



AN BILLE RIALTAIS ÁITIÚIL, 2013
LOCAL GOVERNMENT BILL 2013

EXPLANATORY MEMORANDUM

Background

The Local Government Bill 2013 gives legislative effect to proposals set out in *Putting People First — Action Programme for Effective Local Government* (published October 2012) which outlines an overall vision for local government as the primary vehicle for governance and public service at local level. The Action Programme sets out Government policy for a range of reforms to the local government system including structures, functions, funding, operational arrangements and governance designed to strengthen local government. The Bill, which contains 65 sections in 10 Parts, together with 5 Schedules, sets out the necessary provisions to give effect to these measures and related matters.

Overview

The two overarching objectives of the Bill are to provide for the significant reorganisation of local government structures and the strengthening of governance and accountability in local government, with particular emphasis on rebalancing powers appropriately between the executive and the elected council.

In broad terms, *Parts 2 to 6, Part 10 and Schedules 3, 4 and 5* provide for reorganisation of the structures of local government at county, sub-county and regional levels as follows:

- The merger of 6 city and county councils in Limerick, Tipperary and Waterford into 3 local authorities;
- The dissolution of all 80 town councils and their replacement by municipal districts;
- The formulation of a new integrated county/sub-county relationship, with the establishment of a comprehensive and modern system of municipal governance;
- The establishment of membership levels within the new structures;
- The replacement of the existing regional structures with new consolidated regional assemblies;
- The listing and assignment of local government reserved functions to each level, and provision for a range of new reserved functions for elected councils (*Schedule 3*);

- Wider provision for devolution of functions from central level to local government;
- Provisions relating to local and community development, including the establishment of Local Community Development Committees within the local government system; and
- Provision for a plebiscite in relation to the possible establishment of an office of directly elected mayor for the Dublin metropolitan area and related governance options.

In addition to the significant structural reforms provided for in the Bill, *Parts 7 and 8* and *Schedule 3* of the Bill contain a range of provisions relating to the more efficient and effective governance and management of local authorities. Of particular note is the major rebalancing of powers between the executive and the elected council, with much greater powers granted to the elected council to direct policy, oversee implementation, and actively review the actions of local authority management. The elected council will also have a power of decision over appointments to the new chief executive positions (which, under the Bill, will replace the current city and county manager positions). In more detail, the Bill contains the following specific provisions related to the management and governance of local authorities:

- The post of Manager will be replaced by a post of chief executive, providing more explicit statutory expression of the duty of the chief executive to assist the formation of policy by the elected council, to comply with that policy, to support its implementation and to account for action in that regard, as well as strengthened provisions for the elected members to oversee the actions of the chief executive in implementing policy decided by the elected council. Also included is a provision that will allow the elected members to decide on the appointment as chief executive of the person recommended by the Public Appointments Service on foot of the selection process for the post;
- Other provisions to strengthen local government oversight, including expansion of the role and remit of local authority Strategic Policy Committees, establishment of a National Oversight and Audit Commission, and changes to local authority audit arrangements; and
- Amendment of section 140 of the Local Government Act 2001, which gives elected members power to direct the Manager. This section will no longer apply to planning functions (in line with the recommendation of the Mahon Tribunal) or to any approval or decision involving the provision of a service, finance or other form of assistance (financial or otherwise) by the local authority. Section 140 will also not apply to functions of the Local Community Development Committees under Part 6. However, these provisions are accompanied by streamlining of procedures relating to the use of section 140 involving reduction in the number of elected members required to sign a notice of intention to propose a section 140 resolution from 3 to 2 and in the period of notice required for such a resolution from 7 to 5 days.

The Bill also provides for consequential amendments, repeals and revocations, as necessary, particularly arising from the reorganisation of local government structures. *Schedules 1 and 2* also provide for miscellaneous and consequential amendments to the Local Government Acts 1925 to 2013, to the Housing Acts 1966 to 2013, to the Local Elections Acts 1974 to 2012, to the Electoral Acts 1992 to

2013, to the Local Elections Regulations 1995 and to the Planning and Development Act 2000, among others.

PART 1

PRELIMINARY AND GENERAL

Sections 1 to 7 contain standard provisions of a general nature dealing with such matters as short title, collective citation, commencement, interpretation, the making of orders and regulations, repeals and amendments, construction of enactments, provision for expenses and legal savers.

PART 2

LOCAL GOVERNMENT AREAS AND LOCAL AUTHORITIES

Part 2 provides for the dissolution of existing city and county councils in Limerick, Tipperary and Waterford and the establishment of new amalgamated authorities as their successors, and for related matters.

Section 8 provides for the Minister to fix a day to be the establishment day on which the arrangements in *Part 2* relating to local authority mergers in Limerick, Tipperary and Waterford will take effect.

Section 9 provides for the amalgamation of the existing local government areas in Limerick, Tipperary and Waterford to form a single local government area in each case and that references in legislation to cities and counties and city councils and county councils will apply to the amalgamated areas and their councils.

Section 10 defines the boundaries of the new local government areas of Limerick, Tipperary and Waterford as the combined boundaries of the existing areas in each case.

Section 11 provides for the preparation, deposit, availability, and evidential status of new maps for the amalgamated local authority areas by the Commissioner of Valuation under the Valuation Act 2001.

Section 12 amends the provisions in the Local Government Act 2001 ('the Principal Act') relating to local government areas to take account of the new amalgamated areas in Limerick, Tipperary and Waterford and the dissolution of town councils, including the substitution of a new section 10 and Schedule 5 of the Principal Act which specify local government areas, consisting of cities, counties and in the case of the amalgamated areas, cities and counties, and the associated local authorities.

Section 13 provides for the establishment of a single local authority in each of the local government areas established by *section 9* and for related matters. These new authorities will be known as Limerick City and County Council, Tipperary County Council and Waterford City and County Council. Each of the new authorities will have the same functions as are vested by law in county and city councils generally. *Subsection 2* provides that the law which before the establishment day applied to the dissolved councils also applies to the local authorities established by this section.

Section 14 amends section 11 of the Principal Act, which provides for the establishment, titles and administrative areas of local authorities generally, to take account of the local authority mergers and dissolution of town councils. Provision is made for the continued application of royal charters and letters patent relating to local authorities for ceremonial and related purposes in accordance with local civic tradition, notwithstanding dissolutions.

Section 15 provides for the substitution of a new section 21 and a new Schedule 7 of the Principal Act specifying revised membership for each county, city and the new merged local authorities established by *section 13* based on the recommendations of the Local Electoral Area Boundary Committee (published May 2013).

Section 16 establishes an office of chief executive in respect of each of the (merged) local government areas established by *section 9*. It also makes provision for the termination of interim dual manager provisions in respect of Limerick County and City Councils, North and South Tipperary County Councils and Waterford County and City Councils, for the two offices of manager in each case to be filled by the one person, and for persons holding such offices to be appointed chief executive for the merged authority.

Section 17 provides for the formal dissolution of Limerick City and County Councils; North and South Tipperary County Councils; Waterford City and County Councils and for the three new councils, Limerick City and County Council, Tipperary County Council and Waterford City and County Council, to be their successors for all purposes.

Section 18 provides that, consequential on the dissolution of local authorities and their replacement under *section 14*, all acts duly done and decisions duly made by or on behalf of a dissolved authority will continue to have force and effect as immediately before the dissolution. Further consequential provisions related to the dissolution of local authorities and their successors are contained in *Parts 4* and *5* of, and *Schedule 4* to, the Bill.

PART 3

MUNICIPAL DISTRICTS AND DISSOLUTION OF TOWN COUNCILS

Part 3 provides for a new system of municipal governance at sub-county level outside of the Dublin area, with the members for each municipal district performing specified reserved functions of the local authority in respect of their district and collectively at overall local authority level. Provision is made for the dissolution of all town councils and their incorporation in the relevant counties for all purposes, for the determination of the areas of municipal districts, and for related matters.

CHAPTER 1

MUNICIPAL DISTRICTS

Section 19 inserts a new Part 3A in the Principal Act providing that—

every county (other than the Dublin counties) and city and county will be divided into municipal districts consisting of specified local electoral areas, to be determined by Ministerial order, for the purposes of the 2014 local elections, and for the titles of districts;

the elected members for the local electoral areas in each municipal district will be known as “the municipal district members” and will act in that collective capacity for the purpose of performing a range of reserved functions of the county council or city and county council in respect of the municipal district.

Section 20 amends section 23 of the Principal Act in relation to local electoral areas and to the determination of municipal districts by Ministerial order taking account of the dissolution of town councils and of other amendments which are being made to the Principal Act.

Section 21 provides for the functions of the municipal district members. A new section 131A and a new Schedule 14A (contained in *Schedule 3* of the Bill) are inserted in the Principal Act. Provision is made for certain reserved functions of a local authority to be performed in respect of each municipal district by the municipal district members concerned (mainly in Part 1 of Schedule 14A), and others to be performed by either the municipal district members or by the overall local authority membership (mainly in Part 2 of Schedule 14A). Reserved functions listed in Part 3 of Schedule 14A can only be performed by members of the overall local authority.

Provision is also made for the overall local authority to delegate additional reserved functions to municipal district level subject to certain conditions, and for regulations and guidelines with a view to ensuring effective operation of the new governance arrangements, including such matters as avoidance of duplication, resolution of differences and disagreements, consistency between the overall local authority and municipal district levels, a right of “call-in” by the overall authority in certain circumstances and provision to vary the assignment of reserved functions between county and district level.

Section 22 provides for regulations to apply, with or without modification, to municipal districts or to municipal district members, various provisions of the Principal Act relating to a local authority or the council of a local authority. These include provisions relating to matters such as meetings, procedures, members, committees, expenses and ethics requirements.

CHAPTER 2

DISSOLUTION OF TOWN COUNCILS

Section 23 sets out definitions of “dissolved body” and “transfer date” for the purpose of this Chapter.

Section 24 provides that on a date specified by order (‘the transfer date’) each town council stands dissolved and ceases to exist and the local authority for the county or a city and county in which the town is situated shall, for all purposes, be the successor to the town council, and the area of the town shall, for the purposes of all local authority functions, be included in and form part of the relevant county or city and county. The transfer date shall be not later than the day on which the term of office of current local authority members ends following the 2014 local elections.

Section 25 contains consequential provisions relating to the dissolution of town councils. These include provision that all acts and decisions in respect of a town council shall continue to have effect and that a function of a town council shall be read as a reference to a function of the local authority in whose administrative area a dissolved town council is situated. Regulations may be made providing

for any matter necessary to give effect to the dissolution of town councils. Provision is also made for a number of consequential amendments and repeals of provisions of the Principal Act arising from the dissolution of town councils, including the deletion of Schedule 6, which sets out towns as local government areas, and Part 3 of Schedule 7 which sets out the membership of certain town councils.

PART 4

GENERAL PROVISIONS RELATING TO DISSOLUTIONS, ETC.

Part 4, in conjunction with *Schedule 4*, provides for a wide range of consequential and other necessary matters to give effect to dissolutions and successions.

Section 26 provides that *Schedule 4*, which sets out detailed consequential and transitional provisions relating to local authorities, shall apply in relation to the dissolutions effected by *Parts 2* and *3* and to each dissolved authority and its successor authority.

Section 27 makes provision in relation to actions by local authorities to facilitate implementation of the Act in anticipation of its commencement.

Section 28 provides that specified provisions of the Act will become effective on enactment specifically for the purpose of holding the 2014 local elections and makes clear that elections will not be held in 2014 in the case of local authorities that are to be dissolved.

PART 5

FINANCIAL PROVISIONS CONSEQUENTIAL ON DISSOLUTIONS

Part 5 contains provisions in relation to the establishment of a single rating authority for each county, including harmonisation of commercial rates between towns and counties, for the standardisation of vacancy refunds across the country and a number of technical amendments for example, the amalgamation of existing valuation lists arising from the creation of a single rating authority.

Section 29 provides for the harmonisation of commercial rates between those existing in towns and counties forming new local authority areas. In order to ease the transition for ratepayers to a standardised rate, while avoiding a negative impact on overall local authority revenue, the harmonisation of rates will take place over a maximum of 10 years. An adjustment mechanism will be provided to phase in increases and decreases. Decisions on relevant matters such as the Annual Rate on Valuation, the annual adjustment and the adjustment period will rest with the elected council.

Section 30 provides that the local funds of the Counties and Cities in Limerick, Waterford and Tipperary which are being amalgamated shall continue to exist after the establishment day and shall be maintained by the appropriate successor authority.

Section 31 provides for the standardisation of vacancy refunds across the country. Currently a separate refund regime entitling commercial property owners to a 50% refund of their annual commercial rates liability in the event that a property is unoccupied operates in Dublin City, Cork City and Limerick City. Elsewhere in the country refunds are 100% of rates liability. This section standardises the refund rate at 50% nationally.

Section 32 is a technical amendment providing for the amalgamation of existing valuation lists arising from the creation of a single rating authority.

Section 33 provides for clarification that the “county rate” is applicable to the new City and County Councils.

PART 6

COMMUNITY DEVELOPMENT WITHIN LOCAL AUTHORITY AREAS

Part 6 contains provisions relating to the alignment of the local and community development sector with local government. In this context, provision is made for Local Community Development Committees to be established as committees of the local authority in each local government area to enhance strategic planning and coordination in local and community development programmes, and for the dissolution of City and County Development Boards.

Section 34 provides for the dissolution of City and County Development Boards and for consequential and transitional matters arising from the dissolutions.

Section 35 inserts a new section 49A into the Principal Act, providing for the establishment of new Local Community Development Committees, which will be independent in the performance of their functions subject to the relevant statutory provisions. It also amends the Principal Act by inserting a new Chapter 2 into Part 13, consisting of a number of new sections, as follows:

Section 128A provides for a number of relevant definitions;

Section 128B provides for the functions of Local Community Development Committees, including the preparation by the committees of five year Local and Community Plans for the local and community development of their respective areas.

Section 128C contains detailed provisions in relation to Local and Community Plans, including a requirement that the plan be consistent with the core strategy and objectives of the development plan under the Planning and Development Acts, and the procedures relating to the adoption of a Local and Community Plan by the Committee, its consideration by the municipal district members and its approval by the elected council of the local authority.

Section 128D provides for the membership of Committees.

Section 128E provides for staffing, management and administration of Committees.

Section 128F provides that the Minister may make regulations for the purposes of the Chapter generally or in relation to the Local Community Development Committees and may issue general policy guidelines with which the Committees must comply.

Section 128G sets out requirements in relation to relevant bodies, including a requirement to co-operate with the Local Community Development Committee and ensure that their policies and programme are consistent with the objectives of the Local and Community Plan. The bodies required to co-operate with the Committee are publicly funded bodies including those specified in *Schedule 5*.

PART 7

LOCAL AUTHORITY GOVERNANCE AND MANAGEMENT, ETC.

Part 7 provides for a range of changes in local authority governance arrangements and in relation to the role of the executive within local government structures. There is provision for an enhanced policy making role for elected members, including in relation to economic development and enterprise support; stronger oversight powers for the elected council in relation to the implementation of policy; and increased obligations on the executive in relation to the elected council.

Section 36 amends section 32 of the Principal Act dealing with alternative titles for Cathaoirleach and Leas-Cathaoirleach, in light of the dissolutions provided for in *Parts 2* and *3*. In particular, it provides that the titles of Lord Mayor and Deputy Lord Mayor may be used in respect of Cork and Dublin Cities, and that the titles of Mayor and Deputy Mayor may be used in Galway City, Limerick City and County, Waterford City and County, and certain municipal districts.

Section 37 extends the provisions for the removal of the Cathaoirleach to include reasons related to the discharge of duties as chairperson of the Corporate Policy Group (CPG); extends the provisions for the removal of the chairperson of a Strategic Policy Committee (SPC); and provides that any such removal requires a $2/3$ majority of those present and voting.

Section 38 amends section 35 of the Principal Act to ensure that the provisions relating to the election of Cathaoirleach and Leas-Cathaoirleach also apply to the municipal district members provided for in this Bill.

Section 39 contains provision for the effective discharge of the business of committees established under *Part 7* and of meetings of committees and municipal district members.

Section 40 provides for establishment of a Strategic Policy Committee (SPC) dealing with economic development and support for enterprise; provides that Ministerial guidelines in relation to the operation of SPCs may include requirements in relation to consultation of the SPC in the formulation of policy and the timeliness of presentation of policy papers; provides that a SPC may request attendance of a public authority at a meeting of the SPC to assist the SPC in regard to its functions to consider matters connected with the formulation, development, monitoring and review of policies which relate to the functions of local authorities, and procedures for non-attendance of the public authority; and places an obligation on a SPC to have regard to the spatial and economic strategy of the appropriate regional assembly.

Section 41 amends section 66 of the Principal Act to make more specific provision for the promotion of the interests of the local community and the general development of the area, including enterprise and economic development.

Section 42 provides for amendment of section 72 of the Principal Act to extend the provision in that section for the transfer of certain functions from Government Departments to local authorities to also apply to the transfer of functions of other public authorities.

Section 43 amends section 132 of the Principal Act to extend the obligation on the chief executive to assist and advise the council to include the municipal district members, the Corporate Policy Group, Strategic Policy Committees and the Local Community Development Committee. The chief executive will also have an obligation to report on the implementation of policy determined by the elected council. Where the elected council is not satisfied with the report of the chief executive or the actions contained therein, they may adopt, by resolution, a statement outlining their reasons for this view. The chief executive has 14 days in which to provide a comprehensive response indicating what new actions will be undertaken or why no alternative course is available. On foot of this report, or otherwise, the elected members can request the chief executive to advise on the review of policy, or the implementation of policy.

Section 44 amends section 133 of the Principal Act to provide for the restructuring of the membership of the Corporate Policy Group (CPG) from the current Cathaoirleach and chairperson of each Strategic Policy Committee (SPC) to include also the leader of each registered political party in the council representing at least 20% (or such other percentage specified by Order) of the elected members, and where not included as one of these ex-officio members, a member from an unrepresented municipal district. Provision is made for the Minister to alter this percentage in the period between the poll and the first meeting of councils after the election up to a maximum of 25%. It also provides for the CPG to promote greater coordination in the performance of local authority functions by municipal district members and for Ministerial guidelines on timely presentation of policy proposals.

Section 45 amends section 134 of the Principal Act to provide that the local authority corporate plan includes activities relating to the functions of municipal district members and to provide that corporate plans will set out the policy of the local authority where not otherwise provided for in any other plan, statement, strategy, or similar document.

Section 46 inserts a new section 136 into the Principal Act extending the obligation on the chief executive to provide information to the council and to provide information to the municipal district members, Strategic Policy Committees and the Local Community Development Committee. It provides for a monthly management report, prepared for the elected members by the chief executive, in relation to the performance of executive functions, implementation of policy or other matters required by the council in the exercise of its reserved functions and the provision of services.

Section 47 provides that the power, under section 140 of the Principal Act, for an elected council to direct the chief executive in the performance of executive functions, is no longer applicable in relation to planning functions or to a decision to provide, to any named person or group, any service, finance or other form of assistance or benefit, financial or otherwise. The provisions also provide that the number of members required to sign the notice of intention to propose a section 140 resolution and the time required for a meeting on the resolution to take place are to be reduced, from 3 to 2 members and from 7 days to 5 days, respectively.

Section 48 amends section 141 of the Principal Act to oblige local authority elected members to provide information on a quarterly basis to the local authority for inclusion on a public register on all attendance at meetings of other bodies arising from their membership of the council, and payments made to them by such bodies. It

also provides for a public register of payments made to elected members in respect of attendance at conferences, seminars or other meetings or events. As well as other provisions around training, it provides regulatory powers for the Minister to require attendance at training and development courses, including powers to reduce the amount of expenses and allowances payable to members in the event of non-attendance.

Section 49 substitutes a new Chapter 2 of Part 14 of the Principal Act (Position of Chief Executive) which carries through the replacement of the position of county/city manager by a chief executive. Additional elements now included in this Chapter include:—

- a provision in section 145 that, in future, it will be open to the elected members to decide on the appointment of a person recommended by the Public Appointments Service for a post of chief executive, on foot of a selection process. Where the nominee of the Public Appointments Service is not appointed, the selection process will recommence;
- a provision in section 149(7) placing an obligation on the chief executive to have regard to the views of elected members expressed at meetings of the council, municipal district members, committees and in written response to drafts of new or amended policies; and
- a new power in section 149(8) for elected members to request reports by the chief executive on actions taken or planned in exercise of executive functions or a review of the implementation of such actions.

Section 50 amends section 151 of the Principal Act to extend the judicial recognition of copies of documents to include documents certified by delegated employees to be a true copy of an order made by a delegated employee.

Section 51 amends section 225 of the Principal Act to provide for the Minister to meet with a delegation from an association of local authorities at least once a year in relation to the functions of such association provided for in the Principal Act.

Section 52 amends Schedule 10 to the Principal Act to provide for the rationalising to a single date for the first meeting of councils after elections; that councils shall determine the date of the first meeting of municipal district members; and powers to councils to reduce, on a sliding scale, the allowances and expenses of members who persistently refuse to leave a meeting where it has been resolved that their behaviour has been disorderly.

PART 8

FINANCIAL PROCEDURES, AUDIT AND OVERSIGHT

Part 8 contains provisions in relation to the financial relationship between county and municipal district levels and related procedures; the functions of municipal district members in respect of the local authority budgetary process; and amendments to the Principal Act to reflect the dissolution of town councils. It also introduces new provisions in relation to audit procedures and regulations. In addition, *Part 8* provides for the establishment of a National Oversight and Audit Commission for Local Government (NOAC). The NOAC will scrutinise local government performance, in fulfilling national, regional and local mandates, scrutinise value for money

where State funds are channelled through local government, and will support the development of best practice and enhanced efficiency in the performance of local government functions.

Section 53 provides for a range of amendments to Chapter 1 of Part 12 of the Principal Act. It defines the financial relationship between county and municipal district levels and provides for amendments of the Principal Act to reflect the dissolution of town councils. It provides that the Minister may, by regulation, set out the budgetary format and the process to formulate a local authority budget. Functions are provided to municipal district members in respect of the local authority budgetary process. Other technical and consequential amendments are made along with provision for the Minister to prescribe by regulation the changes in budgetary timeframes whereby, from 2014, local authorities will be required to make draft budgets available to the public by early October and, under EU provisions, the final budget must be adopted by 31 December.

Section 54 amends section 122 of the Principal Act to provide that local authorities will be required to establish an audit committee within three months of taking office, the functions of audit committees, and provision for the Minister to make regulations regarding matters such as membership, meetings and reports of audit committees.

Section 55 provides for the substitution of section 121 of the Principal Act, containing provisions relating to attendance by the auditor at a meeting of the audit committee or the local authority, and provision for qualified legal privilege for an auditor attending a meeting under these provisions.

Section 56 inserts a new Part 12A, comprising 12 sections (126A to 126L), into the Principal Act to provide for the establishment and functioning of the National Oversight and Audit Commission as follows:

Section 126A provides for the interpretation of terms in the new Part 12A;

Section 126B provides for the establishment of the NOAC, whose members are independent in the performance of their functions;

Section 126C sets out the functions of the NOAC including to review of local government performance in fulfilling national, regional and local mandates relative to performance indicators, to oversee financial performance, to oversee the implementation of national policy including public service reforms and to support the development and enhancement of best practice;

Section 126D provides a mechanism for the Minister, or the appropriate Minister in respect of functions within his or her remit, to request the NOAC to prepare a report, and sets out the methodology to be followed in preparing, submitting and publishing the report. In addition, this section requires the local authority chief executive to prepare, within 28 days of receipt of a relevant NOAC report, an implementation plan setting out how the issues raised are to be responded to. It is a reserved function of the elected members to formally adopt any such implementation plan;

Section 126E places a duty on local government bodies to provide requested information to the NOAC, and Section 126F requires other public authorities to endeavour to supply the requested information;

Section 126G provides that the NOAC may publicise its intention to prepare a report and may invite submissions from the public for consideration when preparing a report;

Section 126H sets out provisions concerning membership of the NOAC, including that members hold office for 2 periods not to exceed 5 years and Section 126I lists the eligibility, including disqualification criteria, and tenure of office of members of the NOAC.

Section 126J provides for procedural matters (meeting arrangements, quorum) and for holding oral hearings in relation to any of its functions, and Section 126K provides for an annual report.

Section 126L allows the Minister to make regulations in relation to the NOAC, and to determine whether a trust or other body or a class of such trust or other body is a “local government body” and therefore subject to the NOAC.

PART 9

REGIONAL ASSEMBLIES

Section 57 provides for amendment of the Local Government Act 1991 by inserting a new section 43 which provides for the replacement of regional authorities by regional assemblies with the general purpose of co-ordinating, promoting or supporting strategic planning and sustainable development, and promoting effectiveness in local government and public services. The composition of regions and other detailed provisions relating to regional assemblies will be prescribed by Order. Provision is also made for more effective arrangements for the governance and administration of regional assemblies.

PART 10

PLEBISCITE ON DIRECTLY ELECTED MAYOR FOR DUBLIN METROPOLITAN AREA

Part 10 provides for the arrangements in relation to the holding of a plebiscite to consider future local governance arrangements for the Dublin metropolitan area, including options for the introduction of a directly elected mayor.

Section 58 sets out the definitions of the terms “Dublin local authority”, “Dublin metropolitan area”, “directly elected mayor” and “plebiscite” for the purpose of *Part 10*.

Section 59 provides that, following a request from the Minister, the Lord Mayor of the City of Dublin shall convene a forum, representative of elected members of the four Dublin local authorities to discuss *inter alia* the establishment of an office of a directly elected mayor for the Dublin metropolitan area. Subsequent to its discussions, the forum shall submit a written report, including a draft resolution and a supporting statement, containing its deliberations and conclusions to the Minister.

Section 60 provides that once the Minister is satisfied with the resolution and supporting statement, it can be put before each of the Dublin local authorities. The resolution shall provide for the holding of a plebiscite on whether the office of directly elected mayor should be established for the Dublin metropolitan area. The resolution and supporting statement should also include details of the future functions, structures and governance for the Dublin metropolitan area; the changes that would arise in relation to the local authorities and

in relation to the functions of other bodies; their relationships with the office of directly elected mayor; cost and resource implications; advantages and disadvantages arising; and measures to maximise efficiency, effectiveness and accountability and to avoid duplication. All four Dublin local authorities must adopt the resolution no later than 31 March 2014, on the basis of an absolute majority in each local authority, to enable the plebiscite to be held.

Section 61 provides that, where the resolution provided for in *section 60* is adopted, a plebiscite may be held to provide for the establishment of the office of a directly elected mayor and other such matters relating to local government in the Dublin area as the Minister considers appropriate. The plebiscite shall be held in tandem with the 2014 local government elections. This section also provides for the making of regulations setting out the arrangements for holding the plebiscite, including provision of information to the electorate. The regulations will be required to be laid before and approved by each House of the Oireachtas before signature by the Minister.

Section 62 sets out the electorate entitled to vote at the plebiscite, which is the electorate for the local elections in the four Dublin authorities.

Section 63 provides that, should the plebiscite be passed, the Minister shall, within two years of the date of the plebiscite, submit to both Houses of the Oireachtas, a report, either setting out proposals for legislating for the establishment of the office of a directly elected mayor or containing a statement of the Minister's reasons for not making proposals for legislation for the establishment of the office of a directly elected mayor.

Section 64 provides for the apportionment of costs between the Dublin local authorities in respect of the holding of the plebiscite in proportion to their population at the last census of population.

Section 65 provides that, where a forum as required under *section 60* has been convened and actions commenced before the coming into force of the Act, then requirements in regard to the forum report and consultations in regard to the resolution and accompanying statement will have been met.

SCHEDULE 1

Schedule 1 provides for miscellaneous and consequential amendments to the Principal Act, and to other Local Government Acts.

SCHEDULE 2

Schedule 2 provides for consequential amendments to other legislation, including the Housing Acts 1966 to 2013, the Local Elections Acts 1974 to 2012, the Electoral Acts 1992 to 2013, the Local Elections Regulations 1995 and the Planning and Development Act 2000.

SCHEDULE 3

Schedule 3 inserts a new Schedule 14A in the Principal Act which specifies reserved functions of the elected council of a local authority to be performed by the municipal district members (Part 1), by either the municipal district members or the members of the overall local authority (Part 2), or only by the members of the overall local authority (Part 3).

SCHEDULE 4

Schedule 4 provides for consequential and transitional provisions which apply in relation to the dissolution of local authorities and in relation to the successor authorities.

SCHEDULE 5

Schedule 5 specifies relevant bodies to which duties apply under section 128G(1)(d) of the Principal Act, which is inserted by *Part 6*, in respect of local and community development programmes.

*Department of the Environment, Community and Local Government,
October, 2013.*