



13th May, 2019.

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: RESERVED FUNCTIONS:
LOCAL GOVERNMENT ACT 2001 & LOCAL GOVERNMENT REFORM ACT 2014**

Dear Councillor,

Section 131A and Schedule 14A of the Local Government Act 2001 [as inserted by Section 21(3) and 21(4)] of the Local Government Reform Act 2014 provided that it is a function of the Elected Council of a Local Authority to designate the reserved functions which may be performed by the Municipal District Members or by the Plenary Council. These reserved functions are set out in Schedule 14A – Part 2 of the Local Government Reform Act 2014.

Following discussion at a recent Corporate Policy Group meeting it was decided that a number of functions would in future be performed by the Municipal District Members. These are set out in Appendix 2.

Furthermore, the Corporate Policy Group agreed that the functions listed in Appendix 1 would no longer appear on the Monthly Agenda of the Plenary Council. These reserved functions will be listed for approval at the relevant Municipal District Meetings with effect from the new term of office i.e. June 2019.

I recommend to the Elected Members the passing of a resolution to give effect to the proposed designation of the reserved functions [to each Municipal District] listed in Appendix 2 under Section 131A of the Local Government Reform Act 2014.

Signed: Tim Butler
Tim Butler,
Director of Services

Appendix 1

Reserved Functions

Reserved Functions to be performed, Subject to Section 131A(4), by Municipal District Members

Reference No (1)	Description of reserved function (2)	Provision under which reserved function is conferred (3)
22	The making of an order declaring a road to be a public road and consideration of objections or representations in relation to such declaration	Section 11 of the Roads Act 1993, as applied by Section 180 of the Act of 2000.
23	The making of an order abandoning a public road and the consideration of objections or representations in relation to a proposal to abandon a public road and the report and any recommendations of a person appointed to conduct an oral hearing	Section 12 of the Roads Act 1993
24	The making of an order extinguishing a public right of way and the consideration of objections or representations in relation to a proposal to extinguish a public right of way and the report and any recommendations of a person appointed to conduct an oral hearing.	Section 73 of the Roads Act 1993

Appendix 2

PART 2

Reserved Functions that May be Performed under Section 131A(1) (b) in Respect of a Municipal District by Municipal District Members or the Local Authority

Reference No. (1)	Description of reserved function	Provision under which reserved function is conferred
1	A decision of a local authority to confer a civic honour on a person.	Section 74. Protocol in place- budget depending
5	Determining the policy of the local authority or the municipal district members.	Section 130.
6	Directing that a second legal opinion be obtained by the local authority in relation to the exercise or performance of a reserved function.	Section 132.
8	Requiring a chief executive to prepare and submit plans, specifications and an estimate of cost of any particular work specified in a resolution.	Section 137. In place anyway