



DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ RIALTAIS ÁITIÚIL, 2013 LOCAL GOVERNMENT REFORM BILL 2013

*ATHRAITHE Ó
CHANGED FROM*

*AN BILLE RIALTAIS ÁITIÚIL, 2013
LOCAL GOVERNMENT BILL 2013*

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ RIALTAIS ÁITIÚIL, 2013 —AN TUARASCÁIL

LOCAL GOVERNMENT REFORM BILL 2013 —REPORT

*athraithe ó
changed from*

AN BILLE RIALTAIS ÁITIÚIL, 2013 LOCAL GOVERNMENT BILL 2013

*Leasuithe
Amendments*

1. In page 14, line 37, after “district” to insert “council”.

—Brian Stanley.

2. In page 17, to delete lines 6 to 38, and in page 18, to delete lines 1 to 10.

—Barry Cowen.

3. In page 25, to delete lines 38 and 39, to delete page 26, and in page 27, to delete lines 1 to 10.

—Mick Wallace.

4. In page 28, to delete lines 5 to 28.

—Barry Cowen.

5. In page 28, after line 36, to insert the following:

“19. (1) The Minister shall as soon as is practicable and in accordance with this Part establish an Advisory Panel on the Future Development of Local Government (in this Part referred to as the Panel).

(2) Membership of the Panel shall comprise of three persons appointed by the Minister with the consent of the Joint Oireachtas Committee on the Environment, Community and Local Government.

(3) The Panel shall prepare and submit to the Minister not less than 1 year after the 2014 Establishment Day, and every second year hence, a report detailing—

(a) the effectiveness of the reforms made to Regional Authorities under this Act;

(b) the effectiveness of the reforms made to Local Authorities under this Act;

(c) the effectiveness of the reforms made to Municipal Districts under this Act;

(d) a review indicating the level of adherence in the State to each provision of the European Charter of Local Self Government done at Strasbourg on 15 October

1985, and what measures the Panel consider necessary to achieve the fullest adherence (ETS No. 122);

- (e) the measures the Panel deems necessary to further devolve functions and powers to regional authorities from central government in the areas of—
 - (i) planning and development;
 - (ii) environmental protection;
 - (iii) sustainable economic growth;
 - (iv) transport provision, including roads and public transport;
 - (v) household, commercial and industrial waste;
 - (vi) public procurement;
 - (vii) renewable energy capacity;
 - (viii) social and community development;
 - (ix) education and training;
 - (x) culture and heritage;
 - (xi) parks and wildlife;
 - (f) the measures the Panel deems necessary to further devolve functions and powers to municipal district councils from local authorities in the areas of—
 - (i) planning and development;
 - (ii) environmental protection;
 - (iii) sustainable social and community development;
 - (iv) sustainable economic growth;
 - (v) energy microgeneration;and all powers and functions referred to in Parts 1, 2 and 3 of Schedule 14A of the Principal Act;
 - (g) a review of the funds, assets and resources assigned to local government on a per capita basis for each Municipal District Council, Local Authority and Regional Authority.
- (4) The Panel shall publish its report within 30 days of presenting it to the Minister and it shall be laid before Dáil Éireann by the Government forthwith.
- (5) The Panel shall stand dissolved only with the consent of both Houses of the Oireachtas on the request of the Government.”.

—Catherine Murphy.

6. In page 28, after line 36, to insert the following:

“19. (1) The Minister shall within 12 months and in accordance with this Part establish an

independent Local Government Commission (in this Part referred to as “the Commission”). The functions of the Commission shall be to prepare within a year of the coming into operation of this Act an assessment of the potential for further devolution of powers from government departments to local government structures in the areas of—

- (a) environment and waste management,
 - (b) youth and recreation,
 - (c) arts and culture,
 - (d) community development,
 - (e) healthy communities,
 - (f) housing,
 - (g) water and sanitary services,
 - (h) fire service,
 - (i) education,
 - (j) economic development,
 - (k) planning,
 - (l) roads and transport,
 - (m) policing and community safety,
 - (n) cross border co-operation.
- (2) The Commission shall—
- (a) research local government issues and prepare and issue reports and conclusions on, *inter alia*, the State’s performance in achieving maximum devolution of powers to local government structures;
 - (b) lay its report before each House of the Oireachtas; and
 - (c) be available to provide, and shall provide when requested by the Minister for Environment, Community and Local Government such expert advice as the Minister shall require in respect of achieving devolutions outlined in *subsection (1)*.
- (3) (a) The Commission shall consist of a chairperson and a board of four other expert members.
- (b) The Government shall, on the request of the Minister for the Environment, Community and Local Government, nominate the five members who on the establishment day are to comprise the Commission.
 - (c) The Minister shall, in consultation with the Joint Committee of the Environment, designate a member of the Commission as chairperson and shall, in appointing a chairperson, have regard to the range of qualifications and experience necessary

for the proper and effective discharge of the functions of the Commission.

- (d) The term of office of the chairperson of the Commission shall be five years.
 - (e) The chairperson of the Commission may at any time resign his or her office as chairperson by letter sent to the Minister and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Commission held next after the Commission has been informed by the Minister of the resignation.
 - (f) The chairperson of the Commission shall, unless he or she sooner dies or otherwise ceases to be chairperson hold office until the expiration of his or her period of membership of the Commission and, if he or she is re-appointed as a member of the Commission, he or she shall be eligible for reappointment as chairperson of the Commission.
- (4) The Minister shall in the making of appointment to the board of the Commission have regard—
- (a) to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the Commission, and
 - (b) to the desirability of an equitable balance between men and women in the composition of the committee.
- (5) (a) The Commission shall hold such and as many meetings as may be necessary for the performance of its functions.
- (b) The Minister may, in consultation with the chairperson of the Commission, fix the date, time, quorum and place of the first meeting of the Commission.
- (c) At a meeting of the Commission—
- (i) the chairperson of the Commission shall, if present, be the chairperson of the meeting, and
 - (ii) if and so long as the chairperson of the Commission is not present or if the office of chairperson is vacant, the members of the Commission who are present shall choose one of their number to be the chairperson of the meeting.
- (d) Each member of the Commission (including the chairperson of the meeting concerned) present at a meeting shall have a vote.
- (e) Subject to this Act, the Commission shall regulate, by standing orders or otherwise, the procedure and business of the Commission.
- (6) (a) The Commission may establish committees—
- (i) to assist and advise the Commission on matters relating to any of its functions or on such matters as the Commission may from time to time determine, or
 - (ii) to perform such functions of the Commission as may be delegated by it from time to time.

- (b) A committee shall consist of a chairperson and such number of other members as the Commission may determine and may include persons who are not members of the Commission or of its staff.
- (c) The chairperson and other members of a committee shall be appointed by the Commission.
- (d) The Commission, when appointing a member of a committee, shall—
 - (i) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the function of the committee,
 - (ii) have regard to the desirability of an equitable balance between men and women in the composition of the committee,
 - (iii) fix the member’s period of membership, and
 - (iv) fix the terms of his or her membership.
- (e) A member of a committee may be removed at any time from membership of the committee by the Commission.
- (f) The Commission may at any time dissolve a committee.
- (g) The Commission may regulate the procedure and business of a committee but, subject to any such regulation, a committee may regulate its own procedure and business.
- (h) A committee may act notwithstanding a vacancy or vacancies in its membership.”.

—Brian Stanley.

7. In page 29, between lines 2 and 3, to insert the following:

“CHAPTER 1

Community Councils

Community councils

19. The Principal Act is amended by inserting the following Part after Part 3:

“PART 3A

COMMUNITY COUNCILS

- 22A. (1) Every city and county council shall designate community council areas throughout its local authority area.
- (2) The community councils would be on a statutory basis so that all agencies involved are obliged to act accordingly to that plan as passed by the councils.

- (3) The structure of each such community council area shall reflect the natural community of that area and each village and town shall have its own community council.
- (4) The number of members on each community council shall be between the range of 10 to 15 (dependent on population).
- (5) Members of the community council shall consist of local councillors, statutory agencies, residents and representatives from the local community and voluntary sector.
- (6) Residents shall be elected to the community council annually; such election shall take place at an annual general meeting of the community council.
- (7) Membership of the community council will be on a voluntary basis.
- (8) Persons registered on the register of electors for the particular year shall be invited to the annual general meeting and each such person shall be entitled to vote to elect community council members.
- (9) Each community council may extend ex-officio, non-voting positions to representatives of local community groups, local councillors, statutory agencies and representatives from the local community and voluntary sector. Community groups shall be registered with the relevant local authority. Community and voluntary sector representatives would be nominated by their respective networks.
- (10) Community councils may draft Local Area Plans in conjunction with the executive of the relevant local authority and any such plans so drafted shall only be put to the relevant local authority for approval following a vote of persons on the register of electors of the relevant community council area.
- (11) The plans would be on 6 year cycles in line with city and county development plans.
- (12) Community councils shall be consulted on any major planning applications within that community council's area and shall be invited to make submissions on same to the relevant local authority.
- (13) Community council functions will include—
 - (a) organising local community events,
 - (b) organising plebiscites on matters including street name changes,
 - (c) organising community levies for specific projects, including playgrounds, sports facilities and parks,
 - (d) allocation of funding for lighting, traffic calming measures, upkeep of play areas and minor remediation measures, and
 - (e) establish advisory councils on community-based planning to

provide a forum for discussion and development of the framework for community-based planning.”.

—Brian Stanley.

8. In page 29, between lines 2 and 3, to insert the following:

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Community Councils

19. The principal Act is amended by inserting the following Part after Part 3:

“PART 3A

COMMUNITY COUNCILS

Community councils

- 22A. (1) Every city and county council shall designate Community Council Areas throughout its local authority area.
- (2) The structure of each such Community Council Area shall reflect the natural community of that area and each village and town shall have its own Community Council.
- (3) The number of members on each Community Council shall be between the range of 7 to 15 (towns shall have 15 members and villages shall have 7 members).
- (4) Members of the Community Council shall undertake their duties on a voluntary basis.
- (5) Community Council members shall be elected annually, such election shall take place at an annual general meeting of the Community Council.
- (6) Persons registered on the register of electors for the particular year shall be invited to the Annual General meeting and each such person shall be entitled to vote to elect Community Council members.
- (7) Each Community Council may extend ex-officio, non-voting positions to representatives of local community groups, such groups shall be chosen at the Annual General Meeting.
- (8) Community Councils may draft Local Area Plans in conjunction with the executive of the relevant local authority and any such plans so drafted, shall only be put to the relevant Local Authority for approval following a vote of persons on the register of electors of the relevant Community Council Area.
- (9) Community Councils shall be consulted on any major planning applications within that Community Council’s area and shall be

invited to make submissions on same to the relevant local authority.

(10) Community Councils may organise matters such as—

- (a) local community events,
- (b) plebiscites on matters including street name changes,
- (c) community levies for specific projects, including playgrounds, sports facilities, parks.”.”.

—Barry Cowen.

9. In page 29, to delete lines 5 to 37, and in page 30, to delete lines 1 to 40.

—Catherine Murphy, Barry Cowen.

10. In page 29, line 12, to delete “districts” and substitute “district councils”.

—Barry Cowen.

11. In page 29, line 13, after “district” to insert “council”.

—Barry Cowen.

12. In page 29, line 14, after “districts” to insert “or as municipal district councils”.

—Barry Cowen.

13. In page 31, to delete lines 1 to 33.

—Barry Cowen.

14. In page 31, to delete lines 34 to 40, to delete pages 32 and 33, and in page 34, to delete lines 1 to 35.

—Barry Cowen.

15. In page 33, to delete lines 5 to 8 and substitute the following:

“(b) A local authority may, by resolution and having received the prior consent of the municipal district council concerned, revoke the delegation by it under this subsection of a function, but the revocation is without prejudice to anything previously done by virtue of the delegated function.”.

—Catherine Murphy.

16. In page 34, to delete lines 36 to 42, and in page 35, to delete lines 1 to 39.

—Barry Cowen.

17. In page 36, to delete lines 3 to 6.

—Barry Cowen.

18. In page 36, to delete lines 7 to 20.

—Catherine Murphy, Barry Cowen.

19. In page 36, to delete lines 21 to 37, and in page 37, to delete lines 1 to 19.

—Catherine Murphy, Barry Cowen.

20. In page 40, between lines 16 and 17, to insert the following:

“(2) Each municipal district may in respect of that district set the commercial rate based on profits in the previous year. This should be part of the calculation along with valuation.”.

—Brian Stanley.

21. In page 41, to delete lines 33 to 38, and in page 42, to delete lines 1 to 3.

—Catherine Murphy.

22. In page 41, to delete line 38.

—Brian Stanley, Barry Cowen.

23. In page 42, to delete lines 1 to 3 and substitute the following:

“(c) by inserting the following after subsection (1):

“(1A) For the purposes of subsection (1) reference to county rate shall include a rate adopted by a city and county council.

(1B) The Rating Authority may by resolution decide to increase the refund in subsection (1) from one twenty-fourth of such rate in respect of every completed month to one twelfth of such rate in respect of every completed month for:

(a) specified categories of vacant properties, or

(b) specified geographical areas within the rating authority area,

and the above shall apply where the owners of such properties are deemed unable to obtain a suitable tenant for 50 per cent or more of the vacant properties in paragraphs (a) or (b). Each such resolution will be effective for one year.”.

—John Deasy, Robert Dowds.

24. In page 42, between lines 31 and 32, to insert the following:

“33. (1) Subject to approval of the Minister for the Environment, Community and Local Government, the rating authority for an administrative area where the Commissioner of Valuation has caused to be published a valuation list under section 23 of the Valuation Act 2001, may, by resolution, approve the implementation of a transitional relief scheme to provide for the manner in which the valuation list as published shall have effect.

(2) The transitional relief scheme may provide that the valuation list published shall have effect in the following manner:

(a) on the effective date, the valuation list shall have effect as if in lieu of the amount of increase or decrease in rates due on the relevant property concerned caused by

the publication of the new valuation list, the increase or decrease (as the case may be) will be one third of that amount;

- (b) one year from the effective date, the valuation list shall have effect as if in lieu of the amount of increase or decrease in rates due on the relevant property concerned caused by the publication of the new valuation list, the increase or decrease (as the case may be) will be two thirds of that amount;
- (c) two years from the effective date, the valuation list shall have full force and effect for the purposes of that rating authority making rates on properties situate in its area by reference to it.

- (3) A rating authority may determine that no transitional relief scheme will apply and that the list shall have full force and effect on the effective date.”.

—John Deasy, Robert Dowds.

- 25. In page 42, between lines 31 and 32, to insert the following:

“33. The Chief Executive will consider submissions from the subsequent occupiers of relevant properties on which an amount of rates are outstanding and may waive the amount unpaid by the previous occupier if he is satisfied, based on his knowledge of the local market and the vacancy rates, in the area concerned or for the category of property concerned, that in the absence of this waiver the subsequent occupier will not occupy the relevant property.”.

—John Deasy, Robert Dowds.

- 26. In page 43, to delete lines 5 to 36.

—Barry Cowen.

- 27. In page 44, line 13, after “development” to insert “in partnership with the local communities”.

—Maureen O’Sullivan.

- 28. In page 45, line 35, after “networks” to insert “and anti-poverty and social inclusion groups”.

—Maureen O’Sullivan.

- 29. In page 46, between lines 10 and 11, to insert the following:

“(c) to implement, or to arrange for the implementation of, the Plan (as the case may be) having been considered and approved by the local community development projects/structure or local development company,”.

—Maureen O’Sullivan.

- 30. In page 47, between lines 9 and 10, to insert the following:

“(i) to co-ordinate cross border work tackling social exclusion, including long term unemployment and seeking support for cross border, cross community initiatives.”.

—Brian Stanley.

31. In page 48, line 4, after “bodies” to insert “, including local community development projects”.
- Maureen O'Sullivan.
32. In page 48, line 16, after “inclusion” to insert “and a community led approach to local development”.
- Maureen O'Sullivan.
33. In page 48, between lines 40 and 41, to insert the following:
- “(b) The Committee shall submit the Plan for consideration by local community development projects which currently operate by local voluntary management committees, and the local community development projects’ management committees shall adopt a statement in that regard indicating approval and/or need for amendments to be considered by the elected council of the local authority.”.
- Maureen O'Sullivan.
34. In page 51, line 21, after “engagement” to insert “and consultation”.
- Maureen O'Sullivan.
35. In page 52, line 34, after “Schedule 16” to insert the following:
- “including the new addition of a relevant body in Schedule 16 titled the North Inner City Community Development Structure Limited”.
- Maureen O'Sullivan.
36. In page 61, after line 44, to insert the following:
- “(9) The role of Chief Executive shall be reviewed within one year of the enactment of the *Local Government Reform Act 2013* with a view to maximising recalibration of power to elected members.”.
- Brian Stanley.
37. In page 62, to delete lines 1 to 41, and in page 63, to delete lines 1 to 23.
- Catherine Murphy.
38. In page 62, line 18, after “party” to insert “, political grouping and non-aligned councillors”.
- Brian Stanley.
39. In page 62, line 28, after “party” to insert “, political grouping and non-aligned councillors”.
- Brian Stanley.
40. In page 63, to delete lines 37 and 38, to delete pages 64 and 65, and in page 66, to delete lines 1 to 16.
- Catherine Murphy.

41. In page 67, to delete lines 31 to 41, and in page 68, to delete lines 1 to 8.
—Mick Wallace.
42. In page 71, to delete lines 36 to 41, and in page 72, to delete lines 1 to 38.
—Mick Wallace.
43. In page 78, line 6, after “report” to insert “, in writing if requested,”.
—Brian Stanley.
44. In page 78, line 8, after “review” to insert “, in writing if requested,”.
—Brian Stanley.
45. In page 80, line 36, after “discussion)” to insert “, receiving 75 per cent support of members present,”.
—Brian Stanley.
46. In page 82, to delete lines 18 to 37, to delete pages 83 and 84, and in page 85, to delete lines 1 and 2.
—Mick Wallace.
47. In page 82, to delete lines 31 to 37, and in page 83, to delete lines 1 to 17 and substitute the following:
- “(4A) (a) In the case of a county council or city and county council, the chief executive shall, prior to the preparation of the draft local authority budget, invite municipal district members for each municipal district in the council’s functional area to make and submit a budgetary submission in respect of their municipal district.
 - (b) The chief executive shall make all necessary resources available to municipal district members to enable them to prepare a budgetary submission under paragraph (a).
 - (c) The chief executive shall direct the preparation of a draft budgetary plan for each municipal district following receipt of each budgetary submission under paragraph (a), the provisions of each shall be adhered to unless otherwise directed by the chief executive.
 - (d) In each case where the chief executive, in preparation of a draft budgetary plan, deviates from consistency with the budgetary submissions received under paragraph (a) he or she shall state the reasons for such deviation.
 - (e) Following consideration of a draft budgetary plan under this section, the municipal district members may make amendments to the draft budgetary plan.
 - (f) The making of amendments under paragraph (e) by the municipal district members is a reserved function.

(g) The chief executive shall incorporate the budgetary plan adopted by the municipal district members in preparing the draft local authority budget (in accordance with subsection (2)).”.”.

—Catherine Murphy.

48. In page 87, between lines 2 and 3, to insert the following:

“58. The position of a local government regulator shall be established and he or she shall be responsible for maintaining a system that would constantly review the local government system by—

- (a) providing independent metric comparisons,
- (b) providing comparisons of service between local authorities based on nationally agreed metrics,
- (c) ensuring best practice is exchanged between other local authorities,
- (d) reporting to national government on the impact of the changes to local government as a result of the enactment of this Act and making recommendations on said changes.”.

—Barry Cowen.

49. In page 98, line 8, to delete “persons who are members” and substitute “3 members”.

—Brian Stanley.

50. In page 102, after line 40, to insert the following:

“60. (1) The members of each regional assembly shall be directly elected by all qualified electors by means of proportional representation through the single transferable vote.

(2) In this section, “qualified electors” means all citizens who are entitled to vote at elections for members of local authorities.”.

—Catherine Murphy.

51. In page 116, between lines 11 and 12, to insert the following:

“(6) A regional assembly, upon determination that a development plan prepared by a local authority is inconsistent with the regional spatial and economic strategy applicable in its jurisdiction, shall forthwith instruct a local authority to make such amendments deemed necessary to ensure consistency is achieved in respect of the regional spatial and economic strategy.”.”.

—Catherine Murphy.

52. In page 118, between lines 10 and 11, to insert the following:

“61. (1) There shall be a directly elected Lord Mayor in each city in the State and he or she shall hold the role of Chief Executive of the relevant Local Authority.

(2) The election of Lord Mayor shall take place every 5 years and shall be on the same day as the Local and European Elections.

- (3) The first election of the Lord Mayor shall be on the date of the Local and European Elections due to take place in 2019.”.

—Barry Cowen.

53. In page 118, between lines 10 and 11, to insert the following:

“**62.** The Lord Mayor as elected shall be the executive leader of a Council cabinet as set out in *section 63** and he or she shall—

- (a) be accountable to the Council for all matters agreed at cabinet,
- (b) be chief ambassador for his or her city at home and abroad,
- (c) head the relevant Transport Authority in his or her city”.

—Barry Cowen.

[This is a reference to the section proposed to be inserted by amendment 54.]

54. In page 118, between lines 10 and 11, to insert the following:

“**63.** (1) There shall be an executive made up of local ministers, such ministers shall be appointed by the Council and shall be drawn, on a pro rata basis, from each party grouping in accordance with party strength.

(2) Each minister shall have as his or her area of responsibility, those existing areas covered by the Strategic Policy Committee system as established under section 48 of the Principal Act.

(3) Each minister shall be accountable to the relevant city council and any decisions passed, shall be, by way of resolution of the council.”.

—Barry Cowen.

55. In page 118, to delete lines 11 to 21.

—Barry Cowen.

56. In page 118, to delete lines 22 to 38, and in page 119, to delete lines 1 to 6.

—Barry Cowen.

57. In page 119, between lines 6 and 7, to insert the following:

“**63.** (1) The position of each existing City Manager shall, on the date of the election of the first directly elected Lord Mayor, be transferred to an equivalent position to that of Secretary General to a Government Department and shall be remunerated accordingly.

(2) Each such secretary general shall be accountable to the Lord Mayor and the council.”.

—Barry Cowen.

58. In page 119, to delete lines 7 to 41, and in page 120, to delete lines 1 and 2.

—Barry Cowen.

- 59.** In page 119, between lines 39 and 40, to insert the following:
- “(viii) further functions that may be devolved from government departments to a directly elected mayor.”.
- Brian Stanley.
- 60.** In page 120, to delete lines 3 to 41, and in page 121, to delete lines 1 to 24.
- Barry Cowen.
- 61.** In page 121, to delete lines 25 to 29.
- Barry Cowen.
- 62.** In page 121, to delete lines 30 to 38, and in page 122, to delete lines 1 and 2.
- Barry Cowen.
- 63.** In page 121, line 36, to delete “having regard to” and substitute “in line with”.
- Brian Stanley.
- 64.** In page 122, to delete lines 3 to 9.
- Barry Cowen.
- 65.** In page 122, to delete lines 10 to 37.
- Barry Cowen.
- 66.** In page 123, to delete lines 1 to 22.
- Catherine Murphy, Brian Stanley.
- 67.** In page 178, to delete lines 14 to 21.
- Brian Stanley.
- 68.** In page 215, after line 33, to insert the following:
- “29. North Inner City Community Development Structure Limited”.
- Maureen O’Sullivan.