

Directly elected Mayors in comparative perspective

For the consideration of members of the Implementation Advisory Group

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Introduction:

This very brief paper is based on two principles and one assumption. The first principle is that the role of the Implementation Advisory Group is to facilitate Government in delivering on the mandate given by the people of Limerick to create an office of directly elected Mayor with executive powers. Accordingly, in my view, while seeking to improve them, our proposals should not deviate too far from the Detailed Policy Proposals approved by Government on March 20th 2019 which were the basis for the plebiscite.

The second is that any proposals we make have to be feasible. To achieve this they must “go with the grain” of the existing Administrative State. For instance, we may agree (and all evidence would support it) that the system of local government in Denmark is superior to that in Ireland, but a Danish system (where 2/3rds of public expenditure is controlled directly by the local authorities) cannot simply be imported into Limerick without the wholesale re-ordering of the Irish state from top to bottom. Desirable as such an outcome might be, it is, in my view, simply beyond our remit to suggest it.

The assumption I make is that Limerick will not be the last local authority to opt for a directly elected Mayor and that therefore there will be an opportunity for the recommendations we make in June of 2020 to be revised in the coming years in light of experience. Accordingly we are not seeking perfection at this stage – and would not be able to identify it if we were looking for it – but rather a workable system that can be put into place in a relatively straightforward manner. I am conscious that this did not happen in the case of the regional development companies – of which Shannon Development was to be one of eight. I would therefore suggest that we make a proposal in our final report for a formal review of the powers and functions of the Mayor, Chief Executive and Council in 2027 regardless of whether other authorities have followed Limerick’s lead.

This paper is intended as a conversation starter rather than a list of recommendations. Some of the suggestions made may be worth pursuing, others will doubtless be wide of the mark, but I hope it assists us in getting the process started.

Irish local government in perspective:

At the outset it should be said that there is no common system of local government in Europe. There are however a set of agreed principles – the European Charter of Local Self Government, a copy of which is attached to this report. Ireland ratified the Charter in 2002. Many of the recent reforms to local government in Ireland, including the constitutional recognition of local government and pay for Councillors have their origin in the Charter. As part of our commitments under the Charter, our local government system must undergo occasional review by outside experts appointed by the Council of Europe. The last such review, a copy of which is attached, was in 2013. Insofar as possible any recommendations this working group makes should be in accordance with the findings of the the Council of Europe review.

Main systems of local government in Europe:

Loughlin and Peters (1997) identified four main traditions of local governance in western Europe: the Anglo-Saxon (Ireland and UK), the Germanic (Germany, Austria, Netherlands, Spain, Belgium), the French (France, Italy, Portugal, Greece) and the Scandinavian (Sweden, Norway, Denmark). The remaining countries of the EU have either adopted one of the latter three systems or some hybrid of them. In general terms, the Anglo-Saxon system confers much less power to local government than the others. Post-Brexit, Ireland will be the only country in the EU operating an Anglo-Saxon system.

John (2001) drew a clear distinction between Northern Europe (excluding the UK & Ireland) - where local government is defined by a high level of Functions and of local Discretion in decision making and a low level of Public Access to officials elected and non-elected - and Southern Europe where local government is defined by a low level of Functions, little Discretion and a very high level of Public Access to officials. It would be a stretch, but not be too much of one to say that Ireland is a Northern European state with a Southern European local government culture.

In fact the relative position of local government in Ireland is much weaker than that. In terms of relative powers and functionality, Ireland is ranked in last place among the 28 countries of the European Union and 43rd out of the 44 countries on the continent of Europe (Congress of Local and Regional Authorities – Council of Europe).

“...functions often carried out elsewhere by sub-national Government tiers are the responsibility of local sections of national organisations in Ireland, e.g. primary education, health, social services and public transport” (Fitzpatrick Associates, 2006, 105).

“Ireland is one of the most centralised states in Europe with local government having few responsibilities and commensurate resources (2.2 % of tax revenues).” (European Commission, 2007 p167).

The situation for elected representatives is even worse. Ireland has the largest counties and fewest councillors per head of population in Europe.

Country	Population (m)	No. of local councils	Average pop. per council	Average Size of Council	Pop. Per Cllr
Ireland	4.5	31	145000	31	4700
UK	62.6	468	133760	49	2729
Netherlands	16.7	548	30500	19	1618
Portugal	10.6	308	34535	29	1191
Denmark	5.6	275	20270	17	1190
Greece	11.3	1033	10900	10	1090
Belgium	11	589	18675	22	848
Spain	47.2	8100	5825	8	728
Italy	60.6	8100	7480	12	620
Finland	5.4	452	11900	28	425
Germany	81.7	15300	5340	15	356
Sweden	9.4	310	30300	111	273
Austria	8.4	2350	3500	17	209
France	65.4	36700	1780	14	127

Many communes and municipalities in Europe are in comparison very small, necessitating a high degree of co-operation between them and in many cases the creation of Metropolitan structures with directly elected Mayors and councils at a regional and sub-regional level. Larger cities such as London, Paris and Manchester have similarly adopted a Metropolitan structure on top of their existing local councils (35 in the case of London, 10 in Manchester and 396 in Paris). The powers of these “Metro Mayors” are delegated to them by the constituent local authorities. This more complex relationship means that “Metro Mayors” are not an accurate comparator for what is being proposed in Limerick, though they may be a useful model for the development of regional governance into the future.

Apart from functionality, funding and size, Ireland is an outlier in Europe in one other respect. We are the only country (apart from Scotland and Northern Ireland) that still uses the Council-Manager model, that system having been recently abandoned in England and Wales.

Table 1: Groupings of countries according to Mouritzen and Svara’s (2002) typology

Model	Countries
Strong mayor model	France, Germany (without federal state of Hessen), Austria (six out of nine federal units), Greece, Hungary, Italy, Poland, Portugal, Spain, England (in cases where mayor is directly elected)
Committee leader model	Denmark, England (in cases of alternative arrangement), Sweden and three Austrian federal units
Collective model	Belgium, Czech Republic, Holland, Switzerland, England (in cases of leader-cabinet model), German federal state of Hessen
Council-manager model	Ireland

Source: Kukovič (2015, 56).

As noted above Ireland ratified the European Charter of Local Self Government in 2002. The Charter requires all countries to ensure that local authorities are properly resourced and as far as practicable, free to make their own decisions. The 2013 report on Ireland highlights the particular need, given our highly centralised system of government, for a formal process of consultation with local authorities to be created.

Possible Additional functions:

It should be noted that Limerick City and Council has already demonstrated an ability to take on additional functions - HAP and the Economic Development function. Our officials have integrated these processes into our existing services and the result has been a marked improvement in both areas. Furthermore, the successful merger of the City and County Councils shows that Limerick has the capacity to undertake major organisational change and deliver results. It should also be noted that Limerick’s size puts us somewhere between a local and a regional authority in a European context. In light of the above we should consider what additional functions a newly configured Limerick could undertake. The following are some of the key functions carried out by local authorities abroad, but not in Ireland.

Policing. Executive power over a local police force is effectively universal outside of Ireland. In France the Mayors of small communes (lacking a formal police force) are empowered to act as police officers themselves. Power over policing was deliberately excluded from Irish local government in 1898 to assuage Unionist concerns that local control of policing could undermine the British state in Ireland. The effect of the absence of control over policing on Limerick has been profound. Cuts to Garda numbers in the Limerick division in the early 1990’s led directly to a surge in crime in the latter half of that decade. Despite continuous calls for more resources by successive Mayors, it took another decade before Garda numbers were restored. Once they were, crime fell back to normal levels. If Limerick had control of it’s policing budget the decision could have been taken locally to devote more resources to the problem much earlier, saving lives and avoiding reputational damage to the city and county. The Joint Policing Committee – which it is proposed the Mayor will chair – does provide the opportunity for the Mayor and Councillors to have an input into the policing plan

for the city and county, but does not allow them to make any decision on the vital question of resources.

Education: Responsibility for primary and secondary education is also effectively universal in local authorities outside of Ireland. Again this omission was a decision taken in 1898, this time to appease the Catholic church. Responsibility for 3rd level education is more usually vested in regional government in most, but not all countries, though elite universities are often organised and funded on a national level. Paradoxically local control over 3rd level would be easier to implement in an Irish case as the three university level bodies in Limerick are organised on a local rather than a national basis. Councillors have some input into decision making in education in Limerick through their membership of the Limerick and Clare Education and Training Board (ETB) and the fact that the Mayor has a seat on the Governing Authorities of UL and LIT, but the Council itself has no control over this sector.

Health: Healthcare is organised on a national basis in some countries other than Ireland (e.g. the NHS in the UK), but in most, is considered a local concern. Again Councillors have some input through their membership of HSE West, but as an organisation Limerick City and County Council has no role in healthcare provision.

Public Transport: Not universal, but most larger urban authorities (of which Limerick is one) would run their own public transport company or control the allocation of public service contracts for the provision of transport services.

Other services typically provided by local authorities outside of Ireland include:

- Consumer Protection
- Protection and maintenance of historic monuments
- Waste Management
- Water Services
- Licensing
- Forestry and fisheries
- Veterinary affairs
- Employment
- Social Welfare

Prior to their abolition in 2014 the City and County Development Boards provided an opportunity for local authorities to have some degree of input into at least the local administration of most of these services. The Boards were seen as part of the process of embedding Social Partnership in Local Government. They were chaired by a Councillor who was also a chair of one of the Council's Strategic Policy Committees. The chair was supported by a Director of Service. Officials from the City and County Councils acted as the secretariat and senior officials from every major state agency operating in the city and county were also on the board along with representatives of the Social Partners. The Boards were abolished in 2014 and replaced by the Local Community Development Committees (LCDC).

While the LCDC plays a vital role in developing the Limerick Local Economic and Community Plan (LECP) and monitoring its implementation, it is, like the old Development Boards, a consultative body rather than an executive one. The focus is also very much more on Community Development.

There is in my view, a strong case for the reconstitution of an Executive committee chaired by the Mayor, serviced by the Chief Executive, including all Directors of Service and the key local executives of all state agencies operating in Limerick. Such a body would not be charged with devising the LECP, but with implementing it. It could also be the forum through which Limerick's right to be consulted on all issues of national policy could best be managed.

Taking on additional functions requires additional income. Ideally the ability to levy the charges that gives rise to such additional income should also be vested in the local authority (as advised in the European Charter of Local Self Government). This is impractical in our case. There is no surer way of undermining public support for an Executive Mayor than to attach a new tax to the creation of the position. Funding from central government for these services should be devolved to Limerick and it may also be possible for Limerick to retain a greater proportion of some of the funds the authority collects on behalf of the national government, in particular the receipts from motor taxation.

Key Relationships:

In compiling this paper I was asked to look specifically at three key relationships. That between the Mayor and the Chief Executive, the Mayor and the Council and between Limerick and the national government. I've added a fourth, I believe we need to consider, the relationship between the Chief Executive and the Council.

Mayor-Chief Executive: The creation of a directly elected Mayor is essentially a reconfiguration of the Executive branch of local government, thus the relationship between the Mayor and the Chief Executive will be the most important element in determining success or failure of this initiative.

There has been some suggestion that the Executive function should be divided, with the Mayor taking responsibility for some areas and the Chief Executive for others. "Metro Mayors" are occasionally used as an example of this approach. As outlined above, this is a misunderstanding of the nature of "Metro Mayors" who head bespoke regional and sub-regional authorities and enjoy full Executive power within those authorities answerable to a separately elected Council. This model, sometimes referred to as the "London model" is appropriate to an entity made up of multiple local authorities, not to a single authority, and in any case does not constitute a divided Executive. In fact I am not aware of anywhere in the world where a divided Executive exists. I would strongly advise against adopting such a unique approach in Limerick, which in my view would only lead to confusion and frustration.

The model proposed in the Detailed Policy Proposals is that of the Ministers and Secretaries Act 1924 in that full Executive power would be vested in the Mayor and that the Chief Executive takes responsibility for the day-to-day management of the local authority including all staffing matters.

While the Act has its critics, it has ensured democratic control and civil service independence in central government in Ireland for almost a century.

The model differs from most “strong mayor” models in that the Mayor does not appoint the Chief Executive and cannot remove them from office. This power is often seen as the fundamental source of the Mayor’s authority. The Detailed Policy Proposals do not propose giving the Mayor such power and in my view this is the correct course of action. To do so would be contrary to our public service culture, it would be invidious to the current Chief Executive and would likely deter talented public servants from seeking the post in future. It is proposed that the Mayor will be responsible for ensuring the Chief Executive implements the policies agreed by the Mayor and Council. Whether sanctions should be available to the Mayor in the event of a Chief Executive not complying is a matter for further discussion.

Similarly, the Chief Executive has a vital role to play in preserving the independence and integrity of the organisation and preventing undue political interference in its administration. While it is envisaged that it is the Council who will hold the Mayor to account, it is worth considering whether a formal mechanism should exist whereby the Chief Executive can report concerns directly to Council in extremis.

Bound up with both these questions is the issue of the status of the Chief Executive. The Chief Executive of Limerick City and County Council will, for a time at least, be the only Chief Executive in the country who reports to an elected Mayor. If this is perceived as a diminution of the role of Chief Executive it could also be detrimental to Limerick’s ability to attract and retain talent in this most senior position into the future. One possible solution would be to recognise the significant change proposed to the role of the Chief Executive in Limerick and to reclassify the job as Secretary General’s role and to pay the office holder the applicable (higher) rate for the job. In tandem additional functions could be devolved to Limerick (perhaps from the list above) – in the same manner as the 6 unitary authorities in New Zealand (see below) exercise more functions than other local authorities. Chosen properly these additional functions would enhance Limerick’s development, underpin the transition to a directly elected Mayor, help Ireland meet our obligations under the European Charter of Local Self Government and elevate the status of the Chief Executive(/Secretary General).

Mayor-Council: To Chair or not to chair that is the question?

The creation of a directly elected Mayor means that Council is no longer the sole democratic voice within local government. The Mayor also holds a mandate from the people. It is important therefore to reaffirm that the role of Council has not fundamentally changed. It is still Council that will formally adopt policy, it is still Council that will hold the Executive to account (though now in the form of the Mayor rather than the Chief Executive) and it is still Council that will act as the forum for democratic debate and the place in which specific grievances can be raised and addressed.

The Detailed Policy Proposals do however propose three elements of the relationship that may be problematic:

- i. That the Mayor will chair Council

- ii. That the Mayor will select a Deputy Mayor and seek the approval of Council for their nominee
- iii. That the Mayor's budget can only be rejected by Council with a 2/3rd majority vote

On the first, most Mayors in Europe do chair their Councils, however this is not always the case under the Anglo-Saxon model where the doctrine of Separation of Powers holds more strongly. In most US cities with a directly elected Mayor, the role of Council Chair is entirely separate. I believe that this is the model we should follow. The Chief Executive does not currently chair Council. To give this power to an executive Mayor would, in my view, diminish the status of Councillors and inhibit Council's vital role in holding the Executive to account.

If the idea of Council selecting its own chair is approved, it would perhaps logically follow that this person should hold the title of Deputy Mayor. The Mayor should not, in that case, have any role in the selection of the Deputy Mayor, which should be a matter for the Council alone. Of course it is entirely possible to have separate positions of Council Chair and Deputy Mayor.

The proposal that a Mayor's budget can only be rejected by a 2/3rd majority needs further examination. It is the position in the UK so can perhaps be something that is looked at more closely in the proposed case studies. It is undoubtedly the case that such a requirement reduces the power of the elected Council. It should be noted however that the proposal not only strengthens the hand of the Executive in its relations with the Council, it is the key intra-Executive power granted to the Mayor and gives the holder of that office tangible authority within the Executive. Reverting to a simple majority would weaken the office of Mayor considerably. A compromise might be to allow amendments either within budget headings or up to a certain monetary value to be made on the basis of a simple majority alone. In any case it should be noted that the Mayor will be an elected public servant answerable to the people. Any Mayor who ignores the will of the people expressed through Council will not remain Mayor for very long.

Which brings us to the proposals for recalling the Mayor. It is right and proper that such a process should be in the hands of Council, and is a further reason for Council being able to schedule its own meetings and set its own agenda through an independent chair. The only quibble I have is with the 40% threshold set out for a recall plebiscite. This is quite high in the context of local election turnouts of in and around 50% and gives rise to the prospect that an errant Mayor could sabotage the recall process by encouraging their own supporters not to vote. While some threshold is probably necessary, one of between 10% and 20% is, in my view, almost certainly sufficient.

Local-National:

In theory Ireland's local authorities have a voice in the national legislature through the ability of councillors to elect members to Seanad Éireann. In practice, while some issues of concern to Councillors are raised in the Seanad, the chamber itself is not an effective means of consulting local government in advance of national decisions that might impact upon the sector.

Recommendation 7c of the 2013 Council of Europe report into local government in Ireland was that we "*develop the procedures and mechanisms of consultation with local and regional authorities on*

matters concerning them directly both in legislation and in practice, taking into account the criteria provided by Article 4 para.6 of the Charter, namely, “in due time” and “in an appropriate way”.

As implied, such processes are a requirement of the European Charter of Local Self-Government and one that Ireland has yet to fulfil.

The 2018 guidelines on how to facilitate such consultation are attached. While a wide variety of approaches exist across Europe, what they have in common is that the consultation process between Local and National government is embedded in the national Executive at the highest levels of decision making. In that light, the Chair’s suggestion at our last meeting that Limerick should have a formal right of consultation on all matters relating to it and that such a process should be under the auspices of a cabinet sub-committee is absolutely in keeping with best practice and is one we should pursue.

Chief Executive-Council

While I was not asked to look at this relationship, I think it needs examining. Much of the currency of local politics in all local authorities consists of councillors requesting favourable decisions on marginal cases from the Chief Executive and in return looking more favourably on the Chief Executive’s own proposals to Council. The Detailed Policy Proposals go to great lengths to ensure that the Mayor will not be able to play such a role as the Mayor will not be involved in deciding on individual cases.

The danger therefore is that the Mayor could be sidelined and the real business of local politics continue to be conducted between the Councillors and the Chief Executive.

Seeking the redress of grievances is a key role of the elected member and Councillors need to have the ability to raise these cases and get them resolved. If they are not to raise them with the Mayor, who can they raise them with?

A possible solution might be to empower staff below Chief Executive level to make more of the key decisions and to restrict the Chief Executive’s role to appeals on specific grounds.

Suggested comparators for individual case studies:

This section is intended to identify a small number (3-5) of comparable local authorities internationally that could be examined as case studies. All comparitors are taken from “strong mayor” systems.

Why the UK is not a good comparator:

The UK is the only country in Europe without a written constitution. It is also the only country in Europe that does not have a proportional electoral system. England, the only constituent country of the UK to have directly elected Mayors, is the most densely populated country in Europe.

The consequences of these three facts are that local government in England operates in a different environment to Ireland. To begin with some three quarters of English councils are controlled by a single party majority. Arising from this the position of Council Leader (the leader of the majority party) is often more significant than the position of Mayor.

England's dense population means that authorities of a comparable size to Limerick, such as Chester City Council, do not play Limerick's role as a regional capital, that function being fulfilled by much larger cities.

Local identity, while mattering in England, does not seem to be as profound as here. English counties are regularly merged, disbanded and re-configured with minimal fuss.

In addition the UK is leaving the European Union, making the relevance of its model less significant.

Why the UK is an essential comparator:

Despite these caveats, the UK remains an essential point of comparison for us. Their system is closer to ours than any others in Europe. The domination of local government by central echoes our situation. Councils in England and Wales have in very recent times changed from a Council-Manager system to a variety of new systems including directly elected Mayors and crucially (given that failures can sometimes teach more than successes) three English councils who adopted directly elected Mayors abandoned the idea within a few years.

The problems with the UK as a comparator can perhaps be addressed by choosing an additional case study from the Anglo-Saxon tradition, but one with a written constitution, a proportional electoral system and a similar demography to Ireland. New Zealand meets all these criteria. There are six unitary councils (merged city and county councils) in New Zealand, all with enhanced powers and some with directly elected Mayors. The City of Auckland is one of these and has already been looked at by the Department as part of their research in preparing the Detailed Policy Proposals.

Limerick's sister city of Spokane in the United States also recently (2003) moved from a Council-Manager system to a "strong mayor" system and - crucially for our discussion on Mayor-Council relations - saw its first directly elected Mayor removed from office.

The possible English cities for comparison purposes are Leicester and Bristol. Leicester is much closer in size to Limerick, but Bristol is a regional capital and has had the experience of a partial merger with Avon county in 1996 (the county was abolished and its territory distributed amongst its neighbours). In addition one of the cities that recently abolished the office of directly elected Mayor – Doncaster, Hartlepool and Stoke-on-Trent – should also be looked at.

Choosing one English city that has implemented a directly elected Mayor and one which has not, together with Auckland and Spokane would give us four potential case studies. I would recommend adding a fifth from continental Europe and would suggest one of the following:

Germany: Flensburg (population 85,000). Unusually for a German city Flensburg used the Council-Manager system after World War II (it was in the British zone) only fully reverting to directly elected Mayors in 1999. The Centre for European Studies in UL has close relations with the University of Flensburg. Limerick's existing links with Hohenloe should also be availed of.

Italy: Brescia (population 200,000) is a unitary authority. The city council comprises 33 members and the directly elected Mayor. Shannon Development developed a relationship with Brescia in 2007 that may be of benefit.