



**REPORT OF THE IMPLEMENTATION ADVISORY GROUP ESTABLISHED TO CONSIDER
A DIRECTLY ELECTED MAYOR WITH EXECUTIVE FUNCTIONS
FOR
LIMERICK CITY & COUNTY**



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

ATLANTIC EDGE
LIMERICK
EUROPEAN EMBRACE



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Annex A Report of the IAG on a Directly Elected Mayor

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Part 1. Origins

1.1 FOREWORD

This report is the outcome of the deliberations of the Implementation Advisory Group (the IAG) established in December 2019, to advise the Minister on how best to establish and shape the role of the directly elected mayor with executive functions (DEM) in Limerick city and county council, in accordance with the outcome of the plebiscite of 24 May 2019 and the Government's detailed policy proposals document.

The Group membership and terms of reference are at appendix A. Minutes of meetings, membership, and further information are available at the following address: <https://www.limerick.ie/council/services/your-council/your-mayor/limerick-mayor-implementation-advisory-group>

The IAG working remotely



The concept of a directly elected mayor is not a new one. Since 2000, there has been a number of initiatives and attempts at establishing directly elected mayors in Ireland. In order to give some necessary context to the IAG's report, these previous efforts are described in Appendix B. A DEM for a unified Limerick local authority was suggested when the merger of

the local authorities was announced. A full-term mayor for Limerick city and county, to be established in 2014, was thought to be a possibility at the time but did not come to pass.

1.2 INTRODUCTION BY THE CHAIR OF THE IMPLEMENTATION ADVISORY GROUP

I am pleased, on behalf of my colleagues on the Implementation Advisory Group (IAG), to introduce our Report on the establishment of the office of directly elected mayor of Limerick (DEM) with executive functions.

The establishment of this office is one of the most significant reforms of local government since the foundation of the State. It has the potential to make a major contribution to the development of Limerick over the coming decades and generations. Our task as the IAG, and in our Report, has been to identify the ways and means by which this opportunity and this potential can be realised to the full.

Our starting point is that the DEM has the capacity and indeed the obligation to be **THE** key leadership figure for Limerick, the person and Office with the mandate directly from the people, and the statutory authority to match, to set the vision for the future of Limerick, build a consensus around that and lead its implementation.

The North Star of the DEM will be the creation of the Best Possible Limerick for the present and the future – ensuring Limerick is a wonderful place to live in, grow up in, grow old in, work in, invest in, build a business in and visit.

We are proposing that in undertaking this large and challenging mission, the DEM will draw on three key principles – that they are proud of Limerick’s great heritage, history and attributes, both in terms of people and geography, that they are building on Limerick’s strong reputation as a place of innovation, ambition and excellence, and that for Limerick to thrive into the future every community in it needs to thrive.

This may sound to some like an over-blown claim that places too much weight on an Office not able to carry it. But in the IAG, we came to the unanimous view that this project was such a major opportunity for Limerick that it was essential that it be designed in an ambitious way which captured its potential in the fullest sense possible, while at the same being grounded in practicality and effectiveness. Moreover, in giving us our mandate, the Minister made clear that this was the spirit in which the Government wished us to approach our task, on the basis that while, in the first

instance, this project is about getting the best possible outcome for Limerick, it is also about creating a template that could be followed elsewhere in the country.

In our view, therefore, this means that we must begin with the proposition that this is about the future of Limerick in ALL its dimensions, with the DEM at the heart of its journey.

What does this mean? We believe it means the following:

- That the DEM is the main Champion, the main Advocate, the main Ambassador for Limerick;
- That the DEM is the main Convenor of Limerick, with the authority to mobilise all the stakeholders and people of Limerick, around an ambitious vision for its future, and to lead the implementation of that vision;
- That the DEM has the mandate in law to engage with Central Government and other regional and national stakeholders on all matters that affect the well-being of Limerick as the Chief Representative of Limerick;
- That, by the same token, the DEM can be the partner of Central Government and its Departments and Agencies in ensuring the most effective delivery possible of public services in Limerick – in other words, a two-way relationship;
- That the DEM has the means necessary for them to discharge effectively their functions under the legislation establishing the Office;
- That the DEM will operate on the basis of the highest standards of personal integrity and character (leading by example) and will seek to work in close cohesion with Limerick city and county council, to whom they will be accountable, and with the executive, with the well-being of the people of Limerick as the guiding principle.

All of this means there is a heavy onus on getting the design of the Office of the DEM right so that this potential can be turned into actuality. Accordingly, our Report sets out the advice of the IAG to the Government on a vision for the Office which would involve real additionality in terms of role and remit – the architecture – and also on the new governance arrangements that would be necessary for its effective functioning

and its relationship with the council, the Executive and Central Government – the engineering.

We are also making clear our view on the resources that would be needed if the DEM is to have the means to deliver on the totality of their mandate. In that regard we have put forward some specific proposals regarding enhanced financial autonomy that would be available to Limerick in the context of the higher level of political accountability that would be involved in the DEM context. In summary, we are saying that the DEM needs to have the “Mandate and Means” to deliver on the potential of the Office.

The construct we are proposing to give effect to all of that involves a large degree of change for all the key stakeholders involved – the existing council, the Executive, the Government/Public Service, the Houses of the Oireachtas, and the community.

In regard to the Government and the Houses of the Oireachtas, it will in some cases involve a different way of delivering public services locally in Limerick. In effect, what we are proposing is that Local Government in many ways becomes Government Local in terms of Limerick. Led by the DEM, the council becomes the partner of Central Government in ensuring the best possible delivery of public services more broadly in Limerick. One of the positive lessons of the Covid-19 crisis has been the critical role and contribution that Local Government, including Limerick city and county council, was able to play in terms of the overall Government response. A key reason for that was the fact that the council has the infrastructure that can reach right to the front door of every household, community and business in their area. Moreover, the council also has the capacity to serve as a co-ordinating point for a myriad of different and disparate services. This opens up the possibility that this infrastructure could be put to much wider use than has traditionally been the case, all in the interests of the community in terms of the effective and integrated delivery of public services more generally. We have sought to draw on that lesson also in drawing up this Report. We have also proposed a new institutional structure at Ministerial level to encapsulate and facilitate this new relationship between the Centre and the Local, arising from the establishment of the Office of DEM.

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And, of course, in doing so we are no more than seeking to give effect to the principle of subsidiarity at the heart of the Council of Europe Charter of Local Self-Government¹, which is the key document in terms of European and international best practice for good local governance. That principle in effect requires that decisions should be taken closest to the place where they are going to be delivered, consistent with the most effective possible implementation of public services and national policy.

The other key principle of the Council of Europe Charter that we found particularly significant is the whole concept of consultation between the Centre and the Local on all matters of public policy affecting the regions and that being placed on a statutory footing. For shorthand, we came to call that in our Report “Statutory Consultation”. This for us is a key finding and recommendation of our Report – that in respect of those public policy areas not directly remitted to the council and the DEM but which affect the well-being of Limerick, the DEM, on behalf of the council, would have “Statutory Consultation” rights. This has potentially major significance and is a very substantial change in terms of public administration in the State. In effect, it would mean that on a whole range of areas, the DEM would have the right in law to be consulted on all dimensions of that policy area that were deemed to affect the well-being of Limerick.

We recognise at the IAG that the introduction of a DEM has particularly significant implications for the elected council and the executive of the local authority.

It has been hugely helpful to our work in the IAG to have had the input and insights of several members of Limerick city and county council in our Group, including the Mayor for 2019-2020, Councillor Michael Sheahan, and the current Mayor, Councillor Michael Collins. My thanks also to their councillor colleagues who participated in the IAG during its tenure - John Sheahan, Elena Secas, Brian Leddin, Saša Novak and Kieran O’Hanlon. Through them, together with briefing sessions with their colleagues, we have been able to ensure that the critical perspective of the Elected Members has been brought to bear at all points. The IAG wishes to make clear that we fully recognise that, in the accountability architecture involved in the DEM project, primacy rests with the Elected Members of the council as a whole, just as at national level, the

¹ See section 2.2 below

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Taoiseach is ultimately accountable to the Dáil. In drawing up our Report, we respect that reality fully in terms of the relationship between the DEM and the council and have sought to craft the Mayoral construct accordingly.

Minister of State Burke is briefed by the IAG



Likewise, we benefited greatly from having the invaluable contribution in the IAG of the Executive, through chief executive Dr Pat Daly, Director Caroline Curley and James Clune. We appreciate that the creation of the Office of DEM significantly changes the traditional relationship between Mayor and Executive and working that through

has been a critical part of our work at the IAG. We strongly believe that, while altered, the role of the Executive, led by the chief executive, will continue to be pivotal - and indeed in our view be enhanced - and will be critical to the success of the overall project. For that reason we have given much thought to respecting the distinct contribution that the chief executive, as the leader of the Executive, has brought to Local Government and on how that can be preserved and enhanced in the new structure.

Since the DEM is going to be the Chief Representative of all the people of Limerick we thought that it was very important that we have the maximum input from the community in Limerick. Within the IAG itself, we greatly valued the contributions of Dee Ryan, the CEO of Limerick Chamber, Cillian Flynn, representing the Public Participatory Network, and Jack Scanlan, President UL Students Union 2019-20, representing the student voice. The Covid 19 pandemic greatly affected the scale of external consultation we were in a position to undertake. Nonetheless, with the support of Dr Maura Adshead at UL, we were able to put in place a significant process of public engagement and the feedback and views from the public of Limerick that we received through that process was invaluable to us. We also undertook an outreach to a range of strategic stakeholders in the Limerick region to ensure a fuller engagement with those most likely to be impacted by the creation of the office of DEM.

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Again their input was extremely helpful and valuable. We take this opportunity to express our thanks to everybody who participated and who gave us the benefit of their thoughts and views.

As just mentioned, we appreciate also that the establishment of the Office of DEM is going to present challenges to how decision-making is done in the State and for public policy more broadly. But we are encouraged by the positive approach we have found from all the key stakeholders at Government, in the Oireachtas (including an important contribution from the Limerick members of the Houses of the Oireachtas), and in the relevant Departments and State Agencies. Everybody recognises that there needs to be a better means of ensuring quality public services, delivered in a joined up way and based on the needs of the citizens and the residents of an area. That is why we have placed a particular focus in our Report on the importance of Project Ireland 2040, comprising the National Planning Framework and the National Development Plan, in terms of constituting a template for such an integrated approach to policy and service delivery under the leadership of the DEM.

A particular responsibility on the DEM initiative has devolved on the Department of Housing, Local Government and Heritage, as the Department with co-ordinating oversight of Local Government. Our special thanks to the Ministers involved, at the outset Eoghan Murphy and John Paul Phelan, and currently Darragh O'Brien and Peter Burke, for their strong personal support. As chair I want to pay special thanks to the officials at the Department who have been so centrally involved in developing the DEM initiative and in the preparation of this Report. On a personal basis, I wish to record my appreciation and admiration for their dedication and professionalism – it truly was exemplary public service.

In designing the Office of DEM, the IAG were also deeply conscious of the global context in which the holder will be operating, both in terms of opportunities and also obligations. In the latter regard, we are recommending that in the devolution of certain responsibilities to Limerick city and county council and in outlining the transfer of certain functions to the DEM, the holder of the office must place the United Nations

Sustainable Development Goals at the heart of all policy, plans and strategies they develop. In regard to opportunities, we see a central role for the DEM

- a) in promoting Limerick internationally as a great location for Foreign Direct Investment, in tourism terms, as a centre for international education and
- b) as an Ambassador to the Limerick Diaspora around the world.

We are suggesting in carrying out this international role the DEM and the council would align closely with the Government's Global Ireland Strategy.

Flowing from all of this, it is clear that the Limerick DEM initiative has important implications for Local Government more broadly, particularly in regard to the city Regions. We have sought to take that into account also in drafting our Report. As mentioned above, our hope is that the model we are proposing, if accepted by Government and the Oireachtas, will become one that can be drawn on for elsewhere around the country in the future. For that reason, we were particularly grateful to have the input of key stakeholders in the Local Government Sector, in particular the Local Authority Members Association (LAMA), the Association of Irish Local Government (AILG) and the County and City Management Association (CCMA).

We also recognise that the Office of the DEM will have significant implications for the immediate region surrounding Limerick. We believe that, here again, the context of the National Planning Framework, and its outworking's in regional terms, will provide a good basis for addressing that reality and the need to ensure the most cohesive possible relationships between the DEM and neighbouring local authorities.

In drawing up our Report, we thought it was important to examine examples from other jurisdictions internationally where DEMs operate. While we have sought to design a framework that is customised for Limerick per se, and in doing so were able to draw on all the expertise within the IAG itself, and from consultation with many stakeholders locally, it was valuable also to have some insights and inputs from elsewhere in terms of the scope of the role and the issues involved. We thank our Academic Adviser, Dr Diarmuid Scully for his important work in this regard.

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Of course, we acknowledge that in recommending such an ambitious roadmap for the role of DEM, we are placing a large onus on the holder of that post. As will be clear from our Report, there will be sizeable obligations and responsibilities, set down in law, attaching to the Office. Candidates will need to be able to demonstrate to the people of Limerick that that they have the experience, expertise and capacity to deliver on all dimensions of the role and the ability to be able to manage the complex set of relationships involved – within the council, with the executive, within Limerick, with wider stakeholders and with Government.

The Mid West, with Limerick at its heart, has a long and noble tradition of innovation in public policy in terms of the history of the State – the building of the first major power station in the country in Ardnacrusha in the 1920s, Foynes as the first international hub of transatlantic aviation in the 1930s, the establishment of Shannon International Airport in the 1940s, and its accompanying pioneering initiatives such as the Free Trade Zone, the new frontiers charted in the Education Sector in the 1970s and 1980s through initially the National Institute for Higher Education and subsequently the establishment of UL, and so on. As Ireland moves towards the completion of its first century of Statehood, and into the second, the Limerick region is therefore well placed to now be the location of this exciting and potentially transformational new initiative in terms of Local Government in the country. We hope that our Report provides the blueprint for turning that potential into full reality and commend it to the Government.

Tim O'Connor

Chairperson, Implementation Advisory Group

October 2020

1.3 EXECUTIVE SUMMARY

The Implementation Advisory Group (IAG) for the Directly Elected Mayor with Executive Functions for Limerick was established in December 2019 to advise the Minister on how best to establish and shape the role of DEM in accordance with the outcome of the plebiscite in Limerick on 24 May 2019. In doing so, the IAG has endeavoured in this report to build upon and further develop the proposals set down in the policy paper *Directly Elected Mayors with Executive Functions: Detailed Policy Proposals*, which was agreed by Government in March 2019 and which the people of Limerick voted in favour of implementing.

The IAG comprised representatives of key stakeholders in Limerick, including the elected Council and Executive of Limerick city and county council, the business community, academia, the student body and the community and voluntary sector, as well as the Department of Housing, Local Government and Heritage. The Group had an independent Chair, Mr Tim O'Connor. The IAG worked on the basis of approval by consensus of the members, including in the agreement of this final report.

In order to solicit views from as wide a range of voices as possible, the IAG Chair engaged extensively with stakeholders in Limerick, including in the wider public service, the business community, the third level and further education institutions, and in the health and community development sectors, as well as stakeholders with experience of political life. In general, there was strong overall support among stakeholders consulted for the DEM initiative, and the opportunity it presented for Limerick and the Mid-West region. The themes which arose included.

- the welcome emergence of a strong leader and convenor for Limerick across the widest possible range of policy areas who would advocate for and champion Limerick locally, regionally, nationally and internationally;
- the Mayor must represent all of Limerick;
- the need for a high calibre individual to take on such a position ;
- the importance of strong oversight and governance arrangements in the new local government structure;
- the requirement that the public is fully informed;

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- the Mayor must have a mandate but also the means to deliver on that mandate
- Limerick's connection to central government must be strengthened by the election of a DEM.

The IAG also commissioned from the University of Limerick, led by Dr Maura Adshead, Associated Professor of Politics, a public consultation exercise to understand better the priorities of the people of Limerick in voting to have a DEM. This was carried out during summer 2020 mainly virtually due to COVID-19 public health measures. This exercise reached out to community groups and the general public, gathering views from a sample of almost 1,000 people in Limerick.

The main themes from the consultation related to accountability, change, democracy and representation. The consultation exercise showed that the people of Limerick want a change from the current system of governance. The mayoral project is an opportunity for greater local control and autonomy in decision-making, as well as to improve local government, deliver local services and address the challenges faced by Limerick. There was also a view that, whatever the new Mayor does, local government needs to be better able to communicate with local communities to address a perceived deficit in confidence regarding local politicians and local government.

The Group also examined a range of international case studies to learn from experience and examples in jurisdictions in the EU, UK, USA and New Zealand. While there is no one system or approach internationally that should be applied in Limerick, elements of good practice can be taken from directly elected mayoral models adopted in other jurisdictions.

The IAG recognises that the establishment of a directly elected mayor (DEM) with executive functions in Limerick city and county council is a highly significant and profound reform of local government in Ireland. Despite this, such a reform should not only result in improvements in the way government services are delivered in Limerick, but also in the level of accountability to the people for those services. The IAG takes the view that this reform must therefore involve more than the introduction of a new political leader: the establishment of a DEM must add value for Limerick and its future

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sustainable development. It must benefit all of the people of Limerick – for Limerick to thrive, all parts of Limerick must thrive.

The IAG acknowledges that the introduction of a DEM will involve significant changes to governance arrangements in Limerick city and county council. This report sets out in detail the new roles and responsibilities of the DEM, but also the governance and accountability relationships between the elected council, the DEM and the chief executive within the new administrative framework for Limerick City & County.

The IAG agrees that the DEM shall be the head of the local authority and will be a member of the elected Council. It departs however from the original detailed policy proposals by recommending that the DEM should not chair the plenary council. To ensure a separation in roles of executive Mayor and elected Council chair, the IAG instead recommends the creation of a new role of *príomh comhairleoir*. The elected council will therefore be chaired by the *príomh comhairleoir* who will act as speaker of the council within the council chamber.

The elected Council's role will retain its primacy and the DEM will be accountable to the Council, including through the Mayor's Report and Mayor's Questions at plenary Council meetings, but also through removal and recall mechanisms.

Decisions in relation to the exercise and performance of reserved functions are, and will continue to be, the responsibility of the elected council. Reserved functions that currently rest with the elected council will remain with the council, adjusted where necessary to allow for the role of the DEM. The DEM will become an ex officio member of the council, and will be subject to similar rights, responsibilities and duties as any other elected member.

The IAG also departs from the original policy proposals in relation to the annual budget making process. It recommends that the existing budget process, whereby the annual budget would be approved by a simple majority of the elected council, should remain, subject to the role of the DEM in the preparation of the annual budget.

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The term of office for the first DEM will be a short one until 2024, but will then coincide with the local election cycle. A Mayor can serve a maximum of two terms of office. Anyone eligible to run for local government office can run for the position of DEM, subject to the nomination process. The IAG has set down detailed procedures for the removal and recall of the DEM, both of which can be initiated by the elected Council.

The DEM will have responsibility for Mayoral Executive Functions, which will be most of the executive functions previously carried out by the chief executive. These include, at a strategic or policy level, the wide range of executive functions performed by the local authority in the areas of

- Housing and building;
- Road Transport and Safety;
- Water Services;
- Development Management;
- Environmental services;
- Recreation and Amenity;
- Agriculture, Education, Health and Welfare;
- Miscellaneous Services.

Limerick city and county council employs some 1,350 staff, manages (in 2020) a current budget of €825m and a capital budget of €217m, and serves a population of 194,899² citizens, including Ireland's third largest city. The role of DEM will therefore be a significant one, not just locally but regionally, nationally and internationally.

A range of functions, entitled "Specified Functions", will be those functions currently vested in the chief executive, which will not transfer to the DEM. They will remain instead the responsibility of the chief executive. Specified functions include

- a) managing and accounting for the council's finances;
- b) All HR and local authority staffing matters with the exception of the engagement of special advisors;

² As per census 2016

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- c) administration of individual schemes and allocation of individual grants;
- d) legal proceedings and enforcement matters relating to individual schemes or grants.

The IAG recognises that the role of chief executive in Limerick will change. It will differ significantly from that of chief executives in other local authorities. Nonetheless, it will continue to be a vital part of the architecture of the new local authority, with its own distinctiveness in terms of its contribution. In many ways it will involve an enhancement of the traditional chief executive role. To reflect this difference, but also the importance and complexity of the new role, the IAG proposes that the current position of chief executive in Limerick will be re-titled to “Director General”, and its conditions upgraded.

The core element of this report sets out the new or additional powers, functions or roles that should be assigned to Limerick city & county council on the election of a DEM. These are based on the premise that:-

- a) specific new functions would be devolved in law, or that
- b) in policy areas that affect life for the people of Limerick, the DEM would have a right in law to be consulted by central government on the development and impact of those policies.

The IAG proposes the new devolved functions would be based on the essential place-making planning and infrastructure provision for Limerick city and county council. In this regard, the DEM would have responsibility for functions, including:

- chairing an entirely new Limerick PI 2040 Project Delivery Board to coordinate and manage the delivery of the PI 2040 investment programme in Limerick;
- membership on the Southern Regional Assembly;
- managing the transition to a new Limerick regeneration investment plan;
- negotiating urban and rural development funding envelopes and leading the development plan implementation in line with NPF objectives;
- implementing a Town Centre First³ approach;
- Developing a programme of housing provision;

³ A Programme for Government initiative

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- leading the development of a Transport Strategy for Limerick, with NTA;
- responsibility for a county wide public bus transport system, both urban and rural, in line with national policy, including franchising bus services throughout the county;
- developing a sustainable rural mobility plan and leading the implementation of the plan;
- greater autonomy in the provision of business supports in Limerick, to be delivered through LEOs, including supporting companies transitioning from LEO to EI backed companies;
- a new Limerick-based fund to support high potential start-ups;
- responsibility for developing a Just Transition Limerick Plan, with the approval of the elected council;
- chairing the Public Services Working Group, which would be put on a statutory footing;
- representing Limerick on any new national community safety commission as recommended in the report on the Future of Policing in Ireland;
- chairing the Joint Policing Committee in whatever format it may take following on from the recommendations of the report into the Future of Policing in Ireland;
- planning for school provision and student accommodation with relevant agencies and Departments;
- engaging with all educational stakeholders at primary, secondary and tertiary level, including liaison with national government on outcomes;
- all traineeship/ apprenticeship schemes/ grants for unemployed young persons in Limerick;
- collaborating with OPW on climate adaptation/flood defences;
- promoting the integration of energy saving and climate change adaptation measures into local development plans;
- responsibility for the identification and implementation of initiatives in relation to biodiversity and climate initiatives and the use of funding from the national carbon tax take to support green initiatives in Limerick;
- responsibility for all OPW /Heritage assets/locations in the entire county;
- maintenance of built and natural heritage along with associated funding;

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- Power to designate a cultural enterprise in Limerick as a national cultural institution;
- an enhanced grants scheme for existing cultural centres, including theatre;
- a new “per cent for arts” scheme will be devised to support local artists;
- a devolved budget for local and regional sports capital programmes.

The IAG is recommending that the DEM is a statutory consultee across a range of Government policy areas and has a statutory right to be consulted in relation to any government policy as it relates to Limerick. “⁴A DEM will hold a direct democratic mandate from across the local authority area, and will form a highly visible and accountable focal point for empowered local political leadership across a full local authority electoral cycle. It is therefore appropriate that a DEM should have enhanced rights of consultation, including with Government Ministers.”

The IAG proposes, in particular, that the DEM would have a right in law to be consulted: -

- By the national PI 2040 Project Delivery Board in relation to the implementation of the NPF as it affects Limerick;
- In relation to the development of the Regional Spatial and Economic Strategy (RSES) and tasked with leading the development of the new Limerick MASP;
- By Irish Water in relation to its plans and projects in Limerick;
- On the “Town Centres First” and the next Living City Initiative scheme iteration;
- On all national transport plans and policies as they relate to Limerick, as well as an expanded statutory involvement with the NTA insofar as Limerick is concerned;
- On the regional cycle design offices proposed in the PfG as they relate to Limerick;
- On National Aviation Policy;
- In relation to the SME and state bodies group including to coordinate the ongoing response to Covid-19 for SMEs in Limerick;

⁴ Detailed policy proposals

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- As a member of the national sectoral taskforces for Manufacturing, Tourism, Hospitality & Retail, and proposed Shannon Estuary Economic Development Taskforce, if/when instituted;
- On all education and training plans and policies as they relate to Limerick, encompassing the Primary, Secondary, Higher Education and Further Education and Training Sectors;
- On the Regional Technology and Clustering Programme;
- On all aspects of Sláintecare as it affects Limerick;
- All matters relating to Garda resourcing in Limerick city and county council. In particular, any special expert forum established in relation to antisocial behaviour;
- Any Joint Agency Response to Crime;
- In relation to all environment, energy and marine plans and policies as they relate to Limerick;
- On all matters relating to Arts, Culture and Heritage in Limerick;
- Tourism, sports and recreation plans and policies as they relate to Limerick.

The IAG proposes that the DEM would also be given overarching powers to convene stakeholders in Limerick in relation to a particular policy agenda. In this way, the DEM will, for example, be able to convene all enterprise stakeholders in Limerick and be mandated to take appropriate action in support of economic development, including liaison with central government and state agencies.

The IAG believes that, with these additional statutory functions, the DEM will have the mandate to fulfil the full potential in the new role. However, the IAG would also argue strongly that the DEM must have the financial means to deliver on the mandate.

The IAG believes that a significant degree of both additional funding and autonomy over that funding is necessary. Above all, unfunded mandates – the assigning of additional functions without additional funding – must be avoided. A new approach to funding must therefore be considered for Limerick. The IAG proposes that this should involve

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- Multiannual block grants, under the main capital programmes, to facilitate the DEM in planning and implementing strategic capital investments;
- A revision of the current “bid” process under the Urban Regeneration and Development Fund (URDF) and Rural Regeneration and Development Fund (RRDF), whereby an estimated allocation would be made to Limerick over a 10-15-year horizon. Full planning and delivery of the investment would be devolved to the DEM who would lead a negotiated settlement with national Government;
- Additional DEM block grants linked to revenue raised locally under Commercial Rates or LPT;
- Decentralised power for borrowing to be assigned to the DEM, within set gearing ratios and a separate multi-annual borrowing limit provided to Limerick city and county council;
- a Special Sub-Fund of the Irish Strategic Investment Fund set aside for Limerick, co-managed by the DEM and ISIF and used for infrastructure projects on an investment return basis with specialised Sub-Funds in each case into which the private sector could also invest.

Finally, perhaps most importantly, the IAG proposes the establishment of a new institutional forum to facilitate ongoing engagement between a DEM-led Limerick city and county council and national Government. In that regard, the IAG proposes that the Minister responsible for Local Government would be required in statute to convene a Directly Elected Mayor Implementation Forum with the Mayor of Limerick, involving other Government Ministers. This body would meet twice yearly to monitor all aspects of the Limerick Mayor project, resolve bottlenecks and identify potential new devolved functions. It would meet at official level on an ongoing basis and be serviced by a small secretariat.

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Part 2. A Vision for Limerick

2.1 OVERVIEW

The creation of a full-term, full-time leadership post is, potentially, one of the most important aspects of the DEM proposal as it should bring greater continuity and effectiveness to the direction of the local authority.

As *Convenor-in-Chief* the DEM will set the vision for Limerick, and will have a mandate from Government to mobilise all stakeholders in a consensus around that vision. In turn, the stakeholders and citizens of Limerick will see the DEM as their Champion in respect of everything connected to the well-being and prosperity of Limerick.

As an office holder elected from across the local authority area, the DEM will represent and advocate for the interests of the entire local authority area both nationally and internationally.

As the holder of a significant democratic mandate, the DEM will represent the whole administrative area, rural and urban, at local, national and international level.

The Mayor's important representational role, as the embodiment of the local authority and as the "face" of the authority both domestically and internationally, should be recognised in legislation and emphasised by all levels of government.

The DEM will have a seat on the Southern Regional Assembly. This is in addition to the current number of serving councillors, and indicative of the enhanced status Limerick city & county has as a local authority with a DEM.

A required element of the DEM's role will be in gaining influence and authority on matters beyond the role's legally prescribed functions. A Mayor with a mandate from the electorate to explore issues normally outside the local authority remit, such as transport, health or education policy will be ideally placed to take advantage of the commitments in the new Programme for Government to examine the devolution of more powers to local authorities, and to strengthen and enhance local democracy.

This in turn will bring additionality to the elected council, the Municipal Districts and chief executive, as well as to the mayor.

Additionality is a highly significant benefit that a DEM brings to Limerick and it has many possible manifestations.

- It can be additional responsibility for areas already within the LG arena such as housing or planning;
- It can also be areas that traditionally are outside of the local authority jurisdiction, such as education, policing or health;
- The DEM may also be in a position to demonstrate and provide leadership in Limerick on national challenges and emergencies, such as the COVID-19 response, severe weather events or climate change.

The DEM's mandate will in effect be a combination of the formal and the informal. On the one side, there will be the formal powers that attach to the role, including those based in legislation. On the other, are the less formal roles which some experts have argued are as important as the formal ones⁵. These include the power to set the vision for Limerick for the future and build a consensus around that, together with the ability to be the broker between different stakeholders and interest groups. In other words, a key part of the DEM's role will be to set the agenda for Limerick and advocate for it in whatever forum and context is relevant in terms of delivering on that agenda.

2.2 OBLIGATIONS UNDER THE EUROPEAN CHARTER OF LOCAL SELF GOVERNMENT.

The European Charter of Local Self Government affirms the role of communities as the first level for the exercise of democracy. The charter was opened for signature in October 1985 and is currently ratified by 47 Council of Europe member states. Ireland

⁵ See Paper by Bruce Katz, Vice President and Director Metropolitan Policy Program, Brookings Institution, at Centre for Cities, "City Mayors" Event, London 19 May 2005

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signed the charter in October 1997 and it was later ratified in 2002⁶ but some obligations of the Charter remain to be fulfilled.

Having ratified the Charter, Ireland is in a position to put in place a statutory process of consultation between local and national government. While it is accepted that consultation does regularly take place between Government and the local authority associations, there is no statutory basis for this according to the Council of Europe's monitoring report "Local Democracy in Ireland"⁷.

6

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/treatyseries/uploads/documents/treaties/docs/200206.pdf>

7 <https://rm.coe.int/local-democracy-in-ireland-recommendation-andris-jaunsleinis-latvia-l-168071a75c>

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Part 3. A New Structure

3.1 THE ROLE OF THE DEM IN LIMERICK

Part 6, Section 30 of the Local Government Act 2019 provides that ‘the “directly elected mayor” means the cathaoirleach of a local authority elected to that office by the electors of the administrative area of that local authority and on whom are conferred

- a) some or all of the functions for the time being performable by the chief executive of that local authority, and
- b) such other functions as may be provided by or under statute’

Directly elected Mayors in other countries may perform the role of executive head of their local authority, while in some cases directly elected Mayors do not have an executive role. For example:

- In the **city of Spokane**, the directly elected Mayor is the executive head of the local authority.
 - The DEM is responsible for the management of the local authority, and is supported in this by a city Administrator.
 - The city council is responsible for passing ordinances and resolutions.
- In **England**, directly elected Mayors of local authorities are responsible for performing the executive functions of the local authority.
 - In a local authority with a DEM, the elected council is responsible for making decisions in relation to its reserved functions, which the DEM is responsible for implementing.
 - Council officers support the day-to-day running of local authorities.
 - Many local authorities have a chief executive who is responsible for the management of the local authority, which is the case in Bristol city council.
- In **Flensburg**, the directly elected Mayor (Oberbürgermeister) is the executive head of the local authority and works within the policy framework made by the city council.
- In **Auckland council**, the directly elected Mayor is not the executive head of the council. The role of the Mayor is to provide leadership and to coordinate governance across Auckland.
 - Executive functions are performed by the chief executive of Auckland.

Vig 1: Examples of executive and non-executive DEMs in other jurisdictions

It is important to acknowledge at the outset that assigning “some or all of the functions” currently performed by the chief executive to the DEM will involve a significant change to existing governance and executive arrangements in Limerick city and county

council. The office of DEM with executive functions will bring about an administrative framework which is fundamentally different to what has existed before.

3.2 TITLES

The “Directly Elected Mayor with executive functions for Limerick City & County” will have the title of Mayor (in Irish, Méara). The councillor elected to chair the plenary meetings will be known as “Príomh Comhairleoir”.

The chair of any municipal or metropolitan district may use the title of Cathaoirleach. The deputy chair of a municipal or metropolitan district will have the title of Leas-Cathaoirleach.

Mayoral titles

In **Auckland council** and **city of Spokane**, the directly elected Mayor holds the title of Mayor; however, the Mayor of Auckland chairs meetings of the Auckland council, while in the city of Spokane it is the city President who chairs meetings.

The directly elected Mayor of the **city of Flensburg** is known as the Oberbürgermeister, while the chair of the council is known as the Stadtpräsident.

The picture can be a little more complex in England as there can be a ‘Civic Mayor’ in addition to the directly elected Mayor. The Civic Mayor – sometimes known as the Lord Mayor, as in the case of **Bristol city council** – chairs council meetings and has a ceremonial role, while the directly elected Mayor holds the title of Mayor.

It is apparent that there is the risk of confusion between officeholders who share similar titles, even if their roles differ greatly. Some jurisdictions ensure that titles are differentiated. The IAG believes that in Limerick there must be absolute clarity in both titles and roles

Vig 2: Examples of Mayoral titles in other jurisdictions

As a result of the creation of the post of directly elected mayor with executive functions, the cathaoirligh of the Municipal Districts will no longer be able to use the title “Mayor” as provided for in section 32(1)(c) of Local Government Act 2001.

IAGR 1. ⁸MAYOR OF LIMERICK

- **The DEM will have the title of Mayor of Limerick.**
- **The cathaoirigh of the Municipal Districts⁹ will no longer be able to use the title “Mayor”.**

3.3 INSIDE THE COUNCIL CHAMBER

The DEM as a member of the elected council, will have the right to attend and speak at meetings of the local authority and vote on motions. However, in a change to the original detailed policy proposals, the Implementation Advisory Group is recommending that the DEM does not chair meetings of the council.

IAGR 2. THE DEM IS A MEMBER OF THE COUNCIL

The DEM will be an ex officio member of the council, and will be subject to the same rights, responsibilities and duties as any other elected member in relation to the performance of reserved functions.

The DEM will have responsibility for an extensive array of executive functions and will be a focal point for the leadership of the local authority. While the DEM will sit on the elected Council, with voting rights, the IAG is of the view that it would not be appropriate for the DEM to also chair the meetings of the council. The IAG consider that the body responsible for holding the DEM to account in the first instance should not be chaired by the DEM.

It is therefore necessary to separate the roles of DEM and chair, in order to prevent the concentration of too much power in the hands of a single officeholder, and to ensure the primacy of the elected council.

Therefore, it is recommended that the elected council will instead be chaired by a príomh comhairleoir who will act as speaker of the council within the council chamber to ensure the orderly and impartial conduct of business.

⁸ IAGR – Implementation advisory group recommendations

⁹ Reference to Municipal districts also includes metropolitan districts

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The role of príomh comhairleoir of the local authority would include essential duties such as setting the agenda for meetings, allowing motions, and maintaining order in meetings of the local authority.

The príomh comhairleoir will be a member of the council who is elected to the position of príomh comhairleoir by the elected council at the annual meeting. The method of election will be broadly similar to the current method for electing a cathaoirleach.

The serving cathaoirleach at the time of the first election to the role of DEM, will automatically become the príomh comhairleoir until the end of the term which they would have served, had there been no election.

Mayoral veto

In some jurisdictions, the directly elected Mayor holds a veto on decisions made by the elected council.

- The directly elected Mayor of the **City of Spokane** may veto ordinances made by the elected council. The council may annul the Mayor's veto if at least 5 members (of the 7-person council) are in favour of doing so, in which case the city President or two council members must sign the ordinance. The Mayor may not veto emergency ordinances passed by a majority plus one of the council.
- The directly elected Mayor (Oberbürgermeister) of the **City of Flensburg** may object to council decisions which he or she believes to be in breach of the law. The council must then reconsider and make the decision, or suspend it. If the council makes the decision and the Mayor objects again, the decision is suspended and the council may bring the matter to court for adjudication.
- In **Auckland Council**, and in **local authorities and combined authorities in England**, directly elected Mayors do not have a veto on decisions made by the elected council. In combined authorities in England, some decisions must be unanimous; in addition, mayoral spending plans may be rejected by a two-thirds majority of the council of a combined authority
- *Vig 3: Mayoral titles in other jurisdictions.*

The DEM may not be nominated or elected to the office of príomh comhairleoir, but as an ex officio member of the council, will have a vote in the process.

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Role of Mayor vs Role of Chair

Internationally, there are examples of local authorities which separate the role of directly elected Mayor from the role of local authority chair. These examples include:

- **Flensburg.** In the city of Flensburg, the directly elected Mayor (Oberbürgermeister) is the executive head of the local authority, while the meetings of the local authority are chaired by the city President.
 - The city President is a councillor, and is elected to their position by other members of the city council.
 - In addition to chairing and setting the agenda for City Council meetings, the city President is the head of the Ältestenrat, a committee that supports the City President and acts as a forum for discussion among political parties.
- **City of Spokane.** The City of Spokane has a directly elected Mayor and a separate position of city council President.
 - The council President is a member of the City Council, with full voting rights, and is responsible for chairing the meetings of the City Council.
 - No one may serve more than two consecutive terms as Council President.
 - If the Mayor is unable to perform his or her functions, the President may perform the Mayor's role; while temporarily serving as Mayor, the President may not perform their role as President or vote as a member of the City Council.
- **England.** In local authorities in England where there is a directly elected Mayor, it is common practice to have a Civic Mayor.
 - The Civic Mayor may be known as the Lord Mayor.
 - The Civic Mayor is a councillor who is elected to their position by the elected members of the local authority.
 - The Mayor is responsible for chairing meetings and performing a representational and ceremonial role.

Vig 4: The role of Mayor Vs Council Chair in other jurisdictions

Functions, specifically those relating to the management of council meetings, will be assigned to the príomh comhairleoir. The príomh comhairleoir will have a casting vote in the chamber.

IAGR 3. THE ROLE OF PRÍOMH COMHAIRLEOIR

- **The elected council will be chaired by a príomh comhairleoir who will act as speaker of the council within the council chamber.**
- **The príomh comhairleoir will have a casting vote in council meetings, and will be a member of the Corporate Policy Group.**

IAGR 4. THE FIRST PRÍOMH COMHAIRLEOIR

In the first instance, the serving cathaoirleach at the time of the first election to the role of DEM, will automatically become the príomh comhairleoir until the end of the term which they would have served, had there been no election.

The príomh comhairleoir will be an ex officio member of the Corporate Policy Group (CPG). The CPG will be chaired by the DEM. If the DEM is not available, the príomh comhairleoir will chair the meetings.

IAGR 5. CORPORATE POLICY GROUP

The DEM will chair the Corporate Policy Group.

The DEM should attend all plenary meetings but, at a minimum, must attend the Annual General Meeting and the Budget meeting each year. Unlike the rest of the elected members, the DEM is a full time salaried role, and it is expected that they would be available to attend all meetings in the normal course of events.

IAGR 6. LEADER OF THE LOCAL AUTHORITY

The DEM will be responsible for most of the duties¹⁰ that are currently vested in the Cathaoirleach outside of the council chamber.

¹⁰ These will be predominantly civic duties

3.4 THE DEM AS EXECUTIVE HEAD OF THE LOCAL AUTHORITY

As outlined in the detailed policy proposals document the DEM will be responsible for the preparation of reports to the elected council, including the annual report, reports on the performance of executive functions and the implementation of the elected council's directions relating to its reserved functions. (An illustrative (non-exhaustive) list of roles and responsibilities is at Appendix C).

The DEM will be responsible for providing advice and assistance on reserved functions to the elected council, and will be supported by the executive in this regard. The DEM will also be responsible for providing advice and assistance to the corporate policy group, the strategic policy committees, and local community development committee.

The DEM will be responsible for acting on the local authority's behalf in legal actions or proceedings in most cases¹¹.

The DEM will replace the chief executive as the person responsible for ensuring that all lawful directions of the elected council in relation to the exercise and performance of the elected council's reserved functions are carried into effect.

The DEM will remain responsible for the performance of functions but will assign responsibility for the performance of such functions to the chief executive, who will in turn ensure that functions are performed by the appropriate grade or grades of officers.

In practical terms, similar to a Government Department, local authority functions will be carried out on behalf of the DEM by local authority staff. The chief executive will hold responsibility for assigning tasks to local authority staff to ensure that the DEM's decisions in relation to his or her executive functions are implemented.

The DEM will ensure the implementation of the decisions of the elected council and municipal districts in relation to their reserved functions and will report to the elected council or municipal districts, as appropriate, on the implementation of those decisions.

¹¹ The DEM will not act in cases arising from specified functions

3.5 ASSIGNMENT OF FUNCTIONS

In accordance with the Local Government Act 2019 (Part 6, section 39) and the Government's detailed policy proposals, the people of Limerick will directly elect a Mayor who will be responsible for "some or all" of the functions currently carried out by the chief executive.

3.3.2 EXECUTIVE FUNCTIONS – IN PRINCIPLE

It is proposed that, as a starting point, responsibility for executive functions could be transferred to a directly elected mayor.

- This initial position will be modified to accommodate identified exceptions.
- This approach is flexible, to fit the potentially different ranges of services carried out by different local authorities, and starts from the point of assigning maximum responsibility to a democratically elected mayor.

Given the potentially very wide range of functions which may be performed by local authorities, including many operational and highly technical matters, the directly elected mayor's role will need to be supported by a chief executive officer

Vig 5: Directly Elected Mayor with executive functions: Detailed policy proposals March 2019

In order to provide clarity, and determine responsibility, it is necessary to define what functions are being carried out, and by whom.

- **Reserved Functions** are, and will continue to be the responsibility of the elected council. Reserved functions that currently rest with the elected council will remain with the council. The DEM will become an ex officio member of the council, and will be subject to the same rights, responsibilities and duties as any other elected member.
- **Mayoral Executive Functions** are executive functions previously the responsibility of the chief executive, but now transferred to the DEM. While the DEM will retain overall responsibility for the functions, they will assign the performance of the functions to the chief executive.

- **Specified Functions**, will be those functions currently vested in the chief executive which will not transfer to the DEM, but remain the responsibility of the chief executive. Specified functions will be provided for in legislation, and the chief executive will be directly accountable to the council in relation to the performance of same. As per the Government's policy proposals, such "specified functions" include
 - *managing and accounting for the council's finances;*
 - *All HR and local authority staffing matters;*
 - *administration of individual schemes and allocation of individual grants;*
 - *legal proceedings and enforcement matters relating to the above.*

It is considered inappropriate for the DEM to have involvement in individual matters, cases, applications, or grants.

The DEM will be legally responsible for the performance of the executive functions of the local authority which are assigned to him or her similar to the responsibility attached to the office of Government Minister for the functions of his or her Department. It will be the chief executive's duty to advise and support the DEM in the performance of any functions conferred on the DEM.

3.3.7 FINANCE FUNCTIONS

It is proposed that the directly elected mayor would be responsible for drafting the local authority's annual budget and working to achieve its adoption by the elected council.

It is proposed that the chief executive would continue to have responsibility for executive functions relating to the management of the local authority's accounts and financial statements under Part 12 of the Local Government Act 2001 (as amended), and the code of practice issued by the Minister under section 107 of the Act. The chief executive would be accountable for the local authority's use of funds and related matters

Vig 6: Directly Elected Mayor with executive functions: Detailed policy proposals March 2019

The DEM may delegate responsibility for the performance of Mayoral executive functions to the chief executive.

IAGR 7. SEPARATION OF FUNCTIONS

- **Mayoral Executive Functions will be executive functions previously carried out by the chief executive, which will be transferred to the DEM.**
- **Specified Functions will be those functions currently vested in the chief executive which will not transfer to the DEM, but remain the responsibility of the chief executive.**

3.6 MAYORAL EXECUTIVE FUNCTIONS

Limerick city and county council is the authority responsible for local government in Limerick. It serves a resident population of 194,899 (2016 Census). Limerick city is the third largest city in the Republic and is at the centre of the Mid-West.

The purpose of this section of the report is to outline the extent of existing executive functions that will transfer to the DEM upon election. It is not intended to be a full examination, but an overview highlighting the depth and breadth of the responsibility that will transfer to the DEM as a mayoral executive function, or remain under the direct control of the chief executive as a specified function.

In Part Four, the IAG will set out its proposals for a range of additional functions that it is recommending be remitted to the DEM.

IAGR 8. ASSIGNMENT OF FUNCTIONS

While the DEM will retain overall responsibility for the functions, they will delegate responsibility for the performance of the functions to the chief executive.

The Government proposals set out the following principles:

3.2 Proposed role of directly elected mayor with executive functions:

The directly elected mayor will **not** have a role in:

- The performance of certain executive functions currently exercised by the chief executive insofar as they relate to individual instances of those functions, e.g. allocating social housing to individuals or families, or approving individual planning applications, or granting licences or permits. These functions will remain the legal responsibility of the chief executive, and be carried out in line with policies approved by the council.
- Enforcement matters insofar as they relate to individual instances, such as planning enforcement. These functions, as at present, will be carried out by the chief executive, in line with policies approved by the council.

Vig 7: Directly Elected Mayor with executive functions: Detailed policy proposals March 2019

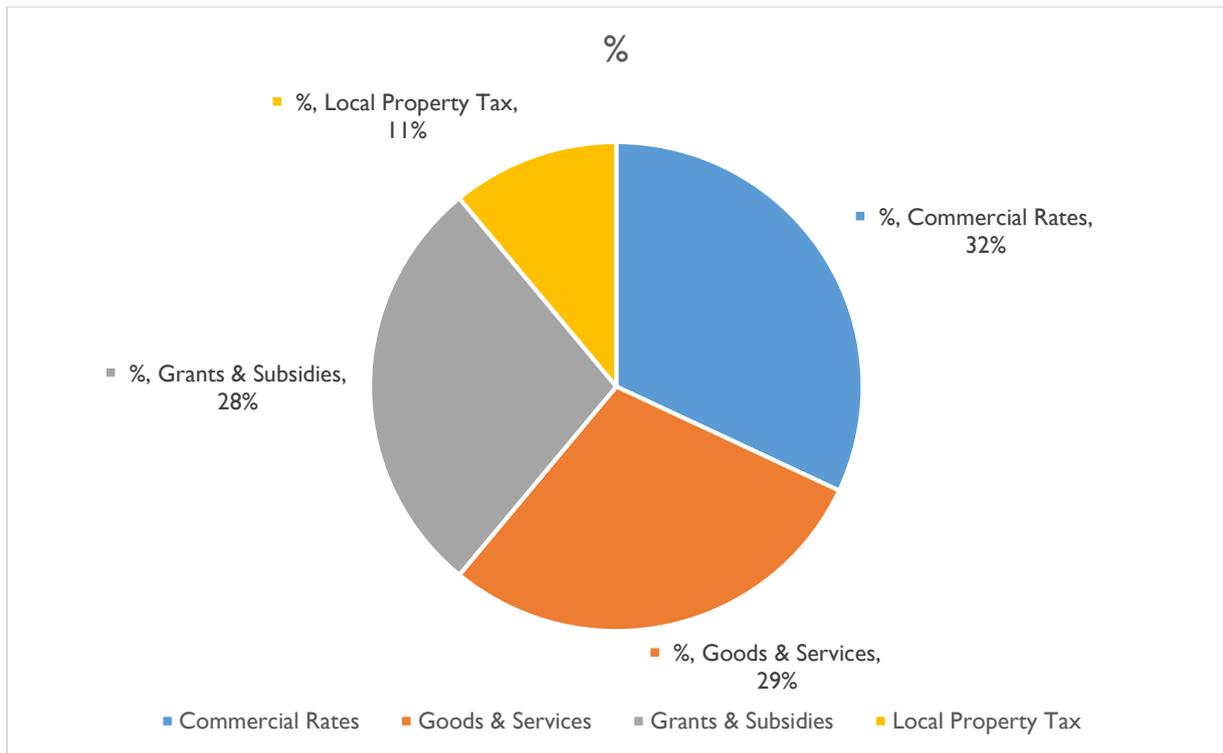
3.7 BUDGET OVERVIEW

The adoption of an annual budget is the single most important function of the elected council, as the budget facilitates the delivery of all local authority services. The DEM will be responsible for a combined revenue and capital budget in excess of €1 billion.

3.7.1 REVENUE/CURRENT EXPENDITURE

Limerick city & council has an annual operating budget of €825 million (which includes €641 million for HAP Shared Service Centre) Revenue/Current expenditure. The HAP Shared Service Centre is provided by Limerick city & county council on behalf of 31 local authorities and the Department of Housing, Planning, Local Government & Heritage and its costs are fully recoupable from the Department. Excluding HAP Shared Service Centre, income for the provision of these services comes from four main sources as indicated below.

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Sources of Revenue Income (excluding HAP SSC)

3.7.2 CAPITAL EXPENDITURE

The council's capital programme is drafted on a 3-year basis. The 2020-2022 programme indicates capital expenditure of nearly €800m for the period with expenditure of €217M for 2020. Income for capital expenditure comes mainly from government grants but can also include loans, development levies or revenue provision.

3.7.3 DELIVERING THE SERVICES

Local Authorities provide a wide and diverse range of over 600 services to the public. These services in Limerick are provided through a workforce of approximately 1,350 situated across various locations in the Metropolitan and the Municipal Districts. For accounting purposes, the services are divided into eight Divisions. Table 1 below indicates the revenue and capital budget for 2020 by Division.

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Division	Revenue Budget 2020	Capital Budget 2020
A - Housing & Building	€39,690,353	€114,359,115
A - HAP Shared Service Centre	€641,786,083	
B - Road Transport & Safety	€44,249,403	€49,218,000
C - Water Services	€15,911,668	€1,646,667
D - Development Management	€20,770,097	€21,811,309
E - Environmental Services	€33,329,584	€18,995,969
F - Recreation & Amenity	€14,458,951	€5,325,781
G - Agriculture, Education, Health & Welfare	€1,380,672	€100,000
H - Miscellaneous Services	€13,831,452	€5,598,051
Total	€825,408,263	€217,054,892

Analysis of Expenditure by Division

3.8 EXECUTIVE FUNCTIONS BY SERVICE DIVISION.

3.8.1 DIVISION A: HOUSING AND BUILDING

Contained within the housing and building division is social housing supply (construction, acquisition and leasing) as well the maintenance and allocation of homes. Limerick city & county council operates the HAP Shared Centre on behalf the 31 local authorities and the Department of Housing, Planning, Local Government & Heritage. The revenue budget for the division for 2020 is € €681.4M with the HAP Shared Service Centre accounting for €641.7M of this total. The capital budget for 2020 is €114.3M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Maintenance of LA housing including traveller accommodation Estate maintenance Assessment of Housing Needs Rent Scheme and Assessment Process Tenancy Management including evictions Homeless Services Voluntary Housing Management of HAP Shared Service Centre	Housing Allocations Debt Management - Rent & Loans Housing Grants & loans Determination of housing applications
Capital Programme	
Housing construction & acquisition programme Approved Housing Bodies Programme Land Activation Planned Housing Maintenance Programme	

3.8.2 DIVISION B: ROAD TRANSPORT & SAFETY

Contained within the road transport division is all work on road maintenance and improvement including public lighting and traffic management. The revenue budget for the division for 2020 is €44.2M. The capital budget for 2020 is €49.2M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
National Primary & National Secondary maintenance & improvement Local road maintenance & improvement Public Lighting Traffic Management Road Safety Promotion Maintenance & management of car parking Parking charges Enforcement	Grant applications e.g. CIS
Capital Programme	
Various projects including Coonagh Knockalisheen Distributor Road, Foynes Limerick Road, M20 Cork to Limerick Scheme	Individual compensation negotiations on CPO's, land acquisition

3.8.3 DIVISION C: WATER SERVICES

Contained within the water division is the service provided by the council to Irish Water under a Service Level Agreement. The budget now largely covers the payroll for 139 full time staff equivalents and is recouped from Irish Water. The revenue budget for the division for 2020 is €15.9M. The capital budget for 2020 is €1.6M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Management of SLA with Irish Water Administration of Group & Private Installations Operation & Maintenance of Public Conveniences	Approval to private house well grants Remediation of Domestic Lead Grants
Capital Programme	
Upgrade of Non Irish Water Assets Group Water Schemes Design & Build	

3.8.4 DIVISION D: DEVELOPMENT MANAGEMENT

Contained within the development management division are all the services that drive the economic and spatial development of Limerick. The revenue budget for the division for 2020 is €20.7M. The capital budget for 2020 is €21.8M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Preparation of Development Plan, Local Area Plans and planning contribution scheme. Propose developments for Part VIII's Tourism Development & promotion Urban & village renewal EU Projects Limerick Local Enterprise Office Limerick Community Development Committee (LCDC) Conservation Services Property Services	Planning Control & enforcement Building control & enforcement Approval to LEO grants Conservation Grants Individual compensation negotiations with CPO's Enforcement in regard to derelict sites and vacant sites
Capital Programme	
Limerick 2030 Economic & Spatial Plan Leader Programme Various projects including Mungret Master planning, Upgrade Great Southern Greenway, Town & Village Renewal Scheme	

3.8.5 DIVISION E: ENVIRONMENTAL SERVICES

Contained within the environmental division are the services that help to protect and enhance our environment. The revenue budget for the division for 2020 is €33.3M. The capital budget for 2020 is €18.9M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Landfill operations & aftercare Recycling facilities Litter control services and enforcement Environmental awareness services Street Cleaning Service Waste regulations monitoring and enforcement Operation of Burial Grounds Civil Defence Emergency Planning Water Safety Dangerous buildings & derelict sites Fire & emergency Service Water Quality Management Climate change & flooding Preparation of Section 26 Fire & Emergency Service Plan	Waste Management Plan Management of Southern Region Waste Management Office Approval of individual grants under Refuse Waiver Scheme Licensing of air & noise Fire safety control certificates
Capital Programme	
Upgrade & equipment for Fire & Emergency Service including Civil Defence New & Improvements to Burial Grounds Flood relief schemes	

3.8.6 DIVISION F: RECREATION & AMENITY

Contained within the recreation and amenity division are the services relating to recreation & amenity such as Library and Art & Culture Service, public parks and playgrounds. The revenue budget for the division for 2020 is €14.4M. The capital budget for 2020 is €5.3M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive
Revenue Budget	
Leisure facility operations Library & Archive Service Parks & Playgrounds Administration of Arts & Culture Programme Limerick city Gallery of Art Festivals & Events Museum Operations	Community Grants
Capital Programme	
Various Projects including NCW Athletics Hub, West Limerick Tourism Gateway	

3.8.7 DIVISION G: AGRICULTURE, EDUCATION, HEALTH & WELFARE

Contained within the agriculture, education, health and welfare division are services such as Food Safety, Dog Warden, Horse Control, and Higher Education Grants. The revenue budget for the division for 2020 is €1.3M. The capital budget for 2020 is €100,000.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Contributions to Joint Drainage Bodies Operations of piers Veterinary Services Operation of Dog Warden Service Horse Control School Meals	Payment of Higher Education Grants
Capital Programme	
Equine, education & therapy programme	

3.8.8 DIVISION H: MISCELLANEOUS SERVICES

Contained within the miscellaneous division are a number of Corporate Services but it also contains Motor Taxation and Local Representation Services. The revenue budget for the division for 2020 is €13.8M. The capital budget for 2020 is €5.5M.

Executive function areas transferring to the DEM	Specified function areas remaining with the chief executive.
Revenue Budget	
Machinery & Stores Account Administration of Rates Franchise Operation of Morgue Operation of Weighbridges Casual Trading Local Representation Services Motor Taxation Digital Services and Information & Communications Technology (ICT) Customer Services & Finance Department including: Prep of Annual Budget & Capital Prog Corporate Services & Governance Preparation of Corporate Plan, Annual report, Service Delivery Plan Reports on the implementation of the elected council's directions relating to its reserved functions Provide advice to council on policies Acting on the LA behalf in legal matters or proceedings	Audit Committee Health & Safety Accounting Officer Use & assignment of resources including funds and personnel Provide advice to DEM Provide advice to council in relation to specified functions Legal proceedings in relation to individual schemes or grants
Capital Programme	
Various projects incl replacement plant & machinery, Corporate building works, CCTV	

3.9 THE MAYOR'S PROGRAMME FOR LOCAL GOVERNMENT IN LIMERICK

The DEM will develop a "*Programme for Local Government in Limerick*" which will be presented to the elected council for approval. This programme will set out the DEM's vision and ambitions for Limerick city & county at a strategic level within the confines of national policy and will span the term of the Mayor.

This programme will be a 3 – 5 year, high level, jointly agreed programme of political priorities setting out an agreed vision for Limerick city & county, as well as the DEM's objectives for their term in office.

The programme will

- specify the key objectives, outputs and related strategies (including strategies relating to the use of resources of the local authority) of the Mayor, and
- specify the strategies and policies that the DEM intends to pursue, and the measures that they intend to adopt, in furtherance of the general objectives of the local authority.

The DEM shall, in the preparation of the Programme, have regard to the policies of the Government and resources available to Limerick city & county council for the provision of public services within the administrative area.

IAGR 9. THE MAYOR'S PROGRAMME FOR LOCAL GOVERNMENT IN LIMERICK

The DEM will develop a Programme for Local Government in Limerick which must be presented to the elected council for approval. This is a high level overview of the ambitions for Limerick city & county.

Future mayors, elected at the same time as the regular local government cycle will produce a Programme within 3 months of the formation of the council. This Programme will be a strategic high level overview of the DEM's ambitions for Limerick city & county, while remaining within the overarching principles of national policy. The Programme will form the basis from which the statutory corporate plan will flow.

However, as the first DEM will be elected mid-cycle, the Programme will have to complement the existing corporate plan, and be framed within the existing budgetary provisions. The first elected DEM may seek to vary the existing corporate plan, with the agreement of the elected council.

IAGR 10. CORPORATE PLAN

The first DEM's programme for local government will complement the council's existing corporate plan. Future Mayors will produce their programme for local government first, and the corporate plan will flow from it.

Every year the DEM will produce an annual performance statement, similar to the service delivery plan outlining progress relating to the programme. This will provide an update on achievements during the past year and an indication of projected outputs for the coming year. Key performance indicators will be measured against the annual performance statement.

A review of statutory reporting requirements will be carried out to ensure there is no duplication or unnecessary reporting overload.

The DEM will be responsible for a range of other corporate activities including drafting for adoption by the elected council of

- The schedules of municipal district works (under Section 103A of the 2001 Act as (amended));
- The fire and emergency operations plan (under section 26 of the Fire Services Act 1981).

3.10 SETTING THE BUDGET

The adoption of an annual budget is the single most important function of the elected council, as the budget facilitates the delivery of all local authority services.

The detailed policy proposals document acknowledges this fact and further states that the DEM would be responsible for the drafting of the local authority annual budget and would work to achieve its adoption by the elected council. The DEM, supported by the executive, will work with Municipal Districts and the Corporate Policy Group in drafting the budget

3.10.1 THE ORIGINAL POLICY PROPOSAL

In view of its significance, it is important to ensure that the passing of the annual budget by the elected council is prioritised. For that reason, the detailed policy proposals outlined contingencies for a potential failure to reach agreement within the elected council on the budget proposed by the DEM.

The contingencies proposed were as follows:

- The draft budget proposed by the DEM would be considered adopted unless two-thirds of the elected council vote against it.
- Existing provisions whereby the Minister can direct the elected council to amend the annual budget, if insufficient, should remain in place and be extended to allow the Minister direct the DEM to propose a sufficient budget.

The rationale for the original proposal that the budget would pass unless there is a two-thirds council majority vote against it was primarily to ensure that the budget would pass each year. This would ensure continuity of service delivery at local authority level and respect the DEM's democratic mandate, while ensuring that the elected council continues to have a central role in the budget making process, using an active rejection approach.

It also reflects the view that the DEM will be elected as leader of the local authority with a mandate from the entire administrative area. The DEM should therefore be afforded the opportunity to exercise that mandate to the fullest extent within the confines of national policy.

3.10.2 THE IAG PROPOSAL FOR THE BUDGET PROCESS

In examining this proposal, the IAG recognised that, while the concept of a vote to positively reject a motion, budget or policy may be common in other jurisdictions, for example, in England, it would be very new to local government in Ireland.

The IAG raised particular concerns about the possibility that an annual budget proposed by the DEM could be adopted with the support of only one-third of the elected council. While this may have been considered a failsafe to ensure the passing of the budget in the original policy proposals, the Group felt that it could result in particularly strained relations between the DEM and the elected council. It was also seen as undermining the democratic role of the elected council in exercising its reserved functions and its primacy in the local authority, including by hampering the council in its oversight role of the DEM.

The strong record of Limerick city and county council in reaching agreement on its annual budgets was acknowledged by the Group.

For that reason, the IAG recommends a significant modification to the detailed policy proposals document: namely, the budget process should remain as at present, that is, the annual budget should be passed by a simple majority of the elected Council. In this way, the process for agreeing the budget as set out in Section 102 and 103 of the Local Government Act 2001 (as amended) would remain, except that responsibility for the preparation of the annual budget would transfer to the DEM.

IAGR 11. THE BUDGET PROCESS

The DEM will be responsible for drafting the budget for the approval of council.

The budget will pass once it is approved by a simple majority of the elected Council.

3.10.3 FAILURE TO AGREE A BUDGET

Current provisions for the failure to agree a budget will remain unchanged.

The provisions of Section 216 of the 2001 Act (as amended) regarding the removal of the elected council from office would remain, and will be extended to include the DEM, but only insofar as it relates to the DEM's position as an ex officio member of the council. In the event that a council is removed by the Minister, the DEM will continue to serve as head of the executive until the next local election.

3.11 THE DEM AND THE MUNICIPAL DISTRICTS

3.11.1 A NEW ROLE FOR MDS

The creation of a new administrative framework in Limerick is an opportunity to strengthen the Municipal Districts and bring local government to its most discrete component. The new Programme for Government (PfG) gives a commitment to examine the devolution of more powers to local authorities, and to strengthen and enhance local democracy. This is an opportunity to define a different plenary/MD relationship, leading to expanded decision making powers for councillors at MD level. New powers and responsibilities will come from two discrete initiatives:-

- a) those arising from the commitments in the PfG, which will ultimately apply to every local authority and
- b) Additional powers and responsibilities conferred on the MDs in Limerick city & county as a result of having a DEM.

In the case of a) above, any new powers and responsibilities should be rolled out in the first instance in Limerick city & county. The DEM will have a statutory role in identifying the new roles and responsibilities and will provide leadership in representing the council's interests in discussions with central government on this matter. Each central Government Department will engage directly with the DEM in that regard.

Local Boards in Auckland

The local authorities examined by the group were mainly unitary authorities. However, **Auckland council** comprises 21 local boards, which are part of the council but which exercise separate functions from the council.

- Local board chairs or their nominees may speak at meetings of Auckland council on matters relevant to their local board area, but do not have voting rights on the council.
- The of Auckland council is not a member of any local board, and has no role in decision-making at local board level.

Vig 9: local authority unitary authorities

In the case of b), the introduction of additional powers and responsibilities to the DEM will bring additional responsibilities to the plenary council, particularly in the role of oversight. As a consequence of this, the opportunity arises to devolve even more responsibility to the MD level, thus relieving the workload at plenary level but also pushing responsibility to the level closest to where services will be delivered.

3.11.2 THE DEM'S ROLE AT MD MEETINGS

The DEM is not elected to represent a specific municipal district (MD) and is therefore not a member of any MD. However, as head of the local authority, the DEM may attend any MD meeting, for example, to explain a relevant policy proposal, and will have speaking rights. The DEM will not have a vote at any MD meeting.

At Municipal/Metropolitan District meetings, designated officials will represent the DEM as required, in relation to the implementation of council policy and the performance of executive functions, and will represent the chief executive in relation to the performance of specified functions.

IAGR 12. SPEAKING RIGHTS AT MUNICIPAL DISTRICT MEETINGS

The DEM will have speaking rights at MD meetings but will not have voting rights and will not be a member of any particular MD.

3.12 THE ROLE OF THE ELECTED COUNCIL IN THE NEW STRUCTURE

Section 131 of Local Government Act 2001 provides the legal basis that allows an elected council to perform reserved functions. This will not alter in the new administrative framework. The elected council will continue to have responsibility for and make decisions in relation to its reserved functions.

IAGR 13. VOTING RIGHTS WITHIN THE COUNCIL

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 first duty of the elected council will be the election of a príomh comhairleoir. Certain reserved functions currently vested in the Cathaoirleach will transfer to the DEM. These are mainly representational matters and oversight of the chief executive.

Elected councils play a central role in local government in many jurisdictions

In **Auckland council**, the elected members form the decision-making body, and also perform a representative role. The council adopts budgets, the Auckland Plan, and other strategies and policies for Auckland, as well as making decisions in relation to inter alia financial matters, the acquisition and disposal of assets, the appointment of the chief executive, and the governance of council-Controlled Organisations.

In **Flensburg**, the elected council is the body responsible for setting the council's policy framework and making decisions. The directly elected Lord Mayor reports to the council, although the council cannot impose disciplinary measures upon him or her. The council may delegate responsibilities to committees or the Lord Mayor, but there are some non-delegable decisions which the council must make itself (e.g. certain planning matters, the pay and conditions of city staff, certain decisions with financial implications over a certain limit). There is a Main Committee of councillors which oversees the work of the Lord Mayor in implementing the council's decisions, as well as coordinating the work of committees and preparing decisions for the elected council's approval. The council of Elders (Ältestenrat), which consists of councillors, supports the city President (who chairs the meetings of the council) and provides a forum for discussion between the political parties.

In **Bristol city council**, the elected council is responsible for agreeing the Policy and Budget Framework. The Mayor, council and staff work within the Framework. Councillors also perform a representative role. The elected council is responsible for decision-making. The council may delegate some decisions to committees or to members of the local authority's staff, but some decisions may only be made by the elected council itself. Decisions made by the Mayor and Cabinet may be 'called in' by Oversight and Scrutiny Committees or Commissions of the council for further deliberation. Oversight and Scrutiny Committees or Commissions also oversee the work of the Mayor and Cabinet via, and help with policy review and development.

The elected council of the **city of Spokane** and its President are the city's legislature. They make ordinances, including the 'budget ordinance', and vote on resolutions; ordinances may be proposed by a number of parties, including the members of the council and the citizens of Spokane. Councillors may request information from members of staff but may not otherwise give instructions to staff. The council may levy taxes subject to certain limitations. *Certain appointments are approved by the city council, including the city Attorney and city Clerk. The city council may also hire administrative staff (who are not considered civil servants) to support its work.*

Vig 10

3.12.1 THE COUNCIL'S ROLE IN THE OVERSIGHT OF DEM

The elected council is the body with responsibility for oversight of the mayor in the performance of their functions (Detailed Policy Proposals - ref 4.3, 5.1).

In principle, the measures currently in place for oversight of the chief executive by the elected council will also apply to the DEM. For example, the monthly chief executive's report would now be the responsibility of the mayor. However the chief executive will continue to report in relation to specified functions.

The provisions of sections 138 to 140 of the Local Government Act 2001 will continue to apply, and will be extended to cover the DEM in the performance of reserved functions on behalf of the elected council. This is reiterated in the detailed policy proposals which state that:

- the elected council should be able to direct the mayor to refrain from doing a particular act

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- The powers under section 140 of the Local Government Act 2001 (as amended) to require that a particular thing be done should remain with the elected council.

Legislation, which mirrors the existing provisions of section 138 to 140 will be drafted so that, insofar as it relates to reserved functions, the elected council can instruct that something be done or not done.

The role of National Oversight and Audit Committee (NOAC) as it relates to the chief executive will be extended to encompass the DEM.

IAGR 14. OVERSIGHT

The mechanisms for oversight currently exercised by the elected council in relation to the chief executive, such as the monthly chief executive's report, will apply to the DEM.

3.12.2 QUESTIONING THE DEM

The detailed policy proposal states that the DEM would be obliged to have question and answer sessions on a regular basis, similar to Leader's Questions in the Houses of the Oireachtas, which would allow the elected council to obtain information from the DEM and hold the DEM politically accountable in a formal, public way and provides a visible and public means of demonstrating accountability.

Such scrutiny of the DEM's performance is a vital element of the checks and balances that the elected council must undertake as part of the oversight role.

It is not intended to limit the DEM's performance by making the DEM formally answer for every decision, rather it is an opportunity for the DEM to fully articulate the strategies for which the DEM has been mandated by the public to implement.

A protocol setting out how questions are submitted for consideration by the CPG, will be drafted into standing orders.

The standing orders will set out that the questions must be relevant to

- The local authority's performance of its functions;
- The Mayor's performance of the role;
- progress on key elements of the DEM's programme for Local Government in Limerick;
- General policy issues concerning the administration of Limerick city & county council

It is important that a balance is struck between proper oversight of the DEM in the performance of the role and the need to allow the DEM the time to carry out the responsibilities without an overburdened reporting structure. It will be up to the príomh comhairleoir to decide on the day if follow-up questions are in order, on topic and how much time they are allotted.

The current protocol of councillors submitting written questions will continue.

IAGR 15. QUESTIONING THE DEM

- **As part of the oversight role of the council, the DEM would be obliged to have question and answer sessions on a regular basis.**
- **A protocol for this session will be developed by the CPG.**

3.13 VACANCIES

A vacancy can occur when the DEM

- resigns from office (or dies in office);
- is removed from office;
- Is recalled by way of a petition plebiscite¹²;
- Is disqualified from holding office.

¹² See Part 8 of this report

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In any case where at the time a vacancy occurs, and the remaining term of office exceeds 6 months, a new mayoral election shall be held to fill that vacancy. This election will take place within 6 months of the date upon which the vacancy occurred.

A new Mayor elected in such an election will only hold office for the remainder of the normal term of office (assuming that the individual is also not subject to removal or recall), to ensure synchronisation with the local electoral cycle. For the avoidance of doubt, the next mayoral election will take place at the same time as the next local elections.

The príomh comhairleoir will carry out the functions and duties of the DEM until the special election is held. If there is less than 6 months remaining in the term, the election is not held, and the functions and duties are carried out by the príomh comhairleoir until the next local electoral cycle.

The elected council will elect an acting príomh comhairleoir during this interim period, to ensure the roles of chair within the chamber (príomh comhairleoir) and elected head of the executive (DEM) are not vested in one individual.

IAGR 16. FILLING A VACANCY

In the event of a vacancy arising in the role of DEM, the príomh comhairleoir will carry out the roles and functions of the DEM until the vacancy is filled.

3.14 RESIGNATION FROM ROLE OF DIRECTLY ELECTED MAYOR

The DEM is a member of the council only by virtue of holding the office of directly elected mayor. The DEM is not a councillor, although they may share some of the same functions and duties. As such, the DEM cannot resign the post of DEM but retain membership of the council.

The DEM may resign from that office by notice in writing signed by them and delivered to the príomh comhairleoir and elected council. The DEM must give one month's notice of their intention to resign.

The DEM is a member of the council only by virtue of holding the office of DEM, and all rights, privileges associated with being a member of council will cease when the DEM ceases to be Mayor.

3.15 DISQUALIFICATION FROM OFFICE

The detailed policy document proposed that the disqualifications from local authority membership under section 13 of the Local Government Act 2001, as amended, should be applied to the office of directly elected mayor.¹³

3.16 CONFLICT OF INTEREST

The terms of the Ethical Framework for the Local Government Service as set down in Part 15 of the Local Government Act 2001, as amended, must apply to the DEM. These include but are not limited to provisions relating to standards of integrity, declaration of interests, disclosure of pecuniary or other beneficial interests, offences and disqualification due to offences under the Framework. The IAG also recommends that the Minister should issue a Code of Conduct for the DEM under the Framework.

In addition, the office of DEM is deemed to be a full-time position. Accordingly, any person elected to the office of DEM will be required to give up, step down from, or put on hold any profession, business or remunerated position they hold where there is a potential conflict of interest.

¹³ See also Part 8 which considers measures for the removal and recall of the DEM

IAGR 17. CONFLICT OF INTEREST

The Ethical Framework for the Local Government Service will apply to the DEM. In addition, the DEM will be required to give up, step down from or put on hold any profession, business or remunerated position they hold upon election, where there is a potential conflict of interest. The Minister will also issue a Code of Conduct for a DEM.

3.17 WHAT ABOUT TEMPORARY VACANCIES?

The DEM may choose to delegate certain functions as they see fit. Certain ceremonial duties will be delegated to/carried out by the Cathaoirligh of the Municipal Districts in accordance with agreed protocols.

If the DEM is temporarily incapacitated by illness or is unable to perform their functions for another reason, they may delegate the performance of their role to the príomh comhairleoir. If the DEM is incapacitated such that they cannot communicate, the performance of the role will be carried out by the príomh comhairleoir.

As stated above, the elected council will elect a new acting príomh comhairleoir to ensure that executive control AND control of the chamber are vested in two separate individuals.

3.18 REMOVAL OF THE COUNCIL

Part 21 of the Local Government Act 2001 (as amended) provides that the Minister may by order *remove from office the members of a local authority if and whenever –*

- a) the Minister, after holding a public local inquiry into the performance by a local authority of its functions, is satisfied that such functions are not being duly and effectually performed, or*
- b) a local authority refuses or neglects to comply with a judgement, order, or decree of any court, or*

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- c) a local authority fails to comply with a requirement made by notification under subsection (1) of section 10A, within F264[14 days] after the date of notification, or*
- d) a local authority in the circumstances set out in subsection (6) of section 10A, adopts a revised estimate of expenses which is, in accordance with that section, insufficient, or*
- e) a local authority refuses or wilfully neglects to comply with any other express requirement which is imposed on it by or under any enactment including this Act, or*
- f) the members of a local authority are less in number than the quorum for meetings of such local authority.*

Where an order to remove a council is made in respect of a council with a DEM, the order shall extend to the DEM only and insofar as the DEM is an ex officio member of the council. The DEM will continue to act as head of the Authority, and will continue to perform all executive functions for which they are responsible, under the direction of a commissioner or commissioners appointed by the Minister.

3.19 THE COUNCIL'S ROLE IN OVERSIGHT OF THE CHIEF EXECUTIVE

The DEM will ensure the implementation of the decisions of the elected council in relation to its reserved functions, by overseeing the work of the chief executive. However, where the chief executive retains specific executive functions, existing oversight arrangements for the performance of those functions would continue to apply including those in respect of the elected council of the local authority.

The elected council will directly oversee the performance of the chief executive in relation to the "specified" functions which remain with them, in line with existing arrangements.

The elected council will continue to be responsible for the appointment, suspension and removal of the chief executive. The DEM will have a role in this insofar as the DEM is a member of the council.

3.20 A NEW ROLE FOR THE CHIEF EXECUTIVE IN THE NEW STRUCTURE

An executive mayor would have a similar relationship to the local authority chief executive as a Government Minister has to a Secretary General of a Government department, adjusted appropriately

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The detailed policy proposals state that the relationship between the DEM and the chief executive should be similar to the relationship between a Government Minister and the Secretary General of the Department for which the Minister is responsible.

It is recognised, however, that there are notable differences between the two settings. Although some Government Departments have significant operational functions, most Government Departments do not have as wide an operational remit as local authorities. Government Ministers, although usually directly elected *teachtaí dála*, are appointed by the Taoiseach and are members of a collective Government, whereas the DEM will be accountable to the elected council and to the electorate. In addition, while the Minister/Secretary General relationship is one of long standing legislation, custom and practice at the level of national government, it is a new concept at local government level.

The IAG recognises that, with a DEM with executive functions, there will be a need to redefine the role of the administrative head of the local authority. This will fundamentally alter the role of chief executive in Limerick city and county council, which will significantly differentiate the role from other local authority chief executives.

However, this also presents an opportunity to create a different, expanded post that will support, advise and complement the DEM, particularly where new functions, powers and associated funding are assigned or devolved to Limerick city and county council.

In addition to the effective and efficient running of the local authority as outlined in the Local Government Acts, the chief executive and executive team will be required to

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develop new expertise in policy across a wider range of topics, some not previously within the Local Government arena, on which the DEM can draw. The IAG anticipates that the DEM will rely significantly on the chief executive to advise, support and ultimately implement the transferred executive functions.

In line with the role of príomh comhairleoir being so titled so as to avoid legislative confusion with the term cathaoirleach, the IAG considers it appropriate to retitle the role fulfilled by the chief executive in Limerick for the purposes of avoiding legislative confusion, but also to differentiate it from the chief executives of other local authorities.

“Director General” would seem appropriate and in keeping with the subordinate directors of services who serve on the local authority senior management team.

The IAG also recommends that, to reflect the additional complexity of the new role of Director General (DG), but also to ensure that it remains attractive to high-calibre candidates in future, it is necessary to review the conditions attached to the position and increase the salary by one step on the local authority chief executive hierarchy pay scale.

IAGR 18. POST OF DIRECTOR GENERAL

The current position of chief executive will be retitled “Director General” to reflect the importance and complexity of the new relationship.

IAGR 19. REMUNERATION OF DIRECTOR GENERAL

To reflect the additional complexity of the new role of Director General, but also to ensure that it remains attractive to high-calibre candidates in future, it is necessary that the position and associated salary be advanced by one step on the local authority chief executive hierarchy pay scale.

3.3.8 STAFFING AND ORGANISATIONAL FUNCTIONS:

It is proposed that chief executives will continue to be responsible for staff-related matters, including appointments up to and including Director of Services level, and the mayor will have no role in this respect.

*Vig 12 Directly Elected Mayor with executive functions:
Detailed policy proposals March 2019*

In the new administrative framework in Limerick city and county council, the DG will be the principal or primary officer in the local authority, similar to a secretary general in a government department.

In the new administrative framework, the DG will be responsible for

- managing the local authority staff, finance and resources;
- contributing to the development of policy;
- implementing/delivering the DEM's policies;
- supporting the DEM in the implementation/delivery of council policies;
- monitoring national policies as they affect the local authority and
- delivering outputs as determined with the DEM.

The DG shall be accountable to the DEM in the performance of functions other than specified functions.

3.20.1 SUPPORTING THE DEM: ADVICE AND IMPLEMENTATION OF RESERVED FUNCTIONS

The DG will work with the DEM on the implementation of the strategic priorities in the Mayor's programme for local government in Limerick.

The DG will provide independent, impartial advice and support to the DEM on the implementation of the decisions of the elected council in relation to the council's reserved functions.

Advice provided by the DG to the DEM on reserved functions should also be provided to the elected council, and vice versa.

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The DG will deliver outputs as determined with the DEM in respect of the assigned executive functions.

The DG will advise the DEM on how specific elements of the responsibilities are to be assigned to local authority officials and will ensure that the functions performed on behalf of the DEM are performed by an appropriate officer of an appropriate rank or grade. The decision on the appropriate officer will remain with the DG.

As appropriate, designated officials will represent the Mayor in relation to the implementation of council policy and the performance of functions.

The officer to whom responsibility for the performance of a function is assigned shall:

- provide policy advice in relation to the subject-matter of the assignment and related matters;
- achieve the outputs specified in the assignment;
- assume responsibility for the statutory schemes or programmes specified in the assignment;
- assume responsibility for the efficient and effective delivery of quality services in respect of the area of the assignment;
- ensure that the expenditure made in respect of the area of the assignment accords with the purpose for which the expenditure was chargeable, and that value for money is obtained.

The local authority's management team will support the DG and the DEM in relation to advice and implementation of decisions.

In light of the importance of ensuring maximum clarity regarding the roles and responsibilities of the DEM and the Director General, and the distinct and critical contribution each is making, the IAG is recommending that a Protocol be developed setting out the principles underpinning the relationship between both positions.

IAGR 20. PROTOCOL ON RELATIONSHIP BETWEEN DEM AND DG

A Protocol will be developed, setting out the principles underpinning the relationship between the DEM and the DG.

The DEM's advisory team, including the DEM's special advisor, will also liaise with the local authority's management team.

3.20.2 SUPPORTING THE DEM: IMPLEMENTATION OF EXECUTIVE FUNCTIONS ON BEHALF OF DEM

It is proposed that chief executives would be responsible for advising the mayor and implementing the decisions of the mayor in respect of the executive functions held by the mayor, similar to the role performed by the Secretary General to the Minister.

The directly elected mayor will be responsible for ensuring that executive functions are performed effectively and efficiently. The chief executive will carry out these executive functions on behalf of the mayor.

Vig 13: directly elected mayor with executive functions: Detailed policy proposals March 2019

Executive functions are currently the responsibility of the chief executive. In some instances, there is legislation to provide for the "chief executive" to perform a function (for example, Section 46 of Local Government Act 2001 - "*The chief executive shall from time to time as may be necessary assign the duties of meetings administration to an employee*"). In other instances, the relevant section provides that the "*local authority shall...*" where there is no reference to a resolution, it is generally understood that the responsibility falls to the chief executive. All of these functions will transfer to the DEM, except where identified as *specified functions*.

An examination of how other Departments interact with local authorities has indicated that a number of executive functions carried out by local authorities may not have a specific legislative basis. Rather, the local authorities work directly with Government Departments via custom and administrative practice. Responsibility for this work in

Limerick will now fall to the DEM, who will be supported by the DG and management team.

The DG will be responsible for ensuring that the executive functions which the DEM may assign are performed by local authority staff and that the local authority's resources are appropriately managed.

The DG will examine and develop means that will improve the provision by the local authority of all local government services in a cost effective manner.

When attending meetings of the local authority, the DG will support the DEM. The DEM will speak on behalf of the performance of executive functions. The DG will speak on behalf of the performance of specified functions that rest with the DG.

3.20.3 SPECIFIED FUNCTIONS: FUNCTIONS RESTING WITH THE CHIEF EXECUTIVE

The chief executive will continue to be responsible for staff-related matters.

Vig 14: directly elected mayor with executive functions: Detailed policy proposals March 2019

Certain key executive functions, provisionally termed "*specified functions*", will not transfer to the DEM but will be the responsibility of the DG.

As per the Government's policy proposals¹⁴, such "specified functions" include

- managing and accounting for the council's finances;
- all HR and local authority staffing matters;
- administration of individual schemes and allocation of individual grants, including grants allocated to companies by Local Enterprise Offices (LEO) under the service level agreement between Enterprise Ireland and Limerick city and county council;

¹⁴ This list is not exhaustive. Further specified functions may be identified.

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- legal proceedings and enforcement matters relating to specified functions arising from the matters above.

This list is not exhaustive. Further specified functions may be identified.

The DG will be responsible for the day-to-day administration of the organisation, including routine operational matters generally.

The DG will be accountable to the elected council for the performance of specified functions in a manner similar to existing arrangements, including the use of “chief executive’s order” which will be retitled “Director General’s Orders”.

The DEM as a member of the elected council may have a role in holding the DG to account for the executive functions which remain with the DG, but will not otherwise oversee the DG’s performance of specified functions.

3.20.4 FINANCE AND THE ROLE OF ACCOUNTING OFFICER:

The Directly elected mayor would be responsible for drafting the local authority’s annual budget and working to achieve its adoption by the elected council. The chief executive would be accountable for the local authority’s use of funds and related matters.

Vig 15: directly elected mayor with executive functions: Detailed policy proposals March 2019

The DG will perform a role similar to that of Accounting Officer in a Government Department and will be answerable to the elected council in relation to local authority expenditure.

In this regard, current Financial Statement practices will remain the responsibility of the DG.

The provisions of Part 12 of the Local Government Act 2001, which provides for financial procedures and audit, will apply to both the DEM and the DG in relation to the areas of finance under their remit. The DEM will deal directly with the audit committee in relation to the performance of finance related executive functions, and

the DG will deal directly with the audit committee in relation to the performance of finance related specified functions.

The DEM with the agreement of the elected council will be responsible for setting the budget of the local authority and the DG will be responsible for managing the expenditure in implementing the decisions and policies of the DEM and the elected council.

The DG will advise the DEM on any issues affecting or connected with the Mayor's programme for local government in Limerick that gives rise to material expenditure whether or not it is included in the budget.

3.20.5 NEW FUNCTIONS AND RESPONSIBILITIES

The new Programme for Government gives a commitment to examine the devolution of more powers to local authorities, and to strengthen and enhance local democracy.

The DG will support the DEM in the identification and pursuit of such functions and responsibilities.

As mentioned above, where significant new functions, powers and funding are assigned or devolved to Limerick city and county council by virtue of the establishment of a DEM, the DG and executive team will be expected to develop new expertise across a wider range of policy areas, some not previously within the Local Government arena, on which the DEM will rely for advice and support. The role of the new DG in Limerick, although different to the role of chief executive in other local authorities, has the potential to be a significantly expanded role.

IAGR 21. RESPONSIBILITY OF THE DIRECTOR GENERAL

- a) The DG will be responsible for the effective and efficient administration and management of the local authority, including**
- i. particular financial responsibilities as Accounting Officer,**
 - ii. staffing and organisational responsibilities,**

- iii. providing advice to the DEM,
- iv. delivering outputs and outcomes, and
- v. being accountable before the elected council as required.

b) The DG will assign the performance of functions to local authority officials as appropriate and monitor that performance.

c) The DG will be responsible for the use and assignment of resources, including funds and personnel within the local authority.

d) There will be “specified functions” which will remain the responsibility of the DG. These will be identified in legislation.

e) Specified functions include

- i. managing and accounting for the council’s finances,
- ii. All HR and local authority staffing matters with the exception of the engagement of special advisors,
- iii. administration of individual schemes and allocation of individual grants;
- iv. legal proceedings and enforcement matters relating to individual schemes or grants.

The DG will be answerable to the council for the performance of those specified functions.

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Part 4. The Opportunity and Additionality

4.1 OVERVIEW OF THE ADDITIONALITY AND OPPORTUNITY

The introduction of a DEM with executive functions to Limerick will bring increased accountability and stronger leadership at local level. These facts enhance the case, or more importantly, drive a need to devolve power, functions and responsibility to local authority level in Limerick. International experience points to devolution going hand-in-hand with the creation of mayoral offices with increased State investment being provided as an incentive.

This part of the report identifies the areas of public policy which, in the opinion of the IAG, should be added to the remit of Limerick city and county council, under the leadership of the DEM. It also sets out proposals in terms of significant new institutional arrangements that the IAG believes would be required, together with suggested new instruments in respect of enhanced financial autonomy.

The areas of additionality would be divided into two broad categories:

- (a) Those areas which would transfer to the direct remit of Limerick city and county council, under the leadership of the DEM. This relates to the potential devolution or assignment on a statutory basis of public functions/services not currently performed by local government – that is, services provided in Limerick either by central Government Departments or state bodies or agencies – to the direct responsibility and control of Limerick city and county council, and
- (b) Those areas where executive powers would remain with central Government but with the DEM being assigned the status of statutory consultee in respect of the development of policy in those sectors as they affected Limerick. The IAG believes that, while the process of statutory consultation may vary according to the function or service in question, the concept should involve a legislative requirement for the DEM to be consulted by central Government on an ongoing basis on matters of policy affecting Limerick city and county. In a continuous process of engagement of this nature, the DEM would therefore have the right, opportunity and indeed obligation to input directly to and influence the making

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of national policy as it impacts Limerick. The DEM must exercise these statutory consultation functions in line with policies agreed by the elected council and advise the council formally of positions adopted.

These two elements of further specific functions, which could be either reserved or executive, which may not currently rest at local government level, would be devolved

Additionality and opportunity

In its 2013 report, 'Local democracy in Ireland' (available at: <https://rm.coe.int/local-democracy-in-ireland-recommendation-andris-jaunsleinis-latvia-l-/168071a75c>), the Congress of Local and Regional Authorities noted that while "important changes have been accomplished" in local government in Ireland, "local governments do not manage a substantial share of public affairs: local authorities are still waiting for a strong decentralisation effort and the delegation of relevant competences and financial independence to the local and regional level".

It can be seen in examples from other jurisdictions that local authorities can have responsibility for delivering relatively extensive suites of functions, including education, consumer protection and licencing, social welfare and employment matters, policing, and healthcare.

Vig 16 Additionality in previous government initiatives

or assigned by statute to Limerick city and county council by virtue of the local authority having a directly elected mayor with executive functions.

In outlining the comprehensive list (which follows) of additional roles and functions for Limerick with the establishment of a DEM, the IAG fully recognises that it is setting out the potential of the role of DEM in the broadest possible terms. A prioritisation of these additional functions may be necessary, at least in the short term. The IAG also acknowledges that the assignment or devolution of additional functions may be an incremental process, particularly as the DEM becomes a recognised leader for, as well as a trusted partner in, Limerick. It is clear then that the role of DEM can and must be permitted to evolve over time.

In that regard, the DEM will have a remit to formally review and identify functions currently carried out at central level that could suitably be performed at local level. Notwithstanding the legislative underpinning providing a mandate for specific

additional functions, the IAG also recognises that the mayor, by virtue of their electoral mandate, will gain authority and the right of leadership to speak on behalf of the people of the city and county, to convene stakeholders, coordinate local communities and advocate for particular interests for the benefit of Limerick. These are likely to include matters over which the DEM or the local authority currently has no direct legislative mandate or responsibility, like, for example, aspects of policing, health, etc. The IAG recommends therefore that a general right to convene stakeholders on issues, including in relation to matters under which the local authority currently has no direct mandate, should be provided for in law.

IAGR 22. DEM AS A CONVENER

The DEM will have the statutory power to convene stakeholders on issues that impact on Limerick, including in relation to matters for which the local authority currently has no direct mandate.

An effort has been made in this paper to examine the range of commitments in the current Programme for Government, particularly where these involve new policy proposals, and propose a specific role for Limerick city and county council and/or the DEM.

The IAG also acknowledges that, since 2015, Ireland has been a signatory to the United Nations Sustainable Development Goals (SDGs), which frame national agendas and policies to 2030. It is therefore appropriate that the UN SDGs should underpin the functions of the DEM in the widest terms. This is also an opportunity, given the strong political mandate of a DEM, for Limerick to take a position of leadership on the implementation at local level of the National SDG Implementation Plan.

The IAG also welcomes the proposal at paragraph 3.4 of the detailed policy proposals that

“at the end of each mayoral term of office, there would be a systematic Government review, to be laid before the Oireachtas, of powers

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assigned to the mayor. Strong performance by directly elected mayors could potentially strengthen the case for devolution of functions to local authorities... the mayor would be able at any point during his or her term of office to make a submission to the Government for further powers... The formal cyclical review of the mayor's functions would, however, make it a requirement for a dialogue to take place between the mayor and the Government about the functions that could and should be held by the mayor".

The IAG agrees that legislative provision should be made in this regard, but also that this review process should take place before the end of year 3 of each mayoral term so that, where legislative changes are required to reflect the assignment of any new functions, this can be enacted in advance of the next mayoral elections.

IAGR 23. GOVERNMENT REVIEW

A systematic Government review, to be laid before the Oireachtas, of powers assigned to the DEM should be carried out at the end of the 3rd year of the term so that any legislative amendments can be made in time for the commencement of the next term.

The IAG recognises that its proposals in this report amount to a new and different arrangement for Limerick city and county council as a result of the establishment of a DEM. This “**Limerick Deal**” would have several elements:

- The devolution of certain new roles and functions, with associated funding, to the local authority, which where appropriate would be set down in law;
- A legislative requirement for the DEM to be consulted on certain national policy matters as they affect Limerick ;
- Direct and formal access for the DEM to central Ministers;
- Significant financial autonomy for the DEM and elected council in relation to both the spending of central funds and the ability to raise revenue

independently, either through local charges and/or borrowing (subject to the public spending codes and the General Government Balance¹⁵);

- The DEM would have the capacity and mandate to negotiate and agree with Central Government on the financial aspects of the “Limerick deal”.

4.2 STATUTORY LINKS TO NATIONAL GOVERNMENT

The DEM will have a general advocacy role for the continuing reform, modernisation and transformation of local government in Limerick.

The IAG believe that it is vital that a new institutional structure must be created on a statutory basis to require and enable regular policy engagement between national Government and the Limerick DEM at political level.

The IAG recommends that this structure will be called the “Directly Elected Mayor Implementation Forum”. It would be chaired by the Minister for Housing, Local Government and Heritage and involve appropriate members of national Government, depending on the agenda, meeting with the Limerick DEM on matters of agreed mutual priority.

IAGR 24. ESTABLISHMENT OF DIRECTLY ELECTED MAYOR IMPLEMENTATION FORUM

- **A new institutional structure to facilitate a new interaction between Limerick and central government.**
- **Chaired at political level by the Minister for Housing , Local Government and Heritage.**
- **The forum will also meet regularly at official level.**

The task of the Forum would be to take an overview of, and facilitate, the implementation of the DEM project, and to identify and resolve issues that might arise. Standing items on the agenda would be:

¹⁵ General Government Balance is the overall difference between Government revenues and spending. It includes expenditure at national, regional and local level and is key to calculating compliance with European fiscal rules.

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- The implementation of directly elected mayor project in Limerick;
- Ongoing negotiation and reporting on the delivery of the “Limerick Deal”;
- The PI2040 Project Implementation in Limerick, including reports from the Limerick Delivery Board;
- Policy issues on which the DEM is a statutory consultee; and
- The devolution of new functions to the DEM as part of the review of functions.

The IAG recommends that the Forum should meet every six months. A small secretariat would be provided to the Forum, provided by the Department. The Forum would also meet regularly at official level between political-level meetings. (If the DEM initiative extends to other cities/counties, the Forum could be expanded accordingly).

The Minister would report to the Government on the work of the Forum after each meeting at political level.

The IAG also proposes that through this Forum the Government would assign a specific task to the DEM to achieve within the term of office, which would bestow more additionality on the role and involve prescribing a specific Government objective for the DEM, rather than simply splicing something from existing agency programmes. This could be, for example, require the DEM to work with Government to achieve Limerick’s ambitions for a National Institute for Infrastructure.

IAGR 25. ROLE OF THE DIRECTLY ELECTED MAYOR IMPLEMENTATION FORUM

The forum will oversee

- **The PI2040 Project Implementation in Limerick.**
- **Policy issues on which the DEM is a statutory consultee.**
- **Any additionality in relation to a specific Government objective.**

4.3 OTHER AREAS OF POTENTIAL ADDITIONALITY IDENTIFIED

The report sets out key new areas of policy identified by the IAG over which the DEM could have a direct and indirect role, and make a difference for Limerick. The elements of this list could be assigned to the local authority based on prioritisation of functions, but also the capacity of Limerick city and county council to deliver on those functions at the local level. The IAG also recognises that the role of DEM can expand incrementally.

4.4 PLANNING AND DEVELOPMENT

Section 3.3.4 of the detailed policy proposals document already provides for a role for the directly elected mayor in the area of planning and development, particularly “in strengthening public engagement in the development of strategic planning policy through the development plan and local plan making process”. This would be a specific executive function set down in the Planning and Development Acts.

The proposals also recognise that “there is an argument to be made for involvement in strategic planning at the regional or metropolitan level”. Building further on these proposals, the IAG proposes that consideration could be given to a number of additional strategic planning and development related functions that could be assigned to the DEM. These would be anchored in the context of the National Planning Framework (NPF), which provides a “place making” context, a legislative underpinning, a regulatory framework and a key national-level policy direction.

The IAG notes that the NPF and Project Ireland 2040 strategy set out the significant task of delivering accelerated employment-led city growth supported by critical infrastructure, at a pace and scale up to three times greater than that apparent in the preceding 25-year period, for Limerick. In addition, Limerick also has an extensive county remit, while the Limerick metropolitan area, as defined by the NPF, has important interdependencies with Co. Clare in terms of critical employment and strategic infrastructure, e.g. Shannon Airport, in Co. Clare.

As the DEM will be Mayor for all of Limerick, the planning and development functions must take full account of the development of both the city and county, the urban and the rural.

The IAG recognises the close alignment between the National Planning Framework and the UN SDGs, particularly in areas such as climate action, clean energy, sustainable cities and communities, economic growth, reduced inequalities and innovation and infrastructure, as well as education and health. The UN SDGs should underpin the functions of the DEM particularly in relation to the planning and development of Limerick city and county. This is also an opportunity, given the strong

political mandate of a DEM for Limerick to take a position of leadership on the implementation at local level of the National SDG Implementation Plan.

4.4.1 CHAIRING THE LIMERICK PI2040 PROJECT DELIVERY BOARD

At national level, the implementation of Project Ireland 2040 (PI2040) is overseen by a Project Delivery Board, which meets approximately every six weeks. The Board comprises the Secretaries General of each relevant Government Department, co-chaired by the Secretaries General of the Departments of Public Expenditure and Reform (DPER) and Housing, Local Government and Heritage (DHLGH). It is supported by a secretariat and Projects and Programmes Delivery Office, based in DPER. There is currently no equivalent body for any of Ireland's cities. This proposal attempts to address the matter in the context of the Limerick metropolitan area.

Irrespective of local authority or regional assembly administrative boundaries and the multiplicity of national agencies and bodies with responsibility for strategic development and investment, there is a need for a development board to lead the implementation of PI2040 in Limerick. This would mirror the PI2040 Delivery Board model and serve as the principal interface between local governance and the national-level PI2040 Delivery Board.

The purpose of a Limerick PI2040 Project Delivery Board would be

- to ensure the co-ordination of all strategic and spatial planning measures necessary to achieve the delivery of PI2040 city growth targets for Limerick¹⁶;
- to ensure the sustainable development of the rural areas of county Limerick, in line with the objectives of the NPF, RSES and Local Development Plan;
- to monitor progress, including development priorities for large-scale housing and regeneration, employment and enterprise and supporting infrastructure, amenities and investment in terms of transport, water services and climate action in particular.

The Limerick PI2040 Project Implementation Board will therefore have two distinct geographic areas of focus:

¹⁶ The NPF targeted city population growth for Limerick by 2040 is 141,000 (from 94,000 in 2016), i.e. a 50% increase in population

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- a. the Limerick Metropolitan area as defined by the NPF and Regional Spatial and Economic Strategy (RSES), the metropolitan area¹⁷ of Limerick city incorporates some of county Clare, including Shannon Airport (as an area critical employment and strategic infrastructure) and the suburban areas of Limerick city on the northern banks of the Shannon¹⁸ and
- b. the area of county Limerick outside the metropolitan area.

IAGR 26. THE LIMERICK PI2040 PROJECT DELIVERY BOARD

A new statutory development board, chaired by the DEM, will be created to oversee the implementation of PI2040 in Limerick.

The importance of ensuring that appropriate governance arrangements are in place between Limerick and Clare in relation to the development and implementation of the Limerick Metropolitan Area Strategic Plan (MASP) and other regional strategies, is highlighted by the Group. The mandate of elected representatives in both jurisdictions must be reflected and respected in any proposed new governance arrangements. This will allow the planned and coordinated development of the parts of the Limerick metropolitan area on both sides of the border. It would also ensure the place of Clare county council at the decision making table and give Clare a say in the population-led development of Limerick city.

Similarly, the role of the municipal districts in relation to the future development of county Limerick will be important to ensure the interests of the main towns and rural areas are fully represented.

The Limerick PI2040 Project Delivery Board should be chaired by the DEM, who would drive the implementation agenda.

¹⁷ This is distinct from the Metropolitan district of Limerick city as defined in Section 22(a) of the Local Government Act 2001 (as amended).

¹⁸ The boundary of this area is defined by the MASP, which forms part of the Regional Spatial and Economic Strategy for the Southern Region.

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Depending on the urban or rural agenda item, the Board would comprise representatives of both Limerick city and county council, including at municipal district level, and Clare county council, as well as key place-making stakeholders at a decision making level.

This would include:

- Cathaoirleach of Clare county council – for Limerick MASP matters;
- Cathaoirleach of the Shannon municipal district – Limerick MASP matters;
- Chief Executive of Clare county council – for Limerick MASP matters;
- Cathaoirleach of the Metropolitan district – for Limerick MASP matters;
- Cathaoirleach of the Limerick Municipal Districts – for rural Limerick matters;
- Director General of Limerick city & county council or appropriate nominees in respect of Planning/Economic Development/Infrastructure; and
- The Director of the Southern Regional Assembly, to ensure consistency with the Regional Spatial and Economic Strategy (RSES).

Depending on the matters under discussion at each Board meeting, it would also be necessary to include representation at the appropriate senior level from:

- The National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Irish Water (IW)
- Enterprise Ireland (EI)
- The Industrial Development Authority (IDA)
- The Land Development Agency (LDA)
- The Limerick Climate Action Regional Office
- Shannon Foynes Port Company
- Shannon Group PLC;
- Limerick Chamber of Commerce;
- Chair of Ibec Mid-West Regional Committee;
- The Third-Level Institutions in Limerick;
- Limerick Clare ETB;
- HSE/ULHG;
- Fáilte Ireland.

4.4.2 STATUTORY CONSULTEE TO THE PI2040 PROJECT DELIVERY BOARD

The IAG is of the view that a directly elected mayor chairing the Limerick PI2040 Project Delivery Board would influence the dynamic of any engagement with the PI2040 Delivery Board at national level. It would also provide a forum for the Mayor of Limerick to engage with the relevant Departments at a strategic level.

Reports of the Limerick Board should feed into the deliberations of the PI2040 Delivery Board at national level, allowing any common implementation issues to be surfaced and addressed, and progress to be reported to the PI2040 Delivery Board. As Limerick will be the first local authority with a DEM and also, most likely, the first with a statutory-based PI2040 Project Delivery Board, it will be an important test case for national policymakers. It will allow issues at city level to escalate quickly to the national level.

The IAG therefore recommends that formal engagement between the national PI 2040 Board and the DEM, as chair of the Limerick PI2040 Board, should take place at least every 6 months, with the national Board meeting the DEM in Limerick at least once per year. The IAG considers it essential that the DEM would be given the right in law to input to the national level PI2040 Project Delivery Board and be consulted on strategic decisions that affect Limerick.

IAGR 27. ENGAGEMENT WITH PROJECT IRELAND 2040

A formal engagement between the national PI 2040 Board and the DEM, as chair of the Limerick PI2040 Board should take place every 6 months.

Separately, the IAG recommends that there should be a legislative requirement for the DEM to meet at political level with the relevant members of national government to report to them on the opportunities and challenges in the implementation of the PI2040 project in Limerick. This could be done via the Directly Elected Mayor Implementation Forum.

IAGR 28. ENGAGEMENT WITH NATIONAL GOVERNMENT

The DEM will have a legislative right to meet at political level with the relevant members of national government to report to them on the opportunities and challenges in the implementation of the PI2040 project in Limerick

4.4.3 DEVELOPMENT PLAN PREPARATION

[Note: The IAG recognises that the following will not apply to the first Mayor who will be elected mid-way through the current development plan preparation cycle].

Although not additional functions for the local authority, it is proposed that specific roles would be assigned to the DEM under the Planning and Developments Acts in relation to the preparation of the Limerick city and county Development Plan. While these may require additional administrative steps in the plan making process, they must not serve to unduly delay that process. They include the following:

- The DEM would initiate and introduce the public consultation stage in the development planning process, including by proposing an overall strategic direction to the Development Plan. This would then be issued for public consultation. A special meeting of the council would be required to be held for the briefing of the elected council.
- The DEM would be responsible for overseeing and conducting the key public consultation exercises, as well as broader institutional engagement on the plan.
- Following the public consultation period, the DEM would prepare a report outlining the submissions made having particular regard to those from the elected members, statutory consultees and the Office of the Planning Regulator (OPR), and setting out directions required in relation to the preparation of the draft development plan. This report would be submitted to the council for noting.
- The DEM would then present the Draft Plan, reflecting the previously issued directions insofar as they comply with national and regional spatial policy and legal requirements.

- The Draft Plan and any subsequent material amendments would follow the current statutory process of public display and reporting procedure, except that this would be led by the DEM.
- In the event that the council is unable or refuses to pass the final proposed development plan, responsibility for final approval would pass to the DEM.
- In relation to Local Area Plans, the directly elected mayor will propose LAPS to the Municipal Districts for consideration and adoption.

4.4.4 METROPOLITAN AREA STRATEGIC PLANNING

The Regional Spatial and Economic Strategies (RSES) and their Metropolitan Area Strategic Plan (MASP) elements are at present the statutory responsibility of the Regional Assemblies to prepare and adopt. The IAG recommends that the DEM would be an ex-officio member of the Southern Regional Assembly with full voting rights.

IAGR 29. MEMBERSHIP OF THE SOUTHERN REGIONAL ASSEMBLY

DEM to be an additional member of the Southern Regional Assembly.

The RSES for the Southern Regional Assembly was published in 2020 and will be in place for the next six years coming up for review in 2026.

When the RSES next comes up for review in 2026, it is proposed that the Regional Assembly should be obliged to consult formally with the DEM then in power on the preparation of the next RSES. Going further, the Assembly should be obliged to take on board the views of the DEM on the RSES in general and the next Metropolitan Area Strategic Plan for Limerick specifically, in so far as these would be for the purposes of ensuring consistency with the National Planning Framework. Indeed, there would be strong merit in tasking the DEM, working perhaps with a specific subset of the Assembly, to lead the preparation of the MASP working closely with the relevant local authorities and wider essential stakeholders in the infrastructural, economic development, education, housing and community sectors. This role should be set in legislation.

4.4.5 THE STRATEGIC INTEGRATED FRAMEWORK PLAN (SIFP) FOR THE SHANNON ESTUARY

The PfG states that consideration will be given to the potential of the Shannon Estuary in terms of regional economic development across transport and logistics, manufacturing, renewable energy and tourism, and develop a strategy to achieve that potential with support from the Exchequer.

As part of this initiative, the IAG proposes that the DEM would chair the steering group for the Shannon Estuary SIFP¹⁹. This is an inter-jurisdictional marine and spatial plan finalised by the SIFP Steering Group and launched by the then Minister in 2013. The Steering Group consisted of SFPC, Shannon Group PLC, Limerick city & county council, Kerry county council and Clare county council as funders, with other non-paying members, such as the Department, and various NGO's such as National Parks and Wildlife Service. The SIFP's recommendations were subsequently adopted by the relevant local authorities through variations to the respective Local Development Plans. The SIFP is explicitly recognised in the NPF.

Having the DEM chair the SIFP would also underline the importance of Shannon Foynes Port and Shannon Airport as pivotal gateway infrastructure for Limerick. The IAG sees the Shannon Foynes Port Company and the Shannon Group as key strategic partners of the DEM. The IAG believes it would be important also to ensure that the positions of Clare and Kerry county councils were taken fully into account and respected.

4.4.6 WATER INFRASTRUCTURE PLANNING AND DELIVERY

The IAG is strongly of the view that there must be strong formal engagement between the DEM and Irish Water in relation to the provision of water infrastructure in Limerick city and county. This would be to ensure that Irish Water investments in Limerick are fully integrated and prioritised in accordance with the MASP and, for rural areas, the Local Development Plan.

¹⁹ <http://www.shannonestuariesifp.ie/about-sifp/>

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It is important therefore that the DEM is required by law to be consulted by Irish Water on its water infrastructure and that IW have regard to that input.

IAGR 30. PLANNING AND DEVELOPMENT - DEVOLVED POWER

- **DEM to chair a new Limerick PI 2040 Project Delivery Board.**
- **DEM to chair Strategic Integrated Framework Plan for Shannon estuary working group.**
- **specific roles will be assigned to the DEM, including:-**
 - **in the preparation of the city and county Development Plan;**
 - **in making the Development Plan where the elected council refuses or is unable.**

IAGR 31. PLANNING AND DEVELOPMENT – STATUTORY CONSULTEE

- **In relation to the implementation of the NPF as it affects Limerick, required to input to and be consulted by the national PI2040 Project Delivery Board.**
- **Statutory entitlement to sit on any group tasked with developing the potential of the Shannon estuary as outlined in the programme for Government.**
- **Future DEMs will be a statutory consultee in the development of the RSES and tasked with leading the development of the new MASP.**
- **Irish Water to have regard to input from the DEM in relation to its plans and projects in Limerick.**

4.5 ENSURING AN INCLUSIVE APPROACH TO DEVELOPMENT

The IAG is firmly of the view that the introduction of a DEM must benefit all of Limerick city and county council area. Equality of focus on achieving progress for citizens that is balanced between the city (urban), including and in particular, the regeneration areas, and county (rural) will be crucial in this regard.

4.5.1 LIMERICK REGENERATION FRAMEWORK IMPLEMENTATION PLAN (LRFIP)

The direct link from the citizen to the Mayor suggests that there is a key role for the DEM in relation to the regeneration of the most disadvantaged areas. As stated by the Chair in his Introduction to this Report, the IAG believes that an inclusive approach by the DEM is vital to the success of the initiative and that a theme of their Mayoral Programme should be “*that for Limerick to thrive into the future, every community in it needs to thrive*”. Taking a leadership role on regeneration of communities should be a key part of their mandate.

The IAG accordingly recommends that the DEM should be tasked by Government with managing the transition from the current targeted Limerick Regeneration Framework Implementation Programme (LRFIP), which concludes in 2023, to a future investment project for the regeneration areas. This could involve programme devolution from DHLGH to the DEM/Limerick city and county council or a step down programme for the regeneration areas, including a dedicated multi annual funding resource in line with current levels.

This will also involve working on a statutory basis across all public agencies in the city, both on a one-to-one basis and through inter-agency structures, to mainstream services and projects that are proving to work well and achieving positive outcomes for regeneration communities. Such services would necessarily include educational outreach, out-of-school services, skills training, pathways to permanent employment, health and well-being, family support, sport and recreation, security and crime prevention, and amenity and community development.

A further interesting idea that came up in the consultation process in the Regeneration context was the creation of Community Hubs based around the local Primary School.

Using a methodology called the “Full Service Extended Model”, the School would become a Hub in which would be located a whole range of services, administered in a joined up way. This would have particular relevance in Regeneration communities where children were presenting at school with a variety of complex needs. Bringing together the range of diverse services needed to address these needs could bring powerful advantages. Under this model, the DEM and the council would have the leadership, co-ordinating role, working closely and collaboratively with the Department of Education and all the other service providers.

4.5.2 RURAL DEVELOPMENT

As discussed in the section of this paper on financial autonomy, the DEM will negotiate with national Government for an envelope of Rural Regeneration and Development Funding on a multi-annual basis, which will then be implemented in line with NPF objectives.

It will be important that development in rural areas is in line with national policies set down by the NPF. In this regard, the DEM will chair the Limerick PI2040 Project Implementation Board which will have a specific focus on the delivery of the NPF objectives in the areas of county Limerick beyond the Metropolitan area.

4.5.3 TOWN AND VILLAGE RENEWAL

Working with and through the relevant Municipal District, the DEM will develop an integrated, time-limited strategy for the revitalisation of Limerick towns to complement the undertaking in the Programme for Government to a ‘Town Centres First’ type approach to regenerate our towns and villages. The DEM will negotiate directly with central government to access funding to implement the strategies. Limerick will be the frontrunner (demonstrator) for the implementation of the Town Centre First programme nationally.

4.5.4 URBAN RENEWAL/LIVING CITY INITIATIVE

The IAG believes that a tax relief scheme like the Living city Initiative²⁰ is critical to the development of Limerick in line with the growth targets of the NPF, particularly as the current LCI scheme, which ends in May 2022, gathers pace in Limerick.

The IAG proposes that the DEM would be a statutory consultee in relation to a review of the impact of the LCI to date and on the development of a properly modelled tax relief scheme to be developed in line with national policy, with a view to the establishment of a broader area based approach to redevelopment in Limerick city and selected key county towns, for example Newcastle West, Adare, Rathkeale, Cappaghmore and Kilmallock, in line with national policy.

IAGR 32. ENSURING AN INCLUSIVE APPROACH TO DEVELOPMENT - DEVOLVED POWER

- **DEM to manage transition from LRFIP to new Limerick regeneration investment plan.**
- **DEM to negotiate urban and rural development funding envelopes and lead plan implementation in line with NPF objectives.**
- **DEM to implement Town Centre First approach.**

IAGR 33. ENSURING AN INCLUSIVE APPROACH TO DEVELOPMENT – STATUTORY CONSULTEE

- **DEM to be a statutory consultee in relation to all “Town Centres First” initiatives.**
- **DEM to be a statutory consultee re the development of the next Living city Initiative scheme iteration.**

²⁰ The living city initiative is a scheme of property tax incentives which applies in certain “special regeneration areas” in the historic centres of Dublin, Cork, Limerick, Galway, Waterford and Kilkenny.

4.6 HOUSING

The detailed policy proposals (section 3.3.3 Housing Functions) in relation to housing matters state that responsibility for all local authority housing-related executive functions would be assigned to the DEM.

In general terms, these would involve overall responsibility for the following processes related to housing services:

- The application process for social housing;
- The assessment scheme for social housing applications;
- Adoption of a traveller accommodation programme;
- Social housing maintenance;
- The tenant purchase scheme;.
- The rent differential scheme;
- Evictions from social housing policy.

As per the detailed policy proposals, the DEM **will not be** involved in housing matters insofar as they relate to individuals, e.g. the allocation of social houses to citizens or evictions of individuals; such responsibilities/activities would remain the responsibility of the chief executive, as “specified functions”.

The Housing function also includes social housing supply (construction, acquisition and leasing). The DEM, therefore, will play a key role in addressing housing needs in Limerick.

4.6.1 PROGRAMME OF HOUSING PROVISION

Given the priority nationally and locally in the delivery of housing, the IAG recommends that the DEM will be empowered to commission a major programme of housing provision, beyond the current parameters of local authority functions. Such a programme should incorporate not just social housing but, a "Housing for All"²¹ approach, including housing for purchase as well as for rent and extending to a

²¹ An initiative in the Programme for Government

relatively wide spectrum of households, beyond the traditional "social" housing category, to include social, private, rental and affordable housing.

The aim of this approach would be to achieve a significant reduction in the various costs of production present in private housing developments, in relation to components such as land, financing, risk provision, profit, sales/marketing, levies/tax, etc.

IAGR 34. PROGRAMME OF HOUSING PROVISION

The DEM will be empowered to commission a major programme of housing provision, building on the "Housing for All" proposals in the Programme for Government

4.7 ROADS, TRAFFIC AND TRANSPORT

Paragraph 3.3.5 of the detailed policy proposals document provides for the DEM to take over responsibility for a range of roads-related functions currently performed by the executive.

However, the IAG also recognises that the DEM will have a mandate to influence transport policy as it effects Limerick city & county. The DEM will therefore be a key strategic partner in providing an efficient and effective integrated local and rural transport system, linking with the wider State and public transport network.

On the basis of the foregoing, the IAG proposes that specific transport planning and delivery functions should be assigned to Limerick city and county council, and these are set out below.

4.7.1 A TRANSPORT STRATEGY FOR LIMERICK

The IAG propose that the DEM should be assigned responsibility for the preparation of a Transport Strategy for Limerick city and county. The primary element of this strategy should be the Limerick Shannon Metropolitan Area Transport Strategy (LSMATS), which is currently prepared by the National Transport Authority (NTA). This should be assigned to the DEM based on a defined multi-annual budget for investment in public transport, cycling and walking infrastructure, using the expertise of the NTA to inform and prepare proposals. While work on this strategy is likely to be underway when the DEM is elected, it is important that the DEM has an active role in the completion and implementation of the strategy. To this end, the IAG recommends that the DEM should have a seat on the board of the NTA to represent regional cities.

This proposal advances the programme for government commitment to “review and extend the statutory remit of the NTA. This will allow the NTA to work with local authorities to develop transport strategies with a strong legal basis in our cities, towns and regions”. The IAG proposal would further extend this commitment by assigning the DEM the lead responsibility for the development of the transport strategy for all of

Limerick, including the city and major county towns such as Newcastle West, Rathkeale, Adare, Kilmallock and Cappamore.

The IAG proposes that the elected council would approve with or without modifications the Transport Strategy for the city and county, based on a proposal from the DEM.

IAGR 35. TRANSPORT STRATEGY FOR LIMERICK

The DEM will propose a transport strategy for the city and the county which the elected council will approve with or without modifications.

4.7.2 URBAN AND RURAL PUBLIC BUS TRANSPORT.

Based on the agreed Strategy, it is proposed that the DEM should have responsibility for the public bus system for all of Limerick city & county, together with the appropriate funding allocation based on proper modelling of the likely costs.

Specifically, the IAG proposes that the DEM will have the ability to franchise bus services in the city region, subject to necessary legislation and local consultation and agreement. This ability to franchise bus services, which will support the delivery of smart and integrated ticketing across the Limerick area are deemed critical to Limerick's progression.

This responsibility will extend to a devolved and consolidated, multi-year local transport budget for an area-wide local transport plan, where public transport functions will also be transferred to the DEM.

The DEM should also have responsibility for the development of projects identified in the strategy that enhance regional and rural connectivity, in line with the National Planning Framework as prioritised in the PfG. The PfG also commits to prioritising additional funding for these projects in the lifetime of a reviewed and extended National Development Plan.

4.7.3 RURAL MOBILITY PLAN

There is also a PfG commitment to “develop and implement a sustainable rural mobility plan. This will introduce a public transport service standard under which all settlements over a certain size in terms of population, combined with employment or education places, will have a service connecting them to the national public transport system”. Given the DEM’s role in the preparation of a Transport strategy for the area, the IAG propose that the DEM will not only be a statutory consultee in relation to the mobility plan, but will also be the lead in relation to the implementation of the plan in Limerick city & county.

4.7.4 CYCLING AND PEDESTRIANS

The PfG commits to “a review of road traffic policy and legislation to prioritise the safety of walking and cycling”. The IAG propose that the DEM should be a statutory consultee in relation to the impacts of road traffic policy in Limerick.

There is a commitment in the PfG to an allocation of 10% of the total transport capital budget for cycling projects and another 10% for pedestrian infrastructure. The IAG is of the view that funding identified for Limerick in this regard should be wholly within the control of the DEM and the elected council, and allocated on the basis of an agreed multiannual programme of funding.

IAGR 36. CYCLING AND PEDESTRIANS

Funding identified for cycling projects and pedestrian infrastructure in Limerick to be wholly within the control of the DEM and the elected council.

4.7.5 TRAFFIC DEMAND MANAGEMENT

The local authority will have traffic demand management as part of its transport function. Demand management of traffic has been identified by the NTA as necessary to reduce congestion. The PfG commits to task the NTA to produce a park and ride implementation plan for each of the five cities to help reduce congestion and journey

times. This will involve the council taking this commitment one step further by, based on a recommendation from the DEM, becoming the determining body for measures such as tolling on roads, congestion charging, management and promotion of park and ride facilities and similar demand management interventions.

Funding raised will be ring fenced specifically for public transport or “green transport” initiatives in the city and county. Working with the NTA, the DEM could also champion public transport use and development. This will be particularly important in Limerick city where 64% of workers commute into the city each day. An integrated traffic management, e.g. park and ride facilities, and public transport system under the control of the DEM could be hugely beneficial to the sustainable development of the city.

4.7.6 AVIATION POLICY

Given the importance of Shannon Airport to the economic wellbeing of Limerick and its key role in the employment-led population growth planned in the NPF, the IAG recommends that the DEM is a statutory consultee in relation to the revision of the National Aviation Policy.

This is in order to drive enhanced strategic connectivity for the West and Mid-West through Shannon Airport, in support of the goals of PI2040. Strategic connectivity through Shannon is critical for regional economic development and has significant impacts on multiple other aspects of this report including education (attracting international students), international promotion and diaspora engagements.

4.7.7 OTHER GOVERNMENT COMMITMENTS IN ROADS, TRAFFIC & TRANSPORT

The PfG commits to

- a) Consider the report on the future of the Western Rail Corridor and take appropriate action;
- b) Protect and expand regional connectivity and connectivity between towns and villages in rural Ireland;

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- c) prioritise rail projects in Cork, Galway, Limerick and Waterford on existing and unused lines;
- d) Commission an economic evaluation of higher speed rail links between our main cities;
- e) Review potential to expand passenger and cargo capability at all of our ports, prioritising rail connections and interchange.

The IAG proposes that the DEM should have a statutory involvement in the development and implementation of these initiatives as they relate to Limerick. In particular, the DEM should be a statutory consultee in relation to the development of national transport infrastructure as it impacts on Limerick.

IAGR 37. TRANSPORT INITIATIVES IN THE PROGRAMME FOR GOVERNMENT

The DEM will have statutory involvement in the development and implementation of initiatives arising out of the programme for government as they relate to transport in Limerick.

IAGR 38. OTHER ROADS, TRAFFIC & TRANSPORT PROPOSALS - DEVOLVED POWER

- **Development of Transport Strategy for Limerick, with NTA, as outlined in the PfG.**
- **County wide public bus transport system, both urban and rural, in line with national policy.**
- **Franchising bus services throughout the county.**
- **Development of a sustainable rural mobility plan and lead role in the implementation of the plan.**
- **Responsibility for traffic demand management initiatives.**

**IAGR 39. OTHER ROADS, TRAFFIC & TRANSPORT PROPOSALS - STATUTORY
CONSULTEE**

- **Statutory consultee in relation to all national transport plans and policies as they relate to Limerick. In particular, an identified statutory involvement with**
 - **An expanded statutory remit of the NTA insofar as Limerick is concerned,**
 - **Regional cycle design offices proposed in the PfG as they relate to Limerick,**
 - **National Aviation Policy**

IAGR 40. A SEAT ON THE NATIONAL TRANSPORT AUTHORITY

In order to achieve the initiatives outlined above, the DEM will have a seat on NTA Board to represent regional cities.

4.8 ECONOMIC DEVELOPMENT AND ENTERPRISE

The DEM is uniquely placed to play a role in strengthening economic development by identifying economic growth potential locally. However, the DEM must be able to act on this by having autonomy and adequate funding in the areas of business support programmes, including New Frontiers, Competitive Start Fund, feasibility study grant aid, Business Start, female entrepreneurship etc.

The PfG commits to expand the role of the Local Enterprise Offices (LEO), so they can go further in supporting local job creation and allow them to provide direct grant support to businesses with more than 10 employees. The PfG also makes a commitment to “scale up Enterprise Ireland support for smaller companies to invest in technology for clean processes, waste and energy efficiency”. It could be argued that such a scheme could be delivered by LEOs. In that event, the DEM should be given autonomy and funding to develop the Local Enterprise Office in Limerick as part of an overall economic development initiative with adequate funding to enable these to become comprehensive one-stop-shops.

The DEM should also have a role in launching a fund to support high performing, high potential start-ups, which currently does not exist in Limerick.

The DEM will be able to contribute to the PfG commitment to put in place the structures to enable a seamless transition from a LEO-supported company to an Enterprise Ireland-supported company so that ambitious and high performing companies, regardless of size, are supported in scaling and achieving their potential.

The DEM should act as a convenor for increased collaboration with IDA, Enterprise Ireland, the third level and Further Education and Training institutions. In addition, the IAG proposes that the DEM would have a right to consult with state agencies responsible for investment and trade promotion, i.e. IDA and Enterprise Ireland, regarding the development and implementation of strategies/plans in support of PI 2040 population growth targets for Limerick.

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In addition, the DEM should be regularly briefed on the profile of prospective investors expressing an interest in Limerick (including the Metropolitan area) locations and their infrastructural, education/skills and other needs.

The DEM will also have a role in relation to the SME and State Bodies Group to be chaired jointly by the Minister for Finance and the Minister for Business to coordinate the Government's ongoing response to COVID-19 for SMEs.

The PfG Commits to establish sectoral taskforces, comprising of government, independent experts and stakeholders and chaired by line ministers, to focus on the specific needs of sectors and bring forward plans in the context of the National Economic Plan. The IAG proposes that the DEM would sit on the proposed sectoral taskforces in relation to Manufacturing and Tourism/Hospitality/Retail sector, as these are the largest sectors in terms of employment in the Mid-West region.

The PfG commits to develop a strategy to achieve the potential of the Shannon Estuary *“in terms of regional economic development across transport and logistics, manufacturing, renewable energy and tourism, and develop a strategy to achieve that potential with support from the Exchequer”*. The IAG proposes that the DEM should be a member of any group tasked with developing this strategy.

The IAG sees the DEM working with relevant government departments to develop initiatives to avail of opportunities in digital enterprise, including developing linked technology hubs. Limerick will be the leader in relation to this.

4.8.1 JUST TRANSITION

The next decade will see two major transitions; to a low-carbon future and to greater digitalisation, automation and robotics. In some cases, these transitions will impact entire industries and regions. The PFG commits to publishing a “Just Transition Plan”, to frame the work of a permanent Commission for Just Transition. The plan will identify and prepare for challenges which will arise in a number of sectors and regions, recognising that there will be a variety of different transitions, and that it is clear that

there will be no simple one-size fits all approach. The DEM, as convenor in chief, should have responsibility for developing a Just Transition Limerick Plan, with the approval of the elected council, and with the appropriate statutory power to convene the relevant stakeholders.

IAGR 41. ECONOMIC DEVELOPMENT AND ENTERPRISE PROPOSALS - DEVOLVED POWER

- Greater autonomy in the provision of business supports in Limerick, to be delivered through LEO.
- Supporting companies transitioning from LEO backed companies to EI supported companies.
- A new Limerick-based fund to support high potential start-ups.
- responsibility for developing a Just Transition Limerick Plan, with the approval of the elected council.

IAGR 42. ECONOMIC DEVELOPMENT AND ENTERPRISE PROPOSALS - STATUTORY CONSULTEE

- Convenor of all enterprise stakeholders in Limerick and mandate to take appropriate action in support of economic development, including liaison with central government.
- A role in relation to SME's and state bodies group including to coordinate the ongoing response to Covid-19 for SMEs in Limerick.
- Consultation with state bodies responsible for investment/trade promotion on strategies/plans in support of the population growth targets set in PI2040.
- Regular briefing from IDA and EI in respect of all matters related to Limerick.
- Member of the national sectoral taskforces for Manufacturing, Tourism, Hospitality & Retail Member of any proposed Shannon Estuary Economic Development taskforce, if/when instituted.

4.9 HEALTH

The IAG believes that, the DEM should have a Statutory Consultation role in regard to all aspects of Health, using the portal of Sláintecare, as this will make a difference, both in terms of influencing policy making at national level and in enhancing the contribution that Healthcare could make to the well-being of Limerick overall. To be effective, this statutory consultation should mean the maximum level of ongoing engagement between the Department of Health/HSE and Limerick city and county council, at all points of the policy-making continuum.

The PFG points to an expanded community based care model. The DEM as head of the local authority is uniquely placed to pull together the relevant community supports. Indeed all local authorities have demonstrated this ability through the Community Call Fora that have been in place since public health measures were announced by the Government in March 2020.

The aim should also be to give a legislative mandate to the Public Services Working Group, which brings together the Council, An Garda Síochána, the HSE and the ULHG, under the new chairmanship of the DEM, to promote joined up working between the various organisations involved.

IAGR 43. HEALTH – DEVOLVED POWER

- **Public Services Working Group, to be chaired by the DEM, to be put on a statutory footing.**

IAGR 44. HEALTH – STATUTORY CONSULTEE

- **DEM made a statutory consultee for all aspects of Sláintecare as it affects Limerick.**

4.10 SECURITY & POLICING

In December 2018, Government published *A Policing Service for our Future* – the 4-year plan (2019-2022) to implement the Report of the Commission on the Future of Policing in Ireland (CoFPI) – *The Future of Policing in Ireland*.

The Department of Justice is actively working towards the introduction through legislation of several initiatives, including a new policing and community safety oversight commission.

The IAG propose that the DEM would be a member of any such oversight commission, and that this would apply to any future DEMs elected in areas other than Limerick. The DEM is not just the leader of a large administrative area, but also exercises executive control over the services at local authority level.

The detailed policy proposals provide that the DEM will chair the Joint Policing Committee (JPC). This structure is currently under review by the Department of Justice & Equality as a result of recommendations in the Future of Policing in Ireland report.

The IAG propose that the DEM will chair the JPC as proposed in the detailed policy proposals, until such time as a new structure is established, and will continue to act in the role of chair in the new structure.

The DEM will also be a key stakeholder and statutory consultee in relation to police resourcing decisions, including in relation to the opening and closing of Garda stations and Garda staff deployments and CCTV provision in the city and county.

4.10.1 OTHER GOVERNMENT COMMITMENTS IN RELATION TO SECURITY AND POLICING.

The PfG commits to

- (a) Set-up a special expert forum on antisocial behaviour, to consider the effectiveness of existing legislation and propose new ways forward including new powers for An Garda Síochána and additional interventions to support parenting of offenders.

- (b) Extend the pilot schemes of the Joint Agency Response to Crime to more areas to target prolific repeat and vulnerable offenders aged 16 -21.

The IAG propose that the DEM will have a statutory involvement in the development and implementation of these initiatives as they relate to Limerick.

The elected council will have a role in supporting the DEM in the formation of Limerick's position in regard to these commitments. This is especially important in relation to supporting communities to actively participate in community policing initiatives.

IAGR 45. SECURITY AND POLICING PROPOSALS - DEVOLVED POWER

- **Representing Limerick on a new national community safety commission to be established on foot of the recommendations of the report on the future of policing in Ireland.**
- **Chairing the Joint policing committee in whatever format it may take following on from the recommendations of the report into the Future of policing in Ireland.**

IAGR 46. SECURITY AND POLICING PROPOSALS - STATUTORY CONSULTEE

- **All matters relating to Garda resourcing in Limerick city and county.**
- **In particular, any special expert forum established in relation to antisocial behaviour.**
- **Any Joint Agency Response to Crime.**

4.11 EDUCATION AND FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION AND SCIENCE

The position of DEM offers an opportunity to create a partnership between the education sector and the local authority in Limerick that would allow for the a cohesive and comprehensive approach to educational planning and development across all the education sectors, pre-school, primary, post primary, further education and training, and higher education.

The DEM should have a statutory consultation role in regard to Education policy more broadly in the Pre-school, Primary, Secondary and the Further Education and Third Level sectors, with a view to ensuring the offering in these Sectors in Limerick serves the needs of the community in a comprehensive, effective and inclusive manner having regard to the available resources.

This would include a specific role under the Department of Education and the Department of Further and Higher Education, Research, Innovation and Science Action Plans. This would include a statutory consultation role in planning for school provision and student accommodation in liaison with the relevant agencies and Departments.

In regard to the Higher Education Sector, the DEM will be a statutory consultee on all policies relating to the Sector, working closely with the three Higher Education Institutions in terms of the priorities in that regard. The DEM will facilitate the best possible connectivity between the Higher Education Sector and other stakeholders, such as business, tourism, culture etc. The DEM will also work in close concert with the Higher Education Institutions in terms of their international engagement.

Similarly, the DEM will have a statutory consultation role in regard to Further Education and Training, working closely with the Limerick Clare Education and Training Board (LCETB). There is a timeliness here in that a new National Strategy²² has been

²² <https://www.gov.ie/en/press-release/6691e-ministers-harris-and-collins-launch-further-education-strategy-for-next-five-years/>

launched on Further Education and Training, and with the LCETB also at a relatively early point in its mandate, there is scope for significant collaboration between the DEM and the Sector, which forms a critical part of the overall education offering of Limerick.

The DEM will also assume responsibility for all traineeship/apprenticeship schemes/ grants for unemployed young persons in Limerick, etc. This is a particular challenge for Limerick, which the DEM would be tasked to address.

In addition, the PfG commits to publishing a Regional Technology and Clustering Programme to strengthen the links between SMEs, Educational Training Boards, multi-national corporations and Third Level Educational institutions and help drive competitiveness, productivity, and innovation in the regions. The DEM is ideally positioned to act as a convenor in engagement between education and enterprise and will take action to address regional skills needs.

IAGR 47. EDUCATION AND FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION AND SCIENCE - DEVOLVED POWER

- **planning for school provision and student accommodation in liaison with the relevant agencies and Departments, and**
- **engagement with all educational stakeholders at primary, secondary and tertiary level and take action from that engagement, including liaison with central government**
- **All traineeship/ Apprenticeship schemes/ grants for unemployed young persons in Limerick.**

IAGR 48. EDUCATION AND FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION AND SCIENCE - STATUTORY CONSULTEE

- **The DEM will be a statutory consultee in relation to all education and training plans and policies as they relate to Limerick, encompassing the Primary, Secondary, Higher Education and Further Education and Training Sectors.**

- **In particular, the DEM will have an identified statutory involvement with the Regional Technology and Clustering Programme**

4.12 THE ENVIRONMENT, ENERGY AND MARINE

Climate change is one of the biggest risks to the planet. In light of this, the IAG proposes that the DEM play a leadership role in promoting the theme in Limerick. Accordingly, the DEM will be a statutory partner in relation to the formulation and implementation of climate adaptation and mitigation strategies as they impact Limerick city & county as well as dealing with the impacts of severe weather events, particularly in relation to the Shannon. In relation to climate adaptation and flood defences, the DEM should have the right to direct, or collaborate with the Office of Public Works (OPW) in prioritising certain projects.

The DEM will advocate a partnership on climate change between national and local government where carbon taxes will be legislated for at national level and behavioural change initiatives implemented at local level.

The DEM will be a key partner in the implementation in Limerick of Government decisions and policies on Ireland's transition to a low carbon energy future.²³ Funding from central government will be provided to enable the DEM identify and develop regional energy hubs and low carbon enterprise zones. The DEM will promote the integration of energy issues into local area planning.

The PfG commits to expand the Environment Fund, taking account of the consultation process which has been completed, through the introduction of new levies, and ring fence this money for investment in biodiversity and climate initiatives, including a parks fund to support the development of new parks and wildlife areas. The IAG proposes that responsibility for the identification and implementation of initiatives in this area be devolved to the DEM, along with accompanying funding. Limerick will be at the vanguard in relation to these initiatives.

4.12.1 OTHER GOVERNMENT COMMITMENTS IN TO ENVIRONMENT, ENERGY & MARINE

The PfG contains a substantial and ambitious set of commitments under the banner of a Green new deal for Ireland's it strives to move the country to a low carbon future

²³ <https://www.dccae.gov.ie/documents/Energy%20White%20Paper%20-%20Dec%202015.pdf>

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The IAG proposes that the DEM to have a statutory involvement in the development and implementation of these initiatives as they relate to Limerick. In particular, the DEM will work with stakeholders to contribute towards national policies and strategies in a positive manner.

In light of the importance of the issue, the DEM will ensure that consideration is given to the environmental impact of all policies.

IAGR 49. ENVIRONMENT, ENERGY & MARINE - DEVOLVED POWER

- **The DEM to play a leadership role in the promotion of Climate Change adaptation and mitigation measures in Limerick.**
- **The DEM will have the right to direct or collaborate with OPW on climate adaptation/flood defences.**
- **Promoting the integration of energy saving and climate change adaptation measures into local development plans.**
- **Ensuring consideration is given to the environmental impact of all policies.**
- **Responsibility for the identification and implementation of initiatives in relation to biodiversity and climate initiatives and the use of funding from the national carbon tax take to support green initiatives in Limerick.**

IAGR 50. ENVIRONMENT, ENERGY & MARINE - STATUTORY CONSULTEE

- **A statutory consultee in relation to all environment, energy and marine plans and policies as they relate to Limerick.**

4.13 ARTS, CULTURE AND HERITAGE

The DEM will have a strategic leadership role in supporting the stimulation and development of the Arts in Limerick. Building on Limerick's rich cultural heritage and history, and previous initiatives such as the National City of Culture designation in 2014, the DEM will act as a key convenor and champion of initiatives between the local authority, the Arts Council, the Office of Public Works, the Screen Ireland, the Heritage Council, Creative Ireland and other stakeholders, and in collaboration with the arts, culture and heritage community and the creative sector in Limerick, to secure the implementation of appropriate and effective strategies for culture and creativity. An appropriate funding envelope will be established to support this work, recognising the critical and rich role that culture plays in the life of Limerick.

The IAG proposes that the DEM should have statutory authority to establish a national cultural institute in Limerick. The only designated cultural institution outside Dublin is in Cork.

The IAG proposes that the DEM work with The Creative Ireland Programme. *Culture 2025* is the national policy framework that defines the scope and sets the direction of Government policy for the whole cultural sector. It recognises that the Creative Ireland Programme will continue to be the primary implementation framework for the promotion and strengthening of culture and creativity throughout Ireland.

The IAG also proposes that the DEM be responsible for the per cent for art scheme²⁴ on capital projects in Limerick, which would then be used specifically to support artists, e.g. in the form of an artists in residence programme, in Limerick.

The DEM will work with Culture Ireland in promoting Limerick Arts and Artists abroad.

²⁴ A charge of 1% of capital project costs up to a maximum of €500,000 is collected on capital infrastructural projects by public bodies

The DEM will provide support in ensuring the objectives and actions identified in “the National Landscape Strategy for Ireland 2015 – 2025”²⁵ are achieved in Limerick.

The DEM will assume co-responsibility with OPW for heritage assets/locations in the Limerick region and will explore options around sustainable and viable business models for their development.

IAGR 51. ARTS CULTURE & HERITAGE PROPOSALS - DEVOLVED POWER

- **Co-responsibility with OPW for heritage assets/locations in Limerick and will explore options around sustainable and viable business models for their development.**
- **Designating a cultural enterprise, a national institution.**
- **Funding provided for the operation of a built heritage investment scheme to support conservation of heritage structures,**
- **Funding provided to create an enhanced grants scheme for existing cultural centres, including theatre**
- **A new “per cent for arts” scheme will be devised to support local artists**
- **Funding for the operation of a built heritage investment scheme to support conservation of heritage structures**

IAGR 52. ARTS CULTURE & HERITAGE PROPOSALS - STATUTORY CONSULTEE

The DEM will be a statutory consultee on all matters relating Arts, Culture and Heritage in Limerick. In particular the implementation of National and EU initiatives in the area of Arts and Culture.

²⁵ <https://www.chg.gov.ie/app/uploads/2015/07/N-Landscape-Strategy-english-Web.pdf>

4.14 TOURISM, SPORT & RECREATION

The DEM should have a strategic role in the development and implementation of the Limerick Tourism Strategy and development of tourism locally, and will act as a convenor of initiatives between the local authority, LEOs, OPW and Fáilte Ireland.

The DEM will be responsible for formulating local tourism strategies that build on the success of the Wild Atlantic Way. The DEM will oversee the development and implementation of a Recovery and Growth Programme for tourism and retail sectors, including initiatives such as mentoring services, trade fair supports, and business development training, and creating links with Irish diaspora.

The DEM will build on the existing relationships between the local authority and Local Sports Partnerships by supporting clubs, coaches and volunteers, promoting increased levels of local participation, building partnerships across clubs and agencies.

The DEM will have a strategic role in the use/development of assets of Coillte for recreation purposes and will ensure the inclusion of public cultural and creative spaces as part of local development plans. Coillte will be required to consult with the DEM on plans for its assets in Limerick.

The DEM will work with Fáilte Ireland and other stakeholders, and play a leadership role, in ensuring the best possible preparations for the Centenary Ryder Cup, due to be held in Adare in 2027, given the showcase opportunity this represents for Limerick city and county in global terms. The DEM should work with local, national and international stakeholders to identify and promote other such mass participation, international tourism events in Limerick. For example, the DEM could work with the IDA to show case Limerick to identified clients during the Ryder Cup.

IAGR 53. TOURISM, SPORT & RECREATION PROPOSALS - DEVOLVED POWER

The **DEM** will have responsibility for a devolved budget in relation to local and regional sports capital programmes as part of the Limerick Deal.

IAGR 54. TOURISM, SPORT & RECREATION PROPOSALS - STATUTORY CONSULTEE

The **DEM** will be a statutory consultee in relation to all tourism, sports and recreation plans and policies as they relate to Limerick.

4.15 THE MAYOR AS THE FACE OF LIMERICK

4.15.1 AT HOME

The DEM will engage on a regular basis with the Public Participation Network (PPN) with a view to further strengthening their role in policy and decision making in the local authority. The DEM will also be a member of the Local Community Development Committee (LCDC) as head of the executive,

IAGR 55. MEMBERSHIP OF THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE

The DEM will be a member of the Local Community Development Committee (LCDC) as head of the executive.

The recent Covid-19 experience highlighted the embedded link between local authorities and the community. The DEM is ideally placed to capitalise on the stronger, more interdependent relationships established.

4.15.2 INTERNATIONAL PROMOTION AND DIASPORA ENGAGEMENT

The PfG commits Ireland to being “An island at the centre of the world”, stating that “Ireland must be ambitious, visible and active in promoting the interests of our nation on the international stage. Having regard to available resources, we will seek to continue to implement Global Ireland 2025 and its ambition to double our global footprint.”

Limerick has a long history as a place closely connected to the wider world. In the modern era, that is manifested through its twin global gateways of Shannon Foynes Port and Shannon Airport, as well as through the many international companies who have key operations in Limerick. One of the core functions of the DEM, in their capacity as First Citizen of Limerick, will be to serve as the Chief Representative or Ambassador of Limerick city and county internationally. This will apply both domestically in acting as host to visitors to Limerick from around the world and also overseas with the DEM promoting Limerick as a great place to visit, invest in, work in study in and live in. Limerick will align itself to the national Global Ireland 2025 vision

and the DEM will have a key leadership role in the delivery of that vision in Limerick. In this regard, the DEM will work closely with the Irish Aid Office in Limerick, which in addition to being the HQ of Ireland's International Development Programme worldwide, also serves as the Limerick Office of the Department of Foreign Affairs more generally.

The PfG commits to making 2023 the Year of the Invitation – a global invitation to visit Ireland on the 10-year anniversary of The Gathering. Limerick greatly values the relationship between itself and its Diaspora around the world. The DEM will champion the deepening of that relationship, building on the work of the council over the last number of years. In particular, the DEM will work with Fáilte Ireland and other stakeholders in ensuring the success of the Year of the Invitation in 2023.

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Part 5. Increased Financial Autonomy

The IAG believes that the local authority, by virtue of the presence of a DEM, must have greater financial autonomy to make strategic investments and have increased revenue raising powers.

5.1 STRATEGIC CAPITAL INVESTMENTS

The IAG believes that the DEM should be able to plan and implement strategic capital investments, based on multi-annual block capital grants to Limerick, under the main capital programmes, including:

- a) The National Development Plan Project Ireland 2040;
- b) Urban Regeneration and Development Fund;
- c) Rural Regeneration and Development Fund;
- d) Limerick Regeneration Framework Implementation Plan;
- e) Disruptive Technologies Innovation fund;
- f) Climate Action Fund;
- g) Irish Water Programme.

The IAG recommend that a multi-annual block capital grant of 200% of the annual operating budget is set for the 5 Year duration of each DEM. Based on Limerick City & county council's 2020 annual operating budget of €184 million, excluding the HAP Shared Service Centre, this would equate to €368m. The DEM would lead this investment planning process, as well as negotiations with national government on the funding levels agreed. The relationship between national and local government in Limerick would be based around a shared dialogue on areas of national need. National Government would however give the DEM a key role in national programmes in Limerick.

The IAG recommends that the current "bid" process under the Urban Regeneration and Development Fund (URDF) and its sister Rural Regeneration and Development Fund (RRDF) should be revised. The approach taken should be to make an estimated allocation to Limerick (DEM to have input into estimated allocation) for which an investment plan is developed and negotiated over a 10-15-year horizon, and reviewed on a five year cycle at the anniversary of the appointment of the DEM. Full planning

and delivery over the investment should be devolved to the DEM who would lead a negotiated settlement with national Government. This would be a bespoke arrangement for Limerick city and county council by virtue of the presence of a DEM, which could draw some comparison to the “city deals” arrangements in UK cities.

The DEM, as chair of the Limerick PI 2040 Project Delivery Board, would also ensure the implementation of the investment plan in line with the Development Plan, RSES/MASP and NPF.

IAGR 56. STRATEGIC CAPITAL INVESTMENTS

- **DEM leads planning process for multiannual strategic investment funding.**
- **Limerick to benefit from a multi-annual block capital grant of 200% of the annual operating budget for the term of the DEM (5 years).**
- **Limerick to benefit from multiannual allocation under URDF and RRDF, based on an investment plan with a 10-15 year horizon.**

5.2 MAYORAL DEVELOPMENT CORPORATIONS

The DEM will have additional planning powers that enable the DEM to make ‘Mayoral Development Corporations (i.e. special purpose vehicles (SPVs)) to help drive regeneration and progress on complex schemes in key locations. The creation of a Mayoral Development Corporation/SPV type venture will support the delivery of key sites through one or two priority Mayoral Development Zones (in the Regen area(s)). The IAG stresses that, while this could be game changing for the regeneration of particular sites in Limerick it would require careful scrutiny and oversight by both the elected council and the Office of the Planning Regulator.

IAGR 57. MAYORAL DEVELOPMENT CORPORATIONS

DEM to have the power to set up Mayoral Development Corporations (i.e. special purpose vehicles (SPVs)) to help drive regeneration and progress on complex schemes in key locations.

5.3 REVENUE RAISING ABILITY

It has been suggested that the influence and standing of the DEM at national level would be significantly bolstered if the DEM had a capacity to secure the identification of additional resources for the local authority, through annual DEM block grants to support the delivery of enhanced local services in areas such as:

- Housing Maintenance
- Maintenance of Parks, Pitches and Open Spaces;
- Public Lighting;
- Street Cleaning;
- Enhanced Festival and events;
- Local & Regional Roads including additional mobility measures;
- Additional contribution to the General Municipal Allocation (GMA);
- Sports and Leisure Facilities.

The following examples demonstrate how the annual DEM block grants could be set by linking its calculation to a specific annual Income source

- a) Limerick city and county council has a budgeted 2020 income from Commercial Rates of €58.5m. It is recommended that an annual DEM block Grant of 10% (€5.85m) of the Commercial rates could be introduced.
- b) The Council has budgeted Local Property Tax for 2020 of €19.91m which includes an additional €2.4m as a result of the Councillors decision to vary the rate of LPT upwards by the maximum of 15%. It is recommended that a further annual DEM Block Grant to correlate with the increase in LPT would be made available.

The two examples above would create an annual DEM block grant of €8.25m. These additional funds from central Government could be routed through existing mechanisms like the Local Government Fund and enable the creation of a multi-annual budget that the DEM would have responsibility for, that would be additional to pre-existing local authority finances and that would be subject to being deployed to support the delivery of local services and the objectives of the NPF and agreed as part of the draft budgetary plan.

Alternative revenue raising powers could also be assigned to the Council by virtue of the presence of a DEM, such as the introduction of a hotel/tourist tax or environmental-related taxes, like park & ride, congestion or toll charging. Some new such charges could affect the competitiveness of Limerick city and county vis-a-vis its regional competitors and their implications should be carefully considered.

5.4 FUNDING MODELS / BORROWING

While there are important considerations in terms of the state's borrowing limits, the IAG believes that careful consideration should be given to allowing the DEM to raise funding through, for example, launching a "Limerick Bond". This would involve decentralised power for borrowing to the DEM, within set gearing ratios and a separate multi-annual borrowing limit provided to Limerick city and county council. The council would have the ability to fund and deliver multi-annual strategic capital projects.

Consideration could also be given to facilitate the Council collaborating with other funding partners and the private sector to deliver key strategic projects that would be in line with public spending code guidelines and allow the debt to be taken off balance sheet.

For example a special Sub-Fund of ISIF could be set aside for DEM-led LAs – say half a billion euro. This would be co-managed by the DEM and ISIF and could be used for infrastructure and enterprise projects on an investment return basis with specialised Sub-Funds in each case into which the private sector could invest also. This would be a rolling investment Fund (not a grant) and the projects involved would have to be such as to give a return so that the Fund continued to be replenished.

IAGR 58. INCREASED FINANCIAL AUTONOMY PROPOSALS - DEVOLVED POWER

- Annual DEM block grant which is made available to the DEM to allocate as part of the draft budgetary plan
- Decentralised approval for borrowing to the DEM, within set gearing ratios and a separate multi-annual borrowing limit provided to Limerick city & county council.
- Co-responsibility with ISIF for special Sub-Fund to be created to support infrastructure and enterprise investment

IAGR 59. INCREASED FINANCIAL AUTONOMY PROPOSALS - STATUTORY CONSULTEE

- Statutory requirement to consult with the DEM on any reviews proposed to the NDP.

5.5 RESOURCES: STAFFING AND POLICY EXPERTISE

The IAG recognises that, where new functions or powers are devolved or assigned to the local authority by virtue of the establishment of the DEM, significant additional staffing and policy expertise will be required to deliver on any new mandate.

While it is not possible at this stage to quantify those needs, the assignment of new functions must come with the assignment of commensurate staff and resources to recruit the necessary staff, with the required expertise.

Unfunded mandates, i.e. the assignment of new responsibilities to the local authority without allocating sufficient funding to the local authority, must be avoided.

IAGR 60. STAFF RESOURCES

An evaluation of the additional staffing needs and policy expertise will be required to deliver on any new mandate. This evaluation to be undertaken as part of the preparations for the introduction of a DEM

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Part 6. What do the public say about the DEM

6.1 CONSULTATION AND ENGAGEMENT

An important theme of the IAG’s work has been the imperative to bring the people of Limerick on the journey of implementing the DEM. The group considers it vital to the success of the office that the people of Limerick understand the office and have ownership of it. The DEM will enjoy a mandate of a magnitude unprecedented within local government in Ireland, and an essential part of their role will inevitably be their work in representing and championing Limerick and every part of all of its communities, rural and urban. The DEM must be able to ensure that no community is left behind as they work for the betterment of the people of Limerick.

6.2 LIMERICK – LET’S TALK ABOUT OUR MAYOR

In order to gather people’s views and to promote public engagement with the DEM project, the IAG commissioned Dr Maura Adshead, associate professor of politics, at the University of Limerick, to carry out a public consultation within Limerick. Dr Adshead made use of data gathered by the University of Limerick in a wide-scale consultation of public views on the DEM concept. A full report of the public consultation “*Limerick, Let’s talk about our Mayor!*” is at Appendix D.

It was originally intended to carry out the public consultation by way of public meetings, world café events etc. and by encouraging organisations throughout the county to host their own discussions. However, given the public health advice on public gathering arising as a result of the Covid 19 pandemic, the consultation was carried out digitally.

The intention was to provide an opportunity for genuine exploration and dialogue amongst the people of Limerick and to create a county-wide conversation about what a DEM might mean for Limerick

Vig 17: Pg. 9 Limerick “Let’s talk about our Mayor!”

However, despite the move to a digital platform, it was always intended that the exercise would be something quite different to a conventional public

consultation exercise. Instead it was to be an opportunity for genuine exploration and dialogue. In addition to garnering the views of the people of Limerick, it was also intended to

- develop awareness around the new style of Mayor;
- increase interest in the new DEM as an opportunity for positive change;
- promote ownership of the initiative by encouraging participation;
- support a collective Limerick identity and
- identify Limerick as an innovator.

The consultation, which was hosted on the Limerick City & County council website allowed individuals or groups to take part in an interactive survey using visual displays, interactive question and answer facilities and real-time feedback. There were three targeted audiences,

- hosted conversations with trained facilitators;
- conversations by remote, with people taking the resources and using them to host their own conversation among family or friends;
- and individuals participating on their own.

By setting the context and framework for discussion concerning the nature and scope of the DEM's role, the ambition was to start a county-wide conversation about what a DEM might actually mean for Limerick.

The consultation ran online for 4 weeks in July and August. During that time there were 927 responses to the online interactive survey, and 21 hosted community conversations and submissions representing the views of another 136 individuals. This level of participation is equivalent to other polling methodologies.

6.2.1 SUMMARY OF FINDINGS FROM THE PUBLIC CONSULTATION EXERCISE

The process was designed to raise public awareness about the creation of a new kind of mayor for Limerick, and to provide an opportunity for any associated challenges to be surfaced in advance of its establishment. Participants were asked questions such as

- What skills and background should the ideal mayor have?
- What's best about Limerick?
- What are Limerick's main challenges?

6.2.2 GENERAL FINDINGS

The overarching themes arising from the consultation were that of accountability, change, democracy and representation.

The survey responses indicate that the people of Limerick want a change from the current system of governance. Many expressed frustration with the current system and a need to do something differently. Many see the DEM as an opportunity for progress and promotion of Limerick's interests. For the most part, they view the establishment of a DEM as an opportunity to improve local government and deliver local services. There was a feeling that whatever the new Mayor does, local government needs to be better able to communicate with local communities to address the deficit in confidence regarding local politicians and local government.

Rationale for a DEM

Limerick people want more accountability

Limerick people want a change from the current system of governance

Vig 18 Pg. 20 Limerick "Let's talk about our Mayor!"

6.2.3 HOW LIMERICK PEOPLE VIEW LIMERICK

In general, the survey identified the same challenges as Limerick leaders, many of which are addressed in *Limerick 2030* and built on in Part Four of this report.

There was evident consensus between local government and the people of Limerick that the main challenges for the city are "not being harnessed in any positive way to address identified challenges".

There was a strong consensus that the challenges faced by Limerick need to be matched by an equally strong counter-narrative about what is best about Limerick.

Building a positive ‘place proposition’, that is, a confident self-awareness of what is positive about Limerick is regarded as a key factor in Limerick’s rejuvenation. The current place proposition strategy needs more support to create the necessary buy-in from Limerick people.

6.2.4 THE ROLE OF THE MAYOR

The survey results indicate that a DEM should be concerned with the system of government rather than on any particular key area. This project is an opportunity for greater local control and autonomy in decision-making.

The public consultation exercise emphasises a desire for the DEM to be the voice of or champion for Limerick. Survey participants see the mayor as presenting an opportunity for the DEM to provide the public with an impartial account of the progress of local initiatives, mediation between local government and the public, and monitoring the delivery of projects and initiatives. The IAG report seeks to address these concerns.

When asked about what skill set a DEM would ideally have, experience in ‘infrastructure and planning’ was identified as the key desired experience.

6.2.5 SPECIFIC AREAS OF FOCUS

While housing, homelessness and transport were the biggest concerns expressed, there was also a comprehensive list of other “infrastructural deficits”. Many of these “deficits” are addressed in Part 4 of this report.

Areas of deficit identified in the public consultation.

While housing, homelessness and transport were the biggest concerns expressed there was also a comprehensive list of infrastructural deficits concerning; addiction, children’s activities, composting, cycling lanes, education, flooding, health services, littering, parking, pedestrianisation, recreation, recycling, regional connectivity, renewable energy, roads, sporting and nonsporting facilities, supports for mental health, traffic, waterways – especially along the river Shannon, and youth facilities and services.

Vig 19: Pg. 26 Limerick, let’s talk about our Mayor!

6.3 STAKEHOLDER ENGAGEMENT

In a separate exercise, a series of stakeholder meetings was undertaken on a personal basis by the Chair of the IAG. The purpose of these engagements was to brief civic leaders and groups in Limerick on the DEM project and its potential and to get their feedback in terms of the opportunities and challenges they foresaw. This outreach was in addition to the wider process of public consultation undertaken by the IAG via UL Engage (see 6.2) – the latter ensuring that all groups and individuals in Limerick who wished to do so could offer their views on the project.

In addition, the Chair had meetings, at their request, with a number of political representatives at national level, together with a number of representative organisations in the Local Government Sector. A full list of the stakeholders whom the Chair met with is contained at Appendix E. A number of submissions were also received, listed in Appendix E.

The following paragraphs provide a summary of some major points to emerge from these conversations and submissions. The views generously shared with the IAG by stakeholders were carefully considered, although not all points raised could be directly addressed, for reasons of practicality.

6.3.1 KEY THEMES ARISING

While each meeting had a different focus based on the Sector the group represented, some key common themes emerged.

Overall, the stakeholders consulted expressed positive views regarding the DEM project, and its potential for enhancing Limerick city and county was widely accepted. It was recognised that there were risks involved in an initiative that was unprecedented in Irish public policy – some characterised it as “an experiment” – but the potential advantages were seen as significant. The main one was the creation of a clearly defined new leadership centre of gravity in and for Limerick.

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This potential was vocalised independently by a number of stakeholders as that of a coordinator, a focal point, a face for the local authority, and a champion and advocate for Limerick – with executive functions.

It appears, then, that stakeholders see in the office of DEM great potential as a convenor and connector who could work to strengthen the links between the people of Limerick city and county and public bodies on one hand, and private enterprise and the wider community on the other. The concept, therefore, of a Mayor who has a direct mandate from the electorate and who can advocate for Limerick city and county at national Government level seems to enjoy a level of broad support.

The DEM's role at international level was also seen as key, with the Mayor playing an ambassadorial role globally, including with the Limerick Diaspora, and serving as a host for international visitors domestically – in, for instance, the promotion of Limerick's credentials as a great location for Foreign Direct Investment. Another example in this regard was the Third Level Education Sector where the DEM could help with the raising of the profile of Limerick's educational offering.

During the stakeholder engagement process, one point that arose related to the regional implications of the establishment of the office of DEM in Limerick city and county council. It was noted that the DEM could play an important part in the development and implementation of the Limerick Metropolitan Area Strategic Plan, which forms part of the Regional Spatial and Economic Strategy.

The potential for a DEM to contribute positively regionally was identified, as was the need to ensure that the office of DEM of Limerick should benefit all of the local authorities in the Mid-West. Indeed, a number of stakeholders struck a note of caution in that regard, pointing out the complexities that could arise for neighbouring local authorities by virtue of the powerful new leadership position being created in Limerick.

This was a concern for Limerick-based stakeholders who had a wider regional remit also. It was agreed that this was a complexity that needed to be taken into account in the design of the DEM mandate and role. The chair sought to provide reassurance on

the matter via the intention of the IAG's Report to propose a leadership role for the DEM in the implementation of Project Ireland 2040, combining the National Planning Framework and the National Development Plan, and that this process, which had a strong focus on regional collaboration and cohesion, would be helpful in this regard also.

All stakeholders stressed the need for the candidates for the office of DEM to be of a high calibre, given the new, unique, complex and wide-ranging responsibilities and obligations attached to the role. Indeed, many felt that this was going to be the key determinant of the success or failure of the initiative. It was suggested that measures could be put in place to ensure that a Mayor is qualified for the role, such as the implementation of a 'list' system. However, the IAG considers that filling the office of DEM is a matter for the democratic process and the electorate of Limerick that candidates can put themselves forward as having the necessary skills and experience commensurate with the totality of the role and it will be for the people to decide.

An observation that emerged was the value added by Mayors in other jurisdictions, particularly where Mayors have substantial powers to deliver change and the many positive examples of that which existed world-wide. It was argued that a DEM could provide leadership and a vision for Limerick but to do that needed to have a role across a whole range of sectors – for instance, housing, infrastructure, enterprise, climate change, community development, anti-poverty coordination, transport, health, culture, arts, heritage and education.

It was suggested, for instance, that key elements of primary and secondary education could be devolved, similar to the model used to devolve functions to Education and Training Boards. Indeed, the Further Education and Training Sector, which has also seen major institutional change in recent years, was viewed as a critical space in terms of the role of the DEM. Another interesting idea to emerge in regard to the Education Sector was using primary schools as Community Hubs on which other public services for children and their families could be provided – a kind of One-Stop-Shop.

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The success of Limerick city and county council was noted, and that the DEM would be building on that success. In particular, it would be important to maintain the practice, now well developed, of a collaborative approach by stakeholders in the wider interests of Limerick, a process in which the council and its executive had played a key role. Several of those consulted mentioned the importance of ensuring Limerick county was also given focus in the new initiative and the IAG have sought to ensure that in the design of the DEM role as set out in the Report.

The view was also expressed that it was vital that the DEM was “for everyone”. It was suggested that a motto of the DEM should be “that for Limerick to thrive every community and every part of it should thrive”. The thinking behind this view was that it was essential that public services were more joined up and targeted in Limerick so that everybody benefited, including communities which faced particular socio-economic challenges. These stakeholders believed that a properly constituted and resourced Office of DEM could be critical in ensuring that. The chair gave assurance that this would be an important focus in the IAG’s Report.

6.3.2 GOVERNANCE OF THE DIRECTLY ELECTED MAYOR

It was made clear by stakeholders that under the Government Proposal approved by the people of Limerick the elected councillors are the principal decision makers and their primacy must be maintained. The DEM will have executive powers originating from those currently held by the chief executive AND new powers not previously held at local government level. This places significant power and control in one individual. Stakeholders saw the need to get the balance right between ensuring the DEM had the ability to deliver on their mandate while at the same time ensuring that their powers were not unlimited.

In other words, the advantage of having one voice speaking for Limerick must be tempered by appropriate oversight and governance. The elected Council should have its role enhanced by the establishment of a DEM; at the same time, the DEM, elected Council, and chief executive must work together to deliver for Limerick. Ensuring the necessary checks and balances was important for stakeholders, while at the same time enabling business to get done and not have it dogged by conflict and stand-offs

between the DEM and the council. The fear was, in that circumstance, that the outcome for Limerick would be paralysis.

In the same vein, it was suggested that the relationship between the DEM and the chief executive of Limerick city and county should be carefully delineated also in order to avoid confusion between the different roles. The DEM's role as leader in Limerick must be clear. Concern was raised that there could be conflict between the Mayor and the chief executive. Ultimately, this points to the need to clearly communicate any new governance arrangements to the people of Limerick city and county. It also points to the need for clarity in accountability and reporting arrangements between the Mayor, the elected council and the chief executive, so that oversight arrangements and responsibility for functions are well understood and appropriately transparent, and that the discrete contribution each is making is well defined and respected.

The IAG has sought in its Report to strike that balance and ensure the most effective possible delivery by the DEM, supported by the Executive and within the context of the primacy of the elected council.

Concern was expressed by some stakeholders that there was not enough public awareness of the initiative and the scale of change envisaged and that this was a serious matter in terms of ensuring public confidence and buy-in. The chair acknowledged that this was an issue. He pointed to the public consultation exercise being undertaken by UL Engage on behalf of the IAG. It was also recognised that the impact of the Covid-19 pandemic meant that the level of public engagement hoped for, including several public meetings, had not proved possible. The chair undertook that the IAG Report would include a call for a major public information campaign organised by the Government in the run-up to the first DEM election campaign.

IAGR 61. PUBLIC CAMPAIGN

A major national public campaign, prior to the election and funded by Government, is required to raise awareness of the potential a DEM could bring, not just in Limerick, but in any local government jurisdiction.

6.3.3 STATUTORY CONSULTATION

The concept of assigning a statutory consultation role to the office of DEM received strong support from stakeholders. Many of the stakeholders acknowledge that they already have the “ear of Government” within their own areas. However statutory consultation brings with it not just the opportunity to speak but a legal obligation to be heard at the highest level. Those consulted saw great value in having the support, framed in law, of the DEM in making the case for Limerick with Central Government Departments and Agencies, alongside the locally based representatives or stakeholders of those Departments and Agencies. In effect, stakeholders felt, the DEM could act as a powerful advocate for Limerick.

This advocacy and championing role could act across a whole range of sectors – e.g. Education, Health and so on, along the lines of the list of sectors examined in part 4 of this report.

For instance, it was felt that the DEM could have a role in the development of infrastructure for Shannon Foynes Port and Shannon Airport, which have a critical strategic role in Limerick and the surrounding region. In a similar vein, where services or bodies are working well on a non-statutory basis, they could be placed on a more formal footing with a role for the DEM. For example, the Mayor could chair the Public Services Working Group in Limerick, which is currently chaired by the chief executive of Limerick city and county council, and the Working Group could be put on a formal or statutory basis. Here again the principle involved was about placing roles and responsibilities on a statutory basis.

6.3.4 INNOVATION NOT EXPERIMENTATION

It was noted that the Mid West has produced successful public policy innovations before. The DEM is the latest example in that regard – something that could be pioneered and developed in Limerick and then potentially extended to other regions of the country as well. The Mayor will have executive powers originating from those currently held by the chief executive AND new powers not previously held at local government level. This affords Limerick city & county a chance to be the vanguard in the effective delivery of public services to the citizen.

As mentioned above, the concern was expressed by several stakeholders that Limerick is taking a risk by being the first to do this, and must not be used as a laboratory to trial initiatives in which the whole of government does not have full confidence. Indeed, the support of Government politically at the highest level was seen as critical to the success of the initiative. The chair responded by giving his personal sense that there was a strong degree of commitment at Ministerial and Departmental level for the initiative on the basis that it was timely and necessary and in any case what the people of Limerick had voted for. Moreover, the intention was that the concept would initiate in Limerick, with a commitment to success there, and then be expanded to other local authority areas (on the basis of consultation)²⁶. The chair felt that this was indicative of a significant policy shift with a long-term commitment at its heart.

Some stakeholders felt that one way to minimise the risks involved was to take an incremental approach to the transfer of powers to the DEM – that the process could begin with the assignment of certain additional powers and responsibilities and over time, as confidence was built, others could be added.

6.3.5 MANDATE AND MEANS

A recurring point made was that the DEM should be appropriately empowered. For a Mayor to be empowered, it is essential that any mandate is properly funded and resourced. Suggestions were made regarding potential sources of funding, including from central Government as well as from revenue raised by the local authority itself. The phenomenon of the ‘unfunded mandate’, where powers are assigned without the appropriate level of funding, must be avoided.

Mandate without means makes the Mayor a voice without teeth and would fundamentally undermine the role, and the potential for local government in general to achieve more. Reservations were expressed regarding the likelihood of decentralisation of functions to a DEM. The chair pointed out that Government has stated its willingness to devolve new functions to a DEM, and that the IAG will be making proposals in this regard.

²⁶ There is a further commitment to the office of Directly Elected Mayor with executive functions in the Programme for Government 2020

At the same time, caution was expressed by some about devolving funding and then abdicating any further interest or involvement; this carried the danger of turning Limerick into a “policy ghetto”. The anxiety was expressed that an increase in local autonomy should not mean that Limerick city and county’s connection with central Government is weakened or diminished. That was another advantage seen in the statutory consultation route – it would mean a continuous involvement with the Centre on all points of the policy continuum. By the same token, the chair told stakeholders, the IAG was clear that the Mayor must strengthen Limerick’s voice at the level of national Government. It was suggested that perhaps responsibility could be shared by the DEM with State bodies responsible for performing functions relevant to the local authority area, in a form of ‘shared sovereignty’, or “power sharing”.

Another suggestion put forward was that State bodies responsible for functions which impact on Limerick city and county’s local authority area could be required to work with the DEM. The IAG Report will seek to address these concerns in particular ways.

6.3.6 STRONG SUPPORT OVERALL

It will be clear from the above that, overall, there was a strong welcome among the civic stakeholders consulted for the DEM initiative and the potential it had for the future of Limerick. Concerns were expressed about certain risks and the possibility of confusion of roles, leading to conflict, but in the main the advantages were seen as considerably outweighing the disadvantages. The general mood was that this was an exciting opportunity for Limerick and its people and those consulted wished to be as supportive as possible. All agreed that the two key requirements were (a) getting the best possible design of the role in terms of ensuring the optimum outcomes for Limerick going forward and (b) the quality of the candidate elected would be pivotal in delivering on the potential of the initiative.

6.4 ENGAGEMENT WITH THE COUNCIL

The elected council of Limerick has been a part of the IAG’s process, both through the councillors who were nominated to the Group by the elected council and through direct engagement with the elected council as a whole. As the local representatives of the people, and the body which collectively performs the reserved functions of the local

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authority, councillors must have a central role in holding the DEM to account, as set out in the Government's detailed proposals document. It has been a central priority for the IAG that the role of councillors must be enhanced and given further substantial, meaningful functions to perform with the DEM, so that both council and DEM can work together for Limerick.

6.5 CASE STUDIES AND INTERNATIONAL BEST PRACTICE

As part of its work, the IAG considered a number of case studies from local authorities in Europe, the USA, and New Zealand and learned a great deal from the experiences, practice and arrangements elsewhere. Full details of the case studies are in appendix F. One of the most striking aspects of the DEM concept is the flexibility that it demonstrates. Mayors have varying degrees of responsibility and power: in Spokane, the Mayor is responsible for a wide range of executive matters including appointing staff, while in Auckland the DEM is non-executive, performing a role more focused on representation and coordination. In Flensburg and Spokane, the Mayor may exercise a veto over decisions made by the elected council, but Mayors in England do not have a veto. These are only a few examples of differences, picked from potentially many more, but they are indicative of the breadth of the office of DEM, and of the possible options for the future development of the role.

It is clear that there is no blueprint for the establishment of a successful office of DEM. The variation in circumstances and context across different jurisdictions – including political culture, historical factors, local electoral dynamics, national governance arrangements, like federalisation among many others, relationships and hierarchies at local, regional and national levels – make it impossible to identify a model that can be imported to Ireland. Instead, to make a DEM work for Limerick city and county, the particular circumstances that pertain to Limerick must determine the model put in place.

However, it is believed that useful ideas and important lessons can be gleaned from DEMs in other jurisdictions. Working with the IAG's academic advisor, a number of examples were identified as being particularly suitable for comparative purposes:

- the city of Flensburg in Germany;
- the city of Spokane in the State of Washington, USA²⁷;
- English local authorities with a DEM, particularly Bristol city council and Doncaster Metropolitan Borough council;
- Auckland council in New Zealand;

²⁷ Twinned with Limerick since 1990

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- The City of Linz in Austria.

Presentations were delivered to the IAG at its meetings on a number of these, as well as a presentation on statutory consultation in a European context. It should be underlined that comparators were not selected on the basis of being identical with Limerick; rather, they were selected on the basis of a number of criteria. The city of Spokane is Limerick's sister city, which in 2003 changed from a 'council-Manager' system to a 'strong Mayor' system, and whose first Mayor was removed from office. Bristol is a regional capital which in 1996 partially merged with Avon county, while Doncaster MBC has experienced challenges both before and after the establishment of its DEM. New Zealand is demographically similar to Ireland, has a written constitution and uses a proportional representation system for elections; Auckland council has a DEM. The city of Flensburg (population: approx. 85,000) is similar in size to Limerick city (population: approx. 100,000 including suburban areas), and moved from a council-Manager system to a DEM model in 1999.

It is of course essential to consider the best formal arrangements for Limerick's Mayor. The Group has spent a great deal of time debating the many possibilities on offer, considering alternatives, and deliberating on its recommendations for the formal institutional setup to accompany the installation of the Mayoral office. However, a lesson gleaned from international experiences is that no matter what institutional arrangements have been put in place it is ultimately down to the people involved to make the office of Mayor work effectively for the people of Limerick: the Mayor, the elected council, the Director General, local authority staff, sectoral stakeholders, the people of Limerick, and central Government.

One example of the importance of the 'human factor' is Doncaster Metropolitan Borough council, where a DEM was established in 2001. Doncaster MBC experienced challenges prior to and following the establishment of the DEM. However, an Audit Commission report published in 2010 identified a number of problems with the leadership of the council, including conflict between the council, and the Mayor and Cabinet. The report deemed that the Mayor and Cabinet had not provided effective leadership, and that the leadership shown by some senior staff members had been

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inadequate.²⁸ More recently, following intervention by central Government, a Corporate Challenge Report published by the Local Government Association in 2014 noted that Doncaster MBC has made progress and identified the “leadership of Mayor Ros Jones and her Cabinet, supported by the chief executive and her officers” as a “key factor” in the improvement of the local authority.²⁹

²⁸ The Audit Commission’s report is available at the following address: <https://webarchive.nationalarchives.gov.uk/20150216105539/http://archive.audit-commission.gov.uk/auditcommission/SiteCollectionDocuments/InspectionOutput/InspectionReports/2010/201004doncastermetropolitanboroughcouncilcorporategovernanceinspectionREP.pdf>

²⁹ The LGA’s Corporate Challenge Report is available at this following address <https://www.local.gov.uk/sites/default/files/documents/Corporate%20Peer%20Challenge%20Report%20Doncaster%20July%202014%20WEB.pdf>. For further information on UK Government interventions including in Doncaster MBC, see <https://commonslibrary.parliament.uk/parliament-and-elections/government/intervention-in-local-government/>, <https://researchbriefings.files.parliament.uk/documents/CBP-7993/CBP07993a.pdf>, and <https://www.gov.uk/government/news/government-sets-out-proposals-to-turn-around-failing-doncaster-council>.

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Part 7. Electing the Mayor

7.1 ELECTING THE MAYOR

The Minister will appoint a day for holding the first election for a “directly elected mayor with executive functions in Limerick city & county”. Subsequent elections will coincide with the local election cycle.

Anyone who is entitled to run for office in Ireland, whether it is for local government or national government may put themselves forward as a candidate. They do not need to reside in Limerick.

A serving councillor can run for the office of DEM, but there will be a prohibition on multiple membership. If an existing councillor is successful in a mayoral election, that individual must resign the role of councillor in favour of the office of DEM and the vacated council seat will be filled in the usual manner as provided for in the Local Government Act 2001.

The detailed policy proposals also envisages that members of the Oireachtas and MEPs would be free to run for election for the role of DEM, but would not be free to hold a dual mandate and would have to relinquish their Oireachtas or European responsibilities in order to take up the office of Mayor.

7.2 THE NOMINATION PROCESS.

The detailed policy proposals set out the following proposals for the nomination process.

- A candidate may nominate himself or herself or may, with the candidate’s consent, be nominated by a proposer. A proposer must be registered as an elector in the local authority area for which he or she proposes to nominate the candidate.
- A nomination paper from a candidate of a registered political party must have a certificate of political affiliation attached.

- If no certificate is attached, the completion of statutory declarations by 250 assenters registered as electors in the local authority area, which must be witnessed by a Commissioner for Oaths, a Peace Commissioner, a Notary Public, a member of the Garda Síochána or an official of the registration authority, is necessary before the expiration of the time for receiving nominations.

The detailed policy proposals recommend that the process should be aligned with that of the nomination process for a candidate for Dáil Éireann.

However, there are significant differences between the nomination process for a candidate for Dáil Éireann, and the nomination process for a candidate for local government. The most notable is that the nomination process for Dáil Éireann requires that a nominee be over 21 and a citizen of Ireland. This requirement does not apply to local elections, where a potential candidate must be ordinarily resident in Ireland and over 18.

As the role is for the head of the local authority it is therefore recommended that the proposal in the detailed policy proposals be varied so that the nomination process is aligned with that of the nomination process for a candidate to council.

IAGR 62. THE NOMINATION PROCESS

The nomination process will be aligned with the nomination process for a candidate in the local elections.

7.3 EXPENSES

The detailed policy proposals document states that Mayoral candidates could have a proportion of their electoral expenses reimbursed upon achieving a percentage of the quota of votes. The basis for this is the Electoral Act of 1997 which created a system of reimbursement of election expenses. This Act also provides a system for controlling and limiting election expenditure by political parties and candidates in Ireland. The IAG

recommend that the provisions of this Act will also apply to the election of the DEM. The specific ceiling on expenditure will be determined by Government.

IAGR 63. EXPENSES

- **A ceiling on election expenditure will be set in line with the provisions of the Electoral Act 1997.**
- **Mayoral candidates who reach a certain quota will have a proportion of their electoral expenses reimbursed.**

7.4 SUBSEQUENT ELECTIONS

The first election for DEM will be a standalone poll. Subsequent elections will take place at the same time as the local elections and it will be possible for a candidate to be named on both ballot papers. If a candidate is successful in both polls, they will be deemed to be elected as a councillor in the first instance, and the provisions for casual vacancies will apply.

7.5 THE TERM OF OFFICE

The term of office will be aligned with the local government term. The first term will run from the first election in 2021 up to the local elections in May 2024. Subsequent terms will match the local government term of 5 years.

The existing office of Cathaoirleach as set out in section 31 of Local Government Act 2001, as it applies to Limerick city & county will cease at midnight on the day before the term of office of the DEM commences.

A Mayor may serve no more than two terms. If the first elected DEM is re-elected in the elections in 2024 they will serve one short term (approximately 2.5 years) and one 5 year term.

IAGR 64. THE TERM OF OFFICE

- **The first term of office will run from the first election up to the local elections in 2024.**
- **Subsequent terms will coincide with local government terms.**
- **The existing office of Cathaoirleach will cease upon the election of the DEM.**
- **A DEM may serve no more than 2 terms.**

7.6 THE MAYOR'S OFFICE

According to the detailed policy proposals, the DEM may have a staff of no more than 5 administrative and research support staff to support his or her office. This may include a special advisor and a programme manager if the DEM so chooses. The IAG consider it would also be appropriate for the Mayor to have a driver.

The DEM will be able to appoint a special advisor at his or her own discretion subject to the Minister's approval (ref detailed policy proposals 9.4). All support staff, including a programme manager, will be drawn from within the current Local Authority complement.

The role of special advisor is to provide advice on a range of topics (e.g. economic, climate change, etc.). The person appointed by the DEM to this role should have relevant expertise and experience in relation to the role to which they are appointed. The special advisor will operate outside of the line management of the local authority and the post will end once the DEM leaves office. The special advisor will have no function in giving instructions or directions to the executive.

In contrast to the special advisor, a programme manager is a serving member of the local authority staff appointed to assist the Mayor given the breadth of high priority business currently undertaken by the local authority and the potential additional functions that may be devolved as part of the new Mayoral brief.

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A document, setting out the expertise and experience of a person appointed to the role of special advisor shall be laid before the local authority as soon as may be following that person's appointment, although the elected council will not have a veto on the appointment.

All HR matters relating to the engagement of a special advisor will be modelled on the procedures currently in place for the appointment of special ministerial advisors as set down by the Department of Public Expenditure and Reform.

The engagement of a special advisor is the only instance where the DEM is involved in hiring matters (with the exception of the DEMs role as a member of the council in the appointment of the DG). The engagement of special advisor is solely a matter for the DEM. The DEM will advise the council of these appointments, but the council will not have a veto on the appointments. All other staffing arrangements are dealt with by the DG, including the assignment of staff to the Mayor's office.

The provisions of part 15 of the Local Government Act 2001, as they apply to councillors and local authority staff will also apply to all special advisors appointed by the DEM. Advisors will be subject to the employees' code of conduct. Their appointment will cease once the DEM leaves office. No appointment shall extend beyond the term of office for which the Mayor is elected (though can be renewed if the Mayor is re-elected).

IAGR 65. THE MAYOR'S STAFF

The DEM will have an administrative and research support staff of up to 5, including a special advisor.

7.7 COST OF THE MAYOR'S OFFICE

The package of supports provided to the DEM would be subject to approval by the local authority as part of the annual budgetary process.

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It is proposed in the detailed policy proposals document that the appropriate level of remuneration for the position of DEM with executive functions could be equivalent to that of a Minister of State.

The policy document also proposes that the DEM should receive an enhanced annual vouched expenses allowance, in recognition of the DEM's mandate from across the entire local authority. However, as the DEM is a salaried individual, the IAG recommend that the DEM would benefit from the same travel and subsistence allowances provided for local authority staff.

IAGR 66. SALARY AND EXPENSES

- **The DEM will receive a salary equivalent to that of a Minister of State.**
- **The DEM will benefit from the same travel and subsistence allowances provided for local authority staff.**

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Part 8. Removal or Recall of Directly Elected Mayor

8.1 OVERVIEW

The detailed policy proposals document proposes that the elected council may initiate a process for the removal of the mayor and a process for the recall of the mayor.

The removal process would see the council request that the Minister remove the Mayor. This would be initiated under specific circumstances, outlined below, and would require a council resolution, an examination of the facts by the Minister leading to regulations to be approved by the Oireachtas. Once the regulations are approved, a new election must be held.

The recall process, would see the council ask the electorate, either by petition or plebiscite, whether or not they wish to recall the DEM. This would also be initiated under specific circumstances, outlined below, and, if the result of such action is a reply in favour of the removal of the DEM (via the petition or the plebiscite) then the Minister will sign an order for a new election.

In the case of a removal, the DEM ceases to act as Mayor once the regulations are passed by the Oireachtas, and the príomh comhairleoir will carry out the duties of DEM until the next election. However, in the case of a recall, the DEM continues in the role until a new election is held.

In either case, the DEM is not precluded from running for election, provided they satisfy the qualification and nomination criteria.

The purpose of these proposals is to provide a democratic political procedure by which the council may seek to remove or recall the DEM from office for reasons of

- a) incapacity, physical or mental impairment,
- b) loss of confidence of the council,
- c) major failure to perform functions, or
- d) stated misbehaviour.

However, the DEM will have been elected with a large democratic mandate, and so this procedure should only be used in extreme circumstances. The only other place where such a procedure exists in Irish law is the procedures for the removal of the President. In the case of the President, where option a) is considered, it is a matter for at least 5 Supreme Court judges to decide that the president has become permanently incapacitated. In the case of the DEM in Limerick it is much more likely that the reason for commencing a removal or recall procedure would be b) loss of confidence of the council, c) major failure to perform functions or d) stated misbehaviour.

Therefore, the IAG are recommending that reasons b) to d) only will apply

IAGR 67. GROUNDS FOR COMMENCING A REMOVAL OR RECALL PROCEDURE

The elected council will be able to initiate procedures to remove a DEM from office, only in cases where there is loss of confidence of the council, major failure to perform functions or stated misbehaviour.

Examples of removal or recall of a DEM

In some jurisdictions, there is provision for the removal or recall from office of a Directly Elected Mayor

- *In the **city of Spokane**, a vacancy may occur in the office of council member, mayor, and council President under a variety of circumstances, including (but not limited to) death, resignation, recall, loss of residency eligibility, absence from meetings, a felony conviction, or following a Court declaration of incompetency.*
 - *Elected officials, including the DEM, may be recalled for a violation of the ethics code, following a recommendation by the ethics committee to the council that such a violation has taken place and if there are no factors of mitigation.*
 - *If the council passes a resolution to have a recall election, by a majority of the council plus 2, a recall election takes place.*
 - *The Mayor and the council President are subject to a recall vote across the entire city; members of the council are subject to a recall vote in their own district.*
 - *A majority of voters must approve of the recall for the official to be removed from their position.*
 - *Alternatively, a recall petition may seek the removal of the Mayor on a number of bases, including malfeasance, violation of their oath of office, or the commission of two or more acts specified as giving a basis for recall.*

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- *The recall petition must be examined by the Spokane County Superior Court. If permitted to progress, a certain number of signatures must be sought.*
- *The number of signatures required is 25% of the number of votes cast in the previous mayoral election.*
- *Once the threshold for signatures has been reached, a recall election is triggered.*
- *In **Flensburg**, the directly elected mayor (Oberbürgermeister) may be removed from office.*
 - *The process for removing the Directly Elected Mayor is initiated by a resolution of two-thirds of the council or by a petition signed by 20% of the eligible voters.*
 - *The Lord Mayor may then be removed by a majority popular vote, with a minimum turnout of 20% of eligible voters necessary.*
 - *Following the initiation of the removal process, the elected council may decide by a two-thirds vote not to let the mayor perform functions.*
- *The Directly Elected Mayor of **Auckland** council, and the elected members, can be disqualified from holding office on a number of grounds, and once disqualified they cease to hold that office. The Mayor cannot be removed by a popular vote, council decision, or Minister's decision.*
- *In local authorities and combined authorities with a directly elected mayor in **England**, it is not possible to remove or recall the Mayor by popular vote or decision of a council or combined authority, or by Ministerial decision. Local authorities may abolish the office of Directly Elected Mayo by*
 - *Holding a referendum, initiated by a decision of an elected council, a petition signed by at least 5% of the electorate, or by Government decision.*
 - *A decision of an elected council to abolish the office, but only if the DEM had been established by a decision of the elected council in the first place.*

Vig 21: Examples of removal and recall in other jurisdictions

8.2 PROCEDURE FOR REMOVAL

In order to ensure that it is the democratic will of the elected council to begin this procedure it is recommended that a minimum of 75% of councillors support a motion to begin removal procedures. The following steps outline a possible removal procedure.

Step 1. A motion to commence removal procedures is

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- signed by more than half of the total number of members³⁰ of the council,
- contains a statement of the reason for the proposed removal,
- delivered to the príomh comhairleoir, and
- delivered or sent to the Mayor.

Step 2. The príomh comhairleoir, through the DG, shall on receipt of the motion and without delay send a copy of it to every member of the council and convene a special meeting at the earliest possible date and in any case within no more than 21 days to consider the proposed removal.

Step 3. The príomh comhairleoir will immediately advise the Minister that a motion to commence removal procedures has been received.

Step 4. Public notice of the intention to hold a special meeting to consider a motion to commence removal procedures must be posted. As the DEM was elected by the public, the special meeting must also be public.

Step 5. The Mayor may prepare a statement of response in relation to the proposed removal and such statement shall be sent to each member of the council.

Step 6. The Mayor will be afforded every opportunity to discuss the matter at the special meeting. In order to assure a fair procedure the DEM can invite appropriate support to the meeting, including advisors and legal representation.

Step 7. In order for the motion to be successful it will be necessary that

- at least three quarters of the total number of members of the council vote in favour of the resolution, and
- the members of the council shall have considered any statement of response prepared by the Mayor.

³⁰ As the Directly Elected Mayor is a member of council the minimum here is 21 members signing the motion

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- Step 8. If the motion is passed, the Minister is immediately informed. The Minister shall, within 7 days of the date of the special meeting at which the motion was passed, appoint a panel of 3 persons—
- to consider the removal of the Mayor where a proposal has been passed by the members of the council
 - to recommend whether the Minister should give sanction to such removal, and
 - to make such recommendations (if any) as the panel may consider appropriate in all the circumstances.
- Step 9. As part of its deliberations, the panel must solicit the Mayor's views as well as those of the council in order to ensure a fair hearing.
- Step 10. The panel shall be independent in the performance of its functions and shall be required to make recommendations to the Minister within 21 days of their appointment.
- Step 11. The Minister's decision to give or withhold sanction shall have regard to a recommendation or recommendations of that panel.
- Step 12. Any regulation signed by the Minister to remove an elected Mayor will require a positive resolution in both Houses of the Oireachtas.

8.2.1 WHAT HAPPENS IF THE REMOVAL PROCEDURE IS SUCCESSFUL?

The DEM may not be removed from office without the sanction of the Minister. Once the regulation to remove the Mayor is passed in the Oireachtas, the príomh comhairleoir will act as mayor until a new mayoral election is held. This election must be held within 6 months. Unless the DEM is specifically disqualified from running for office they can, provided they continue to be eligible for local authority membership.

8.2.2 WHAT HAPPENS IF THE REMOVAL PROCEDURE IS UNSUCCESSFUL?

The detailed policy proposals document recommends that a resolution such as this could not be undertaken again within a 6 month period. However, the IAG have determined that it is more appropriate to allow a full 12 months between such

resolutions, to allow the DEM to demonstrate ability across a full year. Furthermore, a recall procedure cannot be initiated for a minimum of 6 months following an unsuccessful removal procedure.

IAGR 68. OUTCOME OF A SUCCESSFUL REMOVAL PROCEDURE

- **A removal procedure can only be initiated every 12 months.**
- **A new Mayoral election must be held within 6 months of a successful removal procedure, unless such a procedure occurs within 6 months of the next local elections.**

8.3 RECALL OF THE DIRECTLY ELECTED MAYOR.

In the case of “recall”, the electorate would be asked to pass judgement, although this also requires the passing of a resolution by the council to start the procedure.

The Government policy proposal suggests that the next steps are either a recall petition or a recall plebiscite.

(i) a recall petition

If 20% of the registered electorate in the area sign a recall petition within a period of 6 weeks of the council resolution, a bye-election for mayor is held;

(ii) a recall plebiscite

Within 6 weeks of the council resolution, the electorate would be asked to vote in a plebiscite on the removal of the mayor. The recall of the mayor would be triggered if a simple majority is achieved in the plebiscite based on a minimum turnout of 40% of the electorate.

Vig 23: directly elected mayor with executive functions: Detailed policy proposals March 2019

The following steps outline a possible recall procedure:

Step 1. A motion to commence recall procedures is

- signed by at least half of the total number of members of the council,
- which contains a statement of the reason for the proposed removal,
- is delivered to the príomh comhairleoir, and

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- delivered or sent to the Mayor.
- Step 2. The príomh comhairleoir, through the DG, shall on receipt of the motion and without delay send a copy of the motion to every member of the council and convene a special meeting within 21 days to consider the proposed removal.
- Step 3. The príomh comhairleoir will immediately advise the Minister that a motion to commence recall procedures has been received.
- Step 4. The Mayor may prepare a statement of response in relation to the proposed removal and such statement shall be sent to each member of the council.
- Step 5. The Mayor will be afforded every opportunity to discuss the matter at the special meeting. In order to assure a fair procedure the directly elected mayor can invite appropriate support to the meeting, including advisors and legal representation.
- Step 6. In order for the motion to be successful it will be necessary that
- at least two thirds ³¹of the total number of members of the council vote in favour of the resolution, and
 - the members of the council shall have considered any statement of response prepared by the Mayor.
- Step 7. If the motion is passed, the príomh comhairleoir shall immediately inform the Minister.
- Step 8. The council must state whether the council intends to seek a democratic mandate by recall petition or by recall plebiscite, and the reasons why the chosen recall procedure was selected.
- Step 9. In the case of a recall petition, this must be conducted and completed within 6 weeks of the passing of the motion. The nature of the recall petition will be determined in legislation.

³¹ This is a lower requirement than removal, as it will ultimately be up to the electorate to decide

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Step 10. In the case of a recall plebiscite, this must take place within 6 weeks of the passing of the motion. A minimum turnout of 40% is required to pass a recall plebiscite.

Step 11. The príomh comhairleoir shall immediately inform the Minister of the outcome of the recall procedure. The Minister will then sign the regulation to hold a new election.

Step 12. A recall petition or plebiscite can only be held once during the term of office of the mayor.

8.3.1 WHAT HAPPENS IF THE RECALL PLEBISCITE OR PETITION ARE SUCCESSFUL?

In the event that a recall procedure is successful, a new Mayoral election must be held within 6 months of the passing of the recall procedure. The directly elected mayor remains in office until the election is held.

The recalled mayor would be eligible to stand in the mayoral election, assuming that they continue to be eligible for local authority membership.

IAGR 69. OUTCOME OF A SUCCESSFUL RECALL PROCEDURE

- **A recall procedure can only be initiated once during a Mayoral term.**
- **A new Mayoral election must be held within 6 months of a successful recall procedure, unless such a procedure occurs within 6 months of the next local elections.**

8.3.2 WHAT HAPPENS IF THE RECALL PLEBISCITE OR PETITION ARE UNSUCCESSFUL?

In the event that a recall procedure is unsuccessful, the DEM will continue in his or her post until the end of the term of office until or unless a removal procedure is initiated by the council. As a recall procedure may only occur once per local authority term, the DEM will not be subject to a second recall procedure during their term in office.

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Part 9. Conclusions

9.1 CONCLUSION

We said at the outset of this Report that, based on the Proposals put by the Government to the people of Limerick and approved by them last year, the establishment of the Office of DEM of Limerick with Executive Functions was one of the most significant reforms of Local Government since the foundation of the State, and had the potential to make a major contribution to the development of Limerick over the coming decades and generations. We hope that the proposed scale and scope of the role, both in terms of remit and structure, that we have set out in this Report capture that potential in a real and tangible way and to the fullest extent possible. In what we have designed, we have sought to ensure that the Mayor has

- a) the mandate to be the Chief Representative and Advocate of all the people in respect of every area that affects the well-being of Limerick and
- b) the means necessary to discharge that mandate effectively and fully.

We recognise that what we are proposing is ambitious and indeed unprecedented in terms of local government in Ireland, but we believe that it is soundly based and deliverable. Moreover, our blueprint draws on best practice internationally and is true to the principles of the European Charter for Local Self-Government. Most particularly, it is based on what the people of Limerick have told us they want to see in ensuring the best possible outcome for the city, county and region over the coming decades. Its implementation will require a strong spirit of collaboration and co-operation between Council, DEM and Executive, between the DEM and the people of Limerick and between the Limerick local authority and central government Departments and their agencies. But we believe the will is there for that to happen. And we also believe that what emerges from the process of legislation and planning ahead, based on our Report, will not just be very good for Limerick, but also serve as a template for other local authorities around the country in the years ahead.