

Opening statement to Joint Committee on Housing, Local Government and Heritage on
General Scheme of the Local Government (Directly Elected Mayor with Executive Functions
in Limerick City and County) Bill 2021

*Prof Deiric Ó Broin and Dr Eoin O'Malley
School of Law and Government,
Dublin City University*

Thank you for the opportunity to address the Committee on this General Scheme of the Bill. The Bill puts in place the legal structures to enable the direct election of an executive mayor for Limerick City and County. Most of this is uncontroversial, modelled on Electoral Acts. We do not intend to go through the full Scheme of the Bill but instead comment on a number of features we believe are key to the successful introduction of an executive mayor.

First of all, we want to say that we welcome the introduction of an executive mayor. However there are two issues that we think should have been addressed before now. One is the physical area the mayor represents. The country system is neither natural nor rational, and so attaching the elected mayor to it makes little sense. The interests of the people of Limerick City have little in common with those of people in Abbeyfeale in the west of the county, but more to do with people in those parts of south-east Clare that are effectively part of the city, but not covered by the mayoral election.

We secondly question whether it is optimal that the mayor is directly elected. Broadly we can identify three models for city governance. One is the **council-manager system** Ireland currently has – where the mayor has no executive powers. There's an assumption that it is a bad thing. It certainly isn't very democratic in the sense that it is not responsive to voters' wishes – there are fewer clear links between the vote in local elections and local government policy than might be wished for. But it is a form that's used in many places that have strong local government such as Norway and Finland, though Ireland gives greater responsibilities to the Chief Executive than in those countries. Our problem with this might be not *how* power is exercised locally, but *how little* power is exercised locally.

The second model is the **directly elected mayor** or mayor-council system. It is used in London, some other European cities, such as Rome, and about half of the big US cities, including New York and Chicago. Probably because our nearest neighbour and biggest influencers adopted and use it, we naturally assume it is the one for us. But within this system, things aren't uniform. They can be strongly mayoral or weakly mayoral. The London mayor has a lot of control of housing and transport policy, but less or none in education, leisure and waste.

This system isn't how we're used to doing politics. The Taoiseach is indirectly elected by voters via the Dáil, but no one complains that this isn't a powerful office. It is analogous to a third model of local government: the **council-elected executive mayor**. Like the Dáil chooses a Taoiseach on the basis of forming a majority in parliament, elected councillors appoint a mayor who has executive functions.

It has advantages over direct election. Removal from office is political not legal. In this Bill the mechanism to remove a directly-elected mayor (DEM) is there, but it could be challenged in courts. The system of election by a council encourages compromise, and prevents deadlock for instance, if we elect a mayor of one party but a council of another.

As with the directly-elected mayor, the council-elected mayor's power can vary quite significantly. The system is quite common, used in many northern European cities, such as Amsterdam, Berlin, Stockholm and Paris. The system in France is one with the strongest mayor of all, a position that is sometimes likened to a local monarch.

That issue of power is a point that we believe the Committee should consider carefully. Under the proposed scheme there will be three potentially powerful political actors in local government. One is the directly-elected mayor; the others are the Director General (analogous to the Chief Executive/city manager), and the príomh comhairleoir or first councillor (analogous to a speaker or committee chair).

The DEM will be allowed to run for two terms of five years (the first Mayor will be allowed just one re-election after a truncated first term). The príomh comhairleoir can be re-elected on an annual basis. The Director General's term will copy that of the Chief Executive, so seven years with an option to extend it by three years. It is not clear why a two term limit is imposed on a DEM. Usually the rationale is to stop an individual accumulate too much power, but that seems unlikely given the significant controls on the office.

A council can initiate the removal of a DEM (as it can the DG, though the bar is lower for the DEM). It is not clear why the council should be allowed to remove a democratically elected mayor on unspecified grounds. Removing him or her for failing to introduce policies might be something the voters should be entitled to do. There is no clear route for a DEM to sanction a DG who is not acting on the DEM's instructions.

The DEM will have relatively few resources on which to depend. She or he will have a staff of just five, only one of whom is in the mayor's gift. It might be considered that the DEM needs more resources, and more control over his or her office.

This gets to the power relationships that a DEM will have, which we believe is central to what Oireachtas members consider in this Bill. As it is the DEM does not have significant institutional power. Although the DEM is charged with formulating a policy agenda and the budget, the council will still have to approve it. A DEM without support of a majority in the council will be very weak. To be effective any DEM would want to have a príomh comhairleoir's support, who might become a powerful figure that controls the council and acts as a counterbalance to the DEM. This could lead to a weak DEM, which is possibly not what the Oireachtas intends.