



**An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage**

Oversight Agreement 2022

**The Minister for Housing, Local Government and Heritage And
The Heritage Council**

1. Introduction

This Oversight Agreement is required under the Code of Practice for the Governance of State Bodies which came into effect on 1 September 2016. Good governance requires effective procedures for the definition of responsibility and accountability, allocation of budgets, defining expected outputs and outcomes and clear procedures for monitoring performance. This Oversight Agreement is a written statement between the Department of Housing, Local Government and Heritage and the Heritage Council to define the respective roles and responsibilities of the Minister and Council.

2. The Heritage Council

The Heritage Council is as a statutory body established under the Heritage Act, 1995 with a Council (the Board of the body) appointed by the Minister. The Heritage Act defines 'heritage' as including monuments, archaeological objects, heritage objects such as art and industrial works, documents and genealogical records, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens, parks and inland waterways.

The functions of the Council are set out in in Section 6 of the principal Act which states:

6.—(1) The functions of the Council shall be to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways.

(2) References to the National Monuments Advisory Council, the Historic Monuments Council or the Wildlife Advisory Council in any enactment or instrument made thereunder shall, where appropriate, be construed as references to the Council.

(3) The Council shall in particular—

- (a) promote interest, education, knowledge and pride in, and facilitate the appreciation and enjoyment of the national heritage
- (b) co-operate with public authorities, educational bodies and other organisations and persons in the promotion of the functions of the Council
- (c) promote the coordination of all activities relating to the functions of the Council

Heritage Act 2018 : With respect to the Heritage Council, the Act implements the recommendations of the 2012 Critical Review and deals with the refocusing of particular functions of the Heritage Council, the size and composition of its board, the requirements for a quorum at board meetings, non-remuneration of the board and the elimination of the need for statutory standing committees.

The Heritage Council is a non-commercial State body.

3. Purpose & Responsibilities of the Heritage Council

3.1 Under this agreement, the Heritage Council will:

- a. Undertake all necessary actions to ensure that the Chair can competently complete an annual comprehensive report to the Minister as set out in paragraph 4 below
- b. Publish on the Heritage Council website the names, dates of appointments and terms of all members of the Board of the Heritage Council
- c. Adopt an annual planning and budgeting cycle to facilitate the implementation of the Heritage Council Strategic Plan and undertake a formal evaluation of actual performance by reference to the Strategic Plan
- d. Oversee and facilitate the implementation by the Executive of the Performance Delivery Agreement a copy of which is attached at Appendix A
- e. Provide the Annual Report and Accounts of the Heritage Council to the Minister within either 6 months after the year end or 1 month after the audit certificate has been issued, and publishes these on its website once the accounts have been laid before the Oireachtas.
- f. Ensure that the Heritage Council has the necessary authority to make payment and if not seek prior sanction from the Department
- g. Comply with the delegated sanction in respect of staffing by seeking Departmental sanction in relation to staffing
- h. Undertake an annual self-assessment evaluation of its own performance and that of its committees. An external evaluation proportionate to the size and requirements of the State body should be carried out at least every 3 years as set out in the Code of Practice
- i. Assist the Department with a Periodic Critical Review of the Heritage Council. Timeframe to be agreed between Built Heritage Policy Unit and DHLGH Local Government Human

Resources, taking into account PCR backlog and recent Heritage Council governance reviews.

- j. Not enter into any confidentiality agreements which preclude it from disclosing details in the financial statements of settlements reached, save in exceptional circumstances and on foot of legal advice that they are necessary in the circumstances of the case. When, in those circumstances, confidentiality agreements are entered into, the parties to the agreements will be given prior notice that they may be subject to disclosure in any case where an overriding public interest is identified or when required by law

3.2 Compliance with the Code of Practice

- a. Adopt and comply with the Code of Practice for the Governance of State Bodies
- b. Confirm that the Code of Practice for the Governance of State Bodies has been adopted and the extent to which the Heritage Council is in compliance with the Code
- c. Explain any failure to comply with any provisions of the Code of Practice for the Governance of State Bodies and provide details of any corrective action taken or contemplated
- d. Notify the Department immediately in the event of a failure of internal controls
- e. Notify the Department immediately in the event of detection of fraud and/or irregularities

4. Arrangements for oversight, monitoring and reporting on conformity

4.1 The Chair of the Heritage Council will furnish a comprehensive report, by way of a confidential letter to the Minister, each year in conjunction with the annual report and financial statements. This comprehensive report will include:

- a. Details of the current Strategic Plan.
- b. A statement on the system of internal controls in the Heritage Council which has been reviewed by the external auditors and reflects the Heritage Council's compliance with the Code of Practice. Where a breach of the system is identified, the statement should include an outline of the steps taken to guard against a similar breach in the future
- c. Details of any off-balance sheet financial transactions of the Heritage Council that are not disclosed in its annual report and financial statements, including information on the nature, purpose and financial impact of the off-balance sheet financial transactions. The contents and format of this section of the report should be agreed in advance with the Department
- d. Confirmation of adherence to all appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposal are being carried out including :
 - a. Affirming that a Corporate Procurement Plan is in place, and;
 - b. Reporting of any non-competitive procurement
- e. Confirmation that Codes of Conduct for the Board and employees have been put in place, adhered to and are available on the Heritage Council website

- f. Affirmation that all board members have completed Board Self-Assessment Questionnaire and providing the findings of this review
- g. Affirmation that the Board is aware of its obligations to conduct and External Board Review, and reports its progress on conducting this review
- h. Confirmation of compliance with Government pay guidelines of the pay of CEOs and all State Body employees
- i. An outline of any significant post balance sheet events
- j. Confirmation of compliance with the appropriate requirements of the Department of Public Expenditure and Reform's Public Spending Code
- k. Confirmation that the Heritage Council is in compliance with the Government travel policy requirements in all respects
- l. Confirmation that the Heritage Council has complied with its obligations under tax law
- m. A report on any commercially significant developments affecting the Heritage Council in the preceding year, including the establishment of subsidiaries or joint ventures and short acquisitions, and major issues likely to arise in the short to medium term
- n. Confirmation that the Heritage Council has a Customer Action Plan which is published on www.heritagecouncil.ie
- o. Confirmation that the Heritage Council has a Customer Charter which is published on www.heritagecouncil.ie
- p. Confirmation that statutory requirements are being implemented in respect of Data Protection and Freedom of Information
- q. Confirmation that robust child protection policies are being implemented and maintained as appropriate and published on www.heritagecouncil.ie
- r. Details of any legal disputes involving other State bodies
- s. Confirmation that procedures are in place for the making of protected disclosures in accordance with section 21(1) of the Protected Disclosures Act 2014 and confirm that the annual report required under section 22(1) of the Act has been published on the Heritage Council website

4.2 Monitoring and Reporting

The annual Performance Delivery Agreement is a performance contract in which an agreed level of service is formalised between the Department of Housing, Local Government and Heritage and Heritage Council.

The PDA will set out the Heritage Council targets for 2022 and defines the output indicators on which performance should be measured.

The Agreement will support the high level goals of the Department of Housing, Local Government and Heritage and will be signed by both parties with a view to maximising the effectiveness and efficiency of resources provided by the Minister to assist the Council in the exercise of its functions.

The Performance Delivery Agreement will be reviewed annually or in light of any changing circumstances, and if applicable, modifications will be agreed by both parties.

Monitoring and reporting of performance against this Oversight Agreement and the Performance Delivery Agreement will be included as part of quarterly liaison meetings between the Heritage Council Executive and the Department. In the event of any deviation from these agreements a report should be furnished by the Heritage Council in advance of the next quarterly meeting.

5. Freedom of Information

Information provided to the Department may be disclosed in response to a request under the Freedom of Information Act. Therefore, please identify any information you consider commercially sensitive, and specify the reason for its sensitivity. The Department will consult with the Heritage Council regarding information identified as sensitive before making a decision on any Freedom of Information request pertaining to such information.

6. Signatures



Daniel Sinnott, Principal Officer, on behalf of the Department of Housing, Local Government and Heritage

Date:

7/6/2022



Virginia Teehan, CEO, on behalf of the Heritage Council

Date:

26.05.2022