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Oireachtas

**An Comhchoiste um Thithíocht,
Rialtas Áitiúil agus Oidhreacht**

Tuarascáil maidir le Moltaí Thionól
Saoránach Bhaile Átha Cliath

Nollaig 2023

**Joint Committee on Housing, Local
Government and Heritage**

Report on the Recommendations
of the Dublin Citizens' Assembly

December 2023

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1. LEAS-CATHAOIRLEACH'S PREFACE

On 27 January 2023, the Dublin Citizens' Assembly, which examined the possibility of establishing a directly elected Mayor of Dublin and new local government structures for Dublin City and County, published its recommendations and presented its report to An Taoiseach. The Dublin Citizens' Assembly made recommendations which reflect its vision for a Dublin which can grow and prosper through excellent leadership and governance. A well-structured role for a directly elected mayor has the potential to be a catalyst for Dublin's future prosperity, providing leadership and enhancing political accountability and democratic engagement.

Although the Dublin Citizens' Assembly report was visionary and aspirational, it was also wide-reaching and broad. Therefore, the recommendations require a legal framework that is rooted in practicality, while also having a democratic mandate to proceed. Through four sessions, the Committee sought to investigate what a new mayoral role would look like and how it might interact with new and existing local government structures, as well as if a plebiscite on this matter should proceed.

In considering the recommendations of the Dublin Citizens' Assembly, the Committee gained valuable and detailed insight from several witnesses, and subsequently seeks to answer the instructions as directed by Dáil and Seanad Éireann. On behalf of the Committee, I would like to thank all representatives for their engagement and valuable submissions to the Committee. In particular, I would like to express the Committee's sincere gratitude to the Dublin Citizens' Assembly and its members for the significant work conducted on this topic.

A handwritten signature in black ink, appearing to read 'P. McAuliffe'.

Paul McAuliffe TD

Leas-Cathaoirleach

Joint Committee on Housing, Local Government and Heritage

12 December 2023

2. INTRODUCTION

The Dublin Citizens' Assembly was one of four Citizens' Assemblies committed to in the *Programme for Government, Our Shared Future*, in which the Government stated it would be “establishing a Citizens' Assembly to consider the type of directly elected mayor and local government structures best suited for Dublin”.

As such, the Dublin Citizens' Assembly convened on five occasions from April 2022 to October 2022 to examine and bring forward proposals regarding the type of directly elected mayor and local government structures best suited for Dublin. The Dublin Citizens' Assembly comprised of 80 members, including an independent Chairperson, 67 randomly selected members of the public living in Dublin City and County, and 12 councillors from across the four Dublin local authorities. The Dublin Citizens' Assembly presented its recommendations to the Oireachtas and Government in its report, which endorsed the establishment of a directly elected Mayor of Dublin.

“The final result of this deliberation is a strong recommendation to create a powerful new Mayor of Dublin as a substantial political figure with wide-ranging powers to lead, deliver, represent and be accountable for our capital city.” – Mr Jim Gavin, Former Chairman, Dublin Citizens' Assembly

The Assembly presented its final report and recommendations to the Taoiseach on 27 January 2023. On 20 June 2023, an Order was passed by Dáil Éireann referring the Report of the Dublin Citizens' Assembly to the Joint Oireachtas Committee on Housing, Local Government and Heritage (the Committee) in accordance with Dáil Standing Order 95(2)(b), and instructing the Committee:

“to consider the recommendations [of the Citizens' Assembly] and to advise on the requirement for the holding of a plebiscite to determine if Dublin should have a directly elected Mayor and local government structures, and, if so, to propose a draft wording for such a plebiscite.”
– Order of Dáil Éireann, 20 June 2023; Order of Seanad Éireann, 27 June 2023

The Order instructed the Committee to report on these matters to Dáil Éireann by 31 December 2023. Seanad Éireann instructed the Committee similarly on 27 June 2023 in accordance with Seanad Standing Order 71(2)(b).

The Committee held four sessions on this question, meeting with current chief executives and cathaoirigh of the Dublin local authorities, agencies from which powers are recommended to be devolved, public participation networks and the community representative structure in Dublin, as well as the Dublin Citizens' Assembly. The list of witnesses who attended before the Committee can be found below, with links to the meeting transcripts accessible in [Appendix 3](#), and opening statements and submissions available in [Appendix 4](#). The report of the Dublin Citizens' Assembly and its recommendations may be found in [Appendix 5](#).

Thursday 19 October 2023

Eastern and Midland Regional Assembly

- Ms Clare Bannon, Director
- Cllr Kate Feeney, Dún Laoghaire-Rathdown County Council

Dublin City Council

- Mr Richard Shakespeare, CEO
- Ms Eileen Quinlivan, Deputy CEO

Dún Laoghaire-Rathdown County Council

- Mr Frank Curran, CEO

Fingal County Council

- Ms AnnMarie Farrelly, CEO

South Dublin County Council

- Mr Colm Ward, CEO

Tuesday 24 October 2023

National Transport Authority

- Ms Anne Graham, CEO
- Mr Hugh Creegan, Deputy CEO

Thursday 26 October 2023

Dublin Chamber

- Mr Aebhric McGibney, Director of Public & International Affairs
- Ms Mary Rose Burke, CEO
- Mr Stephen Browne, Head of Public Affairs

Dublin City Public Participation Network

- Mr Gavin Woods, Secretariat
- Mr Lee Dillion, Local Community Development Committee
- Mr Martin Hoey, Traffic and Transport Strategic Policy Committee

Dún Laoghaire-Rathdown Public Participation Network

- Ms Kay Gleeson

South Dublin Chamber

- Mr Adrian Geissel, CEO

Fingal Chamber

- Mr David Branagan

Tuesday 21 November 2023

Dublin Citizens' Assembly

- Mr Art O'Leary, Secretary to the Dublin Citizens' Assembly
- Dr Bríd Quinn, Expert Advisory Group
- Professor Deiric Ó Broin, Expert Advisory Group
- Mr Jim Gavin, Chair to the Dublin Citizens' Assembly
- Ms Nicole O'Connor, Member of the Citizens' Assembly

3. STRUCTURES AND GOVERNANCE

A recent [Council of Europe report](#) highlighted that Ireland is a highly centralised country despite its small size, with fewer powers and resources devolved to local government than most European states. In its attendance at the Committee, the Dublin Citizens' Assembly also indicated there is a severe chronic weakness of local government in Ireland. As there is an over-centralisation of power and low levels of Irish public spending (8%) occurring at local government level compared with the EU average (23%), Ireland only ranks above Moldova and Russia. The Committee

acknowledges that, where there is strong vision and leadership, as well as buy-in from Government Departments, agencies, and local authorities, a directly elected mayor has the potential to institute significant necessary reform in the public sector. However, as Fingal County Council commented, there must be a willingness within Central Government to transfer responsibility and funding to new local government structures, as well as an appreciation of the scale of the structures and resources that will be required to deliver additional services through the local authorities. A clear vision is required along with a well-defined road map, including legislative changes, and buy-in to deliver to Dublin and its citizens. On this, Dublin City Council commented:

“This is an ambitious programme, and to deliver effectively will require a complete restructuring of not only local government but central government departments and state agencies as well.” – Mr Richard Shakespeare, CEO, Dublin City Council

The structure and governance of a mayor must be considered in the context of a capital city that is disproportionately important to the country of which it is apart. Witnesses reiterated that Dublin contains half of all jobs, taxes and people in the country, therefore further deliberation is needed to conceptualise the detail on how a mayoral office would interact with current structures. Unfortunately, there is no comparative international or European model for a mayoral office that can be referred to in these deliberations due to the disproportionate importance of Dublin within Ireland. In addition, there must be consideration for the implications of new structures on the rest of the country.

As the Dublin Citizens' Assembly recommendations are high-level and ambitious, with little detail on the structural and governance elements of a Dublin mayoral role and office, it is essential that roles, duties, and decision-making procedures be clearly defined before a plebiscite on a directly elected mayor proceeds. Details on the distribution of authority, allocation of funds, and cutting bureaucracy must be set out. Witnesses called for clarity on several points, including the membership of the Mayoral Cabinet and the Dublin City and County Assembly, the relationships between the Mayor and the local authorities and their Mayors and Cathaoirigh, the Mayor and their Cabinet, as well as the powers that are to remain with local

councillors, and the role and functions of Cathaoirleach and Mayors of the four Dublin local authorities. South Dublin Chamber questioned the additional costs and staff required, as well as the value that these changes will add, and how the reallocation of staff from existing local authorities may impact the local delivery of services. The Committee believes clarity on these points is essential before a plebiscite is brought before the electorate of Dublin.

On the role of councillors, recommendation 13 seeks to make councillors in Dublin full-time with provision for secretarial support. At present, councillors have very little power as they work part-time and operate with limited resources. Although most witnesses were supportive of this proposal provided support and salaries were reflective of this full-time commitment, the Eastern and Midland Regional Assembly warned that this proposal may result in a two-tier system of elected members on the Regional Assembly, as councillors in the rest of the country will remain part-time. Similarly, South Dublin Chamber underscored the need to determine from where the revenue for this change will come. Other structures may need to be revised along with provision for the appropriate remuneration that recognises the enhanced role of elected councillors in the local government structure.

Regarding the four local authorities, there was concern about the loss of identity of Dublin's distinct regions should a mayoral role be established. Since South Dublin, Fingal and Dún Laoghaire-Rathdown County Councils were established, pursuant to the Local Government Act 1993, the four local authorities have striven to create and shape an identity for their respective areas. Witnesses highlighted the need to retain these distinct identities, South Dublin County Council noting that any new structure introduced must not devalue the individual identities of the four existing local authority areas in Dublin. However, Dublin Chamber expressed its desire for governance, leadership and a voice or an advocate for Dublin. The Committee agrees there is a need for greater synergies and co-operation across the four Dublin local authorities, coupled with the need to incorporate subsidiarity on the ground locally. Nevertheless, witnesses expressed concern that the separate identities of the four local authorities could be obscured, especially as there could be a risk that a Mayor of Dublin could be too Dublin City-centric as the city makes up 41% of the County Dublin population. Mechanisms must be established to ensure priorities and

decision-making within the mayoral office become an all-county issue. However, as noted by Eastern and Midland Regional Assembly, the unifying voice of a directly elected mayor benefits Ireland both domestically and internationally.

Although there is a lack of detail on how the office of the mayor would be structured, recommendation 10 of the Dublin Citizens' Assembly report states that the existing four local authorities would be retained. In envisioning how this could work, there was a suggestion that there be a mayor and four deputies from each local authority area in Dublin County. The Committee is concerned that this may run the risk of creating too many bureaucratic layers and the value of the mayor may be lost in that structure. However, the Dublin Citizens' Assembly informed the Committee that this model works well in Manchester, where a directly elected mayor sits on top of the 11 councils there. As such, it stated that it intended that the councils would remain key parts of the infrastructure and would retain their chairs.

On that point, the Committee believes it is important that a Mayor of Dublin does not create inefficiencies. Dublin Chamber noted that the directly elected mayor should be a driver of policy change, not another layer of bureaucracy, while being accountable to Dublin citizens and ratepayers and a tangible representative of Dublin abroad. Witnesses expressed concern that placing another mayor between the local authorities and central government will simply create another layer of complexity and bureaucracy while adding to the cost of decision-making, when the objective of this proposal is to deliver greater efficiency and better outcomes by ensuring improved cooperation between elected and appointed bodies. Concerns were raised that such costs would ultimately be borne by local taxpayers, including businesses who pay commercial rates.

It is clear many questions and concerns have arisen on what the restructuring of local government would look like and how new structures would interact with a Mayor of Dublin.

4. DEVOLVED FUNCTIONS

Witnesses maintained that the first recommendation of the Dublin Citizens' Assembly, regarding devolving powers to a directly elected mayor, is the most significant recommendation in its report. In its attendance at the Committee, the

Dublin Citizens' Assembly stated that the devolved powers came from an examination of the challenges facing the people of Dublin living in the city and county such as transport, traffic, housing and homelessness, justice issues for policing and more. What is proposed in relation to devolved functions would bring about significant change across the entire public sector, therefore it is vital that there is clarity on what areas and level of responsibility is to be devolved to the mayor.

The Committee acknowledges that, at present, mayors have a ceremonial role within the Dublin local authorities, with one-year terms and minimal power, while chief executives have a mandate of up to 10 years with much power and responsibility. The transition to the new management of services and responsibilities devolved to a Mayor of Dublin must be carefully considered and financially supported. As such, the Committee asked witnesses to envision how the devolution of powers would work, what could reasonably be expected to be devolved and if this would strengthen local government.

Regarding the scope of the mayoral role, the Dublin Citizens' Assembly noted that it envisioned a mayor who can convene all stakeholders and players in the one area both nationally and locally, that is, the power to co-ordinate strategy. It illustrated through the example of education that the mayor would have influence over the logistics of education such as where schools are, and how they might be transferred. It described this influence as a hard power that would enable decisions to be made about where to funnel resources and tailor services to the needs and priorities of the people.

On this issue, the Cathaoirleach of Dún Laoghaire-Rathdown County Council raised concerns regarding the affected stakeholders devolving their powers, especially if those stakeholders' budgets will also be devolved. There is a complex challenge here regarding the national structure. The Committee notes that, if the mayor does not control the overall transport budget for Dublin, for example, the mayor will not be able to direct it, rather control of the transport budget for funding can only be obtained if it is taken off the agencies from which the powers are devolved.

For certain areas, such as housing, South Dublin County Council suggested that the scope of the mayor's role could include budget and oversight, but implementation

could be left to the local authorities. It stated that the mayor could work well as a strategic leadership partner in respect of areas such as climate action. The mayor's remit should be evaluated precisely for transport, policing and education rather than everything transferring over to a mayoral office. If the remit is not too broad on these areas, the powers can be devolved within the five-year timeframe. Eastern and Midland Regional Assembly noted that powers may be easy to devolve depending on how the mayoral office fits into the overall structure.

On transport, Dún Laoghaire-Rathdown County Council surmised that the mayor would have staff that would effectively be running transport and traffic in the city, including for active travel, Bus Connects, taxi regulation and the delivery of a metro network, coordinating all of this and having the budget for it. However, this would involve a major change and a major loss of National Transport Authority control, power, and money. Dún Laoghaire-Rathdown County Council surmised that the mayor could make decisions on policy but there would also be a budget aspect, with constant interaction between the local authorities, the mayors and the assembly with a possible Cabinet member responsible for transport.

Therefore, policy should involve the four local authority entities. Speaking on transport as one of the proposed devolved functions, the National Transport Authority noted that its current statutory function to deliver a strategic transport strategy for the Greater Dublin Area extends beyond Dublin into Wicklow, Meath and Kildare, therefore consideration must be given as to whether a Transport Strategy can be delivered for Dublin without considering how other counties in the Eastern region may be developed such that they support a Dublin Transport Strategy. In addition, it highlighted that the devolution of the National Transport Authority responsibility to the local authorities would require the councils to develop expertise in those areas of responsibility which could lead to inefficiencies overall.

The Committee notes that, with Transport for London, the Mayor establishes the strategic vision, sitting on and chairing the board. The National Transport Authority noted that the proposal for a Directly Elected Mayor for Limerick allows the National Transport Authority to retain a non-statutory function to deliver a transport strategy, but there is now a commission and a subcommittee of the Mayor's office that looks after transport and the delivery of the National Development Plan in that area. The

National Transport Authority would remain as it is but would report into that Committee if asked to do so by the Mayor's office.

On education, the Department of Education noted through submission that it is unclear if the proposal seeks to devolve executive powers only to a Mayor of Dublin for all schools with the city boundaries. It understands the proposal to mean there is to be a setting of educational policy at central level with delivery locally. It noted that this would require detailed consideration and legislative changes to education legislation at first instance, as it is difficult to envisage a legislative role in such areas for a mayor given the current legal protections. The Department of Education highlighted that the application of education policy is not fragmented in Ireland, and there is a need to ensure consistency in the delivery of teaching and learning in schools and deviation from this approach introduces risk and uncertainty for schools. The Department of Education noted that the model of national planning, resourcing, and support along with devolved delivery, linked clearly to central planning co-ordination, has advantages in terms of accountability, efficiency, sharing of professional expertise including lessons learned, and delivery for school communities.

As such, the Department of Education recommends that education functions devolved to a Mayor of Dublin should be focused on a consultative role. It noted that consultation with the mayor would be useful in relation to where the Department might best locate new school buildings and in identifying potential synergies and collaborations.

Both the Department of Education and the National Transport Authority touched on the dilution of expertise, with the National Transport Authority highlighting that inefficiencies could be associated with splitting expertise across several bodies rather than basing it in just one single body. Many witnesses indicated that the scope of the role of a directly elected mayor would extend to being a driver of policy, Dublin Chamber commenting that a directly elected mayor could provide the necessary pressure and drive to progress projects to achieve Dublin's ambitions under the National Planning Framework, such as the utilisation of brownfield development, ensuring such projects are linked to adequate services and support.

It is the hope of those advocating for a directly elected Mayor of Dublin that such a figure could create greater efficiency of a citywide vision and would champion Dublin-specific issues to national agencies which may not have a Dublin focus. Such a mayor would voice early emerging issues and call for solutions from national agencies, while also bringing greater efficiency between the four local authorities and co-ordinating buy-in for certain projects. The National Transport Authority agreed that buy-in for specific projects, such as BusConnects, could be obtained through a political champion who has a mandate for these areas and would ultimately help to drive these projects forward. Having a figure to take accountability for certain areas would lead to these projects being driven on and prioritised.

Dublin Chamber highlighted that it has long advocated for a directly elected mayor as a totemic figure which could be a focus for discussion on the deficits that are presently there, in addition to the creation of a brand for Dublin both domestically and internationally as there is no one person or agency responsible for promoting Dublin in its entirety as a place to live, work, invest, study and raise a family, therefore there is a need for a person to hold that reputation and brand. At the same time, Dublin Chamber recognised that big conceptual projects like transport and housing will not be resolved through this single role, rather there will be a need for system-wide focus, energy, ambition, and implementation.

South Dublin Chamber warned that that, although a single figure may appear as a very attractive solution, it does expose the process to a single-issue candidate being elected, meaning it must be considered if having a single-issue mayorship, with the authority, clout and budget which goes with it, is in the interest of the overall position, if all the energy and focus goes on transport, for example. The Committee recognises the need for transparency and accountability in the transfer of powers and funding, which must be incorporated into the structure of this.

Dún Laoghaire-Rathdown County Council noted that if there were one directly elected mayor setting various priorities, that would help to guide policy, but it is a question of how much power that individual has. Concern was expressed by Fingal Chamber that the introduction of a directly elected mayor could potentially shift the focus towards a more populist style of politics, therefore balancing accountability with institutional continuity is a critical consideration. South Dublin Chamber warned that

a directly elected mayor who drives areas of policy is enticing, however, Ministers throughout history have been challenged in getting their vision and actions implemented. In addition, Dublin Chamber expressed concerns that, although the mayoral role aims to tackle the democratic deficit as cited by the Citizens' Assembly, it puts another layer of bureaucracy above the people even if the directly elected mayor will have a stronger mandate from the people than a chief executive or director within the local authorities.

It is clear there are many concerns that have arisen during these discussions which must be answered before a plebiscite can proceed.

5. FUNDING AND RESOURCES

At present, the four Dublin local authorities have revenue budgets totalling €2.12 billion and capital programmes worth €5.9 billion between them. This revenue aids the delivery of over 1,000 different existing services across the four local authorities, as well as building infrastructure for the sustainable growth of the Dublin region. If areas such as healthcare and education are to be devolved, Fingal County Council contended that the budget would have to increase vastly for both operational and infrastructure budgets. Dublin Chamber commented that Dublin County accounts for over 40% of GDP and just under one million jobs, corresponding to 38% of the national workforce, accounting for half of all income tax revenue and about two-thirds of corporation tax revenue nationally. In its opening statement, the Dublin Chamber highlighted that one of the most important powers of a directly elected mayor will be revenue raising. It stressed the importance of retaining revenue raised in the Dublin Area locally and spent on services and capital projects that benefit the metropolitan area of Dublin.

The Committee notes the crux of the value of having a directly elected mayor is that a mayor can lobby for extra resources from central government for a particular prioritised area, leading to quicker delivery of services important to Dublin citizens. Decision-making power without the ability to raise revenue for subsequent actions limits the mayoral role. The Committee recognises that resourcing is a significant and serious element of a mayoral office, as the mandate, means and mechanisms are needed in tandem to make this work. Recommendation 2 of the Dublin Citizens'

Assembly report refers to revenue, borrowing and the ability of a directly elected mayor to raise taxes. Details around revenue raising, including the allocation of funds must be clarified, as the impact of the proposed mayor is dependent on how the office will be funded. Dublin City Council commented that a mayoral office must have the powers to borrow money and be properly resourced or have the ability to expedite approval processes to function and stating that a mayor cannot govern without the ability to raise taxes:

“You cannot devolve a function and not devolve the staff and budget. Without devolving these, it is pointless.” – Mr Richard Shakespeare, CEO, Dublin City Council

It is vital that a directly elected mayor would have hard powers to have the ability to get things done, which Fingal County Council highlighted requires staffing and financial resources associated with those new powers. As such, the level of staffing required and the sources of revenue for a new mayor’s office should be well-defined. Dún Laoghaire-Rathdown County Council noted that if all these powers come to the directly elected mayor and Dublin councillors, much more staff will need to be recruited, including staff for education, health and other sectors proposed to be devolved. Unfortunately, there are already issues with recruitment and retention, yet more staff may be required due to the new proposed responsibilities. Regardless, the scope of those responsibilities is not clear.

6. PLEBISCITE

A member of the Dublin Citizens’ Assembly highlighted to the Committee that a lot of citizens at their sessions were not aware of what local government does when those sessions began. As such, it recommended that a plebiscite be held to give the public the opportunity to be educated on what they vote for in local elections, as well as allowing the process to succeed through the generation of public awareness.

Dublin City Council made clear that any plebiscite put to the people on this matter must detail the proposed powers of a directly elected mayor as well as the structures required to achieve that. The Committee notes that lack of clarity and detail on what a directly elected mayor would actually do led to opposition to plebiscites on this question in Cork and Waterford, while a plebiscite just passed in Limerick with 54%

of the electorate voting in favour of a directly elected mayor. Although Government White Paper documents were produced before those plebiscites, these were just high-level aspirational documents. As such, Limerick was the only county to pass the plebiscite which had more backing of civic society groups when compared with Cork and Waterford. Witnesses were adamant that citizens must be fully informed of what is being proposed and made aware of the scale of what will emerge from passing a plebiscite on this issue.

“It is important that the wording of the plebiscite is clear and unambiguous and that citizens are fully informed of the extent of the new arrangements and impacts it will have on services at a local level.”

– Mr Frank Curran, CEO, Dún Laoghaire-Rathdown County Council

South Dublin County Council concurred, commenting that the plebiscite must clearly detail the future regime voters are being asked to decide upon, rather than presenting a binary choice akin to the UK's Brexit vote.

The Committee notes that a plebiscite may need to be twofold, that is, relating to reform of local government in Dublin and the role of a directly elected mayor. The Dublin Citizens' Assembly recommended that as much detail as possible should accompany the plebiscite, including the powers, structures, supports and cost which should be set out clearly. It expressed its opinion that, if people do not know or understand the details, they tend to vote no, especially where there is no civic society structure or group advocating for this change. As such, the Committee suggests that a General Scheme is produced to accompany a plebiscite, giving people as much information as possible at the earliest stage to inform their decision.

To allow a period of time for a General Scheme to be produced and for the public to be fully informed of the plebiscite, the Committee suggests that more time is given to this for reflection and contemplation. Dún Laoghaire-Rathdown Public Participation Network expressed their view that a plebiscite is premature when none of the details have been established. However, Dublin Citizens' Assembly expressed its hesitance to delay this further, stating that a plebiscite needs to be put to the people of Dublin in June 2024 during the local and European elections, otherwise it will not happen.

The Committee is of the opinion that a plebiscite could be run anytime in the next 23 months when many elections are expected to take place.

Eastern and Midland Regional Assembly expressed its view that a plebiscite will only achieve delay in establishing a Mayor of Dublin. As such, it commented that it is more important that legislation is produced which is robust and that the mayor's office fits in with all the other structures. Some witnesses concurred that a plebiscite may only delay the Oireachtas in legislating for a directly elected Mayor of Dublin, which is set out in the *Programme for Government* without explicit need for a plebiscite. Although putting the question to the people democratically legitimises the Mayoral Office and provides a mandate for the role, if a vote falls, there is similarly a mandate not to legislate on this for a decade or more.

Although the Dublin Citizens' Assembly was agreeable to legislating for this without a plebiscite as is set out in the *Programme for Government*, it emphasised the important process which took place during its sessions, which allowed its members to champion the democratic process. The Dublin Citizens' Assembly admitted that its recommendation for a plebiscite was beyond its remit, however, it reiterated that it is important that the people of Dublin have a say in shaping the city's governance.

7. CONCLUSIONS AND RECOMMENDATIONS

In light of these discussions, the Committee supports the establishment of a directly elected Mayor of Dublin and the restructuring of local government in Dublin. However, it must be considered how best to proceed.

Upon considering the recommendations of the Dublin Citizens' Assembly, the Committee concludes that there is great merit in the proposals put forward. However, the recommendations are too broad to make definitive conclusions on the details contained within those proposals. Many questions arose on several points in the Committee's deliberations with no clear answers. The Committee believes an independent evaluation of the Dublin Citizens' Assembly recommendations is appropriate to inform the Government's decision relating to which recommendations can reasonably be adopted and captured in a General Scheme.

Pursuant to legal advice from the Office of Parliamentary Legal Advisers, the Committee understands that a plebiscite is not a legal requirement. On the question of whether local government should be restructured, there appears to be no constitutional or legislative obligation to hold a plebiscite, therefore Government may propose to introduce legislation without a plebiscite. However, the Committee believes a strong case was made by the Dublin Citizens' Assembly for the democratic legitimacy a plebiscite would bring to the office of a directly elected Mayor of Dublin. The Committee is largely in favour of a plebiscite to increase the political mandate of a mayoral role, which would bring strong leadership to local government in Dublin.

However, the Committee believes it is imperative that a detailed General Scheme is published in advance of a plebiscite to add more clarity to the structures being reformed, the scope of powers to be devolved and the restructuring of staffing and resources. Without this, the wording of a plebiscite cannot be drafted. The wording of a plebiscite must be framed by draft legislation, rather than being an open-ended proposal. Should Government proceed with a plebiscite, the Committee is willing to engage with the drafting of wording if draft legislation is provided.

RESPONSE TO THE ORDERS OF DÁIL AND SEANAD ÉIREANN

1. The Committee considered the recommendations of the Dublin Citizens' Assembly in four public sessions. However, in the absence of a government decision or a detailed General Scheme, it was difficult to draw definitive conclusions from these discussions.
2. On the advice of the Office of Parliamentary Legal Advisers, the Committee is satisfied that there is no legal requirement to hold a plebiscite on the restructuring of local government and establishment of a directly elected mayor.
3. In the absence of a General Scheme, the Committee will not propose draft wording at this time.

RECOMMENDATIONS

1. The Joint Oireachtas Committee endorses the proposal for a Directly Elected Mayor and reform of Local Government to provide stronger and more effective Government for Dublin.
2. Notwithstanding the legal advice received, the Committee agrees that a plebiscite would bring great democratic legitimacy to the mayoral role.
3. The Committee endorses the holding of a plebiscite in 2024, and that a detailed General Scheme is published in advance.
4. In parallel to drafting a General Scheme, an independent evaluation of the Dublin Citizens' Assembly recommendations should be carried out to inform the Government's decision relating to which recommendations can reasonably be adopted and captured in a General Scheme.
5. If implemented, any new structures and powers should be introduced on a phased basis, such powers must be significant and capable of making a meaningful impact on the lives of the people of Dublin City and County. Adequate resources must be made available to the Mayor to deliver these objectives.
6. The Electoral Commission should conduct information campaigns for the relevant plebiscite, should it proceed.

8. APPENDIX 1: ORDERS OF REFERENCE

a. FUNCTIONS OF THE COMMITTEE – DERIVED FROM STANDING ORDERS [DSO 95; SSO 71]

1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

- (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
- (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

- (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
- (b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

- (a) for the accountability of the relevant Minister or Minister of State, and
- (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

- (a) consents to such consideration, or
- (b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,
- (b) Estimates for Public Services, or
- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.

(8) Where a Select Committee proposes to consider—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
- (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
- (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—

- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

b. SCOPE AND CONTEXT OF ACTIVITIES OF COMMITTEES (AS DERIVED FROM STANDING ORDERS) [DSO 94; SSO 70]

(1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

(2) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil/Seanad;

(3) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under DSO 125(1) and SSO 108(1); and

(4) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

- (a) a member of the Government or a Minister of State, or
- (b) the principal office-holder of a State body within the responsibility of a Government Department or
- (c) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a

Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

c. POWERS OF COMMITTEES (AS DERIVED FROM STANDING ORDERS) [DSO 96; SSO 72]

Unless the Dáil/Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

- (a) minutes of such evidence as was heard in public, and
- (b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil/Seanad;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

- (i) submit a memorandum to the Joint Committee explaining the statutory instrument, or
- (ii) attend a meeting of the Joint Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Joint Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Joint Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Joint Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Joint Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Joint Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Joint Committee in relation to the consideration of a report under DSO 197/SSO 168;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State,

shall attend meetings of the Joint Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil/Seanad; and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under DSO 120(4)(a)/SSO 107(4)(a).

9. APPENDIX 2: COMMITTEE MEMBERSHIP

9.1 DEPUTIES



Francis Noel Duffy
Green Party



Joe Flaherty
Fianna Fáil



Thomas Gould
Sinn Féin



Emer Higgins
Fine Gael



Steven Matthews
Cathaoirleach
Green Party



Paul McAuliffe
Leas-Cathaoirleach
Fianna Fáil



Cian O'Callaghan
Social Democrats



Richard O'Donoghue
Independent



Eoin Ó Broin
Sinn Féin

9.2 SENATORS



Victor Boyhan
Independent



John Cummins
Fine Gael



Mary Fitzpatrick
Fianna Fáil



Rebecca Moynihan
Labour



Mary Seery Kearney
Fine Gael

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 30 July 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 18 September 2020.
3. The Dáil Committee of Selection nominated Deputy Joe Flaherty to replace Deputy Jennifer Murnane O'Connor on 2 February 2021.

10. APPENDIX 3: LINKS TO MEETING TRANSCRIPTS

- [Thursday 19 October 2023](#)
- [Tuesday 24 October 2023](#)
- [Thursday 26 October 2023](#)
- [Tuesday 21 November 2023](#)

11. APPENDIX 4: LINKS TO OPENING STATEMENTS & SUBMISSIONS

- [Mr Richard Shakespeare, CEO, Dublin City Council](#)
- [Mr Colm Ward, CEO, South Dublin County Council](#)
- [Ms AnnMarie Farrelly, CEO, Fingal County Council](#)
- [Mr Frank Curran, CEO, Dún Laoghaire-Rathdown County Council](#)
- [Cllr Kate Feeney, Cathaoirleach, Eastern and Midland Regional Assembly](#)
- [Ms Anne Graham, CEO, National Transport Authority](#)
- [Mr David Branagan, Fingal Chamber](#)
- [Mr Adrian Geissell, CEO, South Dublin Chamber](#)
- [Mr Aebhric McGibney, Director of Public & International Affairs, Dublin Chamber](#)
- [Mr Jim Gavin, Former Chair to the Dublin Citizens' Assembly, Dublin Citizens' Assembly](#)
- [Ms Nicole O'Connor, Member of the Dublin Citizens' Assembly, Dublin Citizens' Assembly](#)
- [Department of Education](#)
- [Cathaoirleach of Dún Laoghaire-Rathdown County Council](#)
- [Mayor of Fingal County Council](#)

12. APPENDIX 5: REPORT OF THE DUBLIN CITIZENS' ASSEMBLY

- [Dublin Citizens' Assembly Report](#)

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