawn up. Land is acquired either by agreement or by C.P.O.

### **(E.5.2) UPKEEP OF BURIAL GROUNDS**

Mayo County Council maintains 160 fee-paying major Burial Grounds on an ongoing basis; each has a Registrar who allocates grave spaces.

Some Community and Parish Councils have taken control of the upkeep of burial grounds in their towns and villages. The Council makes a contribution to these groups for the work involved (€380.00 - €508.00 per annum).

#### **RECORDS:**

- Register regarding Maintenance and provision of Burial Ground

## **(E.6) SWIMMING POOLS:**

Mayo County Council receives annual financial contributions from both Ballina Town Council and Castlebar Town Council. These contributions are directed towards the operational costs of these pools located at Castlebar and Ballina.

#### **RECORDS:**

- Files regarding contributions received from the Town Councils in respect of the operational costs of the pools

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### CORPORATE AFFAIRS SECTION (CA)



The Corporate Affairs Section of Mayo County Council carries out a wide range of functions:

#### MAYO COUNTY COUNCIL'S CORPORATE AFFAIRS FUNCTION / STRUCTURE OF THE CORPORATE AFFAIRS SECTION:

##### (CA. 1) HIGHER EDUCATION GRANTS:

Under the "Local Authorities (Higher Education Grants) Acts, 1968 - 1992", Mayo County Council is enabled to grant aid students undertaking degree courses in the E.U. member States. The "Higher Education Grants Scheme" for each year is drawn up by the Dept. of Education and Science and adopted by the members of County Council. The scheme sets out details of eligibility and grants payable. Grants are awarded following an assessment of means. Applications for grants are considered strictly in accordance with the terms of the Scheme

Determination of disputes in relation to interpretation or construction of the Scheme shall be determined by the Minister for Education and Science, whose decision is final.

The local authority recoups part of the cost of the grants issued, from the Department of Education and Science, but not the costs of administering the Scheme.

RECORDS:

- **Individual applications for grants**
- **Assessment of application**
- **Higher Education Grants Scheme**

**(CA .2) REGISTER OF ELECTORS:**

Mayo County Council is responsible for the production of the register of Electors for the seven electoral areas in County Mayo.

The Register comes into force on 15<sup>th</sup> February each year and persons aged 18 years or over on that date, who are otherwise qualified, can register. Irish citizens will have the right to vote in all elections but non-citizens will have this right limited to certain types of election only depending on nationality. The address at which a person is registered will be that at which he/she resides on the 1<sup>st</sup> September preceding publication. A person can register at one address only.

Various categories of person's can seek registration as postal voters while residents of nursing homes may seek registration as special voters.

A draft register is published by 1<sup>st</sup> November each year following house-to-house or other enquires. The draft register is made available at the County Council Offices and also at the libraries, the post office and the public are invited to check that they are properly registered.

Claims for additional or deletion of names must be made by 25<sup>th</sup> November and these are ruled on by the County Registrar. Interested parties are notified of his/her decision and can appeal to the circuit court if dissatisfied.

### **SUPPLEMENT TO REGISTER:**

If a person is not included in the register of electors and qualifies for registration, he/she may be included in a supplement. This will normally be published only in the event of an election.

### **RECORDS:**

- Register of Electors
- Applications for entry in the Register or Supplement thereto
- County Registrar Decisions

### **(CA .3) LOCAL ELECTIONS:**

The last Local election for membership of local authorities took place on 11<sup>th</sup> June 2004, with elections to be held ever five years thereafter. Polling in local elections takes place throughout the country on the same day.

Election to the Council is by proportional representation and casual vacancies in membership, caused by death, resignation etc., are filled by co-option of a new member by the remaining members.

Mayo County Council is divided into seven electoral areas. The members, at the annual meeting of the Council elect a Chairman each year.

### **Who is entitled to vote in a Local Election?**

Persons aged 18 and over are entitled to be registered to vote in a local election for the local electoral area in which they ordinarily live. Irish citizenship is not a requirement for eligibility to vote at a local election.

### **Nomination of Candidates:**

A candidate for a local election must be an Irish Citizen or be ordinarily resident in the state and may nominate him/herself for election. Nominations may also be made by any elector, who is on the register of electors for the electoral area to which the nomination is made but the candidate must give his/her consent to the nomination.



**The Election:**

In Mayo County Council the County Secretary is the Returning Officer responsible for conduct of the election and for declaration of the results.

When nominations are completed he/she makes arrangements for holding the election, appoints necessary staff, has ballot papers prepared etc.,

## **LIBRARY SERVICE:**

<p align="center"><b>(CA .4) <u>PROVISION AND MAINTENANCE OF LIBRARIES - COUNTY</u></b> <b><u>LIBRARY SERVICE:</u></b></p>
--------------------------------------------------------------------------------------------------------------------------------

Mayo County Libraries are an invaluable community resource providing books for education, information, recreation and culture. They are a key information point and an archive of local identity.

### **Branch Libraries:**

- Full Time -** Castlebar, Ballina, Ballinrobe, Claremorris, Westport, Kiltimagh, Swinford.
- Part Time -** Kilkelly, Ballyhaunis, Belmullet, Crossmolina, Foxford, Louisburgh, Achill, Clare Island. Charlestown, Inishturk
- School Service -** Primary Schools involving a total of 186 schools in the County.

### **BUSINESS INFORMATION CENTRE:**

The Business Information Centre is based in Castlebar library. The aim of the centre is to foster a business ethos in the county by providing a comprehensive business information service to existing businesses those interested in establishing new businesses, community groups and the general public. This information is provided in a number of formats - books, videos, audiotapes, journals as well as computer and via the Internet.

### **INFORMATION TECHNOLOGY:**

(CA. 4.1)

Library services are computerised and a catalogue of the majority of holdings is available online at [www.mayolibrary.ie](http://www.mayolibrary.ie). The library has a policy of digitization material to make it available online with particular emphasis on local material.

- **(CA. 4.2) Internet -**

Free Internet access is available in all library branches except Foxford where space does not allow such a facility. .

- **(CA. 4.3) Multimedia -**

In addition to books the library service has a policy of providing educational videos, DVDs and CD ROMs. A music service is also provided in many branches.

**ARCHIVES:**

Mayo County Council has a policy of collecting Archives including the Councils own Archive material, which was housed in the former Council offices in the Courthouse, The Mall, Castlebar, but currently stored at Moneen, Castlebar.

<u>RECORDS:</u>
<ul style="list-style-type: none"><li>• Files re-stocks held</li><li>• List of members</li><li>• Inter-library loans</li><li>• Requests and books on loan to the public</li><li>• Files on charges received in respect of library fees and book fines</li><li>• The County Librarian Headquarters, Castlebar, holds files in relation to the administration and future development of the Library Service.</li></ul>

## (CA. 5) COUNTY ARTS SERVICE:

The Mayo County Council Arts Service has developed immensely since its inception in 1989. Through a continued commitment to the Arts, the County Council has expanded its support for and contribution to the on-going development of the arts in Mayo.

Mayo County Council's Arts Service is a functional unit within the County Council structure. Through the Arts Service support is provided to artists, writers, musicians, drama workers, dancers, community arts workers and arts organisations working in Mayo.

- *"Saibhreas an tSaoil, Mayo County Council Strategic Arts Plan"* outlines policy and planning for the arts in the county for the specified period.
- Detailed information regarding the service is available in the 2003 publication: *Mayo County Council Arts Service*, which profiles the work of the Arts Office.

(Both publications are available from the Arts Office, located in Castlebar)

### Arts Grants:

Grants available through the Arts Office are outlined in *Mayo County Council Arts Service*, and include: Arts Acts Grant, Artists Bursaries, Tyrone Guthrie Awards, Amateur Drama Awards, Visual Arts Awards (exhibition assistance, materials assistance), Music Recording Assistance Grants, Music Recital Scheme, Guarantees Against Loss.

Awards and Grants are subject to assessment by panels of external expertise. In *"Saibhreas an tSaoil, Mayo County Council Strategic Arts Plan"*, Action 1.9 states that the Arts Office will 'publish an explanatory booklet describing Arts Grants and Awards to include the nature of the supports available, application procedures, criteria for awards, dates for submission, and contact details for queries and further information. (beidh siad seo foilsithe as Gaeilge.) Action is currently in progress.

### RECORDS:

- Files in relation to the Arts Office Programme, including residencies, Mayo Youth Theatre, Arts in Education
- Files in relation to the Annual Programme including, Force 12 Writer's

Weekend, Bealtaine, Summer Music Series, Youth Arts Festival.

- Files pertaining to awards / grants to individuals and organisations.
- Files in relation to FÁS Artsquad.
- Files pertaining to particular projects, programmes and arts interventions.
- Data base of artists in County Mayo (subject to Data Protection Act).

#### **(CA. 6) CORONERS AND INQUESTS:**

The County Council is responsible for the employment of Coroners for the County and for the expenses associated with holding of inquests and post-mortems carried out by them:

##### **Mayo County Council employs the following:**

Coroner North Mayo	-	Ms Eleanor Fitzgerald
Coroner West Mayo	-	
Coroner East Mayo	-	Mr. Pat O'Connor
Coroner South Mayo	-	Mr. John O'Dwyer

#### **(CA. 7) INSURANCES:**

##### **Insurance/Risk Management:**

Arrangement of insurance cover for Public Liability, Employers Liability and all other relevant risks is done through the Corporate Affairs Section. Insurance claims are dealt with through our insurers Irish Public Bodies Mutual Insurance's Ltd, by the Administrative Officer of the Corporate Affairs Section. The Council has appointed a Risk Advisor.

##### **RECORDS:**

- **Insurance cover documents**
- **Insurance claim files**
- **Database of claims**

- Risk management/control reports

**(CA. 8) PAYMENT TO MEMBERS OF COUNCIL:**

The Corporate Affairs Section is responsible for payment of the following expenses as incurred by members:

- Cathaoirleach Allowance
- Leas Cathaoirleach Allowance
- Expenses of members attending conferences abroad
- Representational Payments
- Members Annual Allowance
- Members expenses conferences etc.

**(CA. 9) COUNCIL MEETINGS:**

Every year the Council is obliged to hold an annual meeting, a budget meeting (estimates meeting) and such number of ordinary meetings as are necessary to transact the business of the Council. Mayo County Council currently holds monthly meetings on the second Monday of each month with the exception of the month of August.

Meetings of Mayo County Council are normally held in the Council Chamber, Aras an Chontae, The Mall, Castlebar and normally commence at 3.00 p.m. The Council may, from time to time, hold meetings at locations other than the Council Chamber in Castlebar. The Council has adopted "Standing Orders" which govern the conduct of meetings.

**RECORDS:**

- Standing Orders 2002
- Minutes of Council Meetings

**(CA. 10) ANNUAL REPORT:**

Each year, Mayo County Council prepares and adopts an Annual Report in relation to the performance of its functions in the preceding year. The adoption of the report is a Reserved Function of the elected members.

**RECORDS:**

- **Annual Report for each year**

**(CA. 11) CORPORATE PLAN:**

Not later than six months from the date of the Annual Meeting in an election year, Mayo County Council must prepare a statement of strategy, which is referred to as the Corporate Plan. The plan must be prepared in consultation with the Corporate Policy Group and the elected members must adopt the plan. The plan is prepared on the basis of an organisational wide strategic approach encompassing the various activities of the Council. The plan may be reviewed from time to time. Arising out of the Corporate Plan, the Council has prepared a Customer Care Charter and Customer Complaints Procedure.

**RECORDS:**

- **Corporate Plan**
- **Customer Care Charter**
- **Customer Complaints Procedure**

**(CA. 12) TRAINING & DEVELOPMENT:**

Training and Development is an essential element of the Council's Strategic Policy for the future. It is the Council's Policy to train and develop all staff in all areas of activities. The basis of all training and development carried out by Mayo County Council is the Annual Training and Development Plan, which is prepared in consultation with all staff. Training records are maintained for all staff.

**RECORDS:**

- **Annual Training and Development Plan**
- **Staff Training Records**
- **Training Evaluation Forms**
- **Identification of Training Need Forms**



**(CA. 13) FREEDOM OF INFORMATION:**

- See first part of this Manual.

**RECORDS:**

- **Freedom of Information requests and decisions.**

**(CA 14) FIRE PROTECTION:**

**(CA 14.1) FIREFIGHTING**

Mayo County Council, in accordance with the provisions of the Fire Services Act 1981 & 2003 provides a Fire Service for the entire county.

The Central Fire Station is located at Swimming Pool Road, Castlebar, with other Fire Stations situated in Ballina, Claremorris, Achill Sound, Ballinrobe, Kiltimagh, Swinford, Charlestown, Crossmolina, Ballyhaunis, Belmullet, Westport, Knock, Ballycastle, Newport, Balla, Foxford, Kilkelly and Louisburgh.

The Fire Service attends to emergency incidents of all types, e.g. Fires, Road Traffic Accidents, Flooding, Oil and Chemical Spills etc. The Fire Service also combines with other services as part of the provision in the case of a Major Emergency - (See Major Emergency Plan overleaf).

**(CA 14.2) FIRE PREVENTION**

The Fire Service has a large involvement in Fire Prevention as opposed to normal fire fighting activities.

This ranges from inspection work under the Fire Services Acts, 1981 & 2003 and Building Control Act 1990 in relation to buildings to which the public has access. Members of the Fire Service also liaise with the Civil Defence Officer and volunteers and give information talks to schools and other groups.

**(CA 14.3) PROVISION OF FIRE STATIONS AND EQUIPMENT**

**RECORDS HELD AT CASTLEBAR FIRE STATION:**

- Records regarding Fire Stations
- Agreements with other Counties re. Fire Service Cover
- Records regarding incidents attended (e.g. R.T.A. etc.)
- Reports regarding Building Control inspections
- Applications for Fire Safety Certificates
- Files re. Inspection of Buildings
- Commencement Notices
- Records regarding Licensing

## **MAJOR EMERGENCY PLAN**

Section 26 of the Fire Services Act, 1981, obliges fire Authorities to prepare plans for fire and emergency operations.

Mayo County Council has in place a "Major Emergency Plan" which outlines the procedures to be followed and the functions to be undertaken by the various services of the Council in the event of a major emergency. The procedures and functions are co-ordinated with those of the Western Health Board and the Gardai. The Major Emergency Plan should be activated by the agency (Local Authority, Gardai or Health Board) that first becomes aware of a major emergency.

A Major Emergency is defined as any event, which usually is with little or no warning, causes or threatens death or injury, serious disruption of essential services or damage to property, beyond the normal capabilities of the Gardai, Local Authorities (including Fire Authorities) and Health Service. Such incidents could be major fires, explosions, leakage of dangerous substances, transportation accidents, etc.,

### **RECORDS:**

- **Major Emergency Plan: Co-ordinate Plan of Local Authority, Health Board and Gardai**

## **(CA.15) ANIMAL CONTROL AND FOOD SAFETY**

### **(CA15.1) CONTROL OF DOGS**

Mayo County Council employs one Dog Warden and one Kennel Keeper. Unwanted dogs are accepted at Mayo County Council's Dog Pound at Murneen, Claremorris. The Dog Warden collects stray dogs on public roads and public places, investigates cases in which people and/or livestock have been worried or attacked by dogs, and also issues fines for breaches of the dog licensing laws and for not having dogs under proper control.

### **(CA15.2) CONTROL OF HORSES**

Bye-Laws in relation to the control of horses and making provision for the licensing of horses and for the detaining and disposal of horses under the Control of Horses Act 1997 have been adopted by the Council. The Bye-Laws declare the following scheduled towns - Ballinrobe, Claremorris, Swinford and Ballyhaunis and the entire administrative areas of the Urban Districts of Ballina, Castlebar and Westport to be Control Areas.

### **(CA15.3) Food Safety**

Mayo County Council, as an official agency of the Food Safety Authority of Ireland (FSAI), carries out its duties and functions regarding Food Safety in accordance with a Service Contract with the FSAI. The 3 Full-time and 3 Part-time Veterinary Officers, employed by Mayo County Council, are responsible for enforcing Food Safety legislation in premises (small slaughterhouses and meat manufacturing plants) that come under its remit. All animals slaughtered in Mayo County Council slaughterhouses are subjected to veterinary ante-mortem and post-mortem examination. The following range of fees is charged to the slaughterhouses in respect of this service:

- €4.75 - per beef
- €0.50 - per sheep
- €1.30 - per pig

### **(CA15.4) MILK AND DAIRIES**

Mayo County Veterinary officers carry out inspections for operational and structural hygiene in farms producing liquid milk for human consumption.

**RECORDS:**

- Records of Dog Licences issued
- Register of Horses impounded
- Register of Food Businesses and List of Food Business Approvals
- Register of Slaughter Licences

## SECTION 15. FREEDOM OF INFORMATION MANUAL

### PERSONNEL SECTION (P)

#### STRUCTURE OF PERSONNEL SECTION IN MAYO COUNTY COUNCIL:

The County Secretary has overall responsibility for Personnel Administration with day-to-day customer services falling to the Administrative Officer and staff of the Personnel Section.

#### **Mayo County Council's Personnel Function:**

Mayo County Council's Personnel Section caters for the needs of the Councils work force of approximately 1300 staff. Human Resources are one of the most vital assets of any organisation, especially so when that organisation is a service provider, depending on its' staff to provide a courteous and efficient service at all times. Therefore staff welfare and needs are of the utmost importance.

With this in mind the council provide the following services for its' staff:

#### PERSONNEL SERVICES:

##### **(P.1) RECRUITMENT OF EMPLOYEES:**

The recruitment of permanent staff is carried out on an ongoing basis as vacancies arise as a result of retirement or promotion of officers or as new posts are created.

Recruitment of employees above Grade VII and above Executive Engineers are referred to the Public Appointment Service (P.A.S) When a vacancy arises in relation to any of these grades, a Statutory Request is sent to the P.A.S requesting a recommendation for the filling of the particular office. The P.A.S arrange interviews, medical examination and submit a recommendation to the County Council.

The personnel Section of the Council carry out recruitment of Employees below Grade VIII and below Senior Executive Engineer. Recruitment is carried out on a competitive basis. Advertisements are published in local and national newspapers inviting applications for the particular post. Successful applicants are either employed or placed on a panel on the basis of merit following interviews arranged by the Council.

**(P.2) CONDITIONS OF EMPLOYMENT:**

As set out in the Qualifications and Particulars of the employment.

**(P.3) REMUNERATION:**

The commencing salary for a person taking up employment is the appropriate point of the relevant salary scale.

**(P.4) SUPERANNUATION:**

Permanent and temporary whole-time staff members are entered on the Superannuation Register. Permanent staff appointed, pre 6<sup>th</sup> April 1995 are obliged to pay 5% of gross income for superannuation and 1.5% of gross pay for Widows & Orphans / Spouses & Children. All staff members employed post 6<sup>th</sup> April 1995, are obliged to pay 1.5% of gross income plus 3.5% of net income (i.e. pay less twice the rate of old age contributory pension) for superannuation and 1.5% of net income, for Widows & Orphans / Spouses & Children.

Staff members employed prior to the 1<sup>st</sup> April, 2004 are obliged to retire at age 65 (in certain circumstances, an earlier retirement age applies). Staff members employed on or after 1<sup>st</sup> April 2004 are deemed "New Entrants" under the Public Service Superannuation (Miscellaneous Provisions) Act, 2004 and the minimum retirement age is 65. The Human Resources calculates superannuation entitlements of retiring staff. Their "lump-sum" and "pension" are calculated and the person is notified in advance of retirement.

## **(P.5)\_LEAVE ARRANGEMENTS:**

### **(P.5.1)\_Annual Leave -**

Annual leave and public holiday's entitlements are granted in accordance with County Council policy. Annual leave entitlements are set out in contract of employment.

### **(P.5.2i)\_Sick Leave - (Indoor Employees)**

A certificate from a G.P must cover absences from work owing to illness. Medical Certificates should be sent to the Personnel Section for recording.

An Uncertified Sick Leave application may be completed where absence from work does not exceed two working days (maximum of 7 uncertified sick leave in any twelve months). Under the Council's sick leave policy indoor Employees who exceed 183 sick leave days in a twelve-month period must revert to half salary, while those who exceed 365 sick leave days in any four-year period must revert to a salary at the appropriate pension rate.

### **(P.5.2ii)\_Sick Leave - (Outdoor Employees)**

\* See Sick Pay Scheme attached.

### **(P.5.3)\_Special Leave -**

In accordance with the provisions of the Department of the Environment, Heritage and Local Government Circulars, the County Manager may grant special leave with or without pay. Details are available from the Personnel Section.

### **(P.5.4)\_Maternity Leave -**

Maternity Leave consists of 26 consecutive weeks, a minimum period of two weeks of which must be taken before confinement and a minimum of four weeks must be taken after confinement. At the end of the Maternity Leave, an application for a further sixteen weeks special leave without pay may be applied for. Persons availing of Maternity Leave must comply with all notification requirements laid down in the Maternity Protection Acts 1994 & 2004.

**(P.5.5)\_Adoptive Leave -**

Adoptive Leave consists of up to 24 consecutive weeks after the placement of the child. At an employee's request, the leave may be extended by 16 weeks, without pay. Adoptive Leave Acts 1995 & 2005

**(P.5.6)\_Career Breaks -**

Career Breaks consist of Special Leave, without pay for a period of not less than one year and not more than five years. An employee may apply to have a Career Break extended provided the periods of the Special Leave, without pay does not exceed five years in all. A Career Break may be allowed for most purposes.

Employees returning to the County Council service after a Career Break shall be required to give advance notice of their return to work.

Some applications may be refused due to work requirements, but applicants will be facilitated as soon as possible.

**(P.5.7)\_Work Sharing -**

The purpose of the Work sharing scheme is to provide a wider range of attendance patterns that will assist staff combine both work and personal responsibilities or choices.

Patterns include:

- mornings only;
- afternoons only;
- split week i.e. two days/three days;
- three day week; and
- four day week.

**(P.5.8)\_Term Time -**

The Term Time Scheme provides for the purpose of allowing working parents to match their working arrangements to the main summer holidays of their children,. The period of term time leave shall be unpaid special leave.

**(P.5.9) Parental Leave -**

Each parent is entitled to a total of 14 weeks parental leave (unpaid leave) for each child under eight years of age.



**(P.5.10) Paternity Leave -**

Fathers may take 3 days special leave with pay in respect of children born on or after 1<sup>st</sup> June, 2000. This leave may be taken at the time of the birth or up to four weeks after the birth.

**(P.5.11) Force Majeure Leave -**

An employee shall be entitled to leave with pay from his or her employment for urgent family reasons. Force Majeure leave shall not exceed 3 days in any period of 12 consecutive months or 5 days in any period of 36 consecutive months.

**(P.6) SUSPENSION/TERMINATION:**

The County Manager may suspend or dismiss employees from the performance of their duties in accordance with Mayo County Councils "Grievance and Disciplinary Procedure".

**(P.7) SECONDMENT:**

Applications assessed on their merits.

**(P.8) INDUSTRIAL RELATIONS:**

The Council has put in place formal procedures to deal with grievances and disciplinary matters. Communication is maintained with the relevant Trade Union on a range of issues of concern. Where a dispute has not been resolved at local level, the Industrial Relations machinery outside employee grades, involving the Labour Relations Commission and, ultimately, the Labour Court will be utilised. Meetings of various Unions take place, as items require discussion and agreement.

Staff Members of the Council have a statutory right of appeal to the Employment Appeals Tribunal where there is a grievance in relation to terms and conditions of employment. Employees of the Council have access to the Labour Court.

**(P.9) HEALTH, SAFETY AND WELFARE:**

Local Authorities have prepared safety statements in accordance with the Health, Safety and Welfare at Work Acts. Health and Safety training is provided. Employees of the Council have selected a number of Safety Representatives and a Safety Representatives Consultation Group has been established as a forum for discussion between management and the Safety Representatives.

<b><u>CLASSES OF RECORDS HELD:</u></b>
Personnel files, containing application form, birth certificate, offer of employment, references medical acceptance, appointment Manager's Order, annual leave, maternity Leave, special leave, sick leave, work sharing, disciplinary action (if any), acting up, promotion, retirement.

**MAYO COUNTY COUNCIL**  
**SICK PAY SCHEME FOR EMPLOYEES (OUTDOOR)**

- CLAUSE 1:** Applications for benefit will be considered only in respect of absence from work due to illness or injury.
- CLAUSE 2:** In the five week period (exclusive of annual two weeks holidays closedown) immediately preceding the first day of absence through illness or injury, an applicant must have worked for the Council at least 135 hours.
- CLAUSE 3:** (a) Sick pay may be allowed to an employee for a period of not more than 12 weeks in any period of 12 months commencing on first day of absence, provided there is a reasonable prospect of returning to work with the Council, based on the medical certificate submitted.
- (b) An employee may be required to submit a certificate of fitness before resuming work.
- (c) An employee may be allowed a maximum of 7 days uncertified sick pay in a calendar year, subject to the overall limits of (a) not being exceeded.
- CLAUSE 4:** Sick pay may be allowed as from the first day of absence due to illness or injury.
- CLAUSE 5:** The rate of sick pay to be allowed for any day shall be one-fifth of the difference between weekly rate of Social Welfare benefit (including Occupational Injuries benefit) applying in his/her case and his/her weekly wage.
- CLAUSE 6:** Sick Pay shall not be allowed for any day extending beyond the termination of the current employment period.
- CLAUSE 7:** The Council may require a employee to submit himself/herself for an independent medical examination before payment is made or at any time during the continuance of such payments.
- CLAUSE 8:** Where an employee has established an excellent attendance record over a number of years but becomes incapacitated as a result of serious illness or injury, the employee's record will be reviewed on an individual basis. Consideration will be given, where appropriate, to extending the paid sick leave in such cases up to a maximum of six months full pay in any year. The granting of such extra sick leave will be based on the merits of the particular case and generally will be extended to an individual on one occasion only.
- CLAUSE 9:** This Scheme shall apply to absences commencing on or after 1<sup>st</sup> November, 2003.

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### MOTOR TAXATION (MT)



The Local Authority, on an agency basis carries out the Motor Taxation function for the Minister for the Environment.

Under local authority funding arrangements 100% of the proceeds of taxation of vehicles and licensing of drivers is transferred to the Local Government Fund on a daily basis.

#### STRUCTURE OF MOTOR TAX SERVICE IN MAYO COUNTY COUNCIL:

The County Manager is the Local Taxation Officer and he appoints an authorised officer, for certification purposes in relation to motor taxation and driver licensing and in relation to authorised testers for commercial vehicles.

Mayo Motor Tax now has sub offices in Ballina and Belmullet operating alongside its head office in Castlebar to ensure the most effective and efficient delivery of the service in Mayo.

The Finance Officer has overall responsibility for administration of the Motor Taxation Section, with the Administrative Officer and staff providing services directly to the public.

Public Opening Hours and telephone numbers are as follows:

Castlebar	9.30 a.m. -3.00 p.m.	Tel: 094 9047600.
Ballina	9.30 - 12.45 and 2.00 - 3.00	Tel: 096 76100.
Belmullet	9.30 - 12.45 and 2.00 - 3.00	Tel: 097 81004.

Email address [www.motortax@mayococo.ie](mailto:www.motortax@mayococo.ie)

### MAYO COUNTY COUNCIL MOTOR TAX FUNCTION:

- Taxation of Vehicles registered in Mayo and the issuing of all associated certs
- Licensing of Drivers
- Appointment of garages as authorised tester for commercial vehicles
- Certification of vehicle and driver details to Gardai, Local Authorities, and approved other parties.
- Issue of Trade Plates
- Registration of Artic trailers

The following range of services are provided by the Motor Tax Office:

#### **(MT. 1) TAXATION OF MOTOR VEHICLES:**

Taxation of vehicles in the categories of Private, Goods, Public Service Vehicles, Off Road Dumpers, General Haulage Tractor and Mobile Machine can be done on an annual, half-year or quarterly basis.

- Private Cars - Assessment is based on the engine cubic capacity. Vehicles registered after the 1<sup>st</sup> July 2008 will be assessed based on CO2 emissions.
- Goods Vehicles - Assessment is based on the unladen weight of the vehicle. Articulated tractor units must be weighed with their heaviest trailer. All vehicles being taxed in the Goods category must be tested when they are one year old and every year thereafter.
- Public Service Vehicles - Assessment is based on the number of passenger seats in the vehicle.
  - A large public vehicle: means a vehicle used for the carriage of passengers, for reward with seating accommodation for more than eight persons. The duty is based on the seating capacity.
  - A small public vehicle: means a vehicle used for the carriage of passengers, for reward with seating accommodation for not more than eight persons.
- Miscellaneous Vehicles -  
This category includes, agricultural tractors, trench diggers, excavators, taxi, hackney, hearse, school-bus, forklift, motorcycles and a single annual rate of duty applies.
- Veteran and Vintage -  
The vehicle in question was constructed more than 30 years prior to the commencement of the period in respect of which the licence is sought.

## **MT. 2) DRIVER LICENSING:**

Regulations were introduced in 1998 in response to an EU directive which sought to standardise the classification of licences within the EU hence we now have a driving licence showing photograph, date of birth and the signature of the applicant.

There is provision for the exchange of a full licence within the E.U member states and a further 12 countries outside.

### **(MT. 2.1) Full Driving Licences -**

A full driving licence may be obtained for a period of 10 years, or 3 years. A one-year licence may be issued in certain circumstances. Applicants must submit their old full licence or their certificate of competency together with their old learner permit, passport photos, completed application form, the appropriate fee and a medical if required.

### **(MT. 2.2) Learner Permits -**

These are in the same format as the full licence.

Applicants for a first learner permit must submit a theory test, an eyesight report, a birth cert/passport, passport photos, completed application form, the appropriate fee and a medical if required.

Applicants for a third or subsequent licence must produce proof that he/she has applied to undergo a driving test.

### **(MT. 2.3) Duplicate Licences -**

Where a licence has been lost destroyed or stolen a duplicate may be issued. Applicants must submit passport photo's, completed application form and appropriate fee, together with satisfactory photo id.

Where a learner permit has not been renewed for 5 years or a full licence has not been renewed for 10 years or more, the licence is expired and the applicant must apply for a first learner permit

## **(MT. 3) SUPPLY OF LICENSING PARTICULARS:**

The Local Authority supplies, free of charge, full particulars of any licensed vehicle/driver to the Garda Siochana. The Revenue Commissions, any Department of State or any Local Authority exercising functions pursuant to the Local Authorities (Traffic Wardens) Act, 1975, can obtain details of any licensed vehicle.

It will also supply in certain circumstances to any person who has a reasonable cause as decided by the Authorised Officer such particulars of any vehicle licensed with the authority,

**(MT. 4) TRADE PLATES:**

Mayo County Council issues trade plates to traders under the terms and conditions of the Finance (No. 2) Act, 1992 and the Road Vehicles (Registration & Licencing) (amendment) (No. 2) Regulations 1992. Evidence required by dealers to qualify includes V.A.T. number or PPS number, adequate premises, evidence of rateable valuation, appropriate insurance and payment of the required fee.

**(MT. 6) CENTRAL REGISTRATION UNIT - SHANNON:**

The Central Registration Unit for the Motor Taxation is based in Shannon, Co. Clare, where details of vehicle registration for the entire country are computerised. Each Local Authority has on-line connection to this database of information.

**RECORDS:**

- Vehicle Registration Files for each vehicle
- Personal Files for Driver Licensing - Contains Application/Renewals
- Details of endorsements/disqualification's, Medical Reports etc., as relevant
- Registers of Daily transactions

SECTION 15, FREEDOM OF INFORMATION MANUAL

FINANCE SECTION (F)



The Head of Finance who reports directly to the County Manager heads the Finance function of Mayo County Council.

It is responsible for the following:

- Financial & Management Accounting - including preparation of Annual Budget and Annual Financial Statement
- Budgetary control
- Financial reporting, back up and advice
- Financial Returns, internal & external
- Management of long and short-term finances
- Investment and borrowing
- Payroll
- Creditors Payments i.e. Accounts Payable
- Revenue Collection
- Internal Audit/checking



## **(F. 1) THE ANNUAL BUDGET:**

The revenue budget which the local authority is required by law to prepare each year is called the "Annual Budget". The preparation of the Budget is the responsibility of the County Manager and the Head of Finance carries out the detailed work of compiling the financial information on the basis of submissions from the various spending sections.

The format of the Budget documentation is prescribed in the "Local Authority Accounting Code of Practice, 2006" and is standard to all local authorities.

It is based on eight program groups with associated sub-programme group:

- Housing & Building
- Road Transportation & Safety
- Water Supply & Sewerage
- Development Incentives and Controls
- Environmental Protection
- Recreation & Amenity
- Agriculture, Education, Health and Welfare
- Miscellaneous Services

## **(F. 2) PREPARATION OF BUDGET:**

The costs of maintaining current services, implementing any desired improvements and introducing any new items are estimated. The income from state grants, charges for various services and other miscellaneous sources is estimated.

The deficiency in funds is then met from commercial rates. The "Annual Rate on Valuation" (i.e. the amount payable in respect of commercial rates for each €1 of rateable valuation) is determined by dividing the deficit by the effective commercial valuation for the County.

The adoption of the budget is a reserved function of the elected members. A statutory Budget Meeting must be held within a time frame prescribed by the Minister to consider the Budget for the following financial year. The members are not bound to adopt the Budget as prepared by the County Manager, but may amend it at their own discretion. The Local Authority must publish notice of this meeting, giving at least seven days clear notice in newspapers circulating in the area. The Budget is available for purchase by any member of the public at Mayo County Council Offices.

#### **(F. 3) ANNUAL FINANCIAL STATEMENT:**

The set of final accounts prepared by Mayo County Council is called the "Annual Financial Statement". The accounting structure for these accounts is set out in the "Local Authority Accounting Code of Practice, 2006". The Annual Financial Statement is set out in the same programme group format as the Annual Budget and gives details of income and expenditure on each service together with a Balance Sheet. Details of income and expenditure on Capital projects are also set out in the Annual Financial Statement along the same programme group lines.

#### **(F. 4) PAYROLL:**

This section is responsible for the processing of payroll for all members of staff, deduction of P.A.Y.E., P.R.S.I. and other statutory and non-statutory deductions and for all returns relating to same.

**(F. 5) CREDITORS PAYMENTS:**

All accounts for goods, services, etc. are processed through the payments section, having been approved for payments by the certifying officer of the relevant section within the County Council. Withholding tax and construction tax are deducted from payments as required by law.

**(F. 5.1) Prompt Payment of Accounts Act 1997:**

The above Act became effective on 2<sup>nd</sup> January 1998 and sets time limits for payment of accounts by Local Authorities to suppliers and contractors etc. An automatic entitlement to interest is provided for in respect of amounts due but not paid on time.

**RECORDS:**

- All accounting and financial records and reports of Mayo County Council
- Payment Vouchers
- Taxation Records - Withholding Tax - Construction Tax etc.
- Payment histories of creditors and debtors

**PERSONAL RECORDS:**

- Individual Payroll Employee Files
- Time Returns
- Payroll Calculations
- Tax Records
- Computerised Payroll Records

## **(F. 6) REVENUE COLLECTION:**

Revenue Collection involves the securing of all income due to Mayo County Council in order to finance the services, which it provides. In addition to commercial rates, which are separately dealt with, a wide range of repayments and charges must be collected.

These are listed as follows -

- Housing Rents and Tenant Purchase Annuities
- Housing Loan Repayments
- Commercial Water Charges
- Rates
- Fire Charges
- Development Levies
- Landfill Charges
- Various Grants, recoupments .
- Miscellaneous Fees and Charges

The collection of this income involves issue of demands, receipting of payments, follow up on slow payment and appropriate action in the case of defaulters.

In general, Mayo County Council wishes to facilitate its customers in making payments as conveniently as possible. To this end a variety of payments methods operate, ranging from -

- Door to door collection of housing rents
- Payment at the Accounts Section at Mayo County Council Offices and Area Offices including credit or debit card facilities
- Deduction from Social Welfare payments under the Household Budgeting Scheme of Housing Rents or Loans
- Monthly direct debit payment of Housing Loans and Commercial Rates
- Revenue Collector Clinics
- E-Receipting (online payments) to payments methods line.

In the case of non-payment of any amount due to the Council we must make every effort to secure payment, and this can involve legal action where no other option is available.

**(F. 7) AUDIT/INTERNAL CONTROL:**

An important element of the Finance function is the system on internal control. Internal checking of all monies receipted and lodged is carried out on an ongoing basis. Internal audit reviews the operations and procedures of the Council in terms of efficiency, value for money, effectiveness of internal check and accounting systems etc.

The Minister for the Environment, Heritage and Local Government appoints a Local Government Auditor to audit the accounts of Mayo County Council each year and to report on them. He/she must be satisfied that all transactions are properly accounted for, that the Annual Financial Statement is correct and that the accounting and control systems in operation are sound.

Notice of the commencement of the Local Government Audit is published and members of the public are entitled to bring to the attention of the Auditor any item of the Accounts.

**RECORDS:**

- Checking Schedules
- Internal Audit Plan
- Reports/Recommendations of the Internal Auditor
- Report of the Local Government Auditor

## SECTION 15, FREEDOM OF INFORMATION MANUAL

### (F.8) RATES COLLECTION

The collection of rates on commercial and industrial properties is essential in maintaining the range of council services and provides an identifiable link between finance raised and expended locally.

The main duties of Rates Collection include:

1. The publication of the rate-book and the subsequent issue of rate demands
2. To arrange for the valuation and revaluation of rate-able property
3. The issuing of invoice charges for fixed and metered water for non-domestic consumers
4. The necessary follow-up of accounts up to and including legal action to ensure collection

### (F. 9) RATEABLE VALUATIONS:

All fixed property has a Rateable Valuation, but rates are payable only on commercial/industrial properties. Domestic rates have been remitted since 1978. Rateable valuations are fixed and altered by the Commissioner of Valuation, not by the Local Authority, but requests for revision of valuation must be submitted through the Local Authority.

The rateable valuation is used by the Local Authority to determine the commercial rates payable by each ratepayer.

The Valuation Act, 2001 is the basis for the present rating system. Property on which rates are payable "Relevant Property" are listed in Schedule 3. Property exempt from rates as listed in Schedule 4.

In general, Mayo County Council will automatically list for valuation, new properties or those where significant alterations have taken place. Any person who is an "Interest Holder" in a property to which the Valuation Act, 2001 refers, may on payment of the prescribed fee apply for revision of valuation to the Commissioner of Valuation.

Any revised valuations will normally take effect for rating purposes from 1<sup>st</sup> January following the revision.

#### **(F. 9.1) REVISION OF VALUATION**

A €250 fee is payable by the person seeking the revision of valuation or by the Local Authority where it seeks revision.

#### **(F. 9.2) APPEAL PROCEDURES**

##### **(1.) First Appeal to the Commissioner of Valuations**

Any ratepayer or any person who is an "Interest Holder" of "Relevant Property" and the Local Authority, have a right of appeal to the Commissioner of Valuations in respect of its decision to include or exclude any property on the Valuation List.

Such appeals must be made in writing within 40 days from the date of the Valuation Certificate as issued by the Commission of Valuations.

The Commissioner must issue a decision on the appeal within six months from the date the appeal is received.

##### **(2.) Appeal to Valuation Tribunal**

The Valuation Tribunal was set up to hear appeals against decisions of the Commissioner of Valuation following first appeal to him/her. Such appeals must be made within 28 days of the issue date of the Commissioner's decision on the appeal. The Tribunal must make a decision on such appeals within six months of receipt of appeal.

### (F. 9.3) FEES

The amount of the appeal fee is determined by the rateable valuation of the property.

#### (1.) First Appeal Fee -

<u>Rateable Valuation:</u>	<u>Fee:</u>
Less than €50	€ 60
€50 - €149	€125
€150 - €649	€250
€650 and over	€375

#### (2.) Tribunal Appeal Fees

<u>Rateable Valuation:</u>	<u>Fee:</u>
Less than €50	€ 95
€50 - €149	€125
€150 - €649	€300
€650 and over	€500

<b>(F. 10) <u>RATE BOOK AND MAKING OF A RATE:</u></b>
-------------------------------------------------------

Each Local Authority must produce a rate book annually, setting out each hereditament, its rateable valuation and details of the rates due by persons liable for commercial rates. This is calculated by multiplying the valuation of the property by the Rateable Valuation Multiplier.

When the rate book has been prepared, a public notice is inserted in a paper circulating in the area. The rate book is then available for inspection for a period of 14 days.

The making of the rate involves the official signing by the County Manager of the rate book. Warrants authorising the collectors to collect the rates are also sealed and signed. Public notice of the making of the rate is published in local papers. The rate demands issue after publication of this notice.



Any ratepayer who is dissatisfied with the rate assessed may appeal to the Local Authority within two months of the date of making the rate.

**(F. 11) RATE COLLECTION:**

Rates are payable in two moieties, the first on issue of the demand, the second on July 1<sup>st</sup>. The rated occupier is liable for payment of rates, but where a property is vacant, the owner becomes liable.

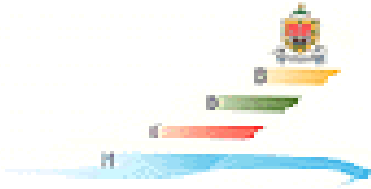
A number of Revenue Collectors have responsibility for collection of rates in Mayo County Council. Where the collector is unable to obtain payment in the normal way, legal proceedings may be taken to recover the outstanding amount with costs. Following this an Installment Order may be sought, or a Judgement Mortgage obtained and registered against the property. The revenue collector also has the power to seize goods to cover the value of the amount outstanding. The Local Authority can offset any monies due to a ratepayer against rates due.

**RECORDS:**

- Rate Books
- Copy rate demands
- Collectors Warrants
- Financial Records of collection
- Files on legal action
- Computerised records of individual accounts
- Revenue Collectors files on follow up/legal action etc.
- Valuation Certificates issued by Valuation Office
- Maps
- Computerised rateable valuation record of all hereditaments

## SECTION 15. FREEDOM OF INFORMATION MANUAL

### COMMUNITY & ENTERPRISE



The Community & Enterprise Directorate of Mayo County Council provides a range of new and innovative interventions and services within the Local Government system. The Community & Enterprise Directorate services the County Development Board (C.D.B.). In this regard the 10-year Strategy for Economic, Social and Cultural Development of County Mayo was published in July 2002. The Implementation Plan, which accompanies the Strategy, sets out 320 actions covering a broad range of all facets of development in Mayo. Implementation Groups have been designed to co-ordinate the delivery of these actions.

The Directorate also makes submissions on a range of policy issues on behalf of Mayo C.D.B. In the last year submissions have been made to the Spatial Planning Unit of the Department of the Environment & Local Government, the Strategic Rail Review, and the National Crime Council, among others.

The Community & Enterprise function also provides a range of important and innovative interventions and services within the Local Government system.

#### Publications:

*Maigh Eo Le Cheile le Neart* - Mayo County Development Board's 10-year Integrated Strategy for the Economic, Social & Cultural Development of County Mayo 2002-2012 presents a framework for development over the coming decade.

#### Records held:

- *County Development Board meeting Minutes;*
- *Minutes of County Development Board's Implementation Working Groups;*
- Database of Community & Voluntary groups registered with the (C.D.B.);
- Files pertaining to particular Community & Enterprise projects

## **Glossary of Terms & Acronyms**

<b>LANC</b>	Local Authority National Council
<b>PMDS</b>	Performance Management Development System
<b>LANPAG</b>	Local Authority National Partnership Advisory Group
<b>DoEH&amp;LG</b>	Department of Environment, Heritage & Local Government
<b>CCMA</b>	County & City Managers Association
<b>LGCSB</b>	Local Government Computer Services Board
<b>LRC</b>	Labour Relations Commission
<b>PVG</b>	Performance Verification Group
<b>SPC</b>	Strategic Policy Committee
<b>CPG</b>	Corporate Policy Group
<b>DOS</b>	Director of Services
<b>SEO</b>	Senior Executive Officer
<b>FoI</b>	Freedom of Information Act, 1997 & 2003
<b>PMAMG</b>	Performance Management Advisory & Monitoring Group
<b>APSO</b>	Agency for Personal Service Oversees
<b>EIA</b>	Environmental Impact Assessment (E.I.A.) is a procedure for assessing the likely effects on the environment of a proposed development
<b>EIS</b>	Environmental Impact Statement (E.I.S.) contains an analysis of the likely effects, good and bad, of a project on the environment
<b>EPA</b>	Environmental Protection Agency
<b>EU</b>	European Union

<b>EU Directives / Guidelines</b>	Much of the work of the public service is now influenced by European Union legislation (or draft legislation) on particular aspects of policy enacted at Union level. Material held on these EU files generally contains information on the legislation or guideline in question and how it is operated in this State
<b>FEE</b>	Foundation for Environmental Education in Europe
<b>IFFPG</b>	Irish Farm Films Producers Group
<b>Internal Administration</b>	Relates to the day-to-day management of the Council. Typically, information of this type can pertain to staff training courses, annual leave, circulation of information documents etc.
<b>LAC</b>	Local Appointments Commission
<b>Legislation</b>	Legislation refers to the procedure by which a proposal becomes law through the introduction of an Act of the Oireachtas (primary legislation) or through regulations made by the Minister under such Acts, (secondary legislation)
<b>NRA</b>	National Roads Authority
<b>NSC</b>	National Safety Council
<b>SI</b>	An S. I. is a Statutory Instrument i.e. a Regulation made by the Minister under an Act of the Oireachtas. A Regulation is often referred to as secondary legislation while the Act is primary legislation (See also legislation)
<b>Sustainable Development</b>	Sustainable Development is commonly defined as Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. It aims at improving the quality of life, in economic and social terms, while conserving the natural resources upon which development ultimately depends
<b>VEC</b>	Vocational Education Committee