

COMHAIRLE BHAILE-CHEANNTAIR ATHALUAIN

ATHLONE URBAN DISTRICT COUNCIL



FREEDOM OF INFORMATION Section 15 & Section 16 Reference Book

Guide to the Functions, Records, Rules and Procedures of Athlone Urban District Council

Revised : JUNE 2001



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CHAPTER 1 -

INTRODUCTION

The Freedom of Information (FOI) Act, 1997 was introduced:

- to enable members of the Public to obtain access to official information, to the greatest extent possible, consistent with the public interest and the right to privacy,
- to enable persons to have personal information relating to them, in the possession of public bodies, corrected,
- to provide for the right of access to records held by public bodies,
- to provide for necessary exceptions to that right,
- to provide for assistance to persons to enable them to exercise this right,
- to provide for the independent review, both of decisions of public bodies relating to that right and of the operation of this Act generally (including the proceedings of such bodies pursuant to this Act) and for those purposes, to provide for the establishment of the Office of Information Commissioner and to define its functions,
- to provide for the publication by public bodies of certain information about them, relevant to the purposes of this Act,
- to amend the Official Secrets Act, 1963,
- to provide for related matters.

The Act establishes three new statutory rights:

- A legal right for each person to access information held by public bodies:
- A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading.
- A legal right to obtain reasons for decisions affecting oneself.

The Act gives right of access (subject to exemptions) to:

- all records created after commencement of this Act i.e. 21st October 1998
- such records created before that date as may be required to understand records created after commencement of the Act.
- personal records regardless of when created.
- In the case of staff members, personnel records created from a date 3 years before commencement of the Act.

To facilitate the public in accessing this information, Section 15 & 16 of the Freedom of Information Act require each public body to prepare, publish and make available information about themselves. This reference book has been published in accordance with these requirements. It is intended as a general guide to Athlone Urban District Council. It gives a general description of the structure and organisation of the Council, its functions, powers and duties; details of the services it provides for the public and how these may be availed of; information on the classes of records it holds; arrangements for the public to avail of their rights under the Act. It also gives information on the rules, procedures, practices, guidelines and precedents used by the Council in decision making. It is not a definitive description of all our services and should you require further information on any item, please contact the Council. Revised versions of this book are required to be published at three yearly intervals and as soon as possible after any significant alterations or additions fall to be made in it.

This reference book is regularly revised, and is available for consultation in the following locations:-

- Offices of Athlone Urban District Council;
- Public Library in Athlone.
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The reference book is also available for consultation or removal, free of charge from the Freedom of Information Officer, Town Hall, Athlone, Co. Westmeath.

Telephone: (0902) 72107

Fax: (0902) 72100

Copies of the rules, procedures, practices, guidelines and precedents, appropriate to the Council as listed in this Reference Book are available for inspection free of charge and a copy of any particular one may be obtained at a nominal charge.

A reference book has also been published by Westmeath County Council, and is available from Mr. Ciaran Murphy, Freedom of Information Officer, County Buildings, Mullingar, Co. Westmeath.

Telephone: (044) 40861.

Fax: (044) 42330.

- Chapter 1 provides a general introduction to the Freedom of Information Act, 1997.
- Chapter 2 gives details of the arrangements made by Athlone Urban District Council to facilitate the exercise of your rights under the Act. It also contains a general description of the classes of records held by Athlone Urban District Council together with a statement of policy on Freedom of Information and confidentiality.
- Chapter 3 contains a general description of Athlone Urban District Council, its structure and organisation, functions, powers and duties.
- Chapter 4 contains a general description of the services provided for the public and the procedures by which such services may be availed of within Athlone Urban District Council. It also lists the classes of records held by the Council; the publication and leaflets routinely available free of charge from the Council and the relevant legislation, rules, procedures, practices, guidelines and precedents used by this local authority in the delivery of services.
- Appendix 1 contains a glossary of the more commonly used terms in this Reference Book.

CHAPTER 2 -

HOW TO GET INFORMATION FROM ATHLONE URBAN DISTRICT COUNCIL

This chapter provides details of the arrangements made by Athlone Urban District Council to facilitate the exercise of your rights under the Act. It also contains a statement of the Council's policy on confidentiality and freedom of information.

2.1. Information available outside Freedom of Information Act:

The Freedom of Information Act is designed to allow public access to information which is **NOT** routinely available through other sources or available under other legislation.

Routinely available information:

Athlone Urban District Council has a wide range of information, routinely available free of charge, in the form of leaflets, public notices etc., in relation to its activities and to the services which it provides. This information will continue to be available from the offices of the Council, without the need to use the Freedom of Information Act.

Acts and regulations which the Council are subject to may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, Tel: (01) 6613111. Copies of the rules, procedures, practices, guidelines and precedents used by the Council and listed in this reference book are available for inspection free of charge at the Town hall, Athlone and a copy of any particular one may be obtained at a nominal charge, without the need to use the Freedom of Information Act.

Information available under other legislation:

The public already enjoys the right to a range of information under other legislation e.g. the Planning Acts. This right will remain unchanged and such information is excluded from the provisions of the Freedom of Information Act.

The Data Protection Act 1988:

Athlone Urban District Council is registered as a Data Controller under The Data Protection Act 1988. The provisions of this Act still apply and a request in relation to data covered by this Act, may be made under **either** The Data Protection Act **or** The Freedom of Information Act.

Access to Information on the Environment Regulations, 1998:

These regulations set out the procedure for public access to information on the environment. The regulations also provide certain grounds for refusal of information e.g. (personal information, third party information, commercial confidentiality, sub-judice matters). The regulations do not apply to information which must be made available for inspection under other statutes.

Requests for information under the Access to Information on the Environment Regulations, must be made in writing to Athlone Urban District Council, stating in as specific terms as possible the information required. Requests must generally be replied to within one month of receipt. Reasonable charges may be made having regard to the cost of making available the information. Refusals may be appealed to the Office of the Ombudsman.

2.2. How to get information under Freedom of Information Act:

You are entitled to apply for access to information not otherwise publicly available. Access to information under the Act is subject to certain exemptions and restrictions and involves specific procedures and time limits.

You have a right to :

- access the following records held by or under the control of Athlone Urban District Council unless such records are exempted under the Act.
 - all records created after commencement of this Act i.e. 21st October 1998;
 - such records created before that date as may be required to understand records created after commencement of the Act;
 - personal records regardless of when created;
 - if you are a staff member, personnel records created from a date three years before commencement of the Act.
- obtain reasons for decisions made by Athlone Urban District Council directly affecting you.
- seek correction of personal information relating to you, held by Athlone Urban District Council where it is inaccurate, incomplete, or misleading.

Requests for information under the Freedom of Information Act, 1997 should be made in writing. In preparing your request, you should follow these guidelines.

- State that your request is made under the Freedom of Information Act. No legal formulas are required; it is sufficient to mention the name of the Act, or that you are making a “Freedom of Information” request. A Freedom of Information application form is available from the Council, but is not an essential requirement for a valid application.
- Provide sufficient information. You should provide enough information to enable the Council to identify the records requested. An unnecessarily vague request will make your request difficult. If you have any difficulty in identifying the precise records which you require, the Freedom of Information Officer will be happy to assist you in preparing your request.
- State any preference you have regarding the format in which the record(s) are to be supplied, e.g. photocopy, computer discs etc.
- Provide full personal contact details, including home or work telephone numbers, if possible.

You do not have to give any reason for wanting access to the record, and no person has the right to demand such reasons from you. The Freedom of Information Act, 1997 prohibits the denial of access based on your real or presumed motives in requesting a record.

Applications under this Act may be made by post, fax or in person and should be addressed to:-

**Ms Anne McNamara,
Freedom of Information Officer,
Athlone Urban District Council,
Town Hall,
Athlone,
Co. Westmeath.**

Telephone: (0902) 72107
Fax (0902) 72100

We must issue acknowledgement of your request within **two** weeks of our receiving it. Should you fail to receive an acknowledgement within two weeks, you are advised to contact the Council’s Freedom of Information Officer to confirm that your request has been received by the Council. We must make a decision on your request within **four** weeks of our receiving it unless the request relates to such number of

records that compliance within the specified time is not reasonably possible, in which case a time extension not exceeding a further four weeks may be allowed. You must be notified of the period of the time extension required and the reasons for same.

Subject to the provisions of the Act, Athlone Urban District Council may decide to:-

- grant the request;
- grant part of the request;
- refuse the request.

If the Council considers that your request should have been sent to another public body, the request shall be forwarded to that body, and you will be notified that this has happened. This must be done not later than two weeks from the receipt of your request. Your request will then be treated as though you had sent it to the second public body on the date on which it was forwarded by the Council.

If the Council holds some, but not all, of the records you have requested, then you will be sent a letter informing you of this. The letter will also supply the name(s) and contact details of the other bodies from whom you should request those records not held by the Council.

If the request is to be granted, whether wholly or partly, Athlone Urban District Council will determine the form and manner in which the right of access will be exercised, having regard to your preference.

You will be notified of the decision in writing. In the event of a refusal, whether wholly or partly, you will be given reasons for the refusal.

2.3 Rights of review and appeal:

The Freedom of Information Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the state or of third parties. Where Athlone Urban District Council invoke these provisions to withhold information, you may appeal the decision. The Act sets out appeal mechanisms in the event of a refusal of a request, or in relation to deferral of access, charges, form of access etc. Details of these appeal mechanisms are as follows:-

2.4 Internal Review:

You may seek Internal Review of the initial decision, which will be carried out by an official at a higher level if:

- you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges etc. or,
- you have not received a reply **within four weeks** of your initial application. This is deemed to be a refusal of your request and allows you to proceed to Internal Review.
- requests for Internal Review should be submitted in writing within four weeks of the initial decision in writing to:

Mr. John Walsh
Town Clerk,
Internal Review,
Athlone Urban District Council,
Town Hall,
Athlone,

Co. Westmeath

Telephone: (0902) 72107

Fax: : (0902) 72100

Athlone Urban District Council must complete the review within three weeks. Internal Review must normally be completed before an appeal may be made to the Information Commissioner.

2.5 Review by the Information Commissioner:

The Office of the Information Commissioner is an independent office established under the Act which has power to review decisions made by a public body including the following:-

- decisions made on internal review;
- decisions on charges where the fee in question exceeds £10;
- decisions to extend the time for consideration of request.

You may also appeal to the Information Commissioner if you have not received a reply to your request for internal review within **three** weeks of your application, as this is deemed to be a refusal.

Application for review by the Information Commissioner must, in general, be made within **six** months of receiving notice of the decision from Athlone Urban District Council. The Information Commissioner may affirm, vary or annul the decision of the Public Body. Decisions of the Information Commissioner are binding on the parties concerned subject to appeal to the High Court on a point of law. Appeals in writing may be made directly to the Information Commissioner at the following address:

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

Fax : (01) 6610570

2.6 Fees:

Personal information requests:

- Where a significant number of records are involved, a request for personal information shall be charged at the rate of £16.50 per hour, or part thereof, in respect of the time spent in efficiently searching for and retrieving the records concerned.
- The charge shall be waived in circumstances where the request requires the dedication of a search and retrieval time of less than 1 hour.

Non-personal information requests:

These shall be charged for at the rate of £16.50 per hour, or part thereof, for all such requests requiring the dedication of a search and retrieval time of 15 minutes or more.

Photocopying:

All photocopy sheets required in compliance with a request shall be charged at the rate of 3p per sheet where the amount produced exceeds 35 sheets.

A charge will not be made in respect of photocopying and retrieval where the combined charge involved would be less than £5.00.

Deposit:

Where the estimated cost is likely to exceed £40, a deposit of £20 shall be charged and the search will not commence until the deposit has been paid. In such circumstances, Athlone Urban District Council will, if requested, assist you to amend the request so as to reduce or eliminate the amount of the deposit.

Waiver of Fees:

Fees may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount payable; or,
- where the information would be of particular assistance to the understanding of an issue of national importance; or,
- in the case of personal information, where such charges would not be reasonable, having regard to the means of the requester.

2.7 Classes of records held by Athlone Urban District Council:

Athlone Urban District Council holds a wide variety of records in various formats.

These include:

- computerised data - held on disk/tape;
- computer printout;
- paper records. This includes all types of forms, reports, maps, drawings, etc.;
- ledgers/register;

2.8 Statement of policy on confidentiality and Freedom of Information:

Athlone Urban district Council's policy is:-

- to give members of the public access to information held by this authority;
- to the greatest extent possible, in accordance with the provisions of the Freedom of Information Act 1997; and
- consistent with the public interest and the right to privacy of the individual.

Under the Freedom of Information Act, Athlone Urban District Council are entitled to refuse to disclose certain information obtained in confidence, commercially sensitive information and certain personal information. Athlone Urban District Council undertake to continue to keep such information confidential, subject to its obligations under law, including the Freedom of Information Act. Anyone providing information of a sensitive nature to Athlone Urban Council who wishes that it should not be disclosed should make this wish clear when supplying the information and specify the reasons for its sensitivity.

It is possible that information of this nature may be disclosed in response to a request under the terms of the Act where the public interest value of releasing such information is considered to outweigh the potential harm or injury arising from such disclosure. In such cases, Athlone Urban District Council will consult the relevant party who supplied the sensitive information and allow an opportunity to appeal to the Information Commissioner if it proposes to release the information in question.

CHAPTER 3 -

ATHLONE URBAN DISTRICT COUNCIL - THE ORGANISATION

This chapter contains a general description of Athlone Urban District Council, its structure, organisation, functions, powers and duties.

3.1. Mission Statement:

The following is the Mission Statement of Athlone Urban District Council :

The Members, Management and Staff of Athlone Urban District Council seek to deliver services which enhance, improve and protect the environment and the quality of life of our Community, in an equitable, efficient and effective manner within the limits of the resources provided.

3.2. The role of Athlone Urban District Council as a local authority:

The Department of the Environment & Local Government (DOELG) has overall responsibility for Local Government in Ireland. All the major services of a local authority are of a national character. The Minister for the Environment & Local Government is directly responsible for the formulation of national policy in relation to a large number of services and activities. He/she is also responsible for co-ordinating the activities of local authorities and exercises significant controls over local authorities toward achievement of ministerial policy aims.

Athlone Urban District Council provides an extensive range of infrastructural services, and plays an active role in the development of the town's industry, business, social, arts, heritage and cultural affairs. It also functions as the regulatory body for certain matters at local level. Local authorities perform both a representational and an operational role because the Irish system of Local Government encompasses both democratic representation and public administration.

The representational role is performed directly by the elected members of the Council. Athlone Urban District Council has 9 elected members. Members of the Council are elected according to the system of proportional representation for a period of five years. The Cathaoirleach is elected from the membership of the Council at the statutory annual meeting of the Council.

The operational role of Athlone Urban District Council is performed by the County Manager and his/her staff who are responsible for the day to day administration of the Council.

How the Local Government system operates:

Local authorities are bodies incorporated by law and accordingly derive their powers, functions and duties from the law. The law relating to the functions of local authorities is found principally in public acts, statutory instruments, provisional orders and bye-laws made by the local authority.

Local authorities have a general power (general competence) under the Local Government Act, 1991 to take action to promote the interests of the local community in such a manner as they consider appropriate if it promotes the social, economic, environmental, recreational, cultural, community or general development of its area. This power, however, is subject to certain riders in that it does not involve action, empowered by other legislation or prejudice or duplicate activity arising from the performance of its statutory function by any person in the area or consequently involve wasteful or unnecessary expenditure.

The legal character of a Local Authority comprises 2 elements:

- the elected members of the Authority (the Councillors);
- the Chief Executive of the Authority (the Manager).

The wide range of functions performed by the elected representatives are called “**reserved functions**” and these lay down the framework of policy under which the County Manager operates. The Council makes its decision by passing “resolutions” at its meetings. Reserved functions include decisions on major matters of policy and principle such as:

- adoption of annual Estimate of Expenses;
- making or varying of the Development Plan;
- adoption of scheme of letting priorities for Local Authority Housing;
- making, amending and revoking bye-laws;
- approval to borrow money;
- authorising disposal of land.
- declaration of roads to be public roads;
- extinguishment of public rights-of-way over roads;
- making water & air quality management plans;
- making plans for fire & emergency operations;
- actions in the interest of the local community.

The functions carried out by the County Manager are called “**executive functions**” and consist of all functions which are not reserved functions. The purpose is to provide the elected Council with an experienced, wholetime administrator for the prompt and efficient discharge of day-to-day business without making an undue demand on the time of the elected members. The Manager makes his/her decisions by a signed “Managers Order”. The County Manager in making his/her decisions, must act in a way that is consistent with the policy which has been established by the elected members and have regard to their wishes.

Executive functions include:

- the control of staff
- the making of decisions on planning applications
- the letting of houses
- the fixing of rents
- acceptance of tenders
- making contracts
- collection of income
- allocation of housing loans & grants

3.3. Meetings of the Council:

Athlone Urban District Council is required by law to hold an annual meeting, certain monthly meetings and an estimates meeting each year. However, to efficiently conduct the business of the Council, it meets on a much more regular basis than this.

- A Monthly meeting of Athlone Urban District Council generally takes place on the first Monday of every month (except August) at 7.30 p.m.
- An Annual meeting, at which the election of the Chairman takes place is held in June each year.
- An Estimates meeting is held in November each year to consider the Book of Estimates for the subsequent year.
- Committee Meetings of the Council take place as required.
- The Chairman can call a meeting at any time or any five members may call a meeting if the Chairman after requisition by five members does not call a meeting within seven days.

A set of rules called “**Standing Orders**” are made by the Council to regulate its proceedings and covers items such as notice of meetings, order of business, voting etc. The Chairman chairs the Council meetings and has a casting vote which may be used at his/her discretion in the case of an

equality of votes (except in the case of the election of the Chairman).

A written record (minute) of Council meetings is drafted which includes details of the attendance and “resolutions” passed at the meeting. These minutes are generally circulated to the next monthly meeting and are adopted, following being proposed, seconded and confirmed by the meeting.

Attendance at Meetings:

- The County Manager has a right to attend Council Meetings and to take part in discussions as if he/she were a member but he/she does not have a right to vote. Staff members may attend as required.
- Members of the public may be permitted to attend the monthly meetings, as the capacity of the Council Chamber allows.
- The press can and do attend Council meetings.
- Committee Meetings of the Council are generally held in the absence of the public and the press.

3.4. Services:

Services are provided by Athlone Urban District Council under the following eight Programme Groups which are standard to all local authorities.

- House Building & Estate Management;
- Road Transportation & Safety;
- Water Supply & Sewerage;
- Development Incentives & Controls;
- Environmental Protection;
- Recreation & Amenity;
- Education, Health & Welfare;
- Miscellaneous Services.

3.5. Financing of Services:

The expenditure of Athlone Urban District Council for provision of services can be classified under two headings.

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:

- Government Grants and Subsidies;
- Commercial rates;
- Goods and Services (e.g. Housing Rents, Housing Loan repayments, fees and charges for services etc.,).

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. Sale of Lands.

3.6. How the operations of the local authority are regulated:

The operations of Local Authorities are regulated by:-

- EU Directives;
- National Legislation;
- Local legislation i.e. Bye Laws;
- Adopted policies of the Council;
- Accounts are subject to independent audit annually by the Department of the Environment;
- The Ombudsman is empowered to investigate complaints about administrative actions (including delay/inaction) of local authorities;
- Rights of appeal - members of the public have extensive rights of appeal in relation to decisions taken by local authorities. These are listed as far as possible with details of the relevant services in this reference book.

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. These are listed in the Appendix to each service in this reference book.

3.7. Local Government Reform - ongoing change:

At the present time, the Local Government system in Ireland is undergoing a process of reform and renewal under the Government's proposal entitled "*Better Local Government - A Programme for Change*". The purpose is to enable Local Government to realise its full potential as an instrument of democratic self-government and as a means of delivering quality public service. The programme is based on four core principles:

- enhancing local democracy;
- serving the customer better;
- developing efficiency in Local Government, and;
- providing proper resources to allow Local Government to fulfil the role assigned to it.

The proposed measures include an enhanced role for the elected members in the strategic management of their Local Authority. Municipal Policy Committees (M.P.C.s) will be set up based on the main services of the Council. The membership of these committees will reflect the partnership approach to national, economic and social planning by the inclusion of at least 1/3 of its membership from external local interests relevant to the work of the M.P.C. M.P.C.s will provide the framework for local authorities to benefit from the particular knowledge and expertise of people working in such sectors. The role of the M.P.C. is to formulate policy proposals, evaluate and report on policy implementation for consideration and final decision by the full Council.

3.8. Athlone Urban District Council - List of Elected Members

Cllr. Austin Berry, 34 Assumption Road, Athlone

N.P.

Cllr. John Butler, 5 Montree, Abbey Road, Athlone

F.F..

Cllr. Mark Cooney, Northgate Street, Athlone	F.G.
Cllr. Frankie Keena, “The Lady’s Walk”, Moydrum	F.F.
Cllr. Nicky McFadden, 9 Arcadia Crescent, Athlone	F.G.
Cllr. Kieran Molloy, Connolly Street, Athlone	F.F.
Cllr. Egbert Moran, Bonavalley, Athlone	F.F.
Cllr. Kevin Boxer Moran, Cornamagh, Athlone	F.F.
Cllr. Breffni, Rowan, 13 Westlodge, Athlone	Ind.Phone : (01) 6785222

3.9. Athlone Urban District Council - List of Administrative Staff:

County Manager	A. McGuinness	
Town Clerk	J. Walsh	
Town Engineer	P. McCool	
Chief Fire Officer	D. Stuart	
Assistant Engineer	L. Buckley	
Technicians Waterworks	E. Morris	
Drawing Office	H. Ryan	
Clerks of Works	R. Canavan	E. Darling
	L. Ledwith	
Administrative Officers		
Housing/G.P.	B. Coughlan	
Finance	A. Bass	
Staff Officers :		
Housing	Y. Dooner	
Finance	M. McGovern	
Asst Staff Officers		
Corporate Affairs	A. McNamara	
Engineers	E. McKenna	
Finance	A. Brazil	
Planning	A. Grennan	
Clerical Officers :		
	C. Browne	N. Mulvihill
	A. Devins	V. O’Brien
	P. Dolan	Brian Hora
Receptionist	G. McCormack	
Caretaker	J. McCormack	

3.10. Organisation structure of Athlone Urban District Council:

Athlone Urban District Council employs approx. 85 full and part-time staff providing services under the 8 Programme Groups. The principal sections are Housing, Roads, Sanitary Services, Planning & Development, Environment, Fire Service, Personnel, and Finance.

3.11. Athlone Urban District Council - Location of Offices and Services:

<i>Office/Department</i>	<i>Address</i>	<i>Telephone/Fax Nos.</i>
County Manager Town Clerk Town Engineer	Town Hall, Athlone, Co. Westmeath.	Tel: (0902) 72107 Fax: (0902) 72100
Athlone Fire Station	Beechpark, Athlone }	Tel: (0902) 72937
Athlone Swimming Pool	Retreat Road, Athlone	Tel: (0902) 72355
Athlone Castle	St. Peters Square, Athlone	Tel: (0902) 92912
Athlone Water Works	Abbey Road, Athlone	(0902) 72018
Athlone Regional Sports Centre (under construction)	BallyMahon Road, Athlone	
Athlone Library	Fr Matthew Hall, Athlone	Tel: (0902) 92166 Fax: (0902) 94900
Athlone District Engineer	Athlone Area Office, Town Hall, Athlone.	Tel: (0902) 78127 Fax: (0902) 79020

CHAPTER 4

SERVICES PROVIDED BY ATHLONE URBAN DISTRICT COUNCIL

This chapter contains a general description of the services provided for the public and the procedures by which such services may be availed of within Athlone Urban District Council. As already indicated, services are provided under the following eight programme groups which are standard to all local authorities.

- House Building & Estate Management;
- Road Transportation & Safety;
- Water Supply & Sewerage;
- Development Incentives & Control.
- Environmental Protection;
- Recreation & Amenity;
- Education, Health & Welfare;
- Miscellaneous Services.

Each programme group contains an appendix in the following format:-

- (a) The classes of records held within each section;
- (b) The publications and leaflets routinely available free of charge from the section;
- (c) The relevant legislation and regulations;
- (d) The rules, procedures, practices, guidelines and precedents used by the section in the delivery of services.

Acts and Regulations which the Council are subject to may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2. Tel: (01) 6613111. Copies of the rules, procedures, practices, guidelines and precedents appropriate to the Council as listed in this reference book are available for inspection free of charge and a copy of any particular one may be obtained at a nominal charge.

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PROGRAMME GROUP 1 - HOUSE BUILDING AND ESTATE MANAGEMENT

Objective:

The objective of housing policy is to ensure that every household has a dwelling suitable to its needs, located in an acceptable environment, at a price or rent it can afford.

Since 1991 the approach to social housing has been based on “[A Plan for Social Housing](#)” which introduced a range of specific measures and schemes for local authorities, to provide a response to housing needs. Its successor “[Social Housing - The Way Ahead](#)” issued in 1995, reviewed and updated these schemes.

Staff Structure:

The Housing Section is managed by the Town Clerk and Town Engineer, assisted by appropriate administrative, technical and other staff based at the Town Hall, Athlone, Co. Westmeath.

Functions/Services:

The following range of Housing Services is provided by Athlone Urban District Council and details of how to avail of these services may be obtained from the Housing Office, Town Hall, Athlone, Co. Westmeath.

- 1.1 Provision, management, maintenance & improvement of rented local authority housing.
- 1.2 Assistance to persons providing housing for themselves.
- 1.3 Promotion & assistance in the provision of housing by voluntary housing bodies.
- 1.4 Enforcement of standards/controls of private rented dwellings.

1.1 Provision and management of rented local authority housing:

1.1.1. Assessment of housing needs:

An “[Assessment of Housing Needs](#)” is carried out by the local authority every three years to establish housing requirements in its area. This assessment forms the basis for the allocation of housing starts by the Department of the Environment, i.e. the number of houses that a Local Authority can commence/purchase in a given period.

1.1.2. Provision of local authority housing:

Each year, a number of houses are built or acquired by the Council, depending on the “[Department of the Environment Annual Housing Start allocation](#)”. These houses, along with vacancies which arise are then available for letting.

1.1.3 Letting of local authority houses:

A person can apply for rented local authority housing by completing an application form which can be obtained at the Town Hall.

The application will be assessed by the local authority and tenancies will be allocated in accordance with the “Scheme of Letting Priorities”. There are policies adopted by Athlone Urban District Council to determine priority in the allocation of houses to qualified applicants.

A successful applicant is required to sign a “[Letting Agreement](#)” which sets out the conditions applying to the tenancy prior to occupation.

1.1.4. Rent on local authority dwellings:

Rents on local authority houses are based on the current “[Differential Rents Scheme](#)”. This scheme sets minimum and maximum rents for local authority houses with rents charged on the basis of household income and number of children, subject to certain conditions. Fixed rents still apply in the case of some very long standing tenancies. Each tenant is issued with a rent book.

Housing Rent/Tenant Purchase annuity collection:

Athlone Urban District Council gives tenants the following options in relation to the method of paying rent or tenant purchase annuities.

- Weekly door to door collection.
- Payment at the Cash Office, Town Hall, Athlone during office hours.
- Payment through An Post Household Budgeting Scheme for tenants in receipt of certain Social Welfare payments.

Non payment of housing rent will lead to legal action for recovery of the amount due or eviction from the house.

1.1.5. Maintenance of local authority housing:

The tenant’s responsibility to maintain the property in good condition is included in the “[Letting Agreement](#)”. Where a requirement for repairs arises from neglect or abuse of the property by the tenant, the tenant is held responsible. At times the Council may carry out such repairs and charge the tenant an addition to the weekly rent, or other appropriate method of payment.

As a matter of policy, extra attention is given to houses occupied by special category tenants i.e., old age pensioners, persons with mental/physical handicap etc.,

Repair requests should be made to the Town Clerk, Town Hall, Athlone.

1.1.6 Schemes to improve existing local authority housing:

- Extensions to local authority houses in lieu of rehousing:

Where a housing applicant is an existing tenant of the local authority, but the accommodation is overcrowded, an extension to the accommodation may be provided in lieu of rehousing.

- Extension/alteration of local authority house for a disabled person:

In cases where a disabled member of a household being resident in a local authority house requires extra accommodation or structural alteration of existing accommodation to meet his/her needs, the local authority may carry out such work, or may offer alternative accommodation more suited to the persons needs.

(Note: A disabled person is a person who is physically handicapped or suffering from severe mental handicap or severe mental illness).

- Remedial works scheme:

The Remedial Works Scheme allows the local authority to completely renovate a street or scheme of local authority houses by providing up to date facilities in previously substandard accommodation.

- Bathroom scheme:

The local authority can provide bathroom facilities for local authority houses without such facilities.

1.1.7. Estate Management:

Athlone Urban District Council welcomes tenant participation in the management of its larger housing estates and hopes all tenants and prospective tenants avail of training opportunities. A local authority may seek a Court Order to evict or take other appropriate actions against a tenant for anti-social behaviour.

1.1.8. Accommodation - options for travellers:

The National Strategy for Traveller Accommodation sets out the following three pronged approach to providing a wide range of options for traveller accommodation:-

- Assistance and incentives for travellers to build, purchase or improve the private home of their choice.
- The direct provision by local authorities of a range of traveller appropriate accommodation which is designed around the distinct needs of travellers and includes standard local authority housing.
- Assistance and supports to the voluntary sector to provide, for rent, a range of accommodation options.

1.1.9. Accommodation - options for homeless people:

Local authorities have a wide range of powers to secure accommodation for homeless people. In addition to the direct provision of housing, local authorities can make arrangements with voluntary organisations to make accommodation available for homeless people and provide financial or other assistance to homeless people arranging their own private accommodation.

1.2 Assistance to persons providing/improving housing for themselves:

1.2.1. Tenant Purchase Scheme:

Tenants of a local authority house (subject to some exceptions) for at least one year, may apply to

purchase the house which they have rented, either outright or by way of shared ownership. The price of the house will be the market value as determined by the local authority, less a discount for years of tenancy. The purchaser must fund the purchase by a mortgage loan from a local authority or lending agency, or from other resources. The valuation of the property may be contested by the purchaser on production of a certificate from a certified valuer.

1.2.2. Housing loans for house purchase and improvement:

A person wishing to purchase a house (new or second hand) or build a house, or improve an existing house but who cannot get a loan from a building society or bank etc., may be eligible for a local authority loan (mortgage). In order to qualify, the applicant must meet an income eligibility test which takes into account the incomes of the principal and any second earner in the household. The maximum loans payable and eligibility criteria are set by the Department of the Environment and Local Government.

Shared Ownership scheme:

This scheme offers home ownership in a number of steps to those who cannot afford full ownership in the traditional way. Initially, ownership of the house is shared between the local authority and the applicant on a shared ratio basis. The applicant finances his/her share of the house by obtaining a mortgage from the local authority or funding it from some other source. The applicant rents back the local authority share which is bought out by the applicant over the period agreed under the scheme. A subsidy towards the rent is available for shared owners on low income.

1.2.3. Improvement 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 benefiting under 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. The scheme is available to approved housing applicants, tenants/tenant purchasers who return their house and move to a privately owned house requiring improvement works.

1.2.4. Essential Repairs Grant:

This grant is payable in respect of essential repairs which the Council consider to be necessary to prolong the useful life of a house for some 10 years. It is intended for houses occupied by one or more elderly persons, to enable the occupants, if they wish, to live in their house rather than seek institutional care. Generally, the scheme is designed to assist elderly persons in isolated rural locations. This scheme is administered by Westmeath County Council on a County basis.

1.2.5. Disabled Persons Grant:

This grant is for the provision of additional accommodation or carrying out structural alterations to make a privately owned house more suitable to the needs of a disabled member of the household. There is no income limit for eligibility. The maximum grant payable cannot exceed two thirds of the approved costs of

the works subject to a maximum which is set out by the Minister for the Environment and Local Government. This scheme is administered by Westmeath County Council on a County basis. (Note: A disabled person is a person who is physically handicapped or suffering from severe mental handicap or severe mental illness).

1.2.6. Mortgage Allowance Scheme:

The Mortgage Allowance Scheme is available to tenants or tenant purchasers of local authority dwellings who surrender their house to the local authority and provide a private house with the assistance of a mortgage loan of a minimum amount. The allowance is made to the mortgage lender over five years and is designed to ease the transition from rent to mortgage.

1.2.7. Sale of Sites Scheme:

This scheme enables persons in need of housing who are prepared to build for themselves to acquire housing sites from local authorities at a low or nominal cost. Sites may be acquired by tenant/tenant purchasers of local authorities who return their houses to the local authority on building a private house. Persons on the local authorities assessment of housing needs or accepted for inclusion on same are eligible, subject to certain conditions.

1.3 Voluntary Housing:

In addition to direct provision of Local Authority Housing, Athlone Urban District Council has a major role in supporting the provision of housing and other facilities by Voluntary Bodies through the following Schemes:-

1.3.1. Capital Assistance Scheme:

Under this scheme, local authorities provide financial assistance to voluntary bodies to provide accommodation and services to meet special housing needs, e.g. the elderly, disabled or homeless. A minimum of three quarter of houses built under this scheme must be reserved for approved housing applicants of the local authority, the homeless, or tenants/tenant purchasers who are returning their existing dwellings to the local authority. The local authority advances a loan to the Voluntary body to provide the accommodation and services. This loan is fully subsidised by the Department of the Environment and Local Government.

1.3.2. Rental Subsidy Scheme:

Under this scheme, voluntary housing bodies provide housing for families. A minimum of three quarters of units built under the scheme must be reserved for approved applicants on the local authority housing list and whose household income meets certain criteria. Rent is related to household income and ability to pay. The local authority advances a loan to the voluntary body, for building of the houses. This loan is partly repaid from rents paid by tenants (less an agreed maintenance charge), and the balance of the repayment is subsidised by Department of the Environment and Local Government. Tenants are responsible for management of their estates.

1.4 Control of private rented accommodation:

1.4.1. Registration & control of standards of private rented dwellings:

Under the Housing (Registration of Rented Houses) Regulations 1996, landlords must register houses, flats etc., let for rent or “other valuable consideration” with the local authority within one month of letting it. An annual fee of £40 per unit of accommodation is payable for this registration by the landlord, who must complete a registration form.

The local authority must maintain a register of these properties available for public inspection, showing the address and description of house and date of receipt of the application to register. A certified copy of the entry in the register is available at a fee of £5.00. The information obtained other than that published in the register is confidential and may not be revealed to the public.

The local authority is responsible for enforcement of the legal requirements of registration, and for the Housing (Rent Books), Regulations, 1993 and the Housing (Standards for Rented Houses) Regulations, 1993. The local authority has the power to investigate breaches of the regulations and to prosecute offences, which carry substantial financial penalties.

PROGRAMME GROUP 1 - APPENDIX

(a) Classes of records

The following classes of records are held by the Housing Section of Athlone Urban District Council:-

Personal Information:

Individual files on applicants for loans, grants and council housing, tenants & tenant purchasers which can include:

- Application form and supporting documentation;
- Medical report;
- Environmental Health Officer's report;
- Social Worker's report;
- Report from other local authorities;
- Housing Officer's report;
- Income details - rent and payments history;
- Technical reports;
- Revenue Collector's reports;
- Legal records;
- Private rented dwellings register (part);
- Internal reports;
- Miscellaneous records/correspondence

Non-Personal Records:

Administrative files on the activities of the housing section which can include:

- Technical reports, including plans, costings, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Applications from voluntary bodies;
- Correspondence with Department of the Environment and Local Government;
- Private rented dwellings register (part);
- Internal reports;
- miscellaneous records/correspondence.

(b) Publications/Leaflets:

- Your housing options;
- Tenant Purchase Scheme;
- Low Cost Housing Sites;
- Voluntary Housing Schemes;
- Local authority loans for house purchase and improvement;
- Mortgage Allowance Scheme;
- Improvement works in lieu of local authority housing;
- Accommodation options for homeless people;
- Shared Ownership;
- Local authority housing;
- Charter for rented housing;
- Essential Repairs Grant (available from Westmeath County Council);
- Disabled Persons Grant. (available from Westmeath County Council);
- A plan for social housing 1991 (H2/91 available from Department of the Environment);
- Social housing - the way ahead (H6/95 available from Department of the Environment).

(c) Legislation/Regulations:

- Housing Acts, 1966 - 1998;
- Housing Finance Agency Act, 1981;
- Housing (Acquisition of Land) Regulations, 1966 - 1993;
- Housing Regulations 1980 - 1998;
- Housing (Miscellaneous Provisions) Regulations 1988;
- Housing (Mortgage Allowance) Regulations 1993 - 1998;
- Housing (Rent Books) Regulations, 1993;
- Housing (Standards for Rented Houses) Regulations, 1993;
- Housing (Disabled Persons and Essential Repairs Grants) Regulations, 1993;
- Housing (New House Grants etc.) Regulations 1990 (Amendment) Regulations, 1993;
- Housing (Sale of Houses) Regulations, 1995 - 1998;
- Housing (Registration of Rented Houses) Regulations, 1996.

(d) Circulars/Guidelines:

1.1. Local Authority Housing:

1.1.1. Assessment of Housing Needs:

N7/93	Local Authority Housing Waiting List	H1
N14/95	Assessment of need for Housing Accommodation and of the Number of homeless persons	H2

1.1.2 Provision of Local Authority Housing:

N8/82	Standard of construction in accordance with Department of the Environment Memorandum on the procedures to be
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	followed and the standards to be applied in providing local authority dwelling.	H3
N2/89	Local authority housing - provision of demountable dwellings - guidelines	H4
HRT13/89	Fire safety in local authority dwellings	H5
N7/92	Provision of local authority housing	H6
HRT3/96	Energy conservation in local authority dwellings	H7
N10/96	Positioning of letter plates	H8
N4/97	Site selection - guidelines	H9
Circ.N1/98	Department of the Environment Annual Housing Start Allocation	H10
1.1.3.	Letting of Local Authority Houses:	
	Local Authority's Scheme of Letting Priorities	H11
1.1.4.	Rent on Local Authority Dwellings:	
	Local Authority's Differential Rent Scheme	H12
HRT12/94	Community Employment Programme	H13
1.1.5.	Maintenance of Local Authority Houses:	
HRT3/92	Management & Maintenance of local authority housing	H14
1.1.6.	Schemes to Improve Existing Local Authority Housing:	
N8/91	Improvement Works in lieu of Local Authority housing	H15
N10/95	Extensions to Local Authority houses in lieu of rehousing	H16
HRT12/95	Remedial Works Scheme for Local Authority dwellings	H17
1.1.7.	Estate Management:	
H5/97	Explanatory Memorandum	H18
HRT3/92	Management & Maintenance of Local Authority housing	H14
HRT4/93	Management of Local Authority housing - Statements of Policy	H19
1.1.8.	Traveller Accommodation:	
N4/94	Grants to travellers for first purchase of house	H20
TAU3/97	Guidelines for residential caravan parks for travellers	H21
TAU3/98	Housing of travellers	H22
1.1.9	Accommodation Options for Homeless People:	
N9/91	Accommodation of Homeless Persons	H23
N8/93	Accommodation of Homeless Persons	H24

1.2. Assistance to persons providing/improving housing for themselves:

1.2.1 Tenant Purchase:

HRT6/95	Tenant Purchase Scheme 1995	H25
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HRT13/95	Tenant Purchase Scheme 1995	H26
H8/97	Consumer Credit Act, 1995	H27
HRT3/98	Sale of houses	H28
1.2.2 Housing Loans:		
(a)	House Purchase - H8/95 - as amended	H29
	H4/98 - Loan/income limits	H30
(b)	House Improvement - H8/95 - as amended	H29
	H10/97 - revised limits etc.	H31
(c)	Shared Ownership - HRT10/91 - as amended	H32
	H8/97 - Consumer Credit Act, 1995	H27
	HRT 7/98 Explanatory Memorandum	H33
1.2.3 Improvement Works in lieu of Local Authority Housing:		
H10/97	Revised limits etc.	H31
N4/98	Guidelines	H34
1.2.4 Essential Repairs Grant:		
HGS8/93	Scheme details	H35
HGS7/95	Clarification	H36
1.2.5 Disabled Persons Grant:		
HGS8/93	Scheme details	H35
Circ.HGS4/96	Eligibility	H37
1.2.6 Mortgage Allowance Scheme:		
	Department Circular No. HRT7/91	H38
H1/93	Housing (Mortgage Allowance) Regulations, 1993	H39
HGS4/95	Revised Limits	H40
HGS5/96	Eligibility	H41
HGS2/98	Contractors	H42
1.2.7 Sale of Sites Scheme:		
	Circular No. N/7/91 - Scheme details	H43
1.3. <u>Voluntary Housing:</u>		
1.3.1 Capital Assistance Scheme:		
HGS6/92	Explanatory Memorandum	H44
HGS1/96	Clarification	H45
H10/97	Revised limits etc.	H31
1.3.2 Rental Subsidy Scheme:		
	Circular No. HRT8/91	H46
HGS4/92	Recoupment of Subsidy	H47
HRT9/95	Amendments	H48
Circ.H10/97	Revised limits etc.	H31

1.4 Control of Private Rented Dwellings:

1.4.1 Registration & control of standards of private rented dwellings:

HRT8/93 Explanatory Memorandum on (Rent Books) &
(Standards for Rented Houses) Regulations, 1993

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PROGRAMME GROUP 2 - ROAD TRANSPORTATION & SAFETY

Objective:

The objective of roads policy for Athlone Urban District Council is as follows:

“To provide an adequate and safe road network to cater for the social, economic and leisure needs of the Town”.

Functions/Services:

The following range of road services are provided by Athlone Urban District Council and details of how to avail of these services may be obtained from the Council.

- 2.1. Improvement & maintenance of public roads;
- 2.2. Control of public road network
- 2.3. Traffic Management;
- 2.4. Road safety education and publicity;
- 2.5. Local Improvement Schemes;
- 2.6. Licensing of taxis and hackneys;

2.1. Improvement and maintenance of public roads:

"Public Road" means a road over which a public right-of-way exists and the responsibility for the maintenance of which lies with the road authority. Athlone Urban District Council keeps a schedule of all public roads for which it has responsibility. Roads are classified as follows:

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 include all rural and urban roads other than national or regional roads.

2.1.1 Improvement & maintenance of national roads:

Westmeath County Council is the road authority for the national primary and national secondary road network in the County. The National Roads Authority has overall responsibility for planning and supervising the construction, improvement and maintenance of the network of national roads.

The extent of improvement and maintenance works on national roads depends on the annual grant allocation made by the National Roads Authority.

National Primary Roads

N4	Dublin/Sligo from Kinnegad to Rathowen
N6	Dublin/Galway from Kinnegad to Athlone
Total	96 kms.

National Secondary Roads

N51	Delvin/Athboy
N52	Clonmellon/County Boundary beyond Kilbeggan via Tyrrellspass
N55	Ballymahon/Athlone
N62	Fardrum to County Boundary at Ballinahown
N80	Moate to County Boundary and on Clara Road
Total	84 kms.

2.1.2. Improvement and maintenance of non-national roads, regional & local roads (including special restoration programmes, EU co-financed projects, community involvement schemes & public lighting):

Westmeath County Council is the road authority for the regional road network in the County (total 227 km). It is also the local authority for the local road network excluding the urban area of Athlone (total 1,764 km) for which Athlone Urban District Council is the Road authority.

The extent of maintenance and improvement works of non-national roads depends largely on the annual Department of the Environment and Local Government grant allocation. In addition to this source of finance, the Council commits significant resources to maintenance and improvement works.

Improvement & maintenance of public lighting:

As a road authority, Athlone Urban District Council is responsible for the provision and maintenance of public lighting. The E.S.B. generally arranges the supply, installation and maintenance of public lighting on behalf of the Council.

2.2. Control of public road network:

2.2.1. Road opening licence:

A person who wishes to open a public road or footpath for any purpose must obtain a Road Opening Licence.

2.2.2. Licence for advertising sign:

Under planning legislation, a licence may be granted to any person to erect, construct, place and maintain an advertising sign on a public road.

2.2.3. Abnormal load permit:

A special permit is required for the use on a public road of any vehicle or trailer where the laden weight, dimensions etc. exceed allowed limits.

2.2.4. Temporary closing 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 closing of roads require the publication of two notices: -

- (1) a notice of intention to temporarily close the road;
- (2) a notice of the decision to temporarily close the road.

The notice of intention must allow for submissions to be made in writing to the road authority within a specified period. The road authority must consider any submissions received.

The road authority may, without advance notice, temporarily close a public road as a matter of urgency in the interest of public safety.

2.2.5. Abandonment of public roads:

A road authority may abandon a public road following a period of public notice to allow for the submission of written objections or representations.

2.2.6. Damage to public roads:

Local authorities issue licences to open up/dig up a public road. It is an offence to deface, damage or dig up a public road without such a licence and persons may be liable to a fine and/or imprisonment.

2.2.7. Temporary dwellings on roads:

Temporary dwellings on roads are prohibited and local authorities have various powers of enforcement available.

2.2.8. Dangerous structures:

Landowners/occupiers of land have a statutory obligation to ensure roadside structures, trees etc., are not and do not become a danger to road users. Road authorities have the power to serve a notice on such persons specifying the works to be carried out. Persons may be liable to fines and/or imprisonment for such an offence. Where there is an immediate risk, the local authority can itself act to address the problem. Appeals against the notice may be made to the District Court.

2.2.9. Unauthorised signs, caravans, vehicles etc. on public roads:

The above are prohibited on public roads and local authorities have various powers of enforcement available.

2.2.10. Extinguishment of public right of way:

The procedure for the extinguishment of public rights-of-way is similar to that for abandonment of public roads. Ministerial approval is required in regard to national or regional roads while the National Roads Authority must also be consulted where national roads are involved.

2.2.11. Obligation to keep drains clear:

Landowners/occupiers are obliged to ensure that water can drain off a public road on to their land and that water, soil, etc., does not escape from their land on to the road. Road authorities may serve a notice on such persons specifying certain works to be completed and failure to comply can result in a fine and/or imprisonment. Appeals may be made to the District Court.

2.2.12. Works near the roadside:

Landowners/occupiers require written consent from the local authority to carry out works on a drain which is within a specified distance from a public road. Failure to comply with this requirement may result in a fine and/or imprisonment.

2.3. Traffic Management:

Under the Road Traffic Acts, 1961 - 1994, local authorities have substantial powers in relation to traffic management which include:-

- the provision of traffic signs;
- parking control;
- the levying and collection of parking fines and fines for non-display of tax discs;

- the provision of traffic calming measures for the safety and convenience of road users.

2.4. Road safety, education and publicity:

2.4.1. Road Safety Promotion:

The road safety role of local authorities is a wide ranging one, from road improvements to school safety and public awareness. Athlone Urban District Council support and sponsor Junior School Wardens in the national schools and employ an adult school warden and shall endeavour to continue to improve safety on our roads through education, enforcement and engineering.

2.5. Licensing of Taxis and Hackneys:

Under the Road Traffic (Public Service Vehicles) (Amendment) Regulations, 1995 Local Authorities became responsible for licensing of taxis and hackneys. The Athlone Urban District Council area is designated as a taximeter area.

The Local Authority has the power to:-

- introduce full taxi services to new areas by creation of taximeter areas;
- decide the number of taxis to be licensed in a taximeter area;
- decide the maximum fares which can be charged by taxis in individual taximeter areas.

These are reserved functions of the elected Council.

The granting and renewal of hackney licences is an executive function of the County Manager.

PROGRAMME GROUP 2 - APPENDIX

(a) Classes of records

The following classes of records are held by Athlone Urban District Council :

Personal Information:

Individual personal files can include: -

- Application forms and supporting documentation for Hackney/Taxi licences

Non-Personal Records:

Administrative files on the activities which can include:

- Technical reports, including plans, costings, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Correspondence with Department of the Environment;
- Internal reports;
- Miscellaneous records/correspondence.

(b) Legislation/Regulations:

- Local Government (Ireland) Act, 1898;
- Local Government Act, 1925;
- Road Traffic Acts, 1961 - 1994;
- Local Government (Roads & Drainage) Act, 1968;
- Local Authority (Traffic Wardens) Act, 1975;
- Roads Act 1993 - 1998;
- Road Traffic (Public Service Vehicles) Regulations, 1963 - 1998;
- Road Traffic (Construction, Equipment & Use of Vehicles) Regulations, 1963 - 1998;

- Road Traffic (Removal, Storage & Disposal of Vehicles) Regulations, 1983 - 1998;
- Road Regulations, 1994;
- Local Authorities (Traffic Wardens) Act, 1975 (Section 3) Offences) Regulations, 1997;
- Road Traffic (Traffic & Parking) Regulations, 1997 & 1998;
- Road Traffic (Signs) Regulations, 1997 & 1998;
- Road Traffic (Immobilisation of Vehicles) Regulations, 1998;
- Car Park Bye Laws;
- Athlone Appointed Stands (Street Service Vehicles) Bye Laws, 1999.

(c) Circulars/Guidelines:

2.1. Improvement & maintenance of public roads:

2.1.1. Improvement & maintenance to public roads:

RP6/6/10e	Declaration of National Roads	R1
RW8/97	Maintenance of Essential Services in Severe Weather Conditions	R2
RP/1/2/72	Roads Amendment Act, 1998	R3

2.1.2. Improvement & maintenance of non-national roads:

RP6/4/104	Declaration of Regional Roads	R4
Circ.3/7/96	Memorandum on Non-National Road Grants 1996-1999	R5
RW7/96	Guidelines for Road Programmes	R6
RW3/97	Road Restoration Programme	R7

2.2 Control of roads network:

2.2.1 Road opening licence

S.13 of Roads Act, 1993	Guidance Notes	R8
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2.2.4 Abandonment of road

S.12 Roads Act, 1993	Guidance Notes	R11
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2.2.5 Damage to Public Roads

S.13 Roads Act, 1993	Guidance Notes	R12
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2.2.6 Temporary dwellings on national roads		
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S.70 Roads Act, 1993 Guidance Notes		R14
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PROGRAMME GROUP 3 - WATER SUPPLY & SEWERAGE SERVICES

Objective:

The objective of Sanitary Services policy for Athlone Urban District is as follows:-

“ *To ensure a potable water supply is available to each household in the Town in compliance with National and EU legislation*”.

“To provide a piped sewerage network and treatment plants to the town to as high a standard as possible, to minimise impact on the environment and to allow for current needs and future industrial/housing development.”

Functions/Services:

The following range of sanitary services are provided by Athlone Urban District Council and details of how to avail of these services may be obtained from the Town Hall, Athlone, Co. Westmeath.

- 3.1. Provision & improvement of public water supply and sewerage schemes;
- 3.2. Operation & maintenance of public water supply and sewerage schemes;
- 3.3. Assistance to provide piped water supply/sewerage facilities in existing dwellings;
- 3.4. Provision/necessary improvement of individual water supply to a house;
- 3.5. Provision, improvement and maintenance of public conveniences.

3.1 Provision and improvement of public water supply & sewerage schemes:

Local authorities are required to provide sewerage collection systems and treatment facilities to EU standards for all sizeable towns in the county within a specified time limit. The local authority are also empowered to provide a proper and sufficient supply of water for public and private purposes. The local authority relies on direct funding from the Department of the Environment and Local Government (DOELG) for the development of major water and sewerage schemes.

Small water and sewerage schemes are funded under the DOELG Small Schemes Programme which funds 75% of cost of schemes costing less than £250,000 with the 25% balance being funded from Council's own resources.

Prior to the provision of a new scheme, the Council undertakes a determination of need, design of scheme, environmental impact study where warranted and acquisition of land and wayleaves where required.

3.2 Operation and maintenance of public water supply & sewerage schemes:

3.2.1. Operation and maintenance of public water supply & sewerage schemes:

The Council employ caretakers who maintain these schemes under supervision of technical staff.

3.2.2. Provision of water and sewerage connections:

The cost of connecting to water and sewerage schemes is related to the cost of providing the service, subject to a minimum charge. The cost includes development charges where applicable. Application forms and information are available from The Town Hall, Athlone, Co. Westmeath.

3.2.3. Water quality requirements:

National water quality standards and objectives for surface water and drinking water are laid down by the European Union and implemented under EU Directives and national legislation..

3.2.4. Water/sewerage charges:

With effect from 1st January, 1997, water charges for domestic water supply and sewerage facilities have been abolished. Water/sewerage charges still apply to all other premises served. Water may be charged for on a fixed charged basis or by measure on the basis of consumption recorded on a meter.

Payment of water/sewerage charges may be made by a number of methods e.g. Cash Office, Town Hall, Athlone, by post, through your local Bank, through your local Revenue Collector, etc. The Council have various options available to them in the case of failure to pay, including legal proceedings and disconnection of water supply.

3.3. Provision of public conveniences:

Local authorities may provide, maintain and improve public conveniences within their functional area.

PROGRAMME GROUP 3 - APPENDIX

(a) Classes of records

The following classes of records are held by Athlone Urban District Council.

Personal Information:

-
- Account files on water charges;
- Files on waiver applications;
- Legal records.

Non-Personal Records:

Administration files on the activities of the Water & Sewerage Service which can include:

- Technical plans including plans, costing, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Correspondence with the Department of the Environment and Local Government;
- Internal reports;
- Water quality records;
- Miscellaneous records/correspondence

(b) Legislation/Regulations:

- Public Health (Ireland) Act, 1878 (as amended)
- Water Supplies Act, 1942
- Local Government (Sanitary Services) Act, 1948
- Health (Fluoridation of Water Supplies) Act, 1960
- Local Government (Sanitary Services) Act, 1962
- Local Government (Financial Provisions) Act, 1997
- E.C. (Quality of Water Intended for Human Consumption) Regulations, 1998
- E.C. (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989
- E.P.A. Acts 1992 (Urban Waste Water Treatment) Regulations, 1994

(c) **Circulars/Guidelines:**

	Document Reference
3.1 Provision & improvement of public water supply & sewerage schemes	
L9/92 - Appointment of Consultants	S.S.1
WP 17/94 - Urban Waste Water Treatment	S.S.2
L 3/97 - Consent under Foreshore Act	S.S.3
L 6/97 - Devolution of Responsibility for Group/Small Public Schemes	S.S.4
L21/97 - Maintenance of Accounts for Water Service Schemes	S.S.5
L22/97 - Fund to Part-Finance Scheme Providing Serviced Land for Development	S.S.6
Prompt Payment of Accounts Act, 1997	S.S.8
3.2.1 Operation & maintenance of public water & sewerage schemes	
L14/92 - Protection of Drinking Water Supplies	S.S.8
L7/98 - Protection of Drinking Water Supplies	S.S.9
3.2.3 Water Quality	
L17/89 - Quality of Surface Water Intended for the Abstraction of Drinking Water Regulations 1989	S.S.10
L1/91 - Quality of Surface Water Intended for the Abstraction of Drinking Water Regulations 1989	S.S.11
L7/96 - Water Conservation	S.S.12
L14/97 - Water Conservation	S.S.13
WP2/98 - Quality of Drinking Water Report 1996	S.S.14
3.2.4 Water/sewerage charges	
FIN10/96 - Disconnection of Domestic Water Supplies	S.S.15
FIN12/97 - Charges	S.S.16
3.5 Provision Of public convenience	
7/89 - Guidelines on Siting & Design	S.S.17

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PROGRAMME GROUP 4 - DEVELOPMENT INCENTIVES AND CONTROLS

Objective:

The objective of planning and development policy for Athlone Urban District Council is as follows:-

“To promote the economic, social and cultural well-being of our people in the interest of the common good by encouraging, ensuring and facilitating high quality development while protecting and enhancing the unique natural environment of the Town”.

Functions/Services:

Athlone Urban District Council’s functions/services in relation to planning and development include the following and further details can be obtained from the Town Hall, Athlone..

- 4.1. Determination of physical planning policy;
- 4.2. Control of development;
- 4.3. Preservation and improvement of amenities;
- 4.4. Promotion of industrial, commercial and other developments;

4.1. Determination of physical planning policy:

4.1.1. Adoption and review of development plan and action plans:

Local authorities must prepare a development plan for its area and review it at least every five years. The development plan is a statement of the local authority’s planning and development policies for the local community for the next five years. It sets out the land use, amenity and development objectives and policies of the local authority. It shows where roads, water supplies and sewerage are to be provided and it zones lands for particular purposes. It contains proposals to develop and renew obsolete areas; and preserve, improve and extend amenities such as parks and open spaces, and buildings and features of historical or artistic interest.

The making or variation of the plan is a reserved function of the local authority. The process involves placing a draft plan on public display for 3 months to enable members of the public to make representations or objections to any aspect of the plan. The draft may then be amended or adopted. If a material change is made, it must go on display for a further period to allow for further representations or objections. Once adopted, it forms a framework against which development decisions are taken.

4.1.2. Local authority as a Development Corporation:

Local authorities, through their development plan, have become development corporations by promoting creative local policies for the use and development of land and by creating conditions which stimulate development by private enterprise.

4.2. Control of development:

4.2.1. Planning Applications:

Planning permission is generally required for any development of land or change of use of property unless it is specifically classed as exempted development. Applications may be for planning permission, outline permission or approval. The application must be accompanied by prescribed documentation, plans and a fee. Any application with possible risks of environmental pollution over prescribed limits must be dealt with by the Environmental Protection Agency and the local authority must confine itself when dealing with the application to matters relating to the proper planning and development of the area concerned excluding pollution as a condition/reason for refusal.

Certain applications require an environmental impact assessment. This is a procedure of examining the likely effects of the proposed development on the environment, ensuring consideration is given to likely effects and avoiding, reducing or offsetting any significant adverse effects it may have. Local authorities may request an Environmental Impact Statement for any application where it deems it necessary and this contains the developer's analysis of the likely effects of the project on the environment.

Anyone has the right to see an application and all accompanying documentation and may make a submission in writing to the planning office. The local authority is obliged to consider the proper planning and development of the area, the Development Plan and any written comments made by the public in assessing planning applications and must issue its decision within a specified time. Applicants or third parties may appeal the local authorities decision to An Bord Pleanala, Floor 3, Blocks 6 & 7, Irish Life Centre, Lower Abbey Street, Dublin 1 within one month of the decision (fees apply). While the appeal period is open, the entire file including internal reports is available for public inspection. Following the appeal decision or if no appeal is lodged, a final grant of decision is made.

The local authority may impose development levies as part of the conditions in the decision as a contribution for the provision, upkeep and maintenance of necessary infrastructural services.

4.2.2 Planning Registers:

A planning register is maintained in the planning office containing details and locations of all planning applications lodged. Members of the public are entitled to a copy of the planning permission decision at a nominal fee.

A declaration of interests register of lands owned by members and certain specified officials of local authorities is held for inspection.

4.2.3. Contravention of Development Plan:

The planning authority is obliged to secure the objectives in the development plan. Where an application does not conform to these objectives but would otherwise be in harmony with the proper planning and development of the area, the planning authority can decide to grant only after agreeing to materially contravene the development plan. There is a set procedure and a minimum number of members (Councillors) must vote in favour of the development (reserved function).

4.2.4. Development by local authorities:

Developments carried out by local authorities in their own area do not require formal planning permission. A process of public notice/consultation and inspection must be given as prescribed. Any objection/submission by the public must be considered by the planning authority and a formal report covering these and other matters must be prepared for the elected members of the Council.

4.2.5. Compensation claims:

Applicants may make a claim for compensation in limited circumstances where they feel that the planning decision has unfairly disadvantaged them. The claims must be made within a specified period.

4.2.6. Control of unauthorised development:

Where unauthorised development occurs or conditions of a planning permission are not complied with, local authorities have various remedies available to them. Enforcement proceedings range from the issue of a warning notice to a Circuit or High Court Order and prosecution of offences, financial penalties and/or prison sentences can be imposed on the developer. Members of the public are also entitled to take Court action in respect of an unauthorised development.

4.2.7. Licenses for advertising signs:

A license may be granted to any person to erect, construct, place and maintain an advertising sign on a public road.

4.3. Preservation and improvement of amenities:

The Planning Acts provide for a number of measures for the preservation and improvement of amenities, including Tree Preservation Orders, Special Amenity Area Orders, Conservation Orders and powers to secure the creation of public rights-of-way.

4.4. Promotion of commercial and other developments:

4.4.1. Promotion of Urban Renewal Scheme:

The Department of the Environment are presently reviewing the operation of the Urban Renewal Schemes. Previous schemes sought to regenerate new life and halt decay in urban areas through an attractive package of financial incentives.

4.4.2. Urban Renewal:

Urban Renewal Scheme:

This grant enables the council to undertake environmental upgrading and street scape projects in towns. The objective of this measure is to improve the physical environment of towns to attract and sustain an enterprise base as well as supporting tourism and living conditions generally. The grant finances up to

50% of the cost of the scheme and a matching local contribution of 50% is required.

4.4.3. Tourism marketing/promotions:

The local authority contributes towards a Tourist Marketing Strategy and general promotion in conjunction with Midlands-East Regional Tourism Organisation.

PROGRAMME GROUP 4 - APPENDIX

(a) Classes of records:

The following classes of records are held by Athlone Urban District Council:

Personal Records:

- Land holding.
- Legal record.
- Internal Reports.
- Miscellaneous records/correspondence.

Non-Personal Records:

Administrative files on the activities of the planning & development sections which can include:

- Planning application files including decisions of An Bord Pleanala where relevant;
- Planning register (including maps);
- Declaration of Interests Register;
- Development Plan/Action Plans & written statement;
- Planning search files;
- Statistical information;
- Technical reports from other sections;
- Legal records;
- Correspondence with the Department of the Environment;
- Internal reports;
- Land acquisition;
- Land disposal;
- Guide to making a planning application;
- Miscellaneous records/correspondence.

(b) Publication/Leaflets:

- | | |
|---|-----|
| • A Guide to Planning Permission | PL1 |
| • Making a Planning Application | PL2 |
| • Commenting on a Planning Application | PL3 |
| • Building a House - the Planning Issues | PL4 |
| • Doing Work around the House - the Planning Issues | PL5 |
| • Planning for the Business Person | PL6 |
| • The Development Plan | PL7 |
| • Environmental Impact Assessment | PL8 |
| • Making a Planning Appeal | PL9 |

(c) Legislation/Regulations:

- Local Government (Planning & Development) Acts, 1963 - 1993
- Local Government Act, 1991.
- EC (Environmental Impact Assessment) Regulations 1989 - 1996
- Local Government (Planning & Development) Regulations 1994 - 1998

(d) Circulars/Guidelines:

4.1. Determination of Physical Planning Policy:

4.1.1. Adoption of Development Plan:

P.D. 4/97 Consultation on Development Plans P1

4.2. Control of Development:

4.2.1. Planning Applications:

- PD 111/8/20 EU Directive on EIA P2
- AP2/88 Policy Directive re. Air Quality Standards P3
- PD 1/91 Notification of Planning Decision P4
- PD 1/92 Septic Tank & Percolation Systems P5
- Circ. 20/4/'94 Guidance to Planning Regulations P6
- PD 3/94 Waste Water Treatment Systems P7
- NRA 1/95 Notification of Certain Operations to NRA P8
- PD 2/95 Exemptions etc. P9
- PD 3/95 Availability of Documents P10
- PD 6/96 Guidelines for Telecommunications Antennae P11
& Support Structures
- PD 4/97 Consultation on Development Proposals & Fees P12
- PD 5/97 Changes re. Waste Management P13
- PD 4/98 Residential Density P14
- PD 5/98 Policy & Retail Shopping Development P15

4.2.3. Contravention of Development Plan:

- PU 24/2(1) Material Contravention of Development Plan P16

4.2.4. Development by Local Authorities:

- PD 2/98 Removal of Exemptions for Halting Sites P17

4.2.5. Compensation Claims:

PD 103/16/4 Wider Grounds for Non-Compensation P18

4.3. Preservation & Improvement of Amenities:

- PD 1/94 Tree Preservation Guidelines P19

4.4.2. Promotion of Urban Renewal Scheme:

- UR 1/96 Rates Remission P20
- UR 3/97 Urban Renewal Scheme P21
- UR 1/98 1998 Urban Renewal Scheme P22
- UR 4/98 Urban Renewal Scheme P23
- UR 7/98 Urban Renewal Scheme P24
- UR 8/98 Urban Renewal Scheme P25

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PROGRAMME GROUP 5 - ENVIRONMENTAL PROTECTION

Introduction:

The area of Environmental Protection has been the subject of increased attention in the last number of years. In 1997, the Department of the Environment published a national sustainable development strategy entitled "Our Environment - Making it Work". This followed from an action plan for sustainable development into the 21st Century prepared by the UN and referred to as Agenda 21. The strategy seeks to demonstrate how economic development can take place in tandem with sustaining the environment.

The "Pollutor Pays" principle has been enshrined in recent environmental law and this means that the pollutor takes responsibility for damage/potential damage which may be attributable to him/her.

Objective:

The objectives of Environmental Protection policy for Athlone Urban District Council are as follows:-

"To enhance and improve the quality of life in the Town by providing a high level of environmental protection".

"To ensure provision of adequate waste disposal that will afford the highest level of environmental protection having regard to present and future physical and legislative requirements."

"To ensure households in the Town have a regular waste collection service".

"To protect life, property and the environment by the efficient and effective prevention and control of fires and other emergencies including major emergencies".

Functions/Services:

The following range of Environmental Protection Services are provided by Athlone Urban District Council:-

- 5.1. Waste Management.
- 5.2. Control of Environmental Pollution.
- 5.3. Safety of Structures and Places.
- 5.4. Fire Protection

5.1. Waste Management:

5.1.1. Waste Management Plan:

The Waste Management Act, 1996 requires local authorities to adopt modern & systematic local waste management plans to deal with non-hazardous waste. The adoption of the plan is a reserved function and

involves public consultation both before commencement of the preparation of a plan as well as at the “draft” stage.

5.1.2. Refuse collection:

Local authorities are required to ensure that there is an adequate household collection service within their areas, either by the local authority or by private contractors. A charge applies for the collection of refuse including domestic, dependent on volume. Part of the domestic charge may be waived where the Council are satisfied that payment of the full charge would cause a consumer undue hardship.

5.1.3. Provision & operation of landfill sites:

The Waste Management Plan, 1996 requires local authorities to provide and operate or to arrange for the provision and operation of facilities for the recovery and disposal of household waste arising in their functional area, subject to licensing requirements of the Environmental Protection Agency. Athlone Urban District Council use and contribute towards the cost of the landfill site at Ballydonagh Athlone which is operated by Westmeath County Council.

5.1.4. Permits:

Collection of waste, and/or waste oils require a permit from the local authority. A permit is also required by a private operator in the treatment and disposal of toxic & dangerous waste. The local authority administers a permit system for the movement of hazardous waste from, or into, its functional area.

5.2. Control of Environmental Pollution:

5.2.1. Control of Water Pollution:

The Water Pollution Act, 1977-1990 and associated regulations gives local authorities wider powers for the control of water pollution, including:-

- prosecution of offences;
- regulation of certain activities to prevent or eliminate pollution;
- direct action to prevent or deal with water pollution incidents;
- adoption of Water Quality Management Plan (reserved function);
- licensing of trade and/or sewage effluent to waters or sewers.

Application forms for licenses are available from the Town Hall and a register of licenses is kept.

Monitoring of River Quality:

All the major rivers and lakes in county Westmeath are monitored as required by various statutes, regulations and E.U. Directives.

5.2.2. Control of air pollution:

The provisions of the Air Pollution Act, 1987 are enforced by the Council. There are only a few point sources of air emissions from industrial premises and while none are licensable because they existed before the Act came into force, many are controlled by planning conditions which in some cases includes for monitoring of the emissions by independent agencies on behalf of the industries.

5.2.3. Control of noise pollution:

Any person (including a local authority) may make an application to the District Court under the terms of the Environmental Protection Agency Act 1992, (Noise) Regulations, 1994 to seek an Order to deal with the nuisance.

5.2.4. Control of litter pollution:

The Litter Pollution Act, 1997 & Litter Pollution Regulations, 1997 give local authorities wider powers for the control of litter pollution including:-

- adoption of Litter Management Plan (reserved function);
- issue of notices requiring clean up and taking of measures to prevent a recurrence of litter;
- prosecution of offences;

5.3. Safety of structures & places:

5.3.1. Dangerous buildings & places:

Under the Sanitary Services Act, 1964, the Council may serve a notice requiring the owner of property, which in the opinion of the Council is dangerous, to make it safe. In cases of emergency, the Council may itself make such property safe.

5.3.2. Derelict sites:

Under the Derelict Sites Act, 1990, local authorities have been given wider powers to deal with derelict sites including:-

- service of notice on landowners to prevent land from becoming or continuing to be a derelict site;
- imposition of a levy on derelict sites in certain urban cases;
- compulsory acquisition of derelict sites;
- prosecution of offenders.

5.4. Fire Protection:

5.4.1. Provision of fire fighting & emergency services:

Athlone Urban District Council is a fire authority and provides cover and emergency cover on a full and part-time basis. A fire authority is empowered to establish and maintain fire brigades, provide fire stations, plant & equipment to deal with fire and emergencies, whether or not a risk of fire exists, such as accidents, chemical spills, flooding etc. Local authorities are obliged to prepare plans for fire and emergency operations (reserved function).

Major Emergency Plan:

A **major emergency** is defined as any event which, usually 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 Services. Such incidents could be major fires, explosions, leakage of dangerous substances, transportation accidents, etc.

Westmeath 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 Athlone UDC, the Midland Health Board and the Gardai.

Fire Charges:

Fire authorities may charge users or beneficiaries of a fire service for services it provides.

5.4.2. Prevention of fires & other emergencies:

Local authorities have a comprehensive system of fire safety controls which include:-

- control of potentially dangerous buildings;
- input into licensing of certain premises
- arrangements to create public awareness;
- a power to inspect land/buildings to which the public has access;
- prosecution of offences leading to penalties of fines and/or imprisonment;
- enforcement of building standards.

Control of potentially dangerous buildings:

A potentially dangerous building is a building which, in the event of fire occurring in it would constitute a serious danger to life.

Fire Safety Notice

A fire authority can serve a fire safety notice on the owner or occupier of such a building. This notice may prohibit the use of a building or part of it, or prohibit its use for specified purposes; until certain changes are made to ensure the building is safe; or insist that the owner/occupier carry out works to make the building safe without closing it down in the meantime.

Where a fire authority is of the opinion that certain substances of a flammable, explosive or potentially explosive nature are used, stored, or deposited adjacent to a building so as to represent a serious danger to life, it may serve a fire safety notice requiring that certain steps be taken to reduce the danger to a reasonable level. There is an appeals procedure to the District Court available to persons on whom a notice is served.

High Court Order:

If a fire authority believes that the use of any particular building or land would put people at such a serious risk from fire that the use of the building or land should be forbidden or curtailed until certain changes have been done to reduce the risk to a reasonable level, it can immediately apply to the High Court for an order forbidding or curtailing its use.

Licensing of Premises (dance halls, restaurants & public houses):

Local authorities can inspect premises annually and give evidence in Court prior to the grant of an annual licence (fees apply).

Dangerous Substances Licences:

Petroleum Stores:

Local authorities are responsible for the licensing of petroleum stores. An authorised officer of the local authority may enter, inspect and examine any premises used as a petroleum store. A register of applications is maintained and can be inspected at the Fire Station. Decisions made by the local authority can be appealed to the Health & Safety Authority, Athlone Regional Office, Government Buildings, Pearse Street, Athlone, Co. Westmeath. Appeals against the Health & Safety authority's decision are made to the High Court.

Explosive Stores:

A register of explosive stores is maintained and available for inspection at the Fire Station, Lynn Industrial Estate, Mullingar.

Enforcement of Building Standards:

Local authorities must be notified of works prior to commencement by means of a Commencement Notice and fee.

Building regulations are enforced by local authorities to promote good practice in design and construction and in the interest of the health, safety & welfare of persons who use the building. The local authority has the power to inspect, enforce and prosecute those who do not comply.

Fire Safety Certificates are required for certain developments and an application fee must accompany the submission. The certificate is a statement which confirms the building complies with specified regulations if built in accordance with the application lodged. Appeals against decisions may be made by the applicant to An Bord Pleanála, Floor 3, Blocks 6 & 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

Dispensation/Relaxation of Building Regulations

Local authorities may grant a dispensation from/relaxation of, any requirement of building regulations.

A decision must be made within a specified time of the date of receipt of the application. Appeals against decisions may be made by the applicant to An Bord Pleanála, Floor 3, Blocks 6 & 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

PROGRAMME GROUP 5 - APPENDIX

(a) Classes of records:

The following classes of records are held by Athlone Urban District Council under this group:-

Personal Records:

- Enrolment forms;
- Employment history;
- Medical reports;
- Certification of achievements;
- Internal reports;
- Miscellaneous records/correspondence.

Non-Personal Records:

Administrative files on the activities of the relevant section which can include:

- Technical reports, including plans, costings, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Correspondence with Department of Environment;
- Internal reports;
- Miscellaneous records/correspondence;
- Petroleum & explosive stores registers;
- Training records.

(b) Publications/Leaflets:

Litter and the Law;

A guide to the Noise Regulations;

Circ. 14/6/95 - Guidelines on Local Agenda 21 (available from DOELG)

(c) Legislation/Regulations:

General: Environmental Protection Agency Act, 1997 & Regulations
Access to Information & The Environment Regulations, 1998

5.1. Waste Management:

Waste Management Act, 1996
Waste Management (Planning) Regulations, 1997
Waste Management (Licensing) Regulations, 1997
Waste Management (Register) Regulations, 1997
Waste Management (Packaging) Regulations, 1997
Waste Management (Farm Plastics) Regulations, 1997
Waste Management (Amendment of Waste Management Act 1996) Regulations 1998
Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998
Waste Management (Movement of Hazardous Waste) Regulations, 1998
Waste Management (Hazardous Waste) Regulations, 1998
Waste Management (Transfrontier Shipment of Waste) Regulations 1998
Waste Management (Licensing) (Amendment) Regulations, 1998
Waste Management (Miscellaneous Provisions) Regulations, 1998
Waste Management (Permit) Regulations, 1998.

5.2. Control of Environmental Pollution:

5.2.1. Control of Water Pollution:

Local Government (Water Pollution) Act, 1977 - 1990
E.C. (Quality of Salmonid Waters) Regulations, 1988
E.C. (Control of Water Pollution by Asbestos) Regulations, 1990
E.P.A. Act, 1992 (Urban Waste Water Treatment) Regulations, 1994
Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (The "Nitrates Directive").
Local Government (Water Pollution) Act 1977 (Water Quality Standards for Phosphorus) Regulations 1998
Local Government (Water Pollution) Regulations, 1978, 1992 and 1996
Local Government (Water Pollution) Act, 1977 (Control of Cadmium Discharges) Regulations, 1985
Local Government (Water Pollution) Act, 1977 (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986
Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Aldrin, Dieldrin, Isodrin, HCB, HCBd, and CH Cl³ Discharges) Regulations 1993

Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol Discharges) Regulations 1994.

Local Government (Water Pollution) Acts, 1977 and 1990 (Control of EDC, TRI, PER, and TCB Discharges) Regulations, 1994

Local Government (Water Pollution) Nutrient Management Planning Consultation) Regulations 1998

E.C. (Quality of Water Intended for Human Consumption) Regulations 1988

E.C. (Quality of Surface Water Intended for Abstraction of Drinking Water) Regulations 1989.

Quality of Bathing Waters Regulations 1992 - 1996

5.2.2. Control of air pollution:

E.U. Directives (Various) - e.g. Smoke, SO₂, Lead, NO_x, Municipal Waste Incinerators, etc.

Air Pollution Act, 1987

Air Pollution Act, 1987 (Air Quality Standards) Regulations, 1987

Air Pollution Act, 1987 (Licensing of Industrial Plant) Regulations, 1987

Air Pollution Act, 1987 (Emission Limit Value for use of Asbestos) Regulations, 1990

5.2.3. Control of noise pollution:

E.P.A. Act 1992 (Noise) Regulations, 1994

5.2.4. Control of litter pollution:

Litter Pollution Act, 1997

Litter Pollution Regulations, 1997

5.3. Safety of Structures & Places:

5.3.1. Dangerous Buildings & Places:

Local Government (Sanitary Services) Act, 1964

5.3.2. Derelict Sites:

Derelict Sites Act, 1990

Derelict Sites Regulations, 1990 - 1992

5.3.3. Water Safety:

Local Government (Sanitary Services) Act, 1948

5.4. Burial Grounds:

Public Health (Ireland) Act, 1878
Local Government (Sanitary Services) Act, 1948
Local Government Act, 1994

5.5. Caravan/Camping Licence:

Local Government (Sanitary Services) Act, 1948

5.6. Fire Protection:

Dangerous Substances Act, 1972
Fire Services Act, 1981
Local Government (Multi-Storey Buildings) Act, 1988
Safety, Health & Welfare at Work Act, 1989
Building Control Act, 1990
Dangerous Substances Regulations 1979 - 1988
European Communities (Major Accident Hazards of certain industrial activities) Regulations, 1986
Fire Authority Emergency Operations Regulations, 1987
Fire Services Act, 1981 (Prescribed Premises) Regulations, 1989
Building Regulations, 1997
Building Control Regulations, 1997

(d) Circulars/Guidelines:

General - EPS 6/98 - Access to Information on the Environment E1

5.2. Control of Environmental Pollution:

5.2.1. Control of Water Pollution:

Env. 16/88	Discharge of Certain Substances to Water	E2
Env. 22/88	Quality of Salmonid Waters	E3
WP3/90	Water Pollution (Amendment) Act, 1990	E4
WP4/92	Discharge of Certain Substances to Waters	E5
WP5/92	(Water Pollution) Regulations, 1992	E6
WP7/93	Protection of the Marine Environment	E7
WP11/93	Discharge of Certain Substances to Water	E8
WP3/94	Discharge of Certain Substances to Water	E9
EPS1/94	Integrated Pollution Prevention & Control Licensing	E10
EPS2/94	Fees for Integrated Pollution Prevention & Control Licensing	E11
WP6/94	Quality of Bathing Waters	E12

WP10/94	Discharge of Certain Substances	E13
PC4/3/4 Pt.ii	Discharge of Certain Substances	E14
WP17/94	Urban Waste Water Treatment	E15
EPS1/95	Integrated Pollution Control Licensing	E16
EPS3/95	Integrated Pollution Control Licensing	E17
WP9/95	Nitrates Directive	E18
WP3/96	Water Pollution	E19
EPS1/96	Integrated Pollution Control Licensing	E20
WP6/96	Water Pollution	E21
WP8/96	Quality of Bathing Waters	E22
WP1/97	Nitrates Directive	E23
EPS2/97	Integrated Pollution Control Licensing	E24
WP6/97	Managing Ireland's Rivers & Lakes	E25
WP7/97	Measures to Prevent & Deal with Water Pollution Incidents	E26
WP5/98	Water Quality Standards	E27
WP6/98	Water Quality Standards	E28

5.2.2. Control of air pollution:

AP2/87	Air Quality Standards	E29
AP3/87	Monitoring of Air Quality Standards	E30
AP1/88	Licensing of Industrial Plant	E31
AP1/89	Licensing of Industrial Plant	E32
AQ1/90	Reduction of Pollution by Asbestos	E33

5.2.3. Control of noise pollution:

AQ3/94	Noise Regulations	E34
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5.2.4. Control of litter pollution:

ALU2/97	Litter Pollution	E35
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5.3. Safety of Structures & Places:

5.3.2. Derelict Sites:

PD76/41 (27/7/'90)	Guidance Notes on Derelict Sites	E36
PD76/41 (25/6/'91)	Derelict Sites	E37
PD76/41 (22/11/'91)	Derelict Sites	E38

5.3.3. Water Safety:

LSS9/96	Water Safety Signs Code	E39
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5.4. Burial Grounds:

Env3/89	Exhumation Licenses	E40
No circular		E41
Env11/90	Exhumation Licenses	E42
LSS6/94	Exhumation Licenses	E43

5.7. Fire Protection:

(a) Fire Protection/Prevention:

Fire 1/87	Major Emergencies	F1
Fire 10/87	Major Emergencies	F2
Fire 12/87	Emergency Operations	F3
Fire 1/89	Management of Fire Safety in Places of Assembly	F4
Fire 1/90	Fire Safety in Factories	F5
EP3/90	Advice from Chemical Industry	F6
EP5/93	Identification of Personnel	F7
Fire 4/94	Fire Safety in Flats	F8
EP6/94	Emergency Planning	F9
TC3/95	Fire & Emergency Vehicles	F10
Fire 5/96	Fire Safety in Nursing Homes	F11
409/1/83	Fire Safety in Hostels	F12
EP4/97	Emergency Call Number 112	F13
Fire 10/97	Licensing of Dance Halls	F14

(b) Dangerous Substances:

F5/87	Transportation of Hazardous Substances	F15
EP5/88	Licensing of Petroleum Stores	F16
AQ6/97	Dangerous Substances - Petroleum Vapour Emission	F17

Enforcement of Building Standards:

BCL3	Explanatory Memorandum re. Multi-Storey Buildings	F18
BCL1/91	Building Control	F19
BCL2/92	Building Control - General Advice & Guidelines	F20
BCL3/92	Building Control - General Advice & Guidelines (Planning)	F21
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BCL2/93	Exemption of Farm Buildings to Obtain Fire Safety Certificates	F24
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Programme Group 6 Recreation & Amenity

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PROGRAMME GROUP 6 - RECREATION & AMENITY

Objective:

The objective of recreation and amenity policy for Athlone Urban District Council is:as follows:-

“To promote the provision of recreational and leisure facilities to meet the requirements of the public and to assist and promote cultural, educational and artistic activities within the Town.

Functions/Services:

Athlone Urban District Council’s functions in relation to recreation and amenity include the following and further details can be obtained from the Town Hall, Athlone.

- 6.1. Operation and maintenance of Athlone swimming pool;
- 6.2. Environmental improvement and awareness measures;
- 6.3. Provision, operation and maintenance of parks and open spaces;
- 6.4. Operation of Community Employment Programme;

6.1 Swimming pools:

Athlone Urban District Council provides and maintains a swimming pool in Athlone. It is open all year and timetables can be obtained from the Swimming Pool, Retreat Road, Athlone. Tel: (0902) 72355. A new swimming pool is under construction as part of the Regional Sports Centre.

6.2 Environmental improvement & awareness measures:

Athlone Urban District Council, in addition to measures adopted by it to control environmental pollution adopts an Environmental Programme each year which involves:-

- assistance to Tidy Towns Committees, housing estates and resident associations;
- provision of refuse skips;
-

6.3 Parks & open spaces:

The Town Engineer looks after the maintenance of parks and open spaces within his area.

6.4 Operation of Community Employment Programme:

The Community Employment Programme, under the auspices of FÁS, was established :

- to provide an opportunity for eligible unemployed people and other disadvantaged persons to engage in temporary work within their own communities;
- to help the long-term unemployed re-enter the workplace through a return-to-work routine;
- to assist in enhancing and developing technical and personal skills.

An integral part of the programme is the training of the participants, Athlone Urban District Council provides on the job training along with specialised training in a field of the participants choice. The projects undertaken relate mainly to environmental improvement activities, as approved by FÁS.

6.5. Regional Sports Centre :

A new Regional Sport Centre is under construction at Ballymahon Road, Athlone at an estimated cost of £5.5m. This centre was grant aided by lottery funding and Athlone Urban District Council will be responsible for the operation of the centre.

PROGRAMME GROUP 6 - APPENDIX

(a) Classes of records:

The following classes of records are held by Athlone Urban District Council under this programme group:

Personal Information:

- Employment history;
- Medical reports;
- Internal reports;
- Miscellaneous records/correspondence.

Non-Personal Records:

Administrative files on the activities of the relevant section which can include:

- Technical reports, including plans, costings, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Correspondence with Department of the Environment;
- Internal reports;
- Miscellaneous records/correspondence.

(b) Publications/Leaflets:

Information leaflet on Athlone Library.

(c) Legislation/Regulations:

Local Government (Sanitary Services) Act, 1948
Arts Act, 1973
Local Government Act, 1991
Local Government Act, 1994

(d) Circulars/Guidelines:

	<u>Ref. No.</u>
6.1 <u>Improvement & Maintenance of Public Swimming Pools:</u>	
• Circular L.S.S. 1/98 - Planning, Approval & Financing	RA1
6.2 <u>Environment Improvement & Awareness Measures:</u>	
• An Taisce - Green Schools Handbook	RA2
6.3. <u>Parks & Open Spaces:</u>	
• Circular of 23/2/'87 - Parks Policy for Local Authorities	RA3
6.4 <u>Operation of Community Employment Programme:</u>	
• FAS - Project Operations Manual	RA4

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**PROGRAMME GROUP 7 -
AGRICULTURE, EDUCATION, HEALTH & WELFARE**

Athlone Urban District Council has limited functions under this programme and they are as follows:

- 7.1. Education;
- 7.2. Health & Welfare.

7.1. Education:

7.1.1. Administration of schemes of higher education grants:

Under the “**Local Authorities (Higher Education Grants) Acts 1968-1972**”, Westmeath County Council is responsible for the above scheme on a County basis. Determination of disputes in relation to interpretation or construction of the scheme shall be determined by the Minister for Education, whose decision is final.

7.2. Health & Welfare:

The Safety, Health & Welfare at Work Act, 1989 sets out a framework of protection for employees at work. Employers have a duty to ensure the safety, health and welfare of all employees through the provision and maintenance of a safe place at work, safe plant and machinery and safe systems of work.

PROGRAMME GROUP 7 - APPENDIX

(a) Classes of records:

The following classes of records are held by Athlone Urban District Council:

Personal Records:

- Legal records;
- Internal reports;
- Miscellaneous records/correspondence.

Non-Personal Records:

- Technical reports;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Internal reports;
- Miscellaneous records/correspondence.

(b) Legislation/Regulations:

- Vocational Education Act, 1930;
- Children's Act, 1941;
- Local Authority (Higher Education Grants) Act, 1968;
- Safety, Health and Welfare at Work Act, 1989;
- Safety, Health and Welfare at Work (Construction) Regulations, 1995.

7.2. **Safety:**

- BC 1/97 Guidances Notes to Safety, Health & Welfare at Works (Construction) A1
Regulations, 1995;
 - BC 8/97 Guidelines to Safety, Health & Welfare at Works (Construction) A2
Regulations, 1995;
- Available for purchase from Health & Safety Authority, 10 Hogan Place,
Dublin 2.**

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Programme Group 8 Miscellaneous Services

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PROGRAMME GROUP 8 - MISCELLANEOUS SERVICES

Functions/Services:

Athlone Urban District Council's functions within this group are as follows:

- 8.1. Financial management;
- 8.2. Land acquisition and disposal;
- 8.3. Corporate services;
- 8.4. Tendering/public procurement policy;
- 8.5. Gaming & lotteries.
- 8.6. Personnel.

8.1 Financial Management:

The objective of financial management policy for Athlone Urban District Council is as follows:-
“The development and maintenance of a system of financial control so as to optimise the use of financial resources and protect the Council's assets.”

Functions/Services:

Athlone Urban District Council's functions/services in relation to financial management include:

- Financial & management accounting, budgetary control, management of finances, investment & borrowing;
- Payroll & creditors payments;
- Revenue collection;
- Rateable valuations;
- Audit/checking;
- Insurances/risk management;
- Information technology services.

The Estimate of Expenses:

Each year, local authorities are required to prepare an estimate of its revenue expenses and income. The annual estimate of expenses is drafted by the County Manager. It estimates the costs of maintaining current services, implementing any desired improvements and introducing any new items. It also estimates the income from state grants, charges for various services and other miscellaneous sources. The shortfall between the two is met by commercial rates.

A statutory Estimates meeting must be held each year to consider the Book of Estimates for the following financial year. The book of estimates are available for inspection/purchase by any member of the public at the offices of Athlone Urban District Council. The adoption of the estimates is a reserved function of the elected members who may adopt, amend or reject the estimate of expenses as prepared by the County Manager.

Abstract of Accounts:

The Abstract of Accounts is set out in the same programme group format as the Estimate of Expenses and gives details of receipts and expenditure on each service. The accounts show the statement of balances which gives the net cash position of the local authority. In addition the accounts contain a statement of debtors and a statement of creditors at year end, along with various other explanatory statements.

Payroll & Creditor's Payments:

The Finance Section is responsible for the processing of payroll for all Council staff, for deduction of PAYE, P.R.S.I. and other statutory and non statutory deductions and for all returns relating to same. All accounts for goods, services, etc., are processed through the Creditors payments section, having been approved for payment by the certifying officer of the relevant section within the Council. Tax is deducted from payments as required by law.

The Prompt Payment of Accounts Act, 1997 became effective on 2nd January, 1998 and sets time limits for payment of accounts by local authorities to suppliers and contractors etc., and makes the local authority liable for interest on late payments. Where payment is late the supplier is entitled to be paid interest, at a rate set by the Minister, from the date the payment was due to the date the account is paid. In the case of an incorrect invoice, interest becomes due 10 days after receipt of the correct invoice, if later than prescribed date. Penalty interest is not payable regarding disputed goods if agreed between parties. Suppliers may seek arbitration regarding disputed goods and purchasers must agree to arbitration decision.

Revenue Collection:

Revenue collection involves the collection of all income due to Athlone Urban District Council. In addition to commercial rates which are separately dealt with, a wide range of repayments and charges must be collected.

Some of these are listed below:

- Housing rents and tenant purchase annuities;
- Housing loan repayments;
- Traffic fines;
- Parking Fees;
- Commercial water charges;;
- Fire charges;
- Planning fees and development levies;
- Various grants, recouplements etc.

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. Athlone Urban District Council wishes to facilitate its customers in making payments as conveniently as possible. To this end a variety of payment methods operate, ranging from:

- Weekly door to door collection of housing rents;
- Payment at Council cash office;
- Deduction from Social Welfare payments under the Household Budgeting Scheme of housing rents or loans;
- Bank Standing Orders;
-

- In the case of non-payment of an amount due, the Council makes every effort to secure payment, and this can involve legal action where no other option is available. It is very important that a customer who has difficulty in meeting any payment should contact the relevant Revenue Collector the Town Hall at an early stage to discuss the situation.

Rates and Valuations

Rateable Valuations:

All fixed property has a rateable valuation but rates are payable on commercial properties only. The rateable valuation is used by the local authority to determine the commercial rates payable by each ratepayer. Rateable valuations are fixed and altered by the Commissioner of Valuations, not by the local authority, but requests for revision of valuation must be submitted through the local authority.

There is a system of continuous revision of valuation throughout the year. Any person may apply, on payment of a fee per listing, for revision of valuation, through the Local Authority, who will submit it to the Commissioner. Athlone Urban District Council automatically list new properties or those where significant alterations have taken place and submit a list of revision requests to the Commissioner of Valuations within the first ten days of any month and the Commissioner must make his decision within 6 months or as soon as may be thereafter. He issues his decisions quarterly to the local authority in the first 10 days of the following months - February, May, August and November and these revised valuations will normally take effect for rating purposes from the 1st January next, after revision. Notice of receipt of a list of revised valuations from the Commissioner is published by the local authority in a local paper and the lists are then available for public inspection for **21 days**. Individual occupiers and owners (where possible), of properties for which revised valuations have been received, will be notified in writing.

The Commissioner also issues to the Local Authority a “Certificate of Valuation” which indicates the total rateable valuation for all property within its administrative area.

Appeal Procedures

First Appeal to the Commissioner of Valuations:

Each owner/occupier and the local authority has a right of appeal to the Commissioner of Valuations in respect of any property which has been the subject of revision. Any person not satisfied with the Commissioner's decision has **28 days** after the revision publication date to lodge an appeal to the Town Clerk which must be accompanied by the prescribed fee and documents. The appeals will be forwarded to the Commissioner for decision. He/she can confirm the existing valuation or reduce/increase the valuation.

Appeal to Valuation Tribunal:

The Valuation Tribunal was established to hear appeals against decisions of the Commissioner of Valuation following first appeal to him/her. Valuation slips for any property may be viewed at the Rates Office, or a certified copy of a valuation slip may be obtained on payment of a prescribed fee.

Apportionment of Valuations:

A rated occupier or owner may seek an apportionment of a rateable valuation for example where two or more businesses operate from different portions of one premises.

Rate Book and Making of a Rate:

A rate book must be produced by each local authority 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 rateable valuation of the property by the rate-in-the-pound as adopted by the Council at the Estimates meeting. 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 specified period. Public notice of the making of the rate is published in local papers and 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.

Rate Collection:

Rates are payable in two instalments, the first on issue of the demand, the second on July 1st. 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 Athlone Urban District 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 instalment 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.

Urban Renewal Rates Remission:

Under the Urban Renewal Scheme which was first introduced in 1986, rates remission may apply to any increased valuation applied to a premises within the area designated for Urban Renewal as a result of renovation/refurbishment. The schemes from 1986 to 1994 gave ten years full rates remission while the revised scheme introduced in 1994 allows relief on a sliding scale over ten years, e.g. ten-tenths year 1, nine-tenths year 2 etc., The Commissioner of Valuations decides the valuation to which relief should apply.

Insurances/Risk Management:

Arrangement of insurance cover for public liability, employers liability and all other relevant risks is the responsibility of the Town Clerk. Insurance claims are dealt with through our insurers.

Audit/Control:

An important element of the Finance function is the whole system of internal control. Internal checking of all monies receipted and lodged is carried out on an ongoing basis.

The Local Government Auditor is appointed by the Minister for the Environment to audit the accounts of a local authority each year, and to report on them. He must be satisfied that all transactions are properly accounted for, that the Abstract of Accounts 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 which they believe to be incorrect.

Information Technology Section:

The aim of this section is to maintain a modern, reliable and flexible information service to facilitate the efficient management of Athlone Urban District Council and to communicate information to the public. A wide range of financial, administrative and engineering information software packages are used to assist staff in carrying out the many functions and activities of the Council. Data is stored and managed centrally in the Information Technology unit on database and file servers and is made available to staff across a secure local and wide area network of personal computers

Data integrity, security and confidentiality are of prime importance and a strict security code is employed on all data. Athlone Urban District Council is registered with the Data Protection Commissioner and is fully compliant with the provisions of the Data Protection Act, 1988.

8.2. Register of Electors:

Westmeath County Council is responsible for the production of the Register of Electors for the County area. A draft register is published by 1st November each year following house to house or other checking. The draft register is made available for inspection at the Council Offices, Libraries and the Post Office and the public are invited to check that they are properly registered. Claims for addition or deletion of names must be made by 25th November and these are ruled on by the County Registrar. Interested parties are notified of the decision and appeals can be made to the Circuit Court if dissatisfied. The register comes into force on 15th February each year and persons aged 18 years or over on that date, who are otherwise qualified can register. The address at which a person registered will be that at which he/she resides on the 1st September preceding publication. A person can register at one address only.

Irish citizens have the right to vote in all elections but non-citizens have this right limited to certain types of election depending on nationality.

Various categories of persons can seek registration as postal voters while disabled voters may seek registration as special voters. Each application for inclusion on the special voter's list must be supported by a medical certificate and on the day of election, a ballot paper is delivered to each person by prescribed persons.

Supplement to the Register:

If a person is not included in the Register of Electors and qualifies for registration, he/she may be included in a supplement which is normally only published in the event of an election. All application forms are available on request at the Administrative and General Purposes Section of Westmeath County Council, County Buildings, Mullingar.

Election to the Council:

The conduct of Local Elections is governed by the "Electoral Acts, Part III of the Local Government Act, 1994 and the Local Elections Regulations 1995". The last local election for membership of Local Authorities took place in June 1991. The Minister for the Environment has set June 1999 as the date for the next local elections, with elections to be held every 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.

Nomination of Candidates:

A candidate for a local election must be an Irish Citizen 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 consent to the nomination. A candidate is required to lodge a deposit, which is refunded if a candidate polls more than a quarter of the quota.

The Election:

In Athlone Urban District Council, the Town Clerk is the Returning Officer responsible for conduct of the election and for declaration of the results. When nominations are completed, he makes arrangements for holding the election, appoints necessary staff, has ballot papers prepared etc.

8.3. Casual Trading:

Local authorities have powers to grant Casual Trading Licenses, subject to certain conditions, to manage and regulate a market or fair and to acquire any market right or fair by agreement or compulsorily. It also has powers to make bye-laws relating to casual trading. St. Peters Square, Athlone is designated a Casual Trading Area.

8.4. Land Acquisition & Disposal:

Athlone Urban District Council has powers to acquire land by agreement or compulsorily for the performance of its various functions, duties and powers, or in advance of need. The power to dispose of land is a reserved function of the members.

8.5. Corporate Services:

Objective:

The objective of the Corporate Services policy for Athlone Urban District Council is as follows:

“To provide and co-ordinate the necessary corporate services to support Athlone Urban District Council’s delivery of a quality cost effective service to the public.”

Functions/Services:

8.5.1. Service of Elected Members:

Chapter 3 dealt with the position of the elected members of the Council and the meetings held by the Council. The Town Clerk handles the arrangement for meetings, including dealing with all correspondence arising from meetings and payment to elected members.

8.5.2. Town Twinning:

The Council is empowered to operate Twinning Arrangements with other local authorities.

8.6. Public Procurement:

Tenders for major contracts which exceed certain values must be advertised in the Official Journal of the EU in addition to national newspapers. EU Directives on the award of contracts stipulate that contracts may be awarded on the basis of the most economically advantageous tender or the lowest price.

National procurement policy requires all contracts to be awarded on the basis of the most economically advantageous tender and this is the basis for awarding of contracts. The acceptance of a tender may be subject to the sanction of the Minister for the Environment or National Roads Authority for certain works. The contractor must produce insurances and bonds on the acceptance of his/her tender to

ensure the work is satisfactorily completed.

8.7. Personnel:

Objective:

The objective of the Personnel policy as set for Athlone Urban District Council is as follows:

“to ensure that staff suitable for the tasks they are required to perform are employed by Athlone Urban District Council and that they are properly directed, motivated and trained to deliver a quality cost effective service to the public.”

The main functions in relation to personnel are:

- Human resource planning/staff recruitment;
- Administration of conditions of office/entitlement;
- Training & development;
- Industrial relations.

8.7.1. Human resource planning/staff recruitment:

Manpower planning involves the management of the staff resources for the effective operation of the organisation, including planning for recruitment, deployment and retirements. The core numbers of permanent staff must be maintained within the Department of the Environment’s approved staff compliment. Permanent, managerial and professional grades are recruited by the Local Appointments Commission on behalf of the local authority. When vacancies arise on these grades, requests are made to the Local Appointments Commission by the local authority and the recruitment process is put in place by the Commission, culminating in a recommendation for appointment being made to the County Manager by the Local Appointments Commission. The Minister for the Environment prescribes the qualifications and conditions of office for these posts and eligibility to recruitment competitions is based on professional qualifications and/or experience.

The general entry grade at clerical level is Clerical Officer (clerical duties), Clerical Officer (word-processing), and Clerical Officer (special). A probation period must be served. Entry to the service may also occur by competition at Assistant Staff Officer level. The administrative grades of Staff Officer, Senior Staff Officer and Administrative Officer, vacancies are generally filled by open competition, with some exceptions. However, it is a prerequisite that applicants for these posts be existing officers in the local authority service, health board or VEC. Vacancies for craft workers, overseers and other general grades are generally filled by open competition, with some exceptions. Persons meeting the basic qualifications for the positions may apply.

8.7.2. Administration of conditions of office/entitlements:

Remuneration:

Increases in remuneration are generally negotiated at national level in conjunction with national pay increases. Increments up to a maximum level of pay are generally payable on certification of satisfactory service for the previous year. Payments for overtime worked is also generally agreed between union

and management at national level for officers (subject to DOELG approval) and at local level for non-officer grades.

Expenses:

Rates of travelling and subsistence expenses are approved by the DOELG from time to time. Removal expenses are also payable in certain circumstances on promotion of an officer to another local authority.

Superannuation:

Permanent and temporary wholetime officers are entered on the Superannuation Register. Permanent officers appointed pre 5th April, 1995 are obliged to pay from gross pay 5% for superannuation and 1.5% contribution for Widows and Orphans.

Permanent officers appointed post 6th April, 1995 are obliged to pay 1.5% of gross pay plus 3.5% of nett pay (i.e. pay less twice the rate of old age contributory pension) for superannuation and 1.5% of nett pay, plus 1.5% of twice the rate of old age contributory pension for Widows and Orphans.

Temporary wholetime officers are obliged to pay 1.5% of full pay plus 3.5% of nett pay for superannuation and 1.5% of full pay for Widows and Orphans.

Employees with service in excess of 130 days, pay 1.5% of gross pay plus 3.5% of nett pay for superannuation and 1.5% of nett pay for Widows and Orphans.

Officers and employees are obliged to retire at age 65 (in certain circumstances, an earlier retirement age applies). The appropriate lump sum/pension is payable on retirement.

Leave:

Staff of the local authority are entitled to annual leave in compliance with the Organisation and Working Time Act, 1997 and in accordance with local union/management agreement. Staff are also entitled to special leave (with pay and without pay), subject to certain conditions, e.g. compassionate, interview, study, maternity, career breaks and military training leave.

Staff of the local authority may be granted sick leave at the discretion of the County Manager. Where sick leave is granted to officers, the limitations prescribed in the Local Government Regulations, 1943 apply. The local authority has a sick pay scheme for employees who have in excess of 130 days service. Applications for leave are processed and records are kept on an annual leave file.

Job-Sharing:

Provision has been made by DOELG Circular to permit job-sharing as far as possible.

Secondment/Transfers to other local authorities:

Provision is made by DOELG Circular for circumstances in which staff can be seconded to other organisations or transferred to other local authorities.

8.7.3. Training & development:

Staff training and development is provided in accordance with an annual training programme and subject to availability of finance. Training is aimed at improving the skills and knowledge of staff in a wide range of areas relevant to the local authority's activities.

The overall emphasis on training is to facilitate the personal development of the staff. Training consists of on-the-job training and attendance at courses of particular relevance to the area of the local authority to which the person is assigned. Training is also aimed at facilitating staff in keeping themselves up-to-date in changes in technology, new methodologies/techniques, and changes in legislation

8.7.4. Industrial Relations:

Industrial relations are concerned with the formal/informal relationships which exist between employer and employee representatives.

Formal industrial relations procedures for officers and employees differ greatly. Officers are governed by a specific body of law and this covers procedures such as suspension and removal from office. Grievances are dealt with under a conciliation and arbitration scheme and involves management, staff and national joint Councils coming together to deal with the claims. Officers can appeal these decisions to the Minister of the Environment and Local Government.

Employee claims are governed by provisions of employment/labour law which covers the areas of unfair dismissal, minimum notice and terms of employment etc. Employees have access to the Labour Court and Employment Appeals Tribunal.

MISCELLANEOUS GROUP 8 - APPENDIX

(a) Classes of records:

The following classes of records are held by Athlone Urban District Council under this group:

Personal Records:

The Council holds personnel files on employee and officers respectively which can include:

- Employment history;
- Medical reports;
- Internal reports;
- Miscellaneous records/correspondence.
- Personal records in relation to financial transactions with the Council;
- Land holdings;
- Legal records

Non-Personal Records:

Administrative files on the activities of the Council which can include:

- Technical reports, including plans, costings, tenders;
- Maintenance records;
- Financial records;
- Statistical information;
- Reports to Council meetings;
- Legal records;
- Correspondence with Department of the Environment;
- Internal reports;
- Miscellaneous records/correspondence.

8.1 Financial Management:

(b) Legislation/ Regulations:

Valuation Acts 1852 - 1988

Local Government Acts 1925 - 1997

Prompt Payment of Accounts Act 1997

Public Bodies Order 1946 (as amended)

(c) Circulars/Guidelines:

Circular S88/105 - Fees for Valuation	M1
Circular 13/12/88 - Continuous revision of valuations	M2
Circular April 1992 - Fee for certificate for rateable valuation	M3
Fin(D) 1/95 - Capital appraisal guideline	M4
Fin(D) 3/97 - EU Funds Financial Control	M5

Fin 16/97 - Estimate of expenses	M16
Fin 17/97 - Prompt payment of accounts	M7
Fin 23/97 - Prompt payment of accounts	M8

8.2 Register of Electors/Local Elections:

(b) Publications/Leaflets:

The Register of Electors
Information for voters with disabilities

(c) Legislation/Regulations:

Electoral Act 1963 - 1997
Local Government (Re-Organisation) Act 1985
Local Government Act 1994
Local Election Regulations 1965 & 1995
Electoral Regulations

(d) Circulars/Guidelines:

F4/97 Access to Polling Stations	M9
F5/97 Access to Polling Stations	M10
F17/97 Electoral Act 1997	M11

8.3. CASUAL TRADING:

(b) Legislation/Regulations:

Casual Trading Act, 1995

8.4 Land Acquisition & Disposal:

(b) Legislation/Regulations:

Local Government (Ireland) Act, 1898
Local Government Act, 1946
Local Government No. 2 Act, 1960
Local Government (Planning & Development) Act, 1963 - 1993
Housing Acts 1966 - 1998
Derelict Sites Act, 1990
Roads Act, 1993 - 1998
Local Government Act, 1994

(c) Circulars/Guidelines:

PD2/93 Extinguishment of Rights of Way & Compulsory Purchase Order	M12
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PD3/93 Land Acquisition & Disposal

M13

8.5. Corporate Services:

(b) Legislation/Regulations:

Application of Enactments Order, 1898

Local Government Act, 1955

City & County Management (Amendment) Act, 1955

Local Government (Reorganisation) Act, 1985

Local Government Act, 1991

Local Government Act, 1998

Local Government (Expenses of Local Authority Members) Regulations 1993 - 1995

(c) Circulars/Guidelines:

Athlone Urban District Council Standing Orders

M14

LG24/6 Reserved Functions

M15

LG49/2 Expenses of Members

M16

LG2/95 Expenses of Members

M17

Env1/97 Green Government Guide

M18

LG4/97 One Stop Shop Centre

M19

LGP5/98 Expenses of Members

M20

8.6. Public Procurement:

(b) Publications/Leaflets:

Outline of Government Contract Procedures - 1994 Edition (available from GPSO)

(c) Legislation/Regulations:

Services Directive 92/50/EEC

Supplies Directive 93/36/EEC

Works Directive 93/37/EEC

Utilities Directive 93/38/EEC

(d) Circulars/Guidelines:

BC1/92 Prior Indicative Notice

M21

BC5/92 EU Directive

M22

L3/92 Water & Sewerage Schemes

M23

L2/93 Public Procurement

M24

BC7/93 Award of Public Service Contracts

M25

BC9/93 Engagement of Consultants

M26

RW5/94 Supply of Bitumen

M27

BC5/95 Tax clearance procedures

M28

BC5/96 Guidance Notice - Government Contracts Committee

M29

L14/96	Procedures for Award of Contracts	M30
BC6/97	Tender Procedures	M31
BC1/98	Public Procurement revised thresholds	M32

8.8. Personnel:

(b) Legislation/Regulations:

Local Government (Officers & Employees) Act, 1926
 Local Government Act, 1941
 Industrial Relations Acts 1946 - 1990
 Local Government Act, 1955
 City & County Management (Amendment) Act, 1955
 Minimum Notice & Terms of Employment Act, 1973 - 1991
 Employment Equality Act, 1977
 Unfair Dismissals Act, 1977 - 1993
 Worker Protection (Regular Part-Time Employees) Act, 1991
 Terms of Employment Information Act, 1994
 Local Government Act, 1994
 Maternity Protection Act, 1994
 Organisation of Working Time Act, 1997
 Local Government (Officers) Regulations, 1943 - 1997
 Local Government Act, 1991 (Removal of Control) Regulations, 1993

(c) Circulars/Guidelines:

8.8.1 Human Resource Planning:

D.O.E. Circular EL7/52	PL1
D.O.E. Circular EL5/67	PL2
LA(P)7/91 Revised Age Limits	PL3
Devolution of Responsibility for Personnel-Circular Letter LA(P) 4/96	PL4
Handbook for Guidance of Interview Boards	PL5
Employment of People with Disabilities - LA(P) 6/96	PL6
Equality Action Programme	PL7

8.8.2. Conditions of Employment:

Remuneration:

Determination of starting pay on appointment or promotion:

D.O.E. Circular Letter EL 7/52	PL1
D.O.E. Circular Letter EL 5/67	PL2
D.O.E. Circular Letter EL 4/79	PL8
D.O.E. Circular Letter EL 1/81.	PL9
D.O.E. Circular EL 3/95	PL10
D.O.E. Circular Letter EL14/96.	PL11
Circulars on Remuneration in line with National Wage Agreements	PL12
Officers: D.O.E. Circular Letter LA (P) 3/80	PL13
D.O.E. Circular Letter EL 1/89	PL14

D.O.E. Circular Letter EL 17/97	PL15
Non-Officers: Non Officers - Local Agreement	PL16
D.O.E. Circular Letter 13/78	PL17
D.O.E. Circular Letter 5/84	PL18

Travelling & Subsistence:

DOE Circular Letter 7/52 as revised	PL1
EL8/97 Subsistence Allowance Abroad	PL19
EL13/97 Subsistence Allowance (Revised)	PL20
EL 15/97 Travelling Expenses (Revised)	PL21

Superannuation:

S3/97 Guide to Superannuation	PL22
S.583(iii) Guide to Superannuation Addendum	PL23
S17/98 Superannuation code - 1997 report	PL24

Leave:

Sick Leave:

Officers:	
DOE Circular 7/52	PL1
DOE Circular letter LA6/95. Revised Social Insurance Status and Conditions of Service of Certain Local Authority Officers	PL25
Non-Officers:	
Local Authority's Sick Pay Schemes	PL26

Special Leave:

Circular Letter LA(P) 18/80	PL27
Circular Letter LA(P) 4/96	PL28

Special Leave for Interview for Officers:

Circular Letter EL12/71	PL29
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Special Leave - Compassionate:

Circular Letter LA(P) 18/80	PL30
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Maternity Leave:

Circular Letter LA(P) 15/81	PL31
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Adoptive Leave (Officers):

Circular Letter LA(P) 7/84	PL32
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Military Training Leave

Circular Letter LA(P) 10/81	PL33
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Career Breaks:

Officers - Circular Letter LA(P) 18/84 PL34
Non-Officers - Circular Letter LA(P) 7/86 PL35

Job-Sharing:

Circular Letter LA(P) 11/86 PL36

Secondment:

Circular Letter EL 15/70 PL37

8.8.3. Training & Development:

LA(P) 19/80 PL38

Circular Letter LA(P) 6/83 PL39

Circular Letter LA(P) 4/98 PL40

8.8.4 Industrial Relations:

Local Grievance Procedure PL41

Circ. LA(P) 8/94 - Suspension of Officers PL42

GLOSSARY:

ABP:	An Bord Pleanála
DOELG:	Department of Environment and Local Government
EPA:	Environmental Protection Agency
ESB:	Electricity Supply Board
EU:	European Union
EU Directives/Guidelines:	Much of the work of the public service is now influenced by European Union legislation on particular aspects of policy enacted at Union level.
FAS:	Training & Employment Authority
FOI:	Freedom of Information.
GPSO:	Government Publications Sales Office.
H.Q.:	Headquarters.
IDA:	Industrial Development Authority.
LAC:	Local Appointments Commission
NRA:	National Roads Authority
UDC:	Urban District Council.
UN:	United Nations
VEC:	Vocational Education Committee.

Note: Depending on the service provided, Athlone Urban District Council may be referred to in this reference book as a Road/Housing/Planning/Fire Authority.