

Dublin Citizens' Assembly – Saturday, 25 June 2022

A perspective of DEM and its benefits and challenges from the Department of Housing, Local Government and Heritage - Graham Doyle, Secretary General

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1 Why is there going to be a directly elected mayor in Limerick?

- On 24 May 2019, the people of Limerick voted in a plebiscite in favour of proposals for a directly elected Mayor with executive functions. Plebiscites held in Waterford and Cork were rejected by the voters there.
- An Implementation Advisory Group (IAG) was established in Limerick in December 2019 advise on how best to establish and shape the role of directly elected Mayor.
- Following extensive deliberation and consultation in Limerick, including with a wide range of sectoral stakeholders, elected members and an online public consultation carried out by the University of Limerick, the Group submitted its final Report to Government at the end of 2020.
- The Report built substantially on, adapted and, in some instances, recommended changes to the original 2019 policy proposals on directly elected mayors with executive functions.
- This report formed the basis of legislation which is currently at an advanced stage of drafting.
- The timing of the first mayoral elections in Limerick will be a matter for Government once the legislation is enacted.
- The first mayoral term will run until 2029.
- This extended first term will allow for a period of transition and for the role of mayor with executive functions to normalise.

2 What is so significant about the directly elected mayor in Limerick?

- The establishment of a directly elected Mayor (DEM) with executive functions in Limerick City and County is a very significant reform of local government in Ireland.
- Limerick City and County Council will be the first local authority in Ireland to have a directly elected mayor and will be at the vanguard of this major reform.
- Limerick City and County Council will be a different local authority as a result.
- A direct election for mayor will raise the profile of both the role of mayor and of local government generally in Limerick.
- This significantly raised profile for Limerick - regionally, nationally and internationally - will be particularly important in promoting and driving economic growth, development and investment.
- It is expected that a directly elected mayor will also improve local service delivery, by giving greater accountability and transparency to the delivery of local services for the citizens of Limerick.
- The mayor will have improved access to national Government and direct influence over decisions taken nationally that affect Limerick.

3 How will the directly elected mayor model work in Limerick?

- The directly elected mayor will be the executive head of the local authority.
- The mayor will be responsible for Mayoral Executive Functions, i.e. most of the executive functions previously carried out by the chief executive.
- The DEM will also be an ex officio member of the council, subject to similar rights, responsibilities and duties as any other elected member.
- As an ex officio member of the council, the DEM will exercise a vote in relation to all matters that come before the elected council, except where the vote is in relation to the council's oversight role in respect of the DEM.
- The DEM will develop a "Programme for Local Government in Limerick", which will be submitted to the elected council for approval. This programme will set out the DEM's vision and ambition for Limerick City and County at a strategic level within the confines of national policy.

3.1 What functions will the first DEM have?

- The DEM will have most of the executive functions currently held by the Chief Executive of the local authority, including, at a strategic or policy level, in the areas of:
 - Strategic Development, i.e. proposing the development plan for the City and County and driving the economic and spatial development of Limerick
 - Housing and building, e.g. developing a housing strategy for Limerick and ensuring its delivery
 - Road Transport and Safety, i.e. road maintenance and improvement, and traffic management
 - Strategic Development, i.e. proposing the development plan for the City and County and driving the economic and spatial development of Limerick
 - Environmental services, i.e. the services that help to protect and enhance the environment in Limerick

- The DEM will be responsible for proposing the annual budget to the Council.
- The DEM will be responsible for the current functions of the Cathaoirleach outside the Chamber, including the important representative role in Limerick, nationally and internationally.
- The DEM will chair the Corporate Policy Group, which is the key policy making and policy agenda setting committee within the Council.
- The DEM will oversee the implementation of Project Ireland 2040 in Limerick, and participate in a new arrangements for formal engagement with national government.

3.2 Who will chair the council?

- The elected Council will be chaired by the Príomh Comhairleoir, who will act as speaker of the Council.

3.3 What role will the elected council have once a mayor takes office?

- The elected Council will retain its primacy and the mayor will be accountable to the Council, including through the Mayor's Report and Mayor's Questions, at plenary Council meetings.
- The elected council's reserved functions will not change. They include:
 - adopting the Council's annual budget (by way of vote)
 - adopting Council policies
 - altering the Local Property Tax rate
 - making a City and County Development Plan
 - deciding the annual rate on valuation for Commercial Rates
 - selling or disposing of Council land
 - approval of grant schemes
 - adoption of a Corporate Plan and a Service Delivery Plan

3.4 How will the role of chief executive change?

- The chief executive of Limerick City and County Council will be retitled Director General.

- A range of current functions will remain the responsibility of the chief executive, including:
 - managing and accounting for the council's finances;
 - HR and local authority staffing matters;
 - administration of individual schemes and allocation of individual grants;
 - legal proceedings and enforcement matters relating to individual schemes or grants

- The mayor and the director general will agree a work programme to ensure the policies of the council and the mayor can be fully implemented.

3.5 What new functions will be devolved to the DEM?

- The General Scheme of the Limerick directly elected mayor Bill approved by Government provides for the following additional powers and functions on the mayor:
 - The mayor will develop a 'Programme for Local Government in Limerick', ie, a programme setting out the mayor's vision and ambitions for Limerick City and County, and submit it to the elected council for approval. It will therefore be a shared Council/mayoral programme.
 - The mayor will lead the implementation of the National Planning Framework objectives in the metropolitan area of Limerick city and chair a Delivery Board of local public and private stakeholders to coordinate and manage the delivery of the PI 2040 investment programme in Limerick.
 - The mayor will bring together local stakeholders to develop a rural development strategy for the county.

- The mayor will be able to convene stakeholders locally to achieve his/her programme of local government and the strategic development of Limerick.
 - The mayor will have a statutory right to be consulted by Government Ministers and Departments on policy proposals that affect Limerick.
 - The Mayor will participate in a forum, chaired by the Minister for Housing, Local Government and Heritage, with Government Ministers and Departments on matters affecting Limerick and the evolution of the role of mayor.
- The General Scheme also provides for a systematic Government review, to be laid before the Oireachtas, of the mayor's powers to take place at the end of the 3rd year of each term to allow time for legislative changes to come into effect. This envisages a gradual evolution in the role of mayor.

4 What are the similarities between the directly elected mayor in Limerick and a possible directly elected mayor in Dublin?

- Given the nature of current local government structures in Dublin, the population size and functional area of the city, the strategic national infrastructure sited there and its importance to the economic development of the state, the question of a directly elected mayor for Dublin is a very different one to the model being developed for Limerick.

- Nonetheless, there are a number of shared considerations:
 - As in Limerick, the Mayor of Dublin must be given appropriate power and responsibility, but with that mandate must also come the means.
 - The Limerick Mayor will have executive functions currently held by the chief executive. Any directly elected mayor of Dublin will also have to be assigned executive functions, though these could be taken from central government and/or other state bodies.
 - The implementation of the National Planning Framework, particularly in relation to the city metropolitan area, should be a key feature in both Dublin and Limerick.
 - In both instances the metropolitan area stretches into neighbouring counties. This is particularly significant in Dublin, where the metropolitan area defined by the NPF includes parts of Meath, Kildare and Wicklow.
 - The strategic spatial planning and development of their local authorities could be key functions of the mayor in both jurisdictions.
 - There should be a robust governance and accountability framework underpinning the role of mayor. In Limerick, the proposed legislation defines how the three pillars of the local authority – the Council, the Mayor with executive functions, and the Executive – will interact, and the governance and accountability checks and balances between them.
 - The ability of the mayor to convene local stakeholders, both public and private, to achieve his/her policy objectives will be vital in both cases. Provisions to that effect are included in the Limerick Mayor General Scheme.

- Similarly the ability of the mayor to interact with and influence national policy insofar as it impacts their respective local authorities will be key in both instances. This is already provided for in the Limerick Mayor General Scheme.

5 How might the directly elected mayor for Limerick and a possible directly elected mayor for Dublin differ?

- Limerick City and County Council is a unitary local authority. The reform proposes the transfer of executive functions from an appointed official to an elected office holder and the creation of a 3-pillar governance structure comprising the elected Council, the Mayor and the Executive.
- Dublin comprises 4 local authorities, each of which is an independent corporate entity with its own governance and management structure.
- Creating 4 directly elected mayors over each of the Dublin local authorities, ie directly replicating the approach in Limerick, could serve to promote further separation between the local authorities.
- Establishing one local authority led by a directly elected mayor with executive functions could be an option but would involve a dismantling of the 1993 reforms in Dublin.
- The creation of some kind of metropolitan authority which would combine the 4 local authorities would also be possible and was in fact proposed by *Putting People First*. Metropolitan Governance is at the forefront of international thinking in relation to the governance of cities.

6 Previous DEM initiatives

6.1 Local Government Act 2001

- Chapter 3 of Part 5 of the Local Government Act 2001 provided for the direct election of Cathaoirligh of city councils and county councils.
- The Act provided that directly elected Cathaoirligh (DECs) were to hold office for a full term, and could not hold office for more than two consecutive terms.
- It was considered that full-time, full-term DECs could rebalance the relationship between the executive and elected branches of local authorities, due to their democratic mandate.
- It was also considered that DECs could be the first step on the road to giving an executive role to local authority Cathaoirligh.
- The relevant provisions in the Local Government Act 2001 were repealed by the Local Government (No. 2) Act 2003 on the basis that recently introduced changes such as the abolition of the dual mandate needed time to bed down before the issue of the election and role of Cathaoirligh could be considered.
- It was suggested that the concept of directly elected mayors also aroused political opposition including at local authority level, as some councillors may have been concerned about “their status being diminished against that of a high profile mayor”.

6.2 Local Government (Mayor and Regional Authority of Dublin) Bill 2010:

- The 2007 Programme for Government, based on a Green Party initiative, provided a commitment to introduce a directly elected Mayor for Dublin with executive powers by 2011.

- A 2008 Green Paper on Local Government, *Stronger Local Democracy: Options for Change*, included discussion of directly elected mayors in Dublin and elsewhere.
- In 2009, Part 1 of a draft White Paper, titled ‘Stronger Local Leadership for Dublin’, proposed a directly elected mayor for County Dublin (with the remit extending to Kildare, Meath and Wicklow in respect of the mayor’s role as Chair of the Dublin Transport Authority) with a variety of powers.
- The *Local Government (Mayor and Regional Authority of Dublin) Bill 2010* providing for the Mayor was presented to the Dáil by then Minister for the Environment, Heritage and Local Government, Mr. John Gormley T.D.
- The Bill proposed that the Mayor would be the leader of a Dublin Regional Authority with a number of responsibilities including planning, waste management, water services and transport.
- As such, it was envisaged that the Mayor of Dublin would offer greater accountability, leadership and enhanced governance. The election of the Mayor was to follow as soon as possible after the enactment of the Bill.
- The Bill was not enacted before the Green Party left Government and the Dáil was dissolved in 2011.

6.3 *Putting People First 2012: a directly elected mayor of Dublin*

- The 2012 Action Programme for Local Government considered the issue of a directly elected mayor for Dublin and concluded that “there are, in principle, potential benefits associated with the concept.”
- Potential benefits include the role of champion or ambassador for the mayor, the status conferred by the direct democratic mandate and metropolitan scope of the office, and the capacity to exercise a strategic policy formulation role and provide strong leadership.

- Further potential benefits include improved accountability, enhanced connectivity between communities and local government, and enhanced credibility for local government.
- The Action Programme considers that the office of directly elected mayor must have far-reaching powers, functions and budgetary capacity, which would be likely to require significant changes in existing local government arrangements.
- Such a reform would probably require a significant amount of work and time. The reorganisation of Dublin into the four existing local authorities under the 1993 Act was the culmination of a process that took about 10 years.
- The Action Programme suggested that a first step towards a directly elected mayor could be assigning a metropolitan coordination role to the Lord Mayor of Dublin. It was also suggested that the Lord Mayor could chair a colloquium or forum to generate proposals for a directly elected mayor for Dublin.
- There is also recognition that in principle there may be a case for a metropolitan council or assembly, in the context of revised local government arrangements.
- The assembly's role could include scrutinising the mayor's performance and holding him/her accountable as a counterbalance to the office.
- The Action Programme suggests that metropolitan functions could include transport, economic and spatial strategy, education, policing, emergency planning, waste management, and an oversight or 'call-in' role in respect of certain local authority functions where there is a metropolitan impact.
- Many of the functions performed by directly elected mayors are partly or wholly outside the Irish local government system, e.g. policing, waste strategy, transport.

- Any functions transferred would come from central/national Departments or bodies, or from local authorities. It argued that there must be no duplication.
- The Action Programme is clear that “there would be little merit in superimposing an office of Directly Elected Mayor as a further layer of governance in either the existing local government system.” It also highlights the need to provide resources for the mayoral authority, which would result in fewer resources, responsibilities and membership for local authorities.
- In addition to the technical matters of governance and functions, the calibre of the person holding the office will have a very significant impact on their performance.
- The need for public support, an adequate lead-in time, and the need to ensure that local government has adequate capacity to take on additional functions, are highlighted in the Action Programme.

6.4 2014 resolution on directly elected mayor of Dublin

- The case for the introduction of an office of directly elected mayor for the County Dublin area only (i.e. the combined area of the 4 existing Dublin local authorities) was reviewed in the 2012 Action Programme for Effective Local Government.
- The Action Programme set out a process for determining a proposal for a directly elected mayor, involving agreement by each Dublin local authority to the holding of a plebiscite for that purpose. The Local Government Reform Act 2014 made provision for this.
- However, the proposal did not proceed because the necessary resolution for that purpose was not adopted by all of the Dublin local authorities.

6.5 Private Members' Bills

- Two separate Private Members' Bills were brought before the Oireachtas in the fourth quarter of 2016 by Fianna Fáil and the Green Party, respectively.

The following are the main elements:

- Fianna Fail Private Members' Bill – Local Government Reform (Amendment) (Directly Elected Mayor of Dublin) Bill 2016:

The Bill provides for the holding of a plebiscite for the election of a directly elected mayor of Dublin. A consultation process would first be undertaken leading to proposals on the functions (*inter alia*) of the mayor being presented to both Houses of the Oireachtas. This would then be put for decision in a plebiscite of the Dublin electorate to be held no later than May 2018. Provided the envisaged plebiscite was successful, the mayoral election would then be held in conjunction with the 2019 local elections.

- Green Party Private Members' Bill – Local Government (Mayor and Regional Authority of Dublin) Bill 2016

The Bill is a revised version of a Bill published in 2010 when the Green Party was in Government. It provides for the election of a Mayor for County Dublin, leading a Regional Authority of Dublin (RAD). The RAD would be financially supported by local authorities, and would have responsibilities including land-use, waste management, transport and housing services planning, as well as promoting coordination of services and enterprise.

- Both Bills lapsed with the dissolution of the Dáil.