



An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil  
Department of Housing, Planning and Local Government



**Please Quote Ref: INV15/JP/17**

2 August, 2017.

Ms. Ann O'Driscoll,  
Chairperson,  
Carrigtwohill Community Council Ltd,  
Main Street,  
Carrigtwohill,  
County Cork.

Dear Ms. O'Driscoll,

I have been asked by Mr. John Paul Phelan, T.D., Minister for Local Government and Electoral Reform, to thank you for your recent letter concerning local government arrangements in Cork.

The report of the Cork Expert Advisory Group, which was established by the former Minister, concluded that, on balance, an expanded City Council area offered the best solution, particularly in terms of the structure of local government and providing a strong focus on the needs and demands of the metropolitan area, including regeneration.

To ensure that the challenges involved are addressed effectively, the Minister for Housing, Planning, and Local Government, Mr Eoghan Murphy, has established the Cork Local Government Implementation Oversight Group. I am enclosing a copy of the Terms of Reference of the Group, for information. The Group's overall role is to oversee arrangements, in accordance with a detailed Implementation Plan to be completed by September 2017, for the alteration of the boundary. It will be a matter for Cork City Council and Cork County Council, in the first instance, to formulate detailed proposals and arrangements for the boundary alteration, subject to oversight by the Group. The Chief Executives of both local authorities will participate in the work of the Group in accordance with the Terms of Reference.

The Oversight Group will operate on an independent basis, in collaboration with the two local authorities. In the circumstances, the Minister does not consider that it would be appropriate for him to participate in a meeting as suggested in your letter, at this time.

Yours sincerely,

Aisling Glynn,  
Private Secretary.

*Please note: the Minister for Local Government and Electoral Reform is a Designated Public Official under the Regulation of Lobbying Act, 2015 (details available on [www.lobbying.ie](http://www.lobbying.ie))*

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## Local Government Act, 1991

Provisions      34.—(1) in this section—  
consequential on  
boundary  
alteration.

“authority concerned” means a local authority whose boundary is affected by a primary order;

“primary order” means an order under *subsection (1) or (3) of section 31*;

“relevant area” means the portion of the functional area of one local authority (or any part of that portion) which by virtue of a primary order becomes part of the functional area of another local authority;

“supplementary order” means an order made under *subsection (2)*.

(2) The Minister or any other Minister of the Government, with the consent of the Minister, may by order make such provision as he considers necessary or expedient in relation to any matter whatsoever arising from, in consequence of, or otherwise related to, the boundary alteration effected by a primary order and any provision so made shall, notwithstanding the provisions of any other enactment, apply and have effect accordingly.

(3) A supplementary order made by a Minister of the Government, other than the Minister, may only make provision with respect to matters in relation to which functions stand conferred on that Minister of the Government.

(4) A supplementary order may, if the order so provides, have retrospective effect.

(5) Without prejudice to the generality of *subsection (2)*, a supplementary order may make provision for all or any of the following matters—

(a) the functions of any authority concerned in relation to a relevant area,

(b) the inclusion of a relevant area, in any local electoral area or any administrative or geographical district or other division used for any purpose of public administration,

(c) the application or non-application of any enactment to a relevant area

- (d) the continuance of legal proceedings commenced by or against any authority concerned before the making of the primary order concerned where such proceedings relate to any matter, right, duty or liability arising, accrued or incurred in, or relating to, any relevant area,
- (e) such modifications, adaptation or amendment of any enactment as may be necessary for the purposes of the primary order,
- (f) subject to *subsection (8)*, an adjustment between any authorities concerned (which may include provision for the payment of money, by a single payment or in two or more instalments, by one or more authorities concerned to any other authority or authorities concerned) in relation to all or any of the following:
- (i) any net loss of revenue, actual or prospective, which is or may be incurred by any authority concerned in consequence of the primary order,
  - (ii) property whether real or personal (including choses-in-action), vested in or belonging to or held in trust for any authority concerned and wholly or partly situate in or relating to any relevant area,
  - (iii) debts (including mortgage debts), charges created by statute and other liabilities (including unliquidated amounts, unliquidated damages arising from torts or breaches of contract and accruing or prospective liabilities), due and unpaid, or incurred and undischarged, and relating wholly or in part to any relevant area,
  - (iv) agreements or arrangements between any authorities concerned with respect to financial matters,
  - (v) alteration for specified purposes in the areas of charge provided for in section 10 of the Local Government Act, 1946,
  - (vi) rates and charges due and payable or accruing due,
  - (vii) the assessment and levying of rates and charges in any relevant area (including the temporary reduction of valuations and the making of abatements),
- and for giving effect to any matter referred to in *subparagraph (v), (vi) or (vii)*,



- (g) the transfer of officers or servants of an authority or authorities concerned to any other authority or authorities concerned,
  - (h) the enabling of provision to be made in respect of any matter referred to in *paragraph (f)* (where provision in respect thereof is not otherwise made by a supplementary order) by agreement between the authorities concerned or in the event of a failure by the authorities concerned to reach agreement, in such manner as may be specified in the order,
  - (i) the preparation of official maps showing the boundary of any relevant area and the evidential value of such maps,
  - (j) transitional matters relating to any development plan (within the meaning of the Local Government (Planning and Development) Acts, 1963 to 1990) insofar as it relates to any relevant area,
  - (k) the continuance of any thing done, or treated by virtue of any enactment as having been done, by, to or in relation to, any authority concerned in relation to any relevant area,
  - (l) the register of electors and polling districts to be used at any election of councillors for any local electoral area,
  - (m) the continuance in office of members of any authority concerned,
  - (n) the alteration of the number of members of the council of a county or the council of a county borough consequent upon the making of a primary order,
  - (o) any other matter which appears to be necessary or proper for bringing into operation and giving full effect to the primary order.
- (6) In *subsection (5) (k)* "thing" includes the following—
- (i) any written agreement or other instrument in writing or any determination or declaration made by, or on behalf of, or treated as having been made by or on behalf of any authority concerned,
  - (ii) any direction given, or treated as having been given, by or to any authority concerned,
  - (iii) any licence, certificate, permission, consent, approval, exemption or relaxation granted or given, or treated as having been granted or given, by or to any authority concerned,
  - (iv) any application, proposal or objection made, or treated as having been made, by or to any authority concerned,

(v) any condition or requirement imposed, or treated as having been imposed, by or on an authority concerned.

(7) An adjustment under *paragraph (f) of subsection (5)* or an agreement under *paragraph (h)* of that subsection may include—

(a) in the case of property referred to in *subparagraph (ii)* of the said *paragraph (f)*, provision for the retention of the property by any authority concerned or for the transfer thereof to another authority concerned or for the joint user of such property by two or more authorities concerned, and

(b) in the case of a debt or other liability referred to in *subparagraph (iii)* of the said paragraph, provision for the whole of such debt or liability being borne by any authority concerned or for the apportionment of the liability between two or more authorities concerned.

(8) A supplementary order may not, as respects local authorities of a prescribed class or classes, make provision for such matters specified in *subsection (5) (f)* as may be prescribed.

(9) Where a boundary alteration is effected by a primary order, any reference in any enactment to a county, county or other borough, committee district, urban district or town, whether to such areas generally or to any particular such area, shall, subject to any provision to the contrary in a supplementary order and unless the context otherwise requires, be construed as a reference to the area of such county, county or other borough, committee district, urban district or town as so altered.



- b. their implementation by Cork City Council and Cork County Council including the following matters in particular:
    - (a) a precise and comprehensive description of the proposed boundary and of the area to be transferred from the jurisdiction of Cork County Council to that of Cork City Council;
    - (b) details of the estimated income, expenditure or other resource implications for the two local authorities of the proposed boundary alteration;
    - (c) details of the financial impacts on each authority as a result of the boundary extension together with mitigation measures
    - (d) details of implications of the proposed boundary alteration for the structures, services, operations, property and other assets, liabilities, obligations, or other matters relating to the two local authorities;
    - (e) details of the adjustments or arrangements which need to be made between Cork County Council and Cork City Council in respect of financial or other resources (including staffing), and administrative, organisational, legal, functional, or other matters in consequence of the alteration of the boundary in line with the principles set out in the report of the Cork Expert Advisory Group; details of the staffing adjustments and transfers between the local authorities which are necessary arising from the alteration of the boundary
    - (f) details of any other administrative, organisational, legal, functional, or other matters which need to be addressed, including timelines for transition, having regard to the annual budgetary and financial reporting cycles;
    - (g) details of the procedures and timescale for all of the foregoing matters, and of any transitional measures (including issues such as the phasing of alterations in rates or other charges, the provision of services via section 85 agreements or other methods) which may be considered necessary arising from the proposed boundary alteration;
    - (h) details of any other actions which may be considered necessary or of any matters in relation to which it is considered that provision should be made in a primary order or a supplementary order (providing for matters arising from, in consequence of, or otherwise related to, the proposed boundary alteration) within the meaning of section 34 of the Local Government Act 1991 (a copy of which is appended);
    - (i) any other matters specified in the Implementation Plan referred to at paragraph 3, or which Oversight Group may otherwise specify, or which the local authorities may consider appropriate (subject to agreement with the Oversight Group) for the purpose of implementation of the proposed boundary alteration.
6. The Oversight Group shall provide such direction, guidance and advice to the local authorities in relation to the implementation of the proposed boundary alteration and related arrangements as it considers appropriate.
7. The chief executives and staff of Cork City Council and Cork County Council are required to co-operate fully with the Oversight Group, including through the timely provision of any available information, and attendance at meetings, as required by the Oversight Group.

## **Cork Local Government Implementation Oversight Group**

### **Terms of Reference**

1. The Minister for Housing, Planning, Community, and Local Government hereby establishes the Cork Local Government Implementation Oversight Group, hereinafter referred to as “the Oversight Group”.
2. (a) The following persons are hereby appointed as members of the Oversight Group: -
  - Mr. John O'Connor (Chair);
  - Mr. Ned Gleeson
  - Ms. Brigid McManus
- (b) The current Chief Executive, Cork County Council (Mr Tim Lucey), and the current Chief Executive, Cork City Council (Ms Ann Doherty), will participate in the work of the Oversight Group in an advisory, support and reporting capacity, as the Chair considers appropriate, having regard particularly to their primary responsibility for implementation of relevant changes in local government arrangements in Cork.
- (c) The following persons will participate in the work of the Oversight Group in an advisory and external evaluation capacity, as the Chair considers appropriate:
  - Mr Conn Murray;
  - Mr Michael Walsh.
3. The general responsibility of the Oversight Group is to oversee arrangements, in accordance with a detailed Implementation Plan to be completed by the Group by September 2017, for the alteration of the boundary between the respective areas of jurisdiction of Cork City Council and Cork County Council, in light of the recommendation in the report of the Cork Expert Advisory Group (April 2017), and to ensure, as far as possible, that such arrangements are progressed effectively throughout the implementation process.
4. The Implementation Plan to be completed in accordance with paragraph 3 should address, as far as possible, all matters necessary to achieve successful implementation of the proposed boundary alteration, including matters referred to at paragraph 5, and should incorporate the timescale for relevant elements of implementation
5. For the purpose of, and without restricting the scope of, its general role as set out at paragraph 3, the Oversight Group should, in particular, oversee
  - a. the development of detailed and comprehensive proposals for the boundary alteration and

8. The Oversight Group shall carry out any additional functions in relation to the implementation of changes in local government arrangements in Cork which the Minister may request during the course of its work, including possible further analysis or recommendations in relation to:
  - (a) metropolitan planning or governance in light of the recommendations in that regard in the report of the Cork Expert Advisory Group, and having regard to relevant proposals in the context of the National Planning Framework and in the report on local government matters to be submitted to Government and the Oireachtas pursuant to the Programme for a Partnership Government;
  - (b) the configuration or role of municipal districts in Cork
  - (c) the introduction of an area-based approach for a newly configured Cork City Council.
  
9. The Chair of the Oversight Group shall submit reports to the Minister on a quarterly basis (or more frequently as the Chair may consider necessary) on progress with the Implementation Plan referred to at paragraph 3 or any related matters which the Group may consider appropriate.