



**Report of the Implementation Advisory Group  
Directly Elected Mayor with Executive Functions  
For Limerick City & County**

**Summary of key points and recommendations in the report for the Directly Elected Mayor for Limerick City & County prepared by the Implementation Advisory Group chaired by Mr Tim O'Connor - Published 26 January 2021**

***Synopsis by Liam Kenny, Director, AILG***

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## 1. Introductory Comments

- It is clear from the report that it is intended that its conclusions will form the basis of Directly Elected Mayor (DEM) proposals in other Councils and not alone Limerick although the latter is the first in the time line.
- The report is that unambiguous that the DEM is for rural as well as urban situations and throughout it gives equal weight to rural considerations.

The Report runs to 260 pages with 60 sections and nine appendices.

## 2. Context and Principles

In his preface Mr Tim O'Connor, the Implementation Advisory Group (IAG), chair stressed that it had come to the unanimous view that the 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 time being grounded in practicality and effectiveness.<sup>1</sup>

A theme through the report is that while ambitious the Group also wanted to ensure that the DEM would have the resources, financial and statutory, to carry out the role as envisaged. Limerick was not intended to be some kind of policy laboratory but a practical and effective transformation in how public business is delivered in a local government setting.

Furthermore, while the exercise was grounded in Limerick it was intended to create a basis for extending the concept to the remaining Councils. The Minister had made clear that this was the spirit in which the Government had tasked the IAG, on the basis that while, in the first instance, this project was about getting the best possible outcome for Limerick, it was also about creating a template that could be followed elsewhere in the country.<sup>2</sup>

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<sup>1</sup> p.5, section.1.2, Report of the Implementation Advisory Group on a Directly Elected Mayor with Executive Functions for Limerick City & County, 2021 (hereinafter abbreviated as DEM 2021)

<sup>2</sup> P.6, DEM 2021

Returning to the theme of credible support for the DEM Mr O'Connor used the phrase "Mandate and the Means" to indicate that the resources must be in place to deliver on the potential of the Office."<sup>3</sup>

The DEM would embrace much more than the conventional local government functions but would have a whole-of-Government brief when it came to influencing policies for the locality. In other words, the description "Local Government" could be reversed to emphasise "Government Local" with the DEM having a say in the activities of all government agencies who had a significant operation in the locality.

The local government response to the Covid crisis had shown that local government had the channels in place to co-ordinate across the wide range of public and voluntary agencies. The Council had a valuable asset possessed by few other public departments - the infrastructure that can reach right to the front door of every household, community and business in the area."<sup>4</sup>

### 3. Inspiration from Europe and farther afield

In addition to their local consultations the IAG looked on to wider horizons for inspiration in devising the Limerick DEM plan.

The Council of Europe Charter of Local Self Government provided inspiration under two headings:

- 1) The principle of subsidiarity is at the heart of the Council of Europe Charter of Local Self-Government requiring that decisions should be taken at the most local level possible consistent with the most effective delivery of public services and national policy;
- 2) Consultation between local and national with the IAG introducing the concept of "Statutory Consultation" for services not directly delivered by the Council but nonetheless have an important impact on the life of the people of the locality.<sup>5</sup> The DEM will be a focal point for the leadership

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<sup>3</sup> P.7, DEM 2021

<sup>4</sup> P.7, DEM 2021

<sup>5</sup> P.8, DEM 2021

of the local authority, and will perform an important role as an ambassador for, and voice of, Limerick.

Further reference is made to an international dimension by way of:

- a) The United Nations Sustainable Development Goals
- b) Promoting Limerick as a centre for FDI, tourism and international education
- c) As an Ambassador to the Limerick Diaspora around the world.<sup>6</sup>

Through their academic advisor Dr Diarmuid Scully, the IAG also looked at DEM examples in Flensburg, Germany; Auckland, New Zealand; Spokane, Washington State; and Bristol, England.

#### 4. Input and Regard for elected Councillors

The place of the existing Council appears unaffected by the model proposed. If any powers are taken away, they are from the Chief Executive rather than the existing council. The Chairman, Mr O'Connor, acknowledged the "hugely helpful" input of local authority members Cllrs Michael Sheahan, Michael Collins, John Sheahan, Elena Secas, Brian Leddin, Sasa Novak and Kieran O'Hanlon in providing a realistic reminder that accountability must remain with the elected council.

The IAG wishes recognises 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 Taoiseach is ultimately accountable to the Dáil.<sup>7</sup>

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<sup>6</sup> P.11, DEM 2021

<sup>7</sup> P.9, DEM 2021

## 5. Characteristics of Candidate

It is highlighted that candidates will need to be able to demonstrate to the people of Limerick that they have the experience, expertise and capacity to deliver on all dimensions of the role and the ability to manage the complex set of relationships involved including within the council, with the executive, within Limerick, with wider stakeholders and with Government.<sup>8</sup>

## 6. Region with a track-record in innovation

The Report proposes that the DEM for Limerick would be transformative not just for the specific arena of local government but for government as a whole. In terms of experience of innovation, it points to the fact that the Limerick and wider Mid-West regions had strong precedents by way of their contribution to the evolution of modern Ireland's most cherished achievements including:

- Ardnacrusha in the 1920s
- Foynes international aviation in the 1930s
- Shannon International Airport in the 1940s and the later Free Trade Zone
- University of Limerick from the 1970s (initially as the NIHE)

The Report emphasises that the ambition of the IAG team was to be more than merely structural in their recommendations – it also wanted to be inspirational stating that as Ireland moves towards the completion of its first century of Statehood, and into the second, the Limerick region was well placed to be the location of this 'exciting and potentially transformational new initiative in terms of local government in the country.'<sup>9</sup>

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<sup>8</sup> P.12, DEM 2021

<sup>9</sup> P.12, DEM 2021

## 7. Wide consultation in developing proposal

The IAG consulted very widely in coming to its conclusions including on-the-ground outreaches to communities in rural, suburban and city centre Limerick.

The IAG 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 exercise gathered views from a sample of almost 1,000 people in Limerick.<sup>10</sup>

## 8. Changes from original proposals for the Limerick DEM

Two important changes from previous proposals:

- 1) The DEM will not chair the plenary council – the IAG instead recommends the creation of a new role of “príomh comhairleoir”. The elected council will be chaired by the “príomh comhairleoir” who will act as speaker within the council chamber.
- 2) The existing budget process, approval by the Council, will remain - subject to the role of the DEM in the preparation of the Annual Budget.<sup>11</sup>

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.<sup>12</sup>

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<sup>10</sup> P.14, DEM 2021

<sup>11</sup> P.14 .DEM 2021

<sup>12</sup> P.15, DEM 2021

## 9. Transferring Executive Functions to the DEM

This is seen in the Report as the transformative dynamic of the proposal – the extent to which it is envisaged that functions will be transferred to the Directly Elected Mayor from the Chief Executive.

A core element of the report is that of dividing up the kaleidoscope of functions and services of the Council three ways with formal titles for each grouping.

**Mayoral Executive Functions** – functions transferred from the Chief Executive (and gained from or in consultation with – other agencies);

**Reserved Functions** – all existing reserved functions unchanged and remaining with the existing council together with means of oversight regarding the DEM

**Specified Functions** – these are a narrow range of functions related to HR and individual cases.

## 10. Mayoral Executive Functions (MEM)

The DEM will have responsibility for Mayoral Executive Functions (MEF) 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 & Building
- Road Transport and Safety
- Water Services
- Development Management
- Environmental Services
- Recreation and Amenity
- Agriculture, Education, Health and Welfare
- Miscellaneous Services.<sup>13</sup>

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<sup>13</sup> P.16 DEM 2021



As an example, to drill down into Programme group 2 (Road Transport & Safety) the following are the functions, previously the mandate of the Chief Executive, which will be undertaken by the DEM:

### **Road Transport & Safety**

Budget 2020: Current €44 million; Capital: €49 million.

Functions transferring to the DEM:

- 1) National Primary & Secondary Road maintenance and improvement
- 2) Local road maintenance and improvement
- 3) Public lighting
- 4) Traffic management
- 5) Road safety promotion
- 6) Car parking management
- 7) Capital Projects

Specified functions: staying with the CE (retitled Director General)

- a) Grant applications
- b) Individual compensation CPOs, land acquisition etc.

The recommendation from the IAG that the Mayor will be responsible for the Council programme to replace its plant and machinery and to plan any corporate building (e.g., fire stations, libraries) shows the level of even in-house function which will translate to the DEM.

## **11. Finance Functions**

It is proposed that the DEM would be responsible for drafting the local authority's annual budget and working to achieve its adoption by the elected council. This is a key competence and is seen in the report as having the

potential to harness an effective dynamic between the entire cohort of public representatives – that is the Councillors and the DEM who, it should be remembered, is an elected representative.

What if the Council and DEM fail to agree on the Budget? The position will be exactly as it holds currently – the Council will have to pass the Budget within the Ministerially specified timeframe or risk being removed from office. In such an eventuality the DEM would remain in place and the Council would be replaced by a Commissioner appointed by the Minister.

## 12. Specified Functions

These functions currently vested in the Chief Executive will not transfer to the DEM. Specified functions include:

- a) Managing and accounting for the Council's finances
- b) All HR and staffing matters with the exception of special advisors;
- c) Individual schemes and individual grants;
- d) Legal proceedings and enforcement matters.<sup>14</sup>

## 13. Large scale devolution of functions currently delivered by other agencies.

The IAG proposes the new devolved functions would be based on the essential place-making planning and infrastructure provision for Limerick city and county. In this regard the DEM would have responsibility for functions including of 27 listed:

- Membership of the Southern Regional Assembly
- Negotiating rural and urban development funding envelopes and leading development plan implementation in line with National Planning Framework objectives;
- Developing a programme of housing provisions;
- Responsible for a countywide bus system, rural and urban.

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<sup>14</sup> P.17, DEM 2021

- Chairing the Joint Policing Committee;
- Chairing a statutory Public Services Working Group to co-ordinate all public services in the area;
- Greater autonomy in the provision of business supports to be delivered through LEOs, including supporting companies transitioning from LEO to EI backed companies;
- Planning for school provision and student accommodation with relevant agencies and Departments;
- Responsibility for 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.
- Power to designate a cultural enterprise in Limerick as a National Cultural Institution.
- Implementing a Town Centre First approach.

## 14. DEM – Statutory Consultation

The DEM will have a right in law to statutory consultation across sixteen national policy areas including:

- 1) By Irish Water in relation to its plans and projects in Limerick;
- 2) On all national transport plans and policies as they relate to Limerick;
- 3) On the regional cycle design offices proposed in the Programme for Government;
- 4) On all education plans from Primary to Tertiary;
- 5) On all aspects of Sláintecare as it affects Limerick;
- 6) All matters in relation to Garda resourcing.
- 7) Any Joint Agency Response to Crime
- 8) In relation to all environment, energy and marine plans and policies. <sup>15</sup>

However, the IAG makes it clear that the DEM must have control of the resources – financial and otherwise to deliver on these proposals. The report

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<sup>15</sup> P.20, DEM 2021

is clear that it does countenance a situation where a DEM is landed into office without the means to deliver on the ambitious job description outlined. It warns: “Above all, unfunded mandates – the assigning of additional functions without additional funding, must be avoided.”<sup>16</sup>

The IAG proposes the following funding mandates to be available to the DEM:

- a) Multiannual block grants, under the main capital programmes, to facilitate DEM in planning and implementing strategic capital investments.
- b) Full planning and delivery of would be devolved to the DEM for the Rural and the Urban Regeneration and Development Funds (RRDF & URDF).
- c) Additional DEM block grants derived from revenue raised locally under Commercial Rates or LPT;
- d) Decentralised power for borrowing to be assigned to the DEM within set limits;
- e) a Special Sub-Fund of the Irish Strategic Investment Fund to be co-managed by the DEM and the ISIF.<sup>17</sup>

## 15. Cabinet Level Change

A statutory Directly Elected Mayor Implementation Forum will be established involving the DEM and Government Ministers which would meet at least twice yearly to monitor all aspects of the Limerick DEM project including identifying potential new devolved functions.<sup>18</sup>

## 16. Within the Council Chamber

There will be a new role and title of “Promh omhairleíor” who will be tasked with:

- Chairing within the Council Chamber/Speaker
- Management of Council Meetings
- Casting vote on tied motions

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<sup>16</sup> P.20, DEM 2021

<sup>17</sup> P.21, DEM 2021

<sup>18</sup> P.21, DEM 2021

The DEM will not be a member of an MD but will have speaking rights at all.

## 17. The Council's Role in the Oversight of the DEM

The existing provisions (Section 140) for the elected Council to refrain from doing something or to do something (as qualified in law) apply equally to the DEM.<sup>19</sup>

The members will also have the power to question the DEM in the normal way.

The DEM will have to develop a “Programme for Local Government” spanning a period of up to five years and will be accountable by way of annual reports for the delivery of the programme.

However, the IAG point out that a middle-ground has to be found between accountability and initiative. It argues that the DEM cannot be so tied down by accountability requirements – of which there are many from the general (e.g., GDPR) to the specific (e.g., Local Government Ethics Code) that she does not have the space to bring initiative and progressive thinking to the role.

The Report proposes that it is important that a balance is struck between proper oversight of the DEM ... and the need to allow the DEM the time to carry out the responsibilities without an overburdened reporting structure.<sup>20</sup>

## 18. Changes for the Chief Executive

Title to be changed to “Director General” to reflect the hierarchy with the existing Director reporting in to the Director General.

Salary to be increased by one step on the existing hierarchy.

A protocol will be developed, setting out the principles underpinning the relationship between the DEM and the DG.<sup>21</sup>

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<sup>19</sup> P.55, DEM 2021

<sup>20</sup> P.57, DEM 2021

<sup>21</sup> P.66, DEM 2021

## 19. Additionality

The report set out a hierarchy of devolution and recognises that some services – for example General Hospital provision – will not be handed over to local government in the short term or at all. However, in all cases it insists that the Mayor must have statutory consultation rights backed up by access to Ministers where necessary.

Thus, there are two modes through which devolution will be operated.

- a) Direct statutory assignment of public service functions to the DEM
- b) b) Statutory consultation in respect of other Government functions impacting on the city. The DEM would have the “right, opportunity” and indeed obligation to input directly to the making of national policy as it impacts Limerick.”<sup>22</sup>

In this report the CLRAE criticism that “local authorities are still waiting for a strong decentralisation effort” is taken as a touchstone.<sup>23</sup>

In advance of the statutory assignment of functions the DEM will be given the power to convene the stakeholders on issues that impact, including in relation to matters for which the council has no direct mandate.<sup>24</sup>

The DEM would have “Direct and Formal access for the DEM to central Ministers.”<sup>25</sup>

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<sup>22</sup> P.72, DEM 2021

<sup>23</sup> P.73, DEM 2021

<sup>24</sup> P.74, DEM 2021

<sup>25</sup> P.75, DEM 2021

## 20. Cabinet access

A Cabinet sub-committee chaired by the Minister for Housing, Local Government and Heritage will be set up to facilitate the implementation of the DEM's programme from the highest level of Government.

The DEM would also be required to take on a "model" project and deliver to demonstrate the capacity of the New Office to other Government Departments – for example the establishment of a National Institute for Infrastructure.<sup>26</sup>

## 21. Removal or recall of the DEM

The report provides a detailed set of procedures where the DEM could be removed or recalled from office – an outcome which might be triggered by the Council or by the public provided certain high thresholds are met.

### ***Removal***

1. A petition signed by at least half of the members of the Council
2. A resolution passed by at least 75% of the members
3. An investigatory panel must be set up and report to the Minister
4. The Minister must sanction or otherwise
5. The Minister's sanction must be approved by both Houses of the Oireachtas.

### ***Recall Provision***

Plebiscite or petition

1. A motion signed by at least half the members of the Council
2. A petition to be signed within six weeks by a minimum percentage of the electorate
3. OR a plebiscite with at least 40 percent of the electorate voting.

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<sup>26</sup> P.77 DEM 2021

## 22. Conclusions and Summing Up

The IAG is very strong in urging that the DEM will have both:

- a) The mandate to be the Chief Representative and Advocate of all the people in respect of the area that affects the well-being of Limerick and
- b) The means necessary to discharge the mandate effectively and fully.<sup>27</sup>

When bedded in the Report proposes that the Limerick project will act as a template for DEMs in other local authorities as the Republic of Ireland strives to develop a distinctive and effective vision for its local echelon of government:

The authors conclude:

“We also believe that what emerges ... will not just be very good for Limerick ... but also serve as a template for other authorities around the country in the years ahead.”<sup>28</sup>

perform an important role as an ambassador for, and voice of, Limerick.

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<sup>27</sup> P.156 of 156, DEM

<sup>28</sup> P.156 of 156, DEM



## Annex .... Members of Implementation Advisory Group

\*Mr Tim O'Connor, Chairman;

- Mayor of Limerick City and County, Councillor Michael Collins;
- Councillor Michel Sheahan (as Mayor until June 2020);
- Councillor John Sheahan;
- Councillor Elena Secas;
- Councillor Brian Leddin, (until his election to Dáil Éireann in February 2020)
- Councillor Saša Novak Uí Chonchúir (from February 2020);
- Councillor Kieran O'Hanlon, (from June 2020);
- Dr Pat Daly, Chief Executive, Limerick City and County Council;
- Ms Caroline Curley, Director of Services, Limerick City and County Council;
- Ms Dee Ryan, Chief Executive, Limerick Chamber;
- Dr Diarmuid Scully, Centre for European Studies, University of Limerick;
- Mr Jack Scanlan, Student President, University of Limerick;
- Mr Cillian Flynn, Limerick Public Participation Network;
- Mr Barry Quinlan, Assistant Secretary, Local Government Division, Department of Housing, Local Government & Heritage (up to June 2020);
- Ms Mary Hurley, Assistant Secretary, Local Government Division, Department of Housing, Local Government & Heritage (from June 2020);
- Mr Diarmuid O'Leary, Local Government Division, Department of Housing, Local Government & Heritage.