

## **Legislation for a Directly Elected Mayor with Executive Functions for Limerick City and County Council**

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### **1. What has the Government decided today (Tuesday 26 January 2021)?**

The Government has published the report of the Implementation Advisory Group (IAG) established to consider a directly elected mayor (DEM) with executive functions for Limerick City and County Council.

The Government has also approved the drafting of legislation to provide for a DEM with executive functions for Limerick city and county.

The role of the DEM, with consequent changes to the structure of the role of the chief executive, and other changes, will be based on the governance model and structure recommended in the IAG report.

The legislation, the drafting of which will now commence, will provide for:

- a DEM with executive functions for Limerick City and County
- an electoral code to facilitate the holding of mayoral elections in Limerick City and County
- provisions to allow for the holding of plebiscites in other jurisdictions in 2024 as outlined in the Programme for Government. (Plebiscites will be facilitated if there is a positive resolution from the relevant council or by a petition from a minimum of 20% of the registered electors.)

The Government has also sanctioned continued consultation between Government Departments to explore the potential assignment of additional powers and functions as recommended in the IAG report to Limerick City and County Council after the direct election of a DEM.

### Background

In April 2019, the Government published detailed policy proposals for a DEM with executive functions for Cork City, Limerick City and County and Waterford City and County. That publication is available [here](#). On 24 May 2019, in a plebiscite on a proposal for the establishment of an office of DEM with executive functions, the people of Limerick voted in favour of the proposal.

In December 2019, an Implementation Advisory Group (IAG) was formed to advise the Minister on how best to establish and shape the role of the DEM with executive functions (DEM) in Limerick City and County Council, in accordance with the outcome of the plebiscite of 24 May 2019 and the Government's detailed policy proposals document.

Chaired by former diplomat and Secretary General to the President, Mr Tim O'Connor, the Group comprised elected members and executives of Limerick City and County Council, representatives from the business, academic, student and community sectors in Limerick, and officials from the Department of Housing, Local Government and Heritage. The report published today is the outcome of deliberations of the Group.

The *Programme for Government - Our shared Future* commits to the development of legislation to allow the first directly elected mayor in Limerick to be elected in 2021. The Department is working towards that objective, as a priority.

A DEM will have a five-year term of office. As the first election for a DEM will happen during the current local government electoral cycle, with the next local elections taking place in 2024, the Government has decided that the first DEM term will run from the election date until the end of the local election cycle in 2029.

## **2. What functions (or powers) will the DEM have?**

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

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

The DEM will develop a “Programme for Local Government in Limerick”, which will be presented to the elected council for approval. This programme will set out the DEM’s vision and ambition for Limerick City and County at a strategic level within the confines of national policy. The programme will span the term of the Mayor and will be a 3–5 year, high-level, jointly agreed programme of political priorities setting out an agreed vision for Limerick City and County. It will also set out the DEM’s objectives for their term in office.

As an ex officio member of the council, the DEM will exercise a vote in relation to all matters that come before the elected council, except where the vote is in relation to the council’s oversight role in respect of the DEM.

It is proposed that the DEM would be responsible for drafting the local authority’s annual budget and will work to achieve its adoption by the elected council.

## **3. What responsibilities will rest with the redefined chief executive role?**

The role of the chief executive will change and will differ significantly from that of chief executives in other local authorities. Recognising its vital role in the new local authority’s architecture, and the likely enhancement of the traditional chief executive role, the IAG proposes that the current position of chief executive in Limerick will be re-titled to ‘Director General’.

A range of functions, entitled “Specified Functions”, currently vested in the chief executive, will not transfer to the DEM. They will remain the chief executive’s responsibility. These include:

- a) managing and accounting for the council’s finances;
- b) HR and local authority staffing matters;
- c) administration of individual schemes and allocation of individual grants;
- d) legal proceedings and enforcement matters relating to individual schemes or grants.

The DEM will retain overall responsibility for mayoral executive functions, but may delegate the execution of many functions to the director general as part of the day-to-day running of the local authority. The director general’s role in supporting the mayor will be significant in this regard.

The mayor and the director general will agree a work programme to ensure that resources, including staffing, are allocated so that the policies of the council and the mayor can be fully implemented.

#### **4. What role will the elected council have once a DEM takes office?**

The elected Council will retain its primacy and the DEM will be accountable to the Council, including through the Mayor’s Report and Mayor’s Questions, at plenary Council meetings.

An elected council has reserved functions. These will not change. They include:

- adopting the Council’s annual budget (by way of vote)
- adopting Council policies
- altering the Local Property Tax rate
- making a City and County Development Plan
- deciding the annual rate on valuation for Commercial Rates
- selling or disposing of Council land
- approval of grant schemes
- adoption of a Corporate Plan and a Service Delivery Plan

The Council will also be able to initiate a process to remove the Mayor.

## **5. Who will chair the council?**

It is not envisaged that the DEM will chair plenary meetings of the 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 of the Council.

## **6. Will the council's budgetary process change?**

The IAG recommends that the current budgetary process of local authorities, whereby the annual budget must be approved by a simple majority of the elected council, should remain, subject to the role of the DEM in the preparation of the annual budget. Current provisions for the failure to agree a budget will remain unchanged.

## **7. Will the creation of a role of DEM result in additional revenue for Limerick City and County Council, or revenue raising powers for the DEM?**

The IAG report makes the case that a significant degree of both additional funding and autonomy over that funding is necessary. The IAG proposes that this should involve:

- Multiannual block grants, under the main capital programmes, to facilitate the DEM in planning and implementing strategic capital investments;
- A revision of the current "bid" process under the Urban Regeneration and Development Fund (URDF) and Rural Regeneration and Development Fund (RRDF), whereby an estimated allocation would be made to Limerick over a 10-15-year horizon. Full planning and delivery of the investment would be devolved to the DEM who would lead a negotiated settlement with national Government;
- Additional DEM block grants linked to revenue raised locally under Commercial Rates or Local Property Tax;
- Decentralised power for borrowing to be assigned to the DEM, within set gearing ratios, and a separate multi-annual borrowing limit provided to Limerick City and County Council;
- A special sub-fund of the Irish Strategic Investment Fund set aside for Limerick, co-managed by the DEM and ISIF, and used for infrastructure projects on an

investment return basis, with specialised Sub-Funds in each case into which the private sector could also invest.

The Government recognises that these are ambitious recommendations, with far-reaching consequences for both public finances generally and the funding of local government. The IAG recommendations therefore require careful consideration and examination by Government Departments to determine how best to advance them.

### **8. What will be the term of the DEM?**

A DEM will have a five-year term of office. The Government has decided, however, that the first term will run from the election date until the end of the local election cycle in 2029. This extended first term will allow for a period of transition, for the role of mayor with executive functions to normalise, and for a more comprehensive examination of the sectoral recommendations for further devolved functions, set out in the IAG report.

The Report recommends that a Mayor can serve a maximum of two terms of office.

### **9. What additional functions does the IAG recommend assigning to the role of a DEM?**

In its report, the IAG proposes a range of new or additional powers, functions or roles that should be assigned to Limerick City and County Council on the election of a DEM (i.e. in the coming years). The assignment or devolution of additional functions may also be an incremental process, with the role evolving over time. These are based on the premise that:

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

The IAG proposes these 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 additional functions, including:

- chairing an entirely new Limerick PI 2040 Project Delivery Board, to coordinate and manage the delivery of the PI 2040 investment programme in Limerick;
- managing the transition to a new Limerick regeneration investment plan;
- negotiating urban and rural development funding envelopes and leading the development plan implementation in line with NPF objectives;
- developing a programme of housing provision;
- leading the development and implementation of a Transport Strategy for Limerick, with NTA;
- greater autonomy in the provision of business supports in Limerick, to be delivered through LEOs; and
- responsibility for developing a Just Transition Limerick Plan;

The IAG also recommends that the DEM is a statutory consultee across a range of Government policy areas. It also recommends that the DEM has a statutory right to be consulted in relation to any government policy as it relates to Limerick.

#### **10. What will be the salary of the DEM?**

The DEM will receive a salary equivalent to that of a Minister of State.

#### **11. What will be the cost of having an Office of the DEM?**

The DEM may have a staff of no more than five administrative and research support staff to support his or her office. This may include a special advisor and a programme manager if the DEM so chooses.

The DEM will be able to appoint a special advisor at his or her own discretion subject to the Minister's approval. All support staff, including a programme manager, will be drawn from within the current local authority complement of staff.

#### **12. What will be the provisions for removal of a Mayor?**

In its report, the IAG has set down detailed procedures for the removal and recall of the DEM, both of which would be initiated by the elected Council.

In order to ensure that it is the democratic will of the elected council to begin this procedure the IAG recommends that a minimum of 75% of councillors must support a motion to begin removal procedures.

The IAG report's recommendations for a recall mechanism require further consideration. The Government does not currently envisage such a mechanism being included in the General Scheme of a Bill.

### **13. What are the next steps?**

- (1) The Minister for Local Government and Planning, Peter Burke, TD, will lay the IAG Report before the Houses of the Oireachtas today (Tuesday 26 January), as required under the Local Government Act 2019.
- (2) **Drafting legislation:** The Minister for Local Government and Planning, Peter Burke TD, and his Department will begin drafting the General Scheme of a Bill to provide for:
  - a DEM with executive functions for Limerick city and county based on the governance model and structure recommended in the report
  - an electoral code to facilitate the holding of mayoral elections in Limerick city and county, most likely to be held in the first half of 2022
  - provisions to allow for the holding of plebiscites in other jurisdictions in 2024 as outlined in the Programme For Government.
- (3) **Legislation before the Oireachtas in the first half of 2021:** The Government aims to publish legislation in the coming months with a view to the legislation being enacted before the end of the summer session.
- (4) **Mayoral election:** In line with the *Programme for Government - Our shared Future* commitment, the legislation required to enable the first election for a directly elected mayor will be advanced as quickly as possible, with the aim of an election taking place before the end of 2021. Any election will of course be subject to the approval of legislation by the Oireachtas, as well as public health in place at the time.
- (5) **Consultation on additional functions in the future:** In parallel, consultation will now begin between Government Departments on the potential assignment



of *additional* powers and functions to Limerick City and County Council (beyond those to be initially assigned to a new DEM).