



## **AILG Submission to the CLRAE Congress Monitoring Committee on the Irish Local Government System**

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## **Introduction**

The Association of Irish Local Government (AILG) is the primary national body representing the 949 democratically elected local authority members across Ireland and our 31 local authority member councils. As a representative body, we provide a networking, policy development and training and education resource for the Elected Members of local authorities. Our goal is to represent the collective interests of the Elected Members of the Local Authorities, which constitute its membership. AILG's statutory remit includes:

- Carrying out activities necessary to represent the interests of our members and our member local authorities.
- Policy research, development and advocacy.
- Delivery of education and training.
- Assessment of public policy as regards any matter relating to local government.
- The provision of advice and the making of submissions to the Minister, department(s) or other state agencies on areas of local government or other public policy areas as appropriate.

Monitoring local and regional democracy is the most emblematic activity of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) and AILG welcomes the opportunity to meet and engage with the CLRAE Congress Monitoring Committee on our Local Government System in Ireland. As the representative voice of local government in Ireland, AILG aims to protect and support democratic local government and promote democratic leadership of our Elected Councillors and our Elected Councils. A strong democratic local government system is vital to promote the welfare and good government of the people of Ireland.

# **1. Overview of the Irish Local Government System**

## **Characteristics of the Irish Local Government System**

The local government system in Ireland has experienced significant reform in recent years. While that reform has impacted the structure, functions, resources and organisation of the local government system, the basic purpose of local government has not changed. The key purpose of local government is to promote the well-being and quality of life of citizens and communities, through effective, accountable representation, and efficient performance of functions and delivery of services.

Outside of the Oireachtas (Irish National Parliament), local authorities are the only bodies whose members are elected by direct vote of the electorate. They are also the only form of government in which everyone can participate irrespective of citizenship – everyone whose name is on the register of electors and who is qualified to vote can exercise their democratic rights at local elections. Councillors are elected by local people to make local decisions, articulate local views, and identify and meet local requirements. They adopt policies that reflect the needs and legitimate expectations of the people who elect them. A key element of local government is that elected members and staff act in the interests of the people being served, seeking to meet their needs and give them the best possible quality of life.

In Ireland, each local authority is divided into local electoral areas within which members of local authorities are elected. Local electoral areas, including the number of members to be elected in each, are specified by national law for each local authority area. There are 949 Local Authority Elected Members and the breakdown between local authorities at county, city and city and county is as follows:

- 26 No. County Councils, of which three are in Dublin (Fingal, Dún Laoghaire-Rathdown and South Dublin)
- 3 No. City Councils: Cork, Dublin and Galway
- 2 No. City and County councils: Limerick and Waterford.

Below Local Authority level, municipal/borough/metropolitan districts form a key tier of local governance at sub-county level. Each county is comprised of a number of municipal districts. Municipal districts are comprised of one or more local electoral areas.

Councillors elected to a local electoral area have functions in respect of the specified municipal district. In total, there are 95 Municipal/Municipal Borough Districts. The Municipal District structure is not applicable in 6 no. Local Authorities, namely Cork City, Galway City and the Dublin Local Authorities of Dublin City, Fingal, Dún Laoghaire-Rathdown and South Dublin County Councils. These local authorities have a sub-county/city system of Area Committees with 19 no. area committees in operation in these local authorities. Area committees deal with local issues however; they do not have the statutory or legal structure of municipal districts.

At the 2019 local elections, the national turnout for the elections was 50.2%, with the highest turnout in the rural county of Leitrim at 64.5% compared to 40.5% for Dublin City. 225 female Councillors were elected representing 23.7% of the total number of Councillors. This was an increase from 20.4% in the 2014 elections. In 2019 Dún Laoghaire-Rathdown County Council became the first ever local authority in the State to have a fifty-fifty split of men and women in its council chamber.

For a full statistical profile of the 2019 local elections please see below.<sup>1</sup>

# LOCAL ELECTIONS 2019

## A STATISTICAL PROFILE

### MAIN TAKEAWAYS

Compared to LE2014:

**FF** Fianna Fáil remains the largest party in terms of elected Councillors / seats.

**FF, FG, Labour and the Green Party increased their representation.**

**GP** The Green Party increased its number of councillors by 309% (up 37 to 49).

**SF** Sinn Féin lost 49% of its Councillors (down 78 to 81) but remains the 3<sup>rd</sup> largest party.

**SOL-PBP** In their first Local Election, 19 Councillors were elected for the SocDems and 3 for Aontú.

**I4C** 3 Councillors for Independents4Change were elected.

**SOL-PBP** Solidarity-PBP (formerly Anti-Austerity Alliance) lost 61% of its Councillors (down 17 to 11).

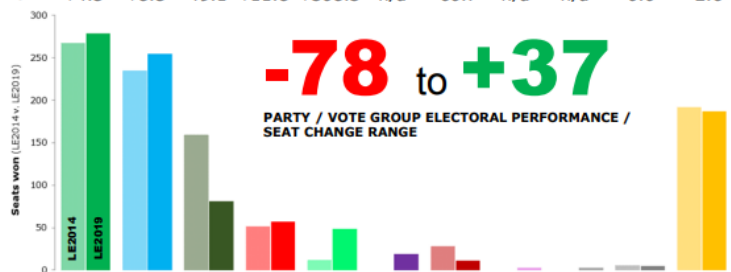
**♀** 225 female Councillors were elected, representing 23.7% of the total (compared to 196 in the previous election, 20.4%).

### COUNCILLORS (CLLRs) ELECTED

LE2019 compared to LE2014



	FF	FG	SF	Lab	GP	SD	PBP-AAA / Sol.	I4C	Aontú	Others (Renua, KJA, WJA, IDP)	IND.
LE2014	Cllrs 267	235	159	51	12	n/a	28	0	n/a	5	192
	% 28.1	24.8	16.8	5.4	1.3	n/a	3.0	0	n/a	0.5	20.2
LE2019	Cllrs 279	255	81	57	49	19	11	3	3	5	187
	% 29.4	26.9	8.5	6.0	5.2	2.0	1.2	0.3	0.3	0.5	19.7
Change	Cllrs +12	+20	-78	+6	+37	+19	-17	+3	+3	NC	-5
	% +4.5	+8.5	-49.1	+11.8	+308.3	n/a	-60.7	n/a	n/a	0.0	-2.6



Source: RTÉ

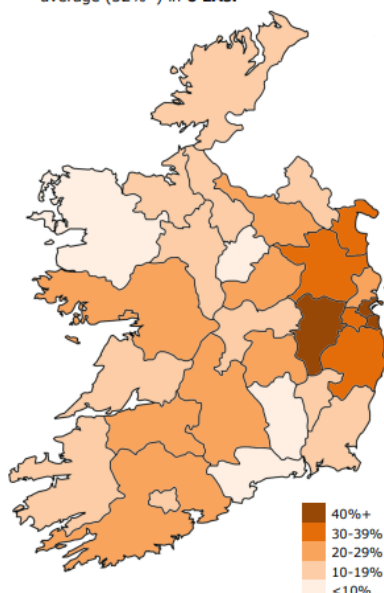
### MAIN TAKEAWAY

### FEMALE REPRESENTATION

(Female councillors elected per Local Authority)



Local Authorities (LAs) in the **Greater Dublin Area / Region** have the highest female representation. There is significant variation across the country. Female representation is over 30% in **7 LAs** (of 31) and above the EU average (32%\*) in **6 LAs**.



May 2019

**225**  
FEMALE COUNCILLORS ELECTED

**23.7%**  
OF TOTAL COUNCILLORS ELECTED

**+29 (+6.1%)**  
COMPARED TO LE2014 RESULT (196)

Rank (of 31)	Local Authority	Cllrs Elected	Female Cllrs	%
1	Dún Laoghaire-Rathdown	40	19	47.5
2	Dublin City	63	26	41.3
3	Kildare	40	16	40.0
29	Mayo	30	2	6.7
30	Waterford	32	2	6.3
31	Longford	18	1	5.6
-	National	949	225	23.7

**0-67%**  
RANGE OF PROPORTIONS OF FEMALE CLLRS ELECTED (BY PARTY/VOTE GROUP)

	Cllrs Elected	Female Cllrs Elected	% Female Cllrs
Aontú	3	2	66.7
Sol-PBP	11	7	63.6
SocDem	19	10	52.6
Lab	57	24	42.1
GP	49	20	40.8
FG	255	61	23.9
SF	81	18	22.2
IND.	187	34	18.2
FF	279	49	17.6
WP	1	0	0
I4C	3	0	0
Other	4	0	0
	949	225	23.7

Source: L&RS analysis based on RTÉ results  
\*According to the Department of Housing, Planning and Local Government

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# LOCAL ELECTIONS 2019

## A STATISTICAL PROFILE

### MAIN TAKEAWAYS

**FF** **Fianna Fáil** received the highest FPV in the country (26.9%) in 65 of 166 LEAs and 17 LAs.

**FG** **Fine Gael** received the 2<sup>nd</sup> highest FPV in the country (25.3%) and the highest FPV in 46 LEAs and 6 LAs.

**IND** **Independents** received the 3<sup>rd</sup> highest FPV in the country (19.6%) and the highest FPV in 35 LEAs and 6 LAs.

**SF** **Sinn Féin** received the highest FPV share in 10 LEAs in 5 LAs, and overall in 2 LAs.

**LAB** **Labour** received the highest FPV share in 6 LEAs across 6 LAs.

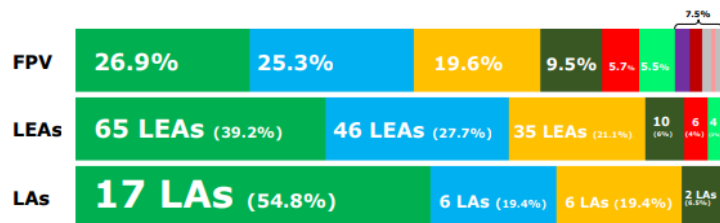
**GP** **The Green Party** received the highest FPV in 4 LEAs in 2 LAs (Dublin City and Wicklow).

	FPV	LEAs	LAs
FF	26.9	65	17
FG	25.3	46	6
Ind.	19.6	35	6
SF	9.5	10	2
Labour	5.7	6	0
GP	5.5	4	0
SocDem	2.3	0	0
SOL-PBP	1.9	0	0
Aontú	1.5	0	0
I4C	0.5	0	0
Other	1.3	0	0
		<b>166</b>	<b>31</b>

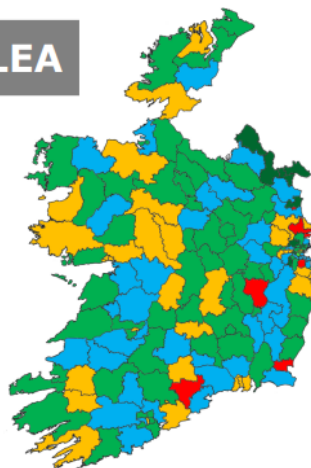
### HIGHEST FIRST PREFERENCE VOTE (FPV) SHARE

in each Local Electoral Area (LEA) and Local Authority (LA)

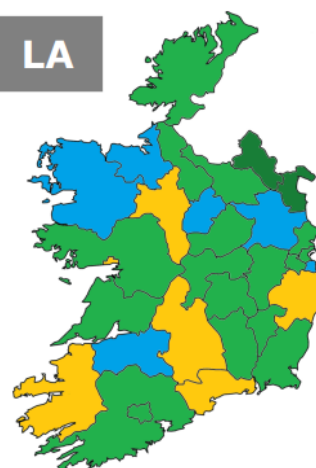
Highest FPV share nationally and number / percentage LEAs/LAs where party/group had highest FPV



LEA



LA



### MAIN TAKEAWAYS

In terms of LAs, turnout was **highest** for elections to Leitrim, Mayo and Roscommon Local Authorities. Turnout was **lowest** in Dublin (Fingal, South Dublin and Dublin City).

In terms of LEAs, the **highest** turnout was in Ballinamore (Leitrim) at 66.9%. The **lowest** turnout was in Tallaght South (26.9%).

# 50.2%

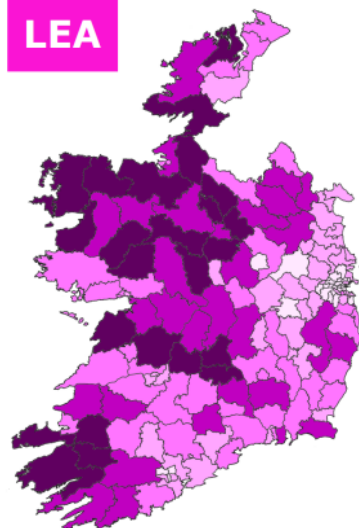
NATIONAL TURNOUT

Rank (of 31)	Local Authority (LA)	Turn-out (%)	Rank (of 166)	Local Electoral Area (LEA)	Turn-out (%)
1	Leitrim	64.5	1	Ballinamore (Leitrim)	66.9
2	Mayo	61.3	2	Granard (Longford)	66.8
3	Roscommon	61.3	3	Ballymote-Tubbercurry (Sligo)	66.4
29	Fingal	42.3	164	SE Inner City (Dublin City)	33.3
30	South Dublin	41.5	165	Blanchardstown-Mulhuddart (Fingal)	30.3
31	Dublin City	40.5	166	Tallaght South (South Dublin)	26.9
-	National	50.2	-	National	50.2

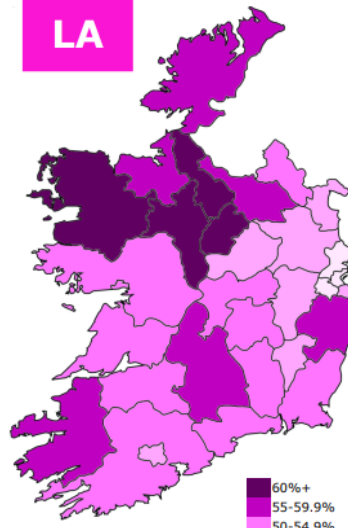
### TURNOUT

In each Local Electoral Area (LEA) and Local Authority (LA)

LEA



LA



60%+  
55-59.9%  
50-54.9%  
45-49.9%  
<44.9%

May 2019

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<sup>1</sup> [https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2019/2019-05-31\\_l-rs-infographic-local-elections-2019-a-statistical-profile\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2019/2019-05-31_l-rs-infographic-local-elections-2019-a-statistical-profile_en.pdf)

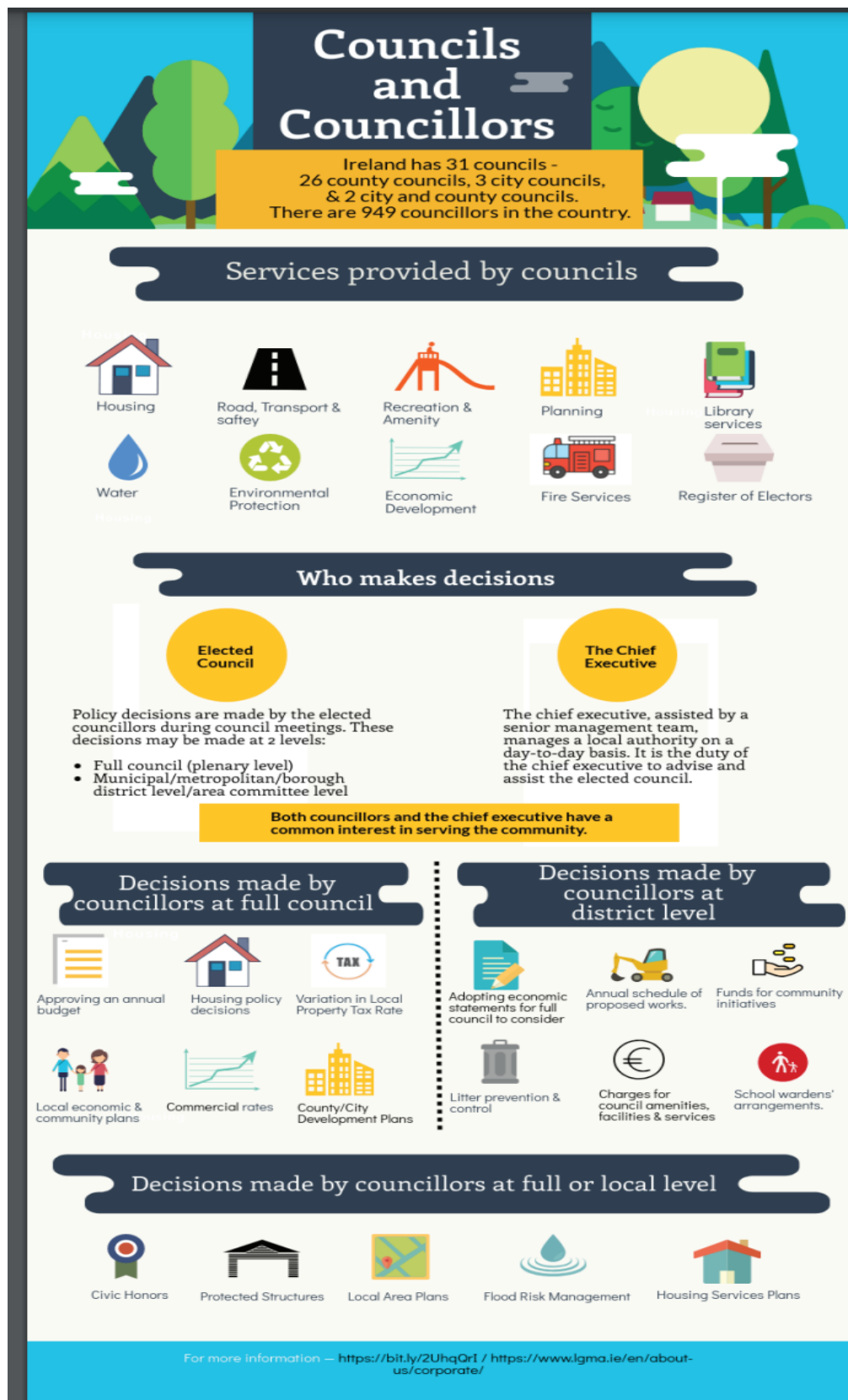
## Local Authority Functions/Service Delivery

Local authorities are multi-purpose bodies responsible for delivering a broad range of important local services. They are also the main vehicle of governance and public service at local level, leading economic, social and community development, delivering efficient and good value services, and representing citizens and local communities effectively and accountably. Local Government is also a key delivery agency for much of government policy at local level. Local authority services are delivered through eight programme groups as follows;

1. **Housing and Building Management** which includes the provision of local authority (social) housing and other housing supports, housing grants and assistance to persons housing themselves or improving their houses, settlement of travellers, homeless etc.
2. **Road Transportation and Safety**, including the upkeep, maintenance and improvement of roads, public lighting, car parking, traffic management facilities, road safety, collection of motor taxation and licensing of drivers, etc.
3. **Water Services** including water supply and sewerage schemes, assistance for private water and sewerage facilities, public conveniences, etc. However, it must be noted that this major function of local authorities is to be transferred in its entirety to a single state utility company in Irish Water (Uisce Éireann) in 2023.
4. **Development Incentives and Controls** which include physical planning policy, control and enforcement of new development and building, promotion of industrial and other development, local economic development, local community development, public participation, tourism promotion, heritage and conservation services, etc.
5. **Environmental Protection**, including waste management planning, waste collection and disposal, landfill sites, recycling facilities, litter control including street cleaning, burial grounds, the safety of structures and places, fire protection, pollution control, etc.
6. **Recreation and Amenity** including the provision and operation of swimming pools/leisure centres, libraries, parks and open spaces, recreation centres, conservation and improvement of amenities, arts activities, etc.
7. **Agriculture, Education, Health and Welfare** including education supports, land drainage costs, coastal protection, piers and harbours, veterinary services, etc.
8. **Miscellaneous Services** which include financial management and commercial/business rate collection, elections, courthouses, coroners and inquests, consumer protection measures, markets & casual trading, Local Representation/Civic Leadership, etc.



Local authorities currently deliver 1,105 services to citizens at a local level on behalf of over 30 government departments and public agencies.



## Role of the Elected Member

Our local government system in Ireland is the most accessible form of democratically elected government in the country. The public face of our Local Authorities are the democratically elected Councillors. The elected council is in law the policy-making arm of the local authority with Councillors having the role of creating the overall policy framework which dictates the overall direction and functioning of the local authority that the council's executive and staff work within. Aligned with that, a significant role of Councillors is to represent the views of their communities. They identify and track local problems and issues and bring this knowledge back into the council chamber to ensure better outcomes for the well-being and quality of life of the people and communities that they represent. The Councillor's role and responsibilities include; representing the electoral area for which they are elected and the local authority as a whole, decision-making and developing and reviewing council policy, and regulatory, quasi-judicial and statutory duties. They also have a key role in community leadership and engagement.

The performance of local authority functions is shared between the Elected Councillors and the Chief Executive, with the Councillors carrying out Reserved Functions and the Chief Executive carrying out Executive Functions. The powers of local authority members derive primarily from their reserved functions, which are performed at both Council and Municipal District level. Reserved functions primarily relate to issues of policy. Examples of principal reserved functions include:

- Adoption of the Corporate Plan at the start of the term of the new council – the Corporate Plan sets the overall strategic direction of the council, its high-level objectives and goals.
- Disposal of land.
- Making a development plan under the Planning Acts and any variations to it.
- Adopting the annual budget, variations in the annual rate of valuation and variations in the level of Local Property Tax.
- Adopting a scheme of letting priorities for Council housing.
- Making, amending or revoking bye-laws (e.g. parking, casual trading, etc.).
- Nominating persons to act on committees or other public bodies.
- Approving the Annual Financial Statement and any areas of over-expenditure.
- Adopting the annual Schedule of Municipal District Works

Most of the major decisions of the Local Authority are reserved for the exclusive prerogative of the Councillors including oversight of the financial affairs of the Authority. In addition to the reserved functions, Councillors have a role in overseeing and directing

the activities of the local authority in general. The 2014 Reform Act introduced a structured reporting relationship between the Chief Executive and the Councillors. It is implicit in their elected status that Councillors have the function of representing the people of their area. Councillors are directly elected by the people and therefore have a mandate from the people concerning the communities they represent. They can initiate action to promote the community interest and are ideally placed to provide civic leadership.

### **Role of the Executive/Chief Executive**

The role of the Chief Executive is to ensure that resources in terms of personnel, finance, technology and information generally are deployed to implement government and council policies.

The Executive Functions are carried out by the Chief Executive and/or by delegation order, the Director of Services/Heads of Function. Executive decisions relate to the day-to-day running of the local authority including staffing matters and the discharge of executive functions within the policy parameters as determined by the Councillors. Every function of a local authority, which is not a reserved function, is an executive function of the local authority. The Chief Executive ensures that the policy issues adopted by the Councillors are implemented. An important role of the Chief Executive is to advise the Councillors in the determination of policy in accordance with agreed national policy.

The Chief Executive may delegate the carrying out of specific functions to Directors of Service and other officers. The officer to whom the function is delegated is responsible to the Chief Executive for ensuring that the function is carried out effectively while the Chief Executive has the ultimate responsibility to the Elected Council. While there is a clear distinction in legislation in relation to reserved and executive functions in reality the system operates on the basis of a 'partnership' approach between the elected representatives, the Chief Executive and the staff. Ultimately, that partnership also includes the citizens being served. In most instances, the Chief Executive will consult with the Councillors before carrying into effect important executive functions or particular works, while the members in turn receive the Chief Executive's advice and assistance concerning the exercise of their reserved functions.

### **Local Authority Funding/Finance & Expenditure**

Operations and activities of local authorities are divided into two primary accounts, the revenue account and the capital account. Local authorities' revenue account covers the

day-to-day activities of the Council i.e. the provision of local services, while their capital account covers the provision of infrastructure (assets). The funding streams for revenue income for local authorities come from a variety of sources, including central government, Local Government Fund, local charges for goods and services, commercial rates and Local Property Tax (LPT).

At national level, the total adopted local authority budgeted revenue income for 2022 is €6.119 billion which is a 5.57% increase on 2021. This is made up as follows;

<u>2022 Combined Adopted Local Authority Budgeted Income</u>	<u>€'m</u>	<u>% of Overall Income</u>
Government grants and subsidies	2,454	40%
Commercial Rates	1,713	28%
Income from Local Goods/Services	1,535	25%
LPT	415	7%

For 2022, the highest percentage of revenue income for local authorities came from central government funding at 40%, with income from commercial rates at 28%. Income from local goods and services will amount to 25%, with LPT accounting for 7% of current income for local authorities. Therefore, approximately 60% of all local authority income is generated at a local level from commercial rates, income from goods and services and the LPT. This has helped to fulfil the vision set out in '*Putting People First*' for local government to be the primary means of public service at local level and has restored a degree of fiscal autonomy to Elected Members and local councils. This also reflects the constitutional and independent nature of our local government system.

The remaining 40% of all budgeted local authority income for 2022 was received from central government including numerous government departments where services directly under their remit, will be delivered at local level via local authorities. Government grants and subsidies can be divided into two categories including general grants and specific grants.

General grants are grants given to local authorities without a requirement as to how they are to be spent, i.e. they constitute a general subvention which may be spent at the discretion of the local authority and should finance local policy decisions. Specific grants are grants for a specific service or capital nature to finance national policy objectives. These grants are usually subject to specific criteria including that they must be used for a specific purpose, may be subject to matching local funding, must be drawn down within certain timelines and works must be completed within a specified timeline.

## **2. Overview of 2014 Local Government Reforms & Structures**

In October 2012, then Minister for the Environment, Community and Local Government, Phil Hogan T.D., launched a comprehensive Action Programme for Effective Local Government - "*Putting People First*" (PPF). This action plan has brought about fundamental changes to the local government system in Ireland, covering four main areas including Structures, Funding and Accountability & Governance, Economic Development (including Job Creation) and Delivering Services Efficiently.

Structural changes provided for in the Action Plan and subsequently legislated for in the Local Government Reform Act 2014, provided for the merger of some county/city authorities into one Local Authority (North & South Tipperary, Limerick City/County & Waterford City/County). This, along with the abolition of the 80 Town/Borough Councils, has resulted in a reduction in the number of local authorities from 114 to 31 and within those 31 local authorities the establishment 95 Municipal Districts/Borough Districts/Metropolitan Districts, representing 166 Local Electoral Areas. These changes led to a reduction in the number of Councillors throughout the State from 1,627 to 949. This reduction represents a 42% decrease in overall numbers (over 33% reduction in real terms due to some elected members holding both town and county seats).

**Therefore, Ireland now has fewer Councillors per capita than any other EU country and other democracies examined<sup>2</sup>.** There are 949 elected Councillors in Ireland for a population of 5.1 million. Compared to similar if slightly larger European countries. Denmark, with a population of 5.9m has 2,432 while Finland, with a population of 5.6m has 8,859 councillors.

Country	MUNICIPALITIES	Local COUNCILLORS	Population	People per COUNCILLOR
Ireland	31	949	5,123,536	5,399
Portugal	308	2,064	10,136,251	4,911
Scotland	32	1,227	5,463,300	4,453
Northern Ireland	11	462	1,903,100	4,119

<sup>2</sup> <https://7358484.fs1.hubspotusercontent-na1.net/hubfs/7358484/GetFileAttachment.pdf>

<b>Greece</b>	332	2,988	10,319,535	3,454
<b>Switzerland</b>	2,172	2,548	8,783,205	3,447
<b>United Kingdom</b>	398	22,943	67,326,569	2,934
<b>England</b>	333	20,000	56,489,800	2,824
<b>Latvia</b>	43	664	1,843,756	2,777
<b>WALES</b>	22	1,254	3,267,501	2,606
<b>Denmark</b>	98	2,432	5,833,692	2,399
<b>Belgium</b>	581	5,370	11,692,086	2,177
<b>Bulgaria</b>	265	3,160	6,841,966	2,165
<b>Netherlands</b>	344	8,600	17,717,600	2,060
<b>Lithuania</b>	60	1,502	2,645,100	1,761
<b>Malta</b>	68	464	525,285	1,132
<b>Poland</b>	2,478	39,549	37,762,312	955
<b>Germany</b>	2,627	91,945	84,328,144	917
<b>Iceland</b>	64	416	366,425	881
<b>Norway</b>	428	6,420	5,507,594	858
<b>Estonia</b>	79	1,717	1,328,352	774
<b>Spain</b>	8,112	66,000	46,791,659	709
<b>Finland</b>	310	8,859	5,558,227	627
<b>Hungary</b>	3,155	16,787	9,610,402	573
<b>Sweden</b>	290	19,140	10,416,585	544
<b>Italy</b>	8,000	120,000	60,280,780	502
<b>Romania</b>	2,861	40,067	18,976,782	474
<b>Luxembourg</b>	106	1,484	632,275	426
<b>Slovenia</b>	212	5,512	2,079,520	377
<b>Cyprus</b>	355	3,550	1,225,215	345
<b>Croatia</b>	555	14,430	4,053,795	281

<b>Slovakia</b>	2,927	20,646	5,465,021	265
<b>France</b>	36,500	255,500	65,567,292	257
<b>Czechia</b>	6,377	63,770	10,749,390	169
<b>Austria</b>	2,098	60,741	9,111,075	150

However, the 2014 reforms did devolve new powers and responsibilities to local authorities under local economic development, local community development, governance and accountability. This included a new dedicated Strategic Policy Committee for Economic Development in each local authority supported by a dedicated Director of Services for Economic and Community Development. The reforms also provided for the establishment of one-stop shops for business support through new Local Enterprise Offices (LEOs) and a closer alignment of local and community development with the local government system. Services administered by local authorities under the reforms are now increasingly funded through the new local property tax, a move designed to strengthen local responsibility for decision-making by the local authorities and their Councillors.

The reforms also provided for a new independent National Oversight and Audit Commission (N.O.A.C) to scrutinise local government performance and efficiency. In addition, local authority audit committees were put on a full regulatory footing and the committee's review of Audit Reports is now reported to the council in all authorities.

All of the above structural, governance and accountability changes delivered under the reform are seeking to enhance and widen the role and functions of the elected council. One of the fundamental aims of the reform programme was to reaffirm the primacy of the elected members in the local government system and to examine the default provision which grants the executive power to act unless powers are specifically assigned to Councillors. This, coupled with the position of the local authority manager being replaced by a Chief Executive post was to reinforce the principle that the Chief Executive of a council should be accountable to the Councillors in the discharge of all of his/her functions, in the same way as a Chief Executive of a company reports to a board of directors.

However, in reality since these reforms, the position and power of the Chief Executive has increased resulting in a growing imbalance between the executive powers of the Chief Executive and the reserved powers of the elected Councillors.

**This leads to a fundamental question about our current system of local government in Ireland – Is our Irish local government system and true democratically accountable local government system or just a system of local administration?**



### **3. Comparisons with Other European Local Government Systems**

The experience of local government systems in other countries in recent years and their comparison to our local government system is a very interesting and important topic. In Western Europe, in particular, the end of the 1970s heralded a period in which a major decentralisation of power took place - with the particular exception of Ireland. This was followed by the empowerment of democratic regional governments in some of the larger countries in Europe such as Spain, and later on, in Britain.

How Ireland compares internationally can be evaluated under several headings as follows;

**Representation:** As stated above, the decision to abolish town councils in 2014 following the local Government Act 2014 reduced Irish local authorities from 114 to 31 compared to 600 when elections were first held in 1899. As a result, we now have one representative per 5,399 citizens, the highest among our European counterparts.

**Resources:** 8% of overall Irish public expenditure is at local authority level, compared to 23% across 23 comparable EU member states. Ireland is the most centralised state in terms of government expenditure in another authoritative list of 39 European states, trailing after Moldova, Malta, Cyprus and Greece.

**Responsibility:** Taking into account these comparative facts and figures about Irish democracy, citizenship and public spending matter in the context of the delivery of health, housing, education, and childcare services. This has become even more evident at a time when community security and well-being loom so large post the recent public health emergency. Other European countries handle many of these services at a local level where they can be effectively delivered with more political accountability. Ireland's outlier status in these and other areas reveals much about our condition that is not addressed adequately in public debate about potential reforms and political direction. Although this state is one of the richest in the world and classified among its most developed societies, current popular aspirations for better public and social services may contradict existing methods of governing and taxation to provide them.

A good comparison example would be the Danish local government system as Denmark has a similar population to Ireland at 5.6m people. Denmark had a relatively centralised system of local government until they commenced a reform programme in 1970, with a

strong push for decentralization. A subsequent second wave of reforms took place in 2007. Denmark now has a three-tier system of government, typical of most countries:

- Central Government (Ministries)
- Regional Authorities – 5 Regions – directly elected
- Local Authorities - 98 Municipalities – 2,520 directly elected Councillors

The Danish basic unit of local government is the Municipality – main town and its hinterland, with local councils having between 9 and 31 Councillors. All local authorities will have a finance committee and other committees, responsible for specific areas (e.g. social welfare). Committees are directly responsible for preparing and implementing Council decisions. The Mayor is elected by the Council for the full term and is the full-time Chief Executive of the local authority administration.

At local government level, local authorities have direct responsibility for;

- Primary and secondary schools (aged 7-16)
- Childcare
- Care of the elderly (domestic care, visiting nurses, daycare centres, meals-on-wheels)
- Non-hospital healthcare (preventative treatment, health promotion, alcohol and drug abuse, dental care)
- Most Social Welfare Benefits (financed/ reimbursed by the state, administered by municipalities)
- Business support services and local employment and job centres
- Social Housing
- Waste Management
- Water Supply and Treatment
- Planning and Development & Urban Renewal
- Fire Service and Civil Defence
- Public Libraries, Leisure Facilities
- Maintenance of Local Roads

In terms of finance and funding, the Danish local authorities derive their income from a number of sources including;

- Local Income Tax (usually around 20% of income – through levying taxes, the local authority decides on the level of service)
- Local Property Tax

- The proportion of Corporation Tax collected in the local area
- General Purpose Grants from Central Government
- Local Charges & Local Service Charges

As evidenced from this comparison, Denmark truly encompasses the “Subsidiarity” principle, compared to Ireland, under the European Charter of Local Self-Government in terms of reforms and allocation of responsibilities, where services should be provided as close to the citizen as possible.

#### **4. Positive Characteristics of our Local Government System**

As previously stated, the key purpose of our local government system is to promote the well-being and quality of life of citizens and communities, through effective, accountable representation, and efficient performance of functions and delivery of services. The vision statement for local government is that “Local government will be the main vehicle of governance and public service at a local level – leading economic, social and community development, delivering efficient and good value services, and representing citizens and local communities effectively and accountably”. Successful performance in this multifaceted role requires a range of qualities, including responsiveness, leadership, innovation, commitment to efficiency and value for money, while simultaneously supporting national objectives and complying with international obligations.

It is important to recognise that the one constant over more than 120 years of our local government system has been the beneficial influence of local government activity and the dedication shown by elected members and staff, with both acting in the interests of the people being served. This includes many positive aspects and characteristics of our current local government system including;

**Local Government as an Instrument of Local Democracy** – Our local government system is a prime example of democracy. Outside of the Oireachtas, local authorities are the only bodies whose members are elected by direct vote of the electorate. They are also the only form of government in which everyone can participate irrespective of citizenship – everyone whose name is on the register of electors and who is qualified to vote can exercise their democratic rights at local elections. Councillors are elected by local people to make local decisions, articulate local views and identify and meet local requirements. A key element of local government is that Councillors act in the interests of the people being served, seeking to meet their needs and give them the best possible quality of life.

**Constitutional protection of our Local Government System** - Article 28A of the Constitution makes provision for the local government system in Ireland. Article 28 A states that “The State recognises the role of local government in providing a forum for the democratic representation of local communities, in exercising and performing at local level powers and functions conferred by law and in promoting by its initiatives the interests of such communities. It also states that “There shall be such directly elected local authorities as may be determined by law and their powers and functions shall,

subject to the provisions of this Constitution, be so determined and shall be exercised and performed in accordance with law". Therefore, our local government system is compliant with article 2 of the European Charter of Local Self-Government and the principle of local self-government being recognised in domestic legislation and where practicable in the constitution.

**Public Participation** – As part of the 2014 reforms, recommendations on more extensive and diverse input by citizens into decision-making at local government level were approved, with a proposal for the establishment of the Public Participation Network (PPN). Local authorities are legally obliged to "take such steps as it considers appropriate to consult with and promote effective participation by the local community in local government". The PPNs empower and assist groups to participate in local decision-making by providing a nominating structure for community and voluntary interests and a link for the local authorities around Ireland to connect, collaborate and consult with community groups.

**Service/Function Delivery** – As stated above, local authorities are multi-purpose bodies responsible for delivering a broad range of important local services. They are also the main vehicle of governance and public service at local level, leading economic, social and community development, delivering efficient and good value services, and representing citizens and local communities effectively and accountably. Local government in Ireland is big business with an estimated expenditure of €6.3 billion in 2023. The local government sector and the services it delivers play a crucial role in the economic and social life of the State. Every community and all people within those communities benefit significantly from the services provided, directly or indirectly, through local government

**Role in Leading the Local Response to Climate Action** - As part of the National Climate Action Plan, local authorities will have direct responsibility for leading the local response to climate action. Climate Action Regional Offices (CAROs) have been established and are seen as a very significant action by the local authority sector to assist in its response to the climate challenge. Local authorities are also beginning to adopt their local Climate Action Plans where Councillors will have an integral role as these will be statutory plans. Climate Action is a new and emerging area of responsibility for local authorities.

**Community Response Teams/Forums** –In response to the Covid-19 pandemic, in 2020 Community Response Forums were established in every local authority. The role of the Community Response Forum is to provide a coordination point for the community

and voluntary response in their area and enabled all those involved to work together under the stewardship of the local authority. The Community Response Forums were highly effective during the pandemic crisis and more recently have led the local authority and community supports to the Ukrainian refugee crisis. The forums are an example of how adaptable our local authorities are and how they could play a leading role in social care-type service delivery.

**Role in Local Economic Development** – In response to the financial crisis of 2008, it was recognised that there was a strong rationale for increased local government involvement in economic development due to the unique strategic characteristics that make local authorities well-placed to lead local economic development. Local Enterprise Offices (LEOs) have been established in all 31 local authority areas, providing direct financial supports to micro businesses with 10 or less employees. In 2021, LEOs approved over €24m in grant aid to local businesses with LEO- backed client companies reaching 7,158 micro-businesses and start-ups employing 35,729 people.

**Alignment of Local Community Development with Local Government** – The 2014 reforms provided that Local Authorities would have a more central role in the oversight, coordination and planning of local and community development programmes. The reforms provided for the establishment of Local Community Development Committees in each local authority area, to enhance the strategic planning and coordination of local and community development activity. Local Community Development Committees comprise public and private sector members, including local authority members and officials, State agencies and private sector local and community development representatives.

**Local Property Tax (LPT) and Local Finance** – As stated above, local authority funding for 2023 is budgeted at over €6.3 billion with approximately 60% of all local authority income being generated at a local level from commercial rates, income from goods and services and the LPT. Local Property Tax is a self-assessed tax charged on residential properties in the state with the ability for Councillors to vary the charge by +/- 15%. Local Property Tax help fund essential local services of local authorities such as public parks; libraries; open spaces and leisure amenities; planning and development; fire and emergency services; maintenance and cleaning of streets and street lighting – all benefitting citizens directly. This local funding is the primary means of delivering public service at local level and restoring a degree of fiscal autonomy to Councillors and local councils.

**Councillors' Salaries and Supports (Pay & Non-Pay Supports)** – One of the most important and recent improvements in our local government system has been the significant improvement in Councillors' remuneration and supports. Following the independent Moorhead Review of the Role and Remuneration of Local Authority Elected Members, recognition was given that "People who put themselves forward to run for public office do so knowing that serving as a local authority elected member involves a significant commitment of time and effort. It is recognised that this commitment grew significantly as a consequence of the 2014 local government reforms." In 2021 major changes were made to Councillor's remuneration and allowances as follows;

- ☐ 40% increase in Councillors' salary and linked to the local authority pay scale. The current salary is €28,145 (gross) per annum as of 1<sup>st</sup> March 2023.
- ☐ Non-Taxable Travel & Subsistence Allowance
- ☐ Vouched Local Representation Allowance of €5,160 maximum per annum

The above is in addition to various Mayor/Cathaoirleach and committee chair allowances payable.

The Moorhead report also identified several important non-pay supports that should be progressed in consultation with key stakeholders. A number of working groups have been established by the Department of Housing, Local Government and Heritage, with representation by Councillors representative bodies including AILG to progress these non-pay supports in the areas of;

- 1) Defining the role of the Councillor
- 2) The running of Council meetings
- 3) Training and support requirements for elected representatives
- 4) Administration support requirements
- 5) Technological solutions
- 6) Future Councillors/gender and diversity balance

**Maternity Leave for Councillors** - In 2022, for the first time an entitlement of maternity leave has been afforded to Local Authority Elected Councillors equivalent to the current entitlement for employees in general society. This provision has also provided for the innovative proposal of the appointment by co-option of an individual as a temporary substitute for a Councillor that takes maternity leave or is absent due to illness or in good faith for another reason. In parallel, as part of a wider package of maternity-related supports for Councillors, an allowance for secretarial/administrative support has been

introduced for Councillors who are availing of maternity leave. The absence of formal maternity leave and equally importantly maternity supports to complement such leave were a major barrier to the participation of women in local government. This Act addresses these obstacles, in an inclusive and supportive manner. It is envisaged that this will help to ensure that current and future Councillors will be more fully representative of the constituents they serve, but also that the role of the Councillor is accessible, sustainable and ensures that Councillors are more fully representative of the constituents they serve.

### **Future Local Government Reforms – Directly Elected Mayor for Limerick & Dublin**

In 2018, the government published policy proposals for directly elected mayors with executive functions. Under proposals published a directly elected mayor with executive functions would:

- prepare and oversee the implementation of a programme of office
- perform a significant amount of the executive functions currently performed by local authority chief executives
- ensure that the chief executive performs the functions of the local authority in accordance with the mayor and elected council's policies
- be an ex-officio member and Mayor/Cathaoirleach of the elected council, contributing to the elected council's exercise of their reserved functions
- represent the entire local authority area at local, national and international level.

The first step in this process was a plebiscite where a process to gauge the public's view on the proposal was conducted for Cork City, Limerick and Waterford City and County Councils. As a result, in May 2019 the people of Cork city, Limerick City and County, and Waterford city and county had an opportunity to vote in a plebiscite on the topic. These plebiscites were held in conjunction with the 2019 local elections. Voters in Cork City and Waterford City and County rejected proposals for a directly elected mayor. Limerick voters passed the plebiscite and, on this basis, the Government is now proceeding to develop detailed proposals in relation to the directly elected mayor. A detailed policy document has been published and this will be followed up with draft legislation later this year. There is also a commitment in the current programme for government to allow for plebiscites to be held in 2024 in any local authority that wishes to have a directly elected mayor.



In 2022 a Citizen's Assembly was set up and tasked with examining and bringing forward proposals regarding the type of directly-elected mayor and local government structures best suited for Dublin. The Assembly reported in October 2022 with a recommendation for a proposal for a Directly Elected Mayor for Dublin with devolved powers. Currently, the report from the Citizens Assembly is being considered by the government.

## **5. Negative Characteristics of our Local Government System**

While there are many positive aspects of our local government system in contrast there are many negative characteristics. Ireland has one of the most centralised systems of government of any European International democracy. Councillors here have fewer powers than in almost every other country and have limited revenue-raising and spending powers. There remain many perceived weaknesses in our local government system, some of which are being addressed and some which may be the subject of further change in the future. Those weaknesses include the following;

**Centralised Nature of our Local Government System** – Ireland has one of the most centralised systems of local government compared to our European counterparts in terms of powers, functions, service delivery and funding. While legal and constitutional provision has been afforded to local government under article 28A of our constitution, this provision identifies local government as being subject to law. Therefore, the national parliament and the government of the day in effect have full control over our local government system and can rearrange its structures and functions, as they see fit. This was evidenced, in the 2014 reforms with the abolition of 80 local authorities and the significant reduction in the number of Councillors by 40%. In recent times this has also been evidenced by the direct attack on Councillors' reserved powers and functions where the reserved function of Councillors approving local authority own housing developments was suspended overnight by a government amendment to the Planning and Foreshore Development Act 2022. While this is a temporary suspension until December 2024, it was done without any prior notice or consultation with the Councillors or their representative body.

**Increasing powers of the Minister through various Ministerial Guidelines** – A further example of the centralised nature of our local government system can be seen with the increasing power of the Minister through various Ministerial Guidelines now becoming mandatory, especially in relation to local authority policy areas. For example, the new draft Planning and Development Bill 2022, provides for strengthened legal status of Ministerial guidelines. Under this bill Ministerial guidelines and policy directives will be upgraded to 'National Planning Policy Statements' and 'National Planning Policy Guidance' which will be mandatory. While it is recognised that local authorities must work within an overall national framework, Councillors have always been responsible in taking account of national policy when formulating local policy and this type of direct interference eliminates the ability for local decision-making.

**Local Authority Functions** - The range of functions carried out by local authorities in Ireland is quite limited – in many other EU countries, local authorities are responsible for functions such as health, social welfare, tourism, policing, transport, education and even electricity. This in itself limits the scope and importance of local authorities in Ireland. All of the functions carried out by Irish local authorities (housing, roads, etc.) in the eight programme groups account for only between 11% - 15% of a typical Danish local authority's expenditure. An important outcome of this is the limited perceived relevance of the local government system by citizens in general, even though everyone benefits, to a greater or lesser extent, from the services provided.

**Finance and Funding** –There are two main problems associated with the financing of local authorities. Firstly, the amount of finance available is not seen as adequate to meet escalating costs while efficiencies are achieved on an ongoing basis, the scale of efficiencies reduces as more opportunities are exhausted. Secondly, the source of the finance has historically presented a problem because a large percentage was derived from specific government grants and subsidies (e.g. road grants) with preconditions and caveats attached. This has resulted in lessening local discretion. There is limited scope within the system for raising revenue at local level.

**Structure of Local Government** - The introduction of the municipal district model in 2014 provided a stronger, more coherent and more uniform framework for maintaining local focus and citizen engagement, as Municipal Districts cover each entire county. However, the concept of the Municipal District as envisaged in '*Putting People First*' was that the Municipal Districts would be responsible for the day-to-day delivery of local authority services at the level closest to the citizen with the Plenary (County/City) Body responsible for the more strategic/policy setting role of the authority. Recently the department has published a circular concerning "best practice" on the operation of the municipal district structures. These structures must improve to stem local government, the tier of local government closest to the people, from becoming more remote from the citizen.

**Powers of Elected Members and Imbalance of Executive vs Reserved Functions** - It is often said that the introduction of the management system in Irish local government was a move towards efficiency made at the expense of democracy. If the Councillors, acting collectively, are not the true policy decision-makers, then what results is local administration rather than local government, because the will of the people may not be properly reflected in local activities/policy outcomes. This is the reality in our current local government system. In reality, since the 2014 reforms, the position and power of the Chief Executive has increased resulting in a growing imbalance between the executive

powers of the Chief Executive and the reserved powers of the elected Councillors. Accordingly, this leads to a democratic deficit where decisions can be made without direct democratic accountability.

**Loss of Local Authority Functions** – Over the last 10 years, local authorities have seen a number of functions, which were the responsibility of local authorities, transferred to other centralised bodies. Those functions include the following;

- Higher Education Grants Scheme, which was administered by local authorities, was replaced by the new Student Grant Scheme, administered by Student Universal Support Ireland (SUSI).
- The Road Safety Authority has responsibility for driver licensing since 2013 and has established a National Driver Licence Service (NDLS).
- Irish Water (Uisce Éireann) has been established to bring the water and wastewater services of the 31 local authorities together under one national service provider. In 2023 local authorities will no longer have direct responsibility in the provision of water and waste-water service. This represents the biggest divergence of a major local government function since health was transferred from local government in the 1970's and the abolition of the Regional Health Boards in 1998.
- Responsibility for the maintenance and operation of the motorway and dual carriageway system is transferring to Transport Infrastructure Ireland.

The loss of these functions is in direct contradiction with European norms of de-centralising the provision of services at local level.

### **Lack of recognition of the role of the Councillor by outside Government**

**Departments and Public Agencies** – As previously stated local authorities deliver over 1,100 local services on behalf of over 30 government departments and state agencies. However, outside of the Department of Housing, Local Government and Heritage most other government departments and agencies fail to recognise the important role of the Councillor within our local government system. In most cases, these outside government departments and agencies set the criteria for the delivery of their service by the local authority and fail to give Councillors any input into their delivery. This has been evidenced recently in the removal of Councillors from boards of third-level educational institutes by the Department of Education and Skills, where the relevant local authority would have a nominee(s) on the board. There is also a current proposal by the

Department of Justice to replace existing local Joint Policing Committees, which are chaired by local Councillors, with Community Policing Forums with an independent chair. In the recently published “*Town Centre First*” policy initiative, driven by the Department of Rural and Community Development and concerning the regeneration of our rural towns and villages, there is not one mention of the word “Councillor” throughout the whole policy paper. This is a further example of the lack of recognition of the important role of the local Councillor and a further dilution of our Member’s powers.

ALLG would call on a recommendation that all government departments and public agencies recognise the important role and contribution of our Councillors. Furthermore, ALLG identify the below concerns which have had a direct impact on the ability of Councillors to effectively carry out their day-to-day roles as public representatives;

**Dilution of Councillors’ Soft Powers** – the increased imbalance in terms of executive powers vs reserved powers has also led to a dilution of Councillors’ soft powers. This dilution ranges from lack of access to council management and local authority staff, especially concerning constituent representations. There are several reasons for this including issues of data protection (GDPR) in relation to personal information on behalf of constituents, remote working of staff post-Covid-19 pandemic, and the emergence of sub-county community groups such as Town Teams where there is a lack of engagement with Councillors and a desire to only engage with the council executive.

**Eroding of Councillors’ Representative role** – ALLG believes that the recently published Moorhead Report on the Role and Remuneration of the Local Authority Elected Members diminished the representative role of the local Councillor. Ms. Moorhead viewed the role of the Councillor in terms of their legal, statutory and oversight role within the council chamber, exercising their reserved functions. This led to her defining that a Councillor’s working week should be limited to 18.5 hours with no recognition of their representative role. Under Section 64(1) of the Local Government Act 2001, Councillors have the democratic legitimacy to speak on behalf of and represent the interests of the area and its people either individually or collectively. This characteristic of the role of the Councillor needs to be challenged to ensure no erosion of their important representative role.

## **6. CLARE Monitoring Committee Issues**

AILG has received notice of a number of themes that the Monitoring Committee would like to discuss as part of their monitoring visit. It is hoped that many of these themes have been addressed in this submission. However, we would like to reply to these themes as follows

### **1. Implementation of Congress Recommendation 342 (2013) on local and regional democracy in Ireland**

In response to the last monitoring visit, which took place in 2012 & 2013 the Congress expresses its concern in a number of areas. We would respond to these as follows;

- **The constitutional protection of local self-government is rather weak and the principle of subsidiarity is not properly reflected and guaranteed in the legislation.**

**AILG Response:** It is AILG's view that the constitutional protection of local self-government remains rather weak and that the principle of subsidiarity is not properly reflected and guaranteed in our current system of local government. The imbalance between the executive vs reserved powers of our local government system has increased substantially over the last 10 years and has led to a democratic deficit where decisions can be made without direct democratic accountability.

- **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 competencies and financial independence to the local and regional level.**

**AILG Response:** While local authorities have gained additional areas of responsibility in the areas of local economic development, local community development, climate action etc. due to the reform process in 2014, as previously stated local authorities have lost substantial functions to a policy of centralisation which water and wastewater services the most recent to be centralised. As a result of this local authority budgeted spend in 2023 is €6.3billion which represents a 6%

spend of overall public expenditure in 2023 of €103.5billion. This spend is substantially below the European norm of over 20%.

- **Consultations with local authorities and their associations are neither systematic nor sufficiently regulated to allow the latter to be involved in the decision-making process on matters which concern them and, in the present context, to make an input into the proposed reform;**

**AILG Response:** While great efforts have been made to greater and more structured engagement with local authorities and their associations on matters affecting them, the policy of centralisation of decision-making remains to the fore, as evidenced in the loss of both hard and soft powers by Councillors and local authorities.

- **The administrative supervision of local authorities' activities by the central level remains disproportionate and, under this system, the powers given to local authorities are not full and exclusive.**

**AILG Response:** As outlined in section 6 of this paper, Ireland still has the most centralised system of local government compared to our European counterparts in terms of powers, functions, service delivery and funding. The national parliament and the government of the day in effect has full control over our local government system and can rearrange its structures and functions, as they see fit. Over 40% of funding for local authorities comes from central grants and funds and therefore includes disproportionate supervision at a central level.

- **The equalisation mechanism is not transparent and, although local governments have the formal freedom to adopt budgets, such freedom is severely limited in practice.**

**AILG Response:** Again, due to the centralised nature of our local government system, the budget process is heavily conscripted by national government criteria with all parameters set by the Minister. This, in addition to the limited revenue-raising powers of our Councillors, limits the scope for local decision-making within the budget process.

- **The scale of local taxes and the power of local authorities to determine the rates are very limited**

**AILG Response:** As outlined in section 2 of this paper, local authorities are heavily reliant on central government funding to deliver their services. The introduction of the local property tax in 2014 is a positive start in addressing the lack of local revenue-raising powers.

- **Conditions of office of local elected representatives are insufficiently regulated by general legislation.**

**AILG Response:** As stated above under section 5, one of the most significant recent improvements in our local government system has been the significant improvement in Councillors' remuneration and supports both pay and non-pay supports.

## **2. Recent reforms and developments relating to local and regional governance in Ireland**

As outlined in section 3 of this paper, the then government delivered their 2014 local government reforms in line with their published Action Programme for Effective Local Government - *“Putting People First”* (PPF). These reforms resulted in the following;

- A reduction in the number of regional authorities from 8 regional authorities and 2 regional assemblies to 3 no. regional assemblies with a reduction in regional members from 290 to 83.
- A reduction in the number of local authorities from 114 to 31 and a corresponding reduction in the number of councillors throughout the State from 1,627 to 949. This reduction represents a 42% decrease in overall numbers (over 33% reduction in real terms due to some elected members holding both town and county seats). Therefore, Ireland now has fewer Councillors per capita than any other EU country and other democracies examined.

Simultaneous with the abolition of Town Councils, a new sub-county structure known as the “Municipal District” was introduced. The Municipal Districts sit within the County Councils and are comprised of the same Councillors.

The boundaries of the Municipal District are identical to the boundaries of the Local Electoral Areas, which are the electoral building blocks of the County level local



authorities. The Municipal Districts are, in legal terms, something less than fully fledged local authorities but something more than an Area Committee. Primary law assigns certain local functions to them, while others may be devolved to them by the County Council in question. Essentially Municipal Districts are intended to allow Councillors to concentrate on the oversight of highly localised policy issues e.g. bye-laws for markets or parking while the County Council concentrates on more strategic issues such as the county-wide County Development Plan. Largely, Municipal Districts have been appreciated by Councillors for the way in which they allow Councillors to focus attention on issues of specific local need which are of interest to their electors.

### **3. Financial situation of local and regional authorities (see Art. 9 of the European Charter of Local Self-Government)**

As outlined in section 2 of this paper, local authorities are heavily reliant on central government funding in order to deliver their services. For 2022, the highest percentage of revenue income for local authorities came from central government funding at 40%, with income from commercial rates at 28%. Income from local goods and services will amount to 25%, with LPT accounting for 7% of current income for local authorities. Approx. 60% of all local authority income is generated at local level from commercial rates, income from goods and services and the LPT, therefore helping to fulfil the vision set out in *'Putting People First'* for local government to be the primary means of public service at local level and has restored a degree of fiscal autonomy to Councillors and local councils.

The remaining 40% of all budgeted local authority income for 2022 was received from central government including numerous government departments where services directly under their remit, will be delivered at local level via local authorities. However, this is a representation of the centralised nature of our local government system

### **4. Competences of the associations and interaction with the central government: mechanisms of consultation with local authorities and their associations on legislative projects, financial and all other matters directly concerning them**

The representative associations have a level of communication with the line division of the Department of Housing, Local Government and Heritage on issues mainly affecting

Councillors. The Association is generally afforded meetings with the Minister for Local Government on request and, in addition, may make submissions on proposed new policies and legislation. However, there is no systematic consultation with the department as a whole- much less negotiation - on major matters such as budgetary allocations to local authorities or housing policy, or planning policy. Legislative measures are put forward by the government of the day and the whip system in parliament ensures that —almost always — the intentions of the Minister become law even if these are inimical to the interests of local government. For example, in December 2022 the government brought forward legislation which limits for two years the ability of local authorities to accept, amend or veto, housing proposals presented by their own officials. In other words, the Councillors were silenced on the question of approving or otherwise their own authorities housing projects.

## **5. Co-operation between central and local government and the distribution of competences**

There is a wide range of cooperative actions between central and local government at various levels and in relation to various services. Local authorities are often the local agents for central government departments when it comes to the delivery of a range of services.

However, whether this contributes to the concept of true local government is questionable. Very often local authorities are “employed” by Government departments to deliver various kinds of schemes. While these are welcome up to a point in that they add to the range of services being delivered by Councils, it is also the case that such interaction constitutes a variation of local administration rather than local government with the Council being little more than a delivery mechanism for central government.

## **6. Supervision of local and regional authorities**

Financial Supervision: local authorities have always — since their foundation — been under strict audit supervision by national audit authorities. This has been reinforced over the past decade with the advent of the National Oversight and Audit Committee which oversees local authorities on a range of performance indicators such as time to re-let vacant council houses; fire-brigade response times; and other productivity measures. However, it must be noted that local authorities are not subject to individual supervision by the national parliament’s public accounts committee and this means that local government is not under political supervision by the national parliament. In general terms, there are numerous instances in local government law where the line minister can

make regulations or issue directives or circulars instructing local authorities to perform their operations within a centrally directed framework.

## **7. Conditions of office of local elected representatives and their financial compensation**

As stated above under section 5, one of the most significant recent improvements in our local government system has been the significant improvement in Councillors' remuneration and supports both pay and non-pay supports. Local Authority Elected Councillors are regarded as part-time office-holders. Their remuneration has since 2021 been fixed to a point on the scale of an Assistant Staff Officer in the administrative grades. Councillors pay social insurance and are entitled to a range — if not all — social benefits. While there is no pension scheme, councillors are entitled to a non-contributory gratuity payment when they leave office. Councillors also receive travelling and subsistence expenses to cover their attendance at designated training events nationwide.

Recently legislation has been brought forward to allow Councillors to appoint a substitute in the case of maternity leave or to obtain secretarial assistance. Provision has also been made for other types of leave. However, there is no mechanism to incentivise employers to allow staff members time to attend council meetings.

## **8. Legal protection of local and regional self-government and access to domestic courts**

The Irish Constitution was amended in 1999 to give, for the first time, explicit recognition of local government as part of the representational framework of the Irish state. However, the form of recognition was a double-edged sword in that the wording of the Constitution provision explicitly identifies local government as being subject to law. In other words, the structure and competencies of local government can be rearranged by the national legislature. It would seem clear that the courts would be guided by the provisions of the Constitution if any question of a legal dispute arose between national and local government.

## **9. Inter-municipal cooperation; cross-border cooperation**

Local government law facilitates councils in making agreements to deliver services in each other's areas where this is necessary. For instance, fire services are delivered in the three Dublin county councils by Dublin City Council by way of agreement. In terms of Elected Councillors, there are arrangements in adjoining councils where Councillors meet in committee formats from time to time. Such cooperation across county boundaries is particularly relevant where a county boundary bisects a suburban area where a large section of the population might live in County A but crosses the county boundary for its retail and recreational services. Such arrangements tend to be ad hoc and work to a greater or lesser degree of usefulness in different locations.

In terms of cross-border cooperation across a State frontier, local authorities adjacent or nearly-adjacent to the border with Northern Ireland are involved in a network of cooperative organisations which work across the border in terms of funded projects and initiatives. As a result, Councillors from border counties are well accustomed to meeting with their northern counterparts.

## **10. Challenges to local and regional governance in Ireland (for example, the level of citizen's participation in local public and political life, migration policy, etc) - good practice**

One of the biggest challenges to local governance here in Ireland is the continued path to an even more centralised system of local government. This is directly in contradiction to the European Charter of Local Self-Government and the principle of "Subsidiarity". The imbalance between the elected council and the executive is also a challenge to local government in Ireland and risks alienating the citizen from our local government if our system continues to be a system of local administration rather than a system of true local democracy.

## **11. Level and mode of citizen's participation in public and political life at local level**

Citizen participation takes place at many levels, both formal and informal, with Irish local government. Firstly, as regards electoral participation at the last local elections At the last local elections on 24 May 2019, 1.73 million people representing 50% of the electoral register cast their votes. The turnout was at its lowest in the Dublin city inner wards with the South East Inner city recording just 31%. Each of the 949 seats was contested with an average ratio of 2 candidates per seat across the country.

Secondly, as regards formal participation, structures have developed since 2000 which give non-elected people channels of contributing to policy formation in local government. These include seats for non-elected people on the Strategic Policy Committees of the Council through the Public Participation Network. Other non-statutory forums have become involved including "Town Teams" which are formed in relation to investment in revitalising urban centres. It must be said that Councillors regard such interventions by participative democracy as having the potential to undermine their mandates as representative democrats. The people who serve as non-do not have to face the realities of, for example, raising local revenues to pay for desirable projects.

## **12. Experiences from local government in dealing with the COVID-19 health crisis and the refugee crisis caused by the Russian war against Ukraine**

As outlined in section 5 of this paper and in response to the Covid-19 pandemic, Community Response Forums were established in every local authority. The role of the Community Response Forum is to provide a coordination point for the community and voluntary response in their area and enabled all those involved to work together under the stewardship of the local authority. The Community Response Forums were highly effective during the pandemic crisis and more recently have led the local authority and community supports to the Ukrainian refugee crisis. The forums are an example of how adaptable our local authorities are and how they could play a leading role in social care-type service delivery.

## **7. Recommendations**

**ALLG propose the following recommendations to be included in the Monitoring Committee's report;**

1. Area Committees in the local authorities of Cork City, Galway City and the 4 no. Dublin Local Authorities of Dublin City, Fingal, Dún Laoghaire-Rathdown and South Dublin be put on the same statutory footing as Municipal Districts.
2. The Minister and Department immediately reverse the reserved functions/powers recently taken away from the elected council including the Section 183 function for disposal of council-owned land to the Land Development Agency for housing developments, the Part 8 reserved function for local authority own housing developments. We would also recommend that the Minister and Department immediately confer the reserved function concerning the Local Authority Rents Differential Scheme to the elected council as provided for under the 2014 Act.
3. Address the imbalance in powers and function between the executive and the elected council.
4. Statutory duty to consult councillors representative body before making any changes to reserved functions
5. Ensure that all government departments and public agencies understand and appreciate the important role of the Elected Council, especially when criteria is being set for services that are being devolved to local government.
6. Examine devolving more powers to the local authorities through the legislative process to strengthen and enhance local democracy.
7. Ensure that local authorities are adequately resourced, with devolved revenue-raising powers for the Elected Council. This should also include the provision for local authorities to have full 100% spending control of their Local Property Tax.
8. Ensure full access to local authority management and staff at all times especially in relation to dealing with our Elected Councillor's representative role.

9. Ensure that Councillors receive appropriate training and capacity building to effectively discharge their duties as members of their local authorities. AILG plays a key role in the training and education of Elected Councillors.
10. Implement the non-pay supports recommended as part of the Moorhead report.
11. Implement the decision of the people of Limerick in 2019 and proceed with the necessary legislation to allow the first directly elected mayor in Limerick.

## **8. Conclusion**

AILG would like to thank the Monitoring Committee for the opportunity to engage with them on their visit. We acknowledge and commit to working with the Irish CLRAE Delegation to enhance our local government system and promote the importance of local democracy. We look forward to continuing to engage with our Government, Ministers and line Department to improve our system of local government for our citizens once the monitoring committee has finalised their report.



Association of Irish Local Government  
Aontas Rialtas Áitiúil na hÉireann

## Association of Irish Local Government

Office Unit 10,  
Manor Mills,  
Maynooth,  
Co. Kildare, W23YT63

[www.ailg.ie](http://www.ailg.ie)  
[info@ailg.ie](mailto:info@ailg.ie)  
01 6106100