

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACTH

JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE

Dé Máirt, 29 Meitheamh 2021

Tuesday, 29 June 2021

Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

Comhaltaí a bhí i láthair / Members present:

| Teachtaí Dála / Deputies | Seanadóirí / Senators |
|--------------------------|-----------------------|
| Francis Noel Duffy, | Victor Boyhan, |
| Thomas Gould, | Maria Byrne,* |
| Emer Higgins, | John Cummins, |
| Paul McAuliffe, | Mary Fitzpatrick, |
| Denise Mitchell,+ | Rebecca Moynihan. |
| Cian O'Callaghan, | |
| Richard O'Donoghue, | |
| Eoin Ó Broin. | |

* In éagmais / In the absence of Senator Mary Seery Kearney.

+ In éagmais le haghaidh cuid den choiste / In the absence for part of the meeting of Deputy Eoin Ó Broin.

Teachta / Deputy Steven Matthews sa Chathaoir / in the Chair.

General Scheme of Local Government (Directly Elected Mayor with Executive Functions in Limerick City and County) Bill 2021: Discussion (Resumed)

Chairman: I welcome everyone to this meeting of the committee. This afternoon we will continue our pre-legislative scrutiny of the local government (directly elected mayor with executive functions in Limerick city and county) Bill 2021. I am delighted to welcome our guests to the committee to help us with our deliberations on this Bill. We are joined by Dr. Eoin O'Malley and Professor Deiric Ó Broin from Dublin City University, DCU, Ms Dee Ryan from Limerick Chamber of Commerce, and Mr. John Moran from Liveable Limerick. I will invite the witnesses to make their opening statements and if they could keep them to five minutes that would be helpful for the running of the committee as we are pressed for time. Opening statements will be available on the website after the meeting.

I will read a note on privilege. Members attending remotely within the Leinster House complex are protected by absolute privilege in respect of the presentations they make to the committee. This means they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse this privilege. If their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. I remind members of the constitutional requirement that members must be physically present within the confines of the place which Parliament has chosen to sit either Leinster House or the Convention Centre Dublin.

For witnesses attending remotely, there are some limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as a person who is physically present.

It is an exciting time for Limerick, it being the only place to agree to a directly elected mayor. I thank the witnesses for joining us this morning as we scrutinise the heads of the Bill. We will make suggestions to the heads of this Bill before it is drafted. I invite Dr. O'Malley or Professor Ó Broin to make the opening statement on behalf of DCU. I would appreciate it if they could keep their opening statement to five minutes.

Dr. Eoin O'Malley: I will make the opening statement. I am thankful for this opportunity to address the committee on the general scheme of the Bill. Most of what is in the Bill we regard as pretty uncontroversial and I do not intend to go through it. It is merely modelled on Electoral Acts and deals with those matters in a sensible way.

There are three main points we would like to make. First, we welcome the introduction of an executive mayor for Limerick. There are three issues we think should be addressed and we are not sure whether it is too late to address them now. We know it is too late to address one of them but we think they should be considered. One issue is the geographic coverage of the model of city governance that is being discussed. That will lead to issues the committee can deal with in pre-legislative scrutiny, which is the power of the mayor. First, there is the physical area the mayor represents. The county system is not natural or rational and attaching a mayor to it probably makes little sense. The interests of the people of Limerick city probably have not that much in common with people in the west of the county in places such as Abbeyfeale whereas I know, because I am from Limerick and lived within 200 m of County Clare, that most people who live in various parts of County Clare would regard themselves as being Limerick

city. The fact that it does not entail control or a say in Limerick city will make it difficult for a mayor of Limerick to do what he or she would normally want to do.

The second question relates to the type of system that is optimal and we question whether a directly elected system is optimal, albeit that is a decision that has been made. There are three types of models of city governance. One is the council-manager system Ireland currently has where the mayor has no executive powers. There is an assumption it is a bad thing. It certainly is not democratic. There is not a strong link between voters' wishes and outcomes we would normally want but it is a form that is used in many places that have strong local government such as Norway and Finland where there is strong local government with a council-manager system, albeit not one with quite the power a chief executive has in Ireland. The problem with our current system might not be how power is exercised locally but how little power is exercised locally, which could be an issue.

The second model is the directly elected mayor or mayor-council system. It is used in many cities such as London, Rome and approximately half of the large US cities, including New York and Chicago. Because our nearest neighbour and influencers have used it, we naturally assume it is something we would use. Within that system things are not uniform. They can be strongly mayoral or weakly mayoral. A strong mayor might be strongly mayoral in some areas. For instance, the London mayor has strong control of housing and transport policy, but less or no control of education, leisure and waste. The Bill would not necessarily transfer any powers to the local authority in Limerick so it will still be a weak form of local government handed over to a mayor. It will not necessarily make local government in Limerick stronger because local government is still going to be weak in Ireland.

The system of a directly elected mayor is not how we are used to doing politics in Ireland. The Taoiseach is indirectly elected by voters in the Dáil and nobody complains that is not a powerful office. The way we elect a Taoiseach is more analogous to a third model of local government, which is the council-elected mayor. Like the Dáil chooses a Taoiseach on the basis of forming a majority in Parliament, elected councillors would appoint a executive mayor who has a majority in the council chamber. That has advantages over direct election. Removal from office is a political function and not a legal one. In this Bill, we suspect, the mechanism to remove a directly elected mayor could be easily be challenged in the courts and could cause problems that may make it almost impossible to use or activate.

The system of the election of a mayor by a council encourages compromise and prevents deadlock, whereas there is the possibility under this system of a mayor from one or no party with a council majority that is not available to that mayor. As with council elected mayors, powers can vary quite significantly. This system is quite common and is used in many north European cities such as Amsterdam, Berlin, Stockholm and Paris. In France, even though it is not a directly elected office, it is regarded as very strong and is sometimes likened to a kind of local monarch or barony.

The 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 in Limerick, and the others are the director general, which is the renamed chief executive or city manager, and the príomh comhairleoir, or first councillor, who will be like a speaker or cathaoirleach in the council chamber.

A directly elected mayor will be allowed to run for two terms of five years, although the first mayor will probably only get one and a half terms, which may be something the committee will

want to consider. The first councillor can be re-elected on an annual basis, and there does not seem to be any term limit. The director general's term will copy that of the chief executive, that is, seven plus three years. The usual rationale of imposing a term limit on a particular office is to avoid too much power accruing to that office or an individual holding that office. It is probably unlikely that a directly elected mayor will get too much power because very little power is being handed over to local authorities as a result of this Bill; rather, power is being shifted around within local authorities. It is also true that a council can initiate the removal of a directly elected mayor, but it is not clear to us why this should be allowed, especially when the Bill does not specify grounds and instead uses quite vague grounds of stated misbehaviour.

Chairman: I am sorry to interrupt Dr. O'Malley, but he has spoken for almost seven minutes. He probably has more points to raise. We will get to them during the question and answer session.

Dr. Eoin O'Malley: I will wrap up. On the power relationship that a directly elected mayor has, one issue the committee should consider is how much power is being given to the directly elected mayor, how he or she will relate to the first councillor and the director general and whether enough resources will be given to a directly elected mayor to allow him or her to carry out an ambitious programme of policy that we all hope a directly elected mayor would be allowed to do.

Chairman: I thank Dr. O'Malley. I now invite Ms Dee Ryan to make her opening statement.

Ms Dee Ryan: I thank the Chairman, Deputies and Senators for the invitation to speak at today's meeting. I am the chief executive officer with Limerick Chamber and I am pleased to take this opportunity to participate in these proceedings and share our perspective on the unprecedented proposals for local government reform before the committee.

Limerick Chamber is the largest business representative body in the mid-west and the third largest chamber of commerce in the country. We have approximately 420 member organisations supporting, pre-Covid, approximately 50,000 jobs in Clare, Tipperary and Limerick, the highest concentration of which are located in the wider Limerick-Shannon metropolitan area.

We are a mixed sector body and what unites our members is a shared passion for place. The majority of our members are SMEs and we have strong support from the largest employers in the region, including institutes of learning, multinational IDA Ireland clients and scaling mid-west businesses trading internationally. As the independent voice for business in the region, the chamber is a recognised stakeholder and on behalf of our members we engage in a wide range of activities, forums and committees focused on economic development, including the Limerick economic forum in the local authority, Fáilte Ireland's gateway city grouping of Limerick's hospitality sector stakeholders, the Department of Enterprise, Trade and Employment's mid-west enterprise plan stakeholder group and the mid-west regional skills forum. We have representatives who sit on the economic development, transport, climate change and biodiversity, housing and culture SPCs within the local authority and we lead a number of collaborative initiatives regionally such as the Limerick transport forum.

My team and I engage with members on a regular basis to ascertain their views on a broad variety of matters and the chamber is governed by a board of 16 local business leaders elected from within the membership to strategically direct the operations of the organisations. We are uniquely focused on being proactive drivers of improvements in the mid-west operating envi-

ronment.

Following consideration of the plebiscite in 2019 and the campaign delivered by Senator Maria Byrne, the chamber took a public position of being strongly in favour of meaningful local government reform, which would devolve greater decision-making powers on local issues to elected representatives, including, potentially, a directly elected mayor. At the invitation of the then Minister of State, Deputy John Paul Phelan, I was pleased to participate in the implementation advisory group for the directly elected mayor, which set to work over ten months exploring what meaningful local government reform could and should include.

I wish to acknowledge the significant work done by that group, capably led by the chair, Mr. Tim O'Connor, and supported by officials from Limerick City and County Council and the Department of Housing, Local Government and Heritage. I also want to acknowledge the progressive and open approach taken by the Minister of State, Deputy Peter Burke, when he took office last year as he and his team have navigated implementing the recommendations put forward by the group.

The chamber welcomes what has been approved by the Minister of State and Government, namely, the report in principle and the specific 38 recommendations included to date in the general scheme of the Bill, understanding that the Minister of State as recently as last week, when we met him to discuss progress, restated his intention to continue striving towards including more specificity as early as possible to ensure the most meaningful outcome from this historic change to local government. In particular, we welcome head 36, which proposes to establish a new institutional structure to facilitate regular engagement between national government and the mayor at political level. However, it would be important that the ability to convene these meetings should lie with the directly elected mayor.

The chamber, like the Minister of State, recognises the significant step in local government reform that this Bill takes in creating the new office of a directly elected mayor. We support his approach of this being a starting point and that, for the office of mayor to achieve its maximum potential, the individual who is mandated by the voters of Limerick should have the power and means to deliver on his or her vision for a better Limerick. To that end, the additionality specified in the implementation advisory group report, while no doubt challenging to introduce, is important to give the mayor the greatest opportunity to deliver on the changes that Limerick citizens expressed a desire to see.

To that end, the chamber welcomes the commitment of the current Minister of State to working towards the potential devolution or assignment on a statutory basis of public functions and services not currently performed by local government, that is, services provided in Limerick by central Departments or State bodies or agencies and devolve those to the direct responsibility and control of Limerick City and County Council. We look forward to the new office of mayor being allocated ring-fenced funding to deliver on commitments in multi-annual budgets so that the changes being made will lead to a strengthening and enhancement of local government in Limerick.

Finally, I draw the attention of the committee to the recent report produced by Indecon and published by Limerick Chamber, *The Future Development of Limerick City*, circulated to members as part of our submission to the committee. The report was commissioned against the backdrop of Covid and was born from a sense of urgency that the business community needed to take responsibility for the protection of the future of our city centre and get independent expert advice on how to achieve sustainable vibrancy for Limerick into the future.

The report is a warts-and-all assessment of how Limerick city performs against other Irish cities and looks internationally for examples of best practice. Repopulating the city centre will have a greater impact than any other policy intervention on the city and, therefore, many of the 67 recommendations in the Indecon report involve measures to enhance the liveability of the city centre, including public realm enhancement, the identification of strategic development zones, measures to address upper floor vacancies and a review of the living cities initiative. There are also recommendations for a review of local government funding in light of the impact of the pandemic on work practices, particularly in regard to retail and remote working. We intend that the Future Development of Limerick City report will inform the debate for candidates for the directly elected mayor and focus candidate programmes for local government on the practical roadmap for the development of a sustainable and thriving city that achieves its potential as the economic engine for the county and, indeed, for the mid-west region.

In closing, I thank the committee members for their time and attention, and for considering my statement. It is the chamber's belief that delivery of this Bill and the further additionality recommended in the implementation advisory group report will provide improved quality of life for the citizens of Limerick, enhancing Limerick's reputation as a place to visit, live and invest in, and will be a key driver in unlocking potential for significant economic benefit in the region into the future.

Chairman: I thank Ms Ryan. I invite Mr. John Moran to make his opening statement. I ask him to stick to the time limit of five minutes, as much as possible.

Mr. John A. Moran: I thank the committee to the opportunity to share views about the proposed legislation. It is an honour to represent the committee and supporters of Liveable Limerick, who fought hard back in 2019 to explain the concept to the people of Limerick and campaigned for the successful "Yes" vote with Senator Maria Byrne.

I will go through various points. I submitted a detailed document to the committee. I apologise for the lateness in doing so; we only knew we were appearing before the committee late last week. There are a lot of serious issues at stake. I also know from having appeared before a number of committees that members are anxious to get to the questioning, so I will just go through the highlights now.

I gauged the legislation by focusing on the following question: are the people of Limerick finally going to be trusted and given the powers and budget to guide their own destiny or are we still going to have the dead hand of centralised power in Dublin, holding back Limerick and other regional cities and counties by making sure that the reform cannot work? I am guided, in that respect, by three principles contained in the Government paper published in March 2019. The first is that if there is going to be a mayor, it must add value. Second is the subsidiarity principle, whereby national governments should not take action where action can take place at the regional or local level. Third, is the need to empower the local elected representatives as much as possible. When the legislation is gauged in that context, I hate to say it, but as drafted at the moment, and it needs significant change, this legislation betrays the people of Limerick and other regional cities.

Having been there, the 2019 plebiscite was a vote for real change, local power and local budget. In 400 pages of text that are before the Oireachtas, no new powers or new budget decision-making powers are being transferred. Dublin is making vague promises of a better future but when the legislation is analysed, one can see a continuing micromanagement of matters in Limerick and a tying up of the local administration. To me, it is clear that legislators and those

drafting the legislation do not trust the people of Limerick to manage their own affairs, which is most disappointing. At the plebiscite in 2019, there was so much promise for the reform local government in Ireland and a new structure to deliver to Limerick if Limerick wanted it. As members will be aware, Limerick voted for change. I was trying to think of an analogy as to what it feels like. I came up with the idea that it feels like a teenager coming of age and expecting a special present for their birthday that recognises they have grown up. Yet, when they open their present, they find a voucher for clothes or schoolbooks from their parents.

In a sense, the legislation kicks the can down the road. It is time to stop doing that. We have had enough conversation and waiting. Limerick, similar to other regional cities, is still suffering and needs a new holistic management structure to deliver, solve the housing problems and address unemployment blackspots. We can do that with a real transfer of power and budget. On the other hand, if the legislation is enacted in its current form, we will essentially create a new role of the most important taxpayer-paid lobbyist in Ireland. That is a total waste of a politician with the second most important electoral mandate the country, who will essentially become a lobbyist who turns up to his own forum. I am not even sure who will need to be there and turn up. As we all know, many Oireachtas Members have been lobbying hard for Limerick in this respect. It seems that now is the time for a transfer of powers, without which this proposal is just a damp squib.

We need to look through the legislation and make some real decisions. I studied law in UCD the 1980s and during my time as Secretary General at the Department of Finance, I read much legislation. I must conclude, and give credit where it is due, that this text is a mastery of drafting. It gives the impression of being very radical, but in truth, reforms are not really offered or come with important brakes. We can get a sense of that by counting the pages of the text. The important part concerns what the mayor can do. There are no pages relating to funding, 12 pages setting out the functions on the mayor, and a whopping 222 pages that discuss the procedural issues involved in the process of running the election. We can see where the emphasis was in drafting the legislation.

There have been delays that are going to frustrate the electorate's choice because development plans are being completed as we speak and might be in place before the mayor is elected. Essentially, Limerick voted for a transfer in concentration of power. Once more, the Government in Dublin is not going forward with that and delivering a real transfer of power. On that basis, we need to stop the centralisation of power that is continuing. We need to look at the way the Government has rowed back from what Limerick was promised in the plebiscite, which was strong political power through a multi-year mayor as leader of the chamber. It has not adopted the finely balanced proposals of the consultation group, which recommended the devolution of more power and the establishment of a much more innovative political counterbalance with the installation of the Cathaoirleach of the council chamber. Instead, there are limits on the powers the mayor, who will have less power than the CEO has today, and all the extra brakes on the mayor's ability to do what he needs to do. It sounds like the mayor will have to come to Dublin with a begging bowl, looking for money and power when they need to be transferred.

I am worried that we are going to end up with confusion and bureaucracy and more slowing down. That is in comparison with the potential in 2019 that was extensive and exciting. I differ in opinion from Dr. O'Malley. I am happy to talk about that. The "One Limerick" approach and the fact that it has that full county aspect is very positive. More important, we are now saying that Limerick is asking the Government whether or not it really trusts Limerick to make decisions, figure out who the mayor should be and what powers they should have in the alloca-

tion of budget. Limerick wants to be able to trust Dublin that it will deliver on the promise it made back in 2019.

As legislators, committee members know better than anybody else that it is hard to legislate for real reform. Vested interests always fear they are losing control. The conservatives fear the unknown and well-intentioned proposals, if badly drafted, can end up being more dangerous and divisive. In my submission, I have provided a series of examples of problems with the legislation. I worry that while it is important to acknowledge the problems of rural Limerick, the rural Limerick board is another example of mandated micromanagement and a lack of trust. It could be argued that housing is a bigger problem in Limerick, so we should have a housing board. We know that the mayor will not have enough powers. There are provisions for the transfer of more powers, but we should call a spade a spade: with this legislation, the mayor will have less power than the CEO at present. Therefore, it is a long way from what was promised in 2019. There are difficulties because the mayor-----

Chairman: Mr. Moran, you have had well over seven minutes.

Mr. John A. Moran: I will finish up now.

There are risks of a stalemate.

I am happy to take questions. I am asking the committee, if it can, to analyse the various provisions against the backdrop and see that there has been series of climbdowns from what was promised in 2019. There is real need now to move forward and stop using a British model of government that was based on not trusting the Irish. We can grow up as a country 100 years older and trust our regions to manage their own affairs. I thank the committee for the opportunity to go over the issue.

Chairman: I will now open the floor to members. I ask them to keep to a five-minute limit for questions and answers. I call Deputy McAuliffe.

Deputy Paul McAuliffe: I thank all the witnesses for contributing. Unlike any other legislation we deal with,, as Mr. Moran outlined, this comes with a democratic mandate that no other topic comes to us with, that is, the people of Limerick have decided on this issue. In some ways our views on it need to be part of that in order that we can reflect that democratic mandate. Many people, particularly at local government level, were engaged in their local elections during that period in 2019 and perhaps there was not the same awareness of what was happening outside of the three cities that were holding those plebiscites. Mr. Moran’s contribution in particular was important because it communicated the promises that were made and the debate that perhaps those outside of Limerick at the time were not aware of. However, I would differ from him in one sense in that Dublin suffers from the dead hand of central government as much as any other city. Perhaps the repeated references to Dublin were inadvertent and he meant to say “central government” in those cases. Dublin will be impacted by this legislation as much as anywhere else because of the way in which Dublin will be governed. We will look back to this Bill when we make a decision on a directly elected mayor for Dublin. That is why we need to get it right. It would not be correct for us to have multiple systems of directly elected mayors in different cities across the island. That would lead to widespread confusion.

We have had a pre-legislative scrutiny session on the Bill and have asked quite detailed questions. I might repeat some of those and then allow members to come back in as much as they can. It is almost impossible to ask four people questions in four minutes and for all of them

to have time to answer. Dr. O'Malley and Professor Ó Broin have spoken in the past about how unique this model is. It involves an executive, directly elected political figure, which we do not have in Ireland. In that case it brings two issues to the fore. The removal process is the opposite of being bogged down in legal challenges. It could be a perpetual political opportunity for those small groups in the chambers effectively to impeach constantly the mayor and then for the final decision to be made by the Minister, who ultimately will not decide to impeach the mayor. There is, therefore, almost an incentive for small groups with less of a mandate than the mayor himself to try to constantly impeach him. We need to watch out for that in the general scheme.

The second issue I have is that I am not certain about the role of the príomh comhairleoir. I understand why the position has been included, but the term "deputy mayor" is well understood internationally and by our communities and I am not sure why we are inventing the term "príomh comhairleoir". I understand it but it is a bit too clever for its own good and I think we should revert to the idea of a deputy mayor.

Finally, what if people have questions about the lack of reform of local government? Limerick has had some reform in the merging of the two administrative areas, but if this system were to be layered on top of Dublin or another city without reforming local government, there would be problems. The question is whether we have missed an opportunity to reform local government here as well.

We have very little time. I will leave the minute and a half open for anybody who wishes to come in.

Chairman: Deputy McAuliffe, if you were to direct your question to one particular witness, it would assist.

Deputy Paul McAuliffe: Perhaps Professor Ó Broin and Dr. O'Malley might speak to the issues surrounding impeachment and removal. Then perhaps Mr. Moran and Ms Ryan could answer the questions about the powers.

Professor Deiric Ó Broin: The Deputy raised a fair concern about the potential to politicise the process, whereby it becomes a regular plaything. Building on Dr. O'Malley's point, however, what we are seeing is potentially a significant shift in political culture. There will be a period of settling down when our political class will have to get used to a new system. That is a challenge because we have never tried anything like this previously. When Dr. O'Malley highlights the uniqueness of this in Irish political culture, he is not underestimating it. This is such a significant cultural shift. It will take a considerable time to bed down. We have highlighted what we see as the legalistic nature of the removal process. I am still inclined to take the view that considerable effort has been spent on thinking through the removal of a mayor in a way that we do not tend to see in other legislation. It is quite stunning in that regard.

Deputy Paul McAuliffe: I thank Professor Ó Broin. I think I have run out of time. I apologise.

Chairman: The Deputy has 40 seconds left.

Deputy Paul McAuliffe: Mr. Moran and Ms Ryan might speak to the issue of the lack of reform of the existing local government structure and how it interacts with the new mayor.

Ms Dee Ryan: I concur with the sentiments expressed by Mr. Moran. I would characterise it differently. I would not say that what we see a series of climbdowns in the Bill; I would say

it does not go far enough in implementing the report of the implementation advisory group. Perhaps Professor Ó Broin and Dr. O'Malley have had an opportunity to review it. It has a vision for a much greater office with much greater control and power and the means by which to deliver it. In that context it is envisaged that the elected members of the council would have a responsibility to hold the directly elected mayor fully to account. That is why the emphasis was given on provisions around that. We had envisaged a person who would have a real, meaningful mandate and means to deliver change for the people of Limerick.

Deputy Denise Mitchell: I thank the witnesses for coming before the committee. I would appreciate their thoughts on a few issues. It is important we get this right. It is a new concept to Irish politics and is about our delivering ownership to the electorate. I think we all agree on that. I will ask a few questions about the role of the councillors in this. It is important the councillor is not seen just to be rubber-stamping the mayor's programme of office. Have Professor Ó Broin and Dr. O'Malley any thoughts on the role of councillors in approving the programme of office? What are their thoughts on the role of councillors in general in their interaction with the mayor?

As for the issue of who the mayor represents, Dr. O'Malley's opening statement raised concerns about the mayor representing the entire county. In one of the heads the Minister refers to a rural Limerick board. Have the witnesses any suggestions regarding the board and how the voices of those people living within the county boundaries would be better represented? Do they think the Bill needs to be strengthened to ensure that these people, the electorate, have their voices heard?

Chairman: Professor Ó Broin, you appear to be muted. Go ahead, Dr. O'Malley, please.

Dr. Eoin O'Malley: As for the way in which the councils will interact with the mayor, councillors will still have the same vetoing powers they currently have and will be needed to approve any plan the mayor has. What the legislation would do is give a single individual with a democratic mandate, the mayor, a mandate to create a policy agenda. To some extent that would remove some powers from the council because the council would have done that, although the mayor will be a member of the council, so they are not completely separate. A mayor would also need to work with the council in Limerick and anywhere else this would be rolled out. I am not sure it will weaken the council that much. What it will do is create a head that the council can look to for some sort of guidance and leadership. Because it has a democratic mandate, I do not think that is a major problem.

On the Deputy's second question regarding rural areas, I am not sure about those voices being represented. They can be represented by all kinds of manners and means and in various ways. They will be represented because the mayor and the councillors will be elected by people in local areas. My concern is about the expansion of Limerick because that expansion will go into areas such as south east and south County Claire and possibly even some parts of County Tipperary. It will be difficult for the city to manage its growth if we do not have some sort of control over how that space is going to be used and managed.

Chairman: Does Deputy Mitchell want to direct those questions to anyone else or has she further questions?

Deputy Denise Mitchell: That is okay. I thank the Chairman. Maybe Mr. Moran would like to come in on that.

Chairman: I think Ms Ryan is indicating there as well.

Ms Dee Ryan: I will let Mr. Moran go ahead.

Chairman: Mr. Moran then Ms Ryan. They have two or three minutes.

Mr. John A. Moran: I am sorry, I missed the original questions. Just to follow up on this concern about the scale of Limerick, we need to also remember the Southern Regional Assembly role and the regional spatial and economic strategies, RSES, document. One of the things I was disappointed to see was what seems to be another climbdown, in that the mayor was suggested, throughout 2019, as being a member of the Southern Regional Assembly. This would by definition involve the voice of the mayor in the discussions about how Limerick would interface with County Clare in the larger metropolitan area and indeed with County Tipperary and beyond. I strongly recommend that becomes a natural thing because, in a sense, what Limerick voted for back in to 2019 was to allow the people to pick who would represent them and not to allow this sort of lockstep political party, if the committee will forgive me, deciding amongst itself who was going to get these roles. The mayor is a natural person to put on the RSES. That is most important because what I hope is that if this works well it work well in other cities. We would then see the mayors of Cork and Waterford sitting at the right level, that is the regional assembly level, to drive forward all the interests of the broader regions.

Ms Dee Ryan: I thank the Deputy. I understand her concern, which was raised by other speakers, about the rural part of the constituency and the differences between rural and urban needs. From a business community perspective, the amalgamation of the local authorities has been a success. It has allowed us to more greatly harmonise important functions such as where industry is going to locate for the benefit of the entire county. We certainly see ourselves as the sum of all our parts and while there are different emphases and nuances within the county and certain areas of the city, we are facing different degrees of the same challenges across the county. Certainly we feel it has been to our benefit that we have united to address them together. We in the chamber hear this a bit because we are privy to many of the strategic policy committees, SPCs, and we participate on them. There is an ongoing debate, a legacy from the time when the local authority was split, of rural versus urban, which I do not feel is helpful because in order for the county to thrive the city must thrive and in order for the city to thrive we need county support so I would be much more focused on uniting around the opportunities for us all.

Chairman: I thank Ms Ryan. We move to the Fine Gael slot and Senator Maria Byrne.

Senator Maria Byrne: I thank the Chairman and all the witnesses for coming in. As has been acknowledged, an awful lot of work went into the plebiscite and the delivery of a directly elected mayor of Limerick. It has been mentioned, particularly by Mr. Moran and Ms Ryan, that people were expecting much more and there must be much more. I pay tribute to Mr. Tim O'Connor and his committee, which sat for ten months, for its input and the work it put into this. That committee went further by suggesting functions relating to education, policing, agriculture and health should come back under the auspices of the mayor and the local authority. I am a little disappointed there has not been a wider scope around the position of the directly elected mayor. While it is an exciting opportunity and will be used as the template for directly elected mayors in other cities and counties, we must get it right, as previous speakers have said. Perhaps we need to suggest having an expansion of some of the powers to do with the mayor. I understand why the speaker is being suggested and that it should be from the councillors because obviously the mayor has to work with the councillors.

Returning to Dr. O'Malley's point on the city-county divide, I was elected to the council back in 2014 when it was amalgamated. At that stage, there very much was a city-county divide but it has been overcome and the council is working more closely together. I have always believed what is important in the city must involve in what is happening in Abbeyfeale or Kilmallock, so it is important to get that balance right. My understanding is that this county board has been put in in case people had a fear, but it should be included as one because we are one Limerick and it is one local authority. While we encompass a small bit of County Tipperary for general election purposes, we lost the part of County Clare two elections ago. It is really the whole city and county. There should be some mechanism found and I would love to hear the witnesses' views on how the city and county can be included as one or united as one. What are their views on the expansion of policing, education and health powers? Going back years, local authorities controlled those areas so that should be included in it. I would like to hear their thoughts on that.

The last point is funding, which Mr. Moran raised. This is going to be the equivalent of a Minister of State for Limerick. Usually Ministers of State have their own budgets and I cannot see anything in the documentation suggesting a budget will be available. My understanding of the legislation at the moment is that the mayor will have to go cap in hand to the different Departments. While it states there will be regular contact with Departments, the mayor will have to go to, say, the Department of Health or Social Protection looking for funding to run particular projects. If the mayor is given the budget to start with, he or she proposes it to the council and then the councillors, who, as has been rightly said, represent different areas, have the right to say that they need to spend X amount in such an area. I would like to hear the witnesses' views on that as well.

Chairman: Does the Senator wish to direct that question to anyone in particular?

Senator Maria Byrne: Anyone who would like to pick up on it, because there are issues that should be included. It is about the guidance as to how people think it should happen, or a condensed version of that.

Chairman: Mr. Moran is indicating.

Mr. John A. Moran: I thank the Chairman and the Senator. She has hit on the main points I made. This is a reform of local government. This is going away from a British system, which did not trust the locals, in this case the Irish, and kept control very much in Whitehall and ultimately in the central administration. It is moving to a system whereby devolved powers and associated budgets are supposed to go, and were indeed promised to, local cities and regions across the country eventually and that needs to happen. There are promises it will happen and there is no reason to wait. There are enough problems to be solved. There is a national development plan process happening. There is good sight of what must be done in Limerick over the next 20 years through Project Ireland 2040. Now is the time to devolve both the powers in legislation and the budget with that. I wish to make it clear that this is not asking for more money. This is taking the money that is essentially allocated to Limerick, and will be allocated to Limerick over the next number of years of a mayoral term, and saying the decisions about the priorities as to who spends and what the money is spent on go to the 40 or so councillors in Limerick and to the directly elected mayor. It is not going to be done by unelected officials in the Department of Public Expenditure and Reform, who might never have even travelled to Limerick, let alone understand the city as the elected politicians do. According to the legislation, the mayor is going to be responsible for driving and delivering a programme of local government, but has no ability to do so. It is not clear whether the mayor can ever deal with a CEO who is

not able to deliver. The Bill is silent on that power and relationship. The mayor does not have any of the decision-making power with respect to the money and the setting of priorities. As the Senator said, the mayor goes cap in hand around the Departments as, effectively, a glorified lobbyist, paid for by the taxpayers to try to get things to move forward. That is neither what was promised in 2019 nor is it going to be what will work in this election.

The point in my report, and I will finish on this as it is a very important political point, is that if we have an election without deciding what the powers of the candidates are and without deciding what the budgets are for the candidates, we will have a free for all of promises that are totally unrealistic. If we have a budget where we clearly give the right powers and an envelope of multi-year funding, then external commentators, including even the Irish Fiscal Advisory Council, could assess the promises of the various candidates and help Ms Ryan and her organisation's members and the electorate of Limerick to decide what are and are not real programmes of office. If we do not do that, we will get into a very dangerous situation from my perspective. There will be promises such as "I will convince Dublin to do this" or "I will convince the Department of Transport to do that" and no mechanism for the electorate to decide who is telling porkies and who is being realistic. That is a very dangerous election to have in the current environment. I will leave it at that, but the Senator has raised some very important points.

Chairman: I will take the Green Party slot as Deputy Duffy is not available. I will set the timer so I am as strict with myself as I am with everybody else. Dr. O'Malley referred to a weak form of local government handed over to a mayor. Deputy McAuliffe also referred to the reform of local government. Does Dr. O'Malley consider that we have a very weak form of local government and that handing this over to a mayor will not improve it?

Dr. Eoin O'Malley: It is not controversial to say that local government is very weak. It is exceptionally weak. Mr. Moran has gone through that as well. Essentially, what this is doing is handing over a weak form of local government to the mayor. It will not take back to Limerick any of the power that perhaps was envisaged in the original promise that was made in the programme for Government in 2016.

Chairman: I will elaborate on slightly. I served as a councillor and we often heard it said that it was a weak form of local government and that councillors have no powers and all the power lies with the county manager or the chief executive. If some of the powers that the chief executive currently has are to be handed over to the mayor, does that strengthen local government?

Dr. Eoin O'Malley: Shifting powers from the chief executive to the mayor is helpful, but one will also find that many councillors say that too much of the power is, in fact, held in the Department of Housing, Local Government and Heritage. There is not a huge amount of freedom, so what we have is a system of local administration rather than a system of local government.

Chairman: That they do not have that power does not correspond with the principle of subsidiarity. Mr. Moran said that this would not be an extra budget for Limerick, and it is not that the Government would have to give more funding to Limerick for this to work. It would be that any of the funding that would accrue to Limerick over the next few years, as has been promised through various Departments, would be left with the mayor to manage. Is that his suggestion on this?

Mr. John A. Moran: Yes. The mayor and the council agreeing the budget every year would

be an incredibly strong democratic system that, in effect, replaces the Oireachtas in making decisions for Limerick. However, this has to be within an envelope. The Chairman will be familiar with my previous role, whereby every year the Department of Finance gave an envelope of spending to the Department of Public Expenditure and Reform, which allocated that, based on national priorities, among different Departments. What happens at present is that the Departments, almost in silos, then decide how to spread the largesse across the country.

What I was very excited about in 2019, as I thought the proposal was and as reflected very strongly in Mr. Tim O'Connor's report, was that finally one could do a holistic management of the needs of Limerick, decide the priorities with local elected officials and drive local administration to deliver not just on roads and water pipes, but also on housing, schooling, policing and everything one would see in the successful cities across the world that have gone through the type of transformation that Limerick has to go through in the next couple of years. Let us bear in mind that Limerick will go through a population growth of approximately 50,000 in the next decade or so. That involves a massive infrastructure demand. Right now, officials in the Department of Public Expenditure and Reform should be totting up what should be spent on that over the next five to ten years. I would like the mayor to have the ability to prioritise roads, cycling infrastructure, schooling or the public realm and decide that locally, but not exceed the envelope of what was going to be spent in Limerick in the first place. It is to make those decisions locally to suit the people who know best.

Chairman: Ms Ryan has her hand up. I intended to put a question to her as well. She spoke about repopulating the cities. What powers does a mayor need to make that work, in terms of planning, tax incentives and supports to get residential development going in the cities?

Ms Dee Ryan: I echo some of the comments made. The vision from the IAG report for this role is that the mayor would have the ability to engage with everything that touches the citizens of Limerick to provide real value for those citizens. For example, it would be important that the mayor would have the power and the means to tackle the unemployment blackspots and introduce measures to effect change there. In particular, we are quite concerned in Limerick about the impact of the pandemic on youth unemployment. That is a significant challenge that we must address. I agree that we have not seen enough of that real devolution of power in the Bill. I recognise that change is difficult, but what we have in front of us does not fully grasp the nettle of the decentralisation of power. I encourage the committee to press for greater changes to deliver real value, particularly in an era in which there is a degree of lack of faith in institutions. We are at a point where we are trying to reimagine our local authority and the benefits for citizens from local government. To that end, we certainly require the means to back this. Otherwise we risk having another well-paid elected representative, which will not do anything for the model for the further roll-out of local government reform around the country. While we are discussing Limerick specifically here, everyone is conscious that it is the template for delivering greater local government reform throughout the country. It is the measure and the bar by which this will be judged for the entire country. In particular-----

Chairman: I am sorry, Ms Ryan, but I have to apply the same rule to myself as I apply to everybody else. I am out of time. However, I will come back to it because it is an important power that a mayor should have in respect of local planning. I call Deputy O'Donoghue.

Deputy Richard O'Donoghue: I thank the witnesses for attending. I am self-employed. I was born in Limerick and I live and work in Limerick. I was an elected representative for the Adare-Rathkeale district for six years. I was there for the amalgamation of Limerick city and county councils. As other speakers have stated, Limerick has seen massive cultural change,

first when the local authorities in the city and county were amalgamated and, second, when we had the vote on a mayor for Limerick city and county. The result was that the city voted for it and the county voted against it. It is a cultural change. Everything going forward must be a positive change for Limerick. The people of Limerick had a democratic vote and that should be respected, and we should move forward from there.

Equally, there is history within the local authorities. If one breaks down the local authorities, at present, Kilmallock district has seven councillors, Adare-Rathkeale has six and Newcastle West has six, which gives a total of 19 councillors and there are 21 councillors in the city. When it comes to divvying up funds, councillors from all parties and none are concerned that in the case of a council where a mayor has a large budget, the 19 councillors could be overruled, 21-19, on a city versus county basis. First, we might equalise the number of councillors between the city and the county, which would mean they would have to come together as one and work together for the city and county, for Limerick.

As other speakers have said, the city must thrive. I agree with that 100%. When I was growing up the city was thriving, and the county supported it. The desolation of the centre of Limerick city has been the downfall of the city because it used to bring people to the core of Limerick. Going forward we must reinvent and regenerate the core and we need the support of the county 100%.

One of my concerns about a directly elected mayor is the cost. The office and staff for the office must be paid for. The director general must also be paid for in the same way. I believe between office space, staff and transport it will cost approximately €500,000. The costs will be covered by the State for the first two years and then it will come from the budget of Limerick City and County Council. If that is the way it must go, so be it, but I would like the mayor of Limerick to have a budget. I do not want any mayor of Limerick going cap in hand to Dublin looking for funding for the regeneration of the city and the county. If it is done right, this will be a culture change. Limerick is the first city and county to do this and we need to get it right. We must make sure there is a budget available. I hope we will get a mayor that will represent all, and that we will not have to resort to removing a mayor from office, which is a concern people have. We must embrace this, and we must accept the democratic vote on the matter. My concerns are, first, the cost of the mayor to the local authority and, second, to make sure that whoever, male or female, becomes the mayor of Limerick city and county, he or she will look after both sides of Limerick.

I am disappointed as I would like to see gender balance. Coming back to the issue of culture, I wish to raise an issue concerning the Kilmallock electoral area and Councillor Brigid Teefy. We met with the Minister again last week. The parties came together and made pacts on the chair of each individual district. Councillor Teefy has given more than 30 years of service to the council, but the pacts prevented her getting even a vice chair position, which is unpaid. Historically, pacts have been a factor for decades and we must wipe them out. Going forward, we must promote gender balance on all councils. I hope the new mayor of Limerick will ensure gender balance on the council in Limerick and that when the chairs are being handed out in each area, whether the member is a member of a party or not, there will be gender balance. There should be gender balance among the chairs of the districts and the position should roll over. If the chair of an area is male, then the vice chair must be female and *vice versa*. That way, we can improve gender balance, which is not happening at the moment. We will then have a council that recognises everyone, and we will all work together. I acknowledge all that the witnesses have done and what the chamber of commerce is doing.

I wish to raise the Land Development Agency, LDA, partnership that was set up recently in Limerick. I say everything in public. The work of the agency is confined to urban areas with a population of 30,000 people or more, which implies a city. I have been involved in the Limerick Twenty Thirty plan for delivery within the county. If the LDA works with the Limerick Twenty Thirty group and the local authorities then everything is covered in Limerick.

Chairman: The Deputy has used his seven minutes so I must move on to the next speaker.

Deputy Cian O’Callaghan: I thank the witnesses. Some of the contributions were strong and clear and they leave us in no doubt. That is useful and helpful.

In terms of the report that we are doing, what specific key transfers of power should be in the Bill? What do the witnesses recommend should be included that is missing from the Bill? I will start with Ms Ryan and then go to Dr. O’Malley, Professor Ó Broin and Mr. Moran.

Ms Dee Ryan: I point the Deputy back to the recommendations of the implementation advisory group. It was a broad and diverse group that reflected local authority representatives. It had two mayors on it over its duration and officials from the local authority executive and the Department of Housing, Local Government and Heritage. Members of the Public Participation Network, PPN, gave great contributions. We had the president of the students’ union in the University of Limerick, UL. We tried to be quite broad. I could not praise the chair, Mr. Tim O’Connor, highly enough for the amount of consultation that he did off his own bat. He regularly asked who else we should talk to. He was pushing the envelope the whole time to ensure that we cast the net wide enough to reflect the kind of changes that would deliver real value for the citizens of Limerick. The intention was to be ambitious but that the plan would be deliverable and that we would not be so far off the mark that it would not be achievable. If there was an opportunity for Mr. O’Connor to speak to the committee, he would be able to give members some valuable insights.

In terms of what is doable, I concur with Mr. Moran that it should be while the review of the NDP is going on and while we are at the stage of being about to produce a local development plan. It should be possible to determine an envelope and allocate it to Limerick so that whoever the successful candidate is, he or she can deliver on his or her vision with multi-annual budgeting. The means is very important. We are not looking for new money. Let us average what has come to us recently, what is expected to come to us and take a look at the measures that are being made available through the urban regeneration and development fund and the rural regeneration and development fund and give that to the people of Limerick to determine what they would like to do with it.

Professor Deiric Ó Broin: I was struck by some of the earlier points made on additional powers. There is some low-hanging fruit. I would have thought there were issues around education through the education and training boards that already have a strong local government link as well as a strong structured link to local government since 1930. There are areas there where a directly elected mayor could have been more directly involved. That is a straightforward matter that does not involve a massive conversation with the Department of Education because a structure that works on a local authority basis is in place.

Unemployment blackspots were mentioned. There is definitely an issue in that regard and such approaches tend to be delivered through national programmes, such as the social inclusion and community activation programme. That programme is managed by the Department on a national basis but it is contracted locally. The local contract holder for Limerick, if memory

serves, is the Limerick local community development committee. A number of millions of euro are provided annually for the programme. A directly elected mayor could have significant input into shaping how that is spent. He or she would not necessarily have an input on a contract because that is awarded under a national tender and procurement process, but the mayor could have an input on its operation within the city and county boundaries. Ms Ryan is correct. The implementation advisory group highlighted some fairly straightforward areas where this could be done quickly. Some of these matters go back to the late 1980s, including the task force on the integration of local government and local development services. That was more than 23 years ago and we are still having a similar conversation. The same proposals are being put forward but it is not being done.

I am not sure if that is an answer to Deputy Cian O’Callaghan’s question but there are areas in which it could be delivered fairly straightforwardly. That is something at which the committee could look. Where is control vested locally? The education and training board could provide access to further education and skills development, which fits into the thinking around project Limerick industrial policy. There is definitely space for a much more integrated approach.

Mr. John A. Moran: This is about delegating responsibility as much as possible to a democratic local level. We must remember that 15,000 or 20,000 social and affordable houses are to be built in Limerick in the next ten or 15 years. That should be done by the local authority. No one should have to go to Dublin to try to get funding to build a swimming pool, museum, park or new school. This is an opportunity to get things fixed and to properly run pilot schemes in cities with delegated authority across all the functions.

I would add the health sector to what Professor Ó Broin said. Limerick has a health structure that aligns closely with the county budget. The report to which Ms Ryan referred gives the answer to a lot of the other questions. The Irish Strategic Investment Fund, ISIF, is supposed to provide the money to invest in infrastructure across Ireland. The mayor should be a key driver of how that money is spent in Limerick. He or she should not have influence over how all of it is spent, but the mayor should have an influence over the portion that is going to be spent in Limerick. That should include enterprise support and business support. The plans for what should happen in Limerick will sometimes be different to what should happen in other parts of the country because local needs are different. We saw during the pandemic that a one-size-fits-all approach does not necessarily work well.

Dr. Eoin O’Malley: We should try to be as ambitious as possible and use this as an opportunity to trial something in Limerick with an eye to it happening in Dublin. We should look for whatever powers it is possible to get. This is a way to get things done in the future. Most members have been councillors and have ideas about where problems lie. Measures that are introduced in this Bill might give a chance to reform local government more generally.

Senator Rebecca Moynihan: Many of the points I wanted to address have been addressed by other speakers. I will hand over to our guests and ask each of them to pick the top three changes they would like to see in the Bill. I ask them also to talk about the revenue-raising powers they would like to see. How, through this Bill, would our guests try to tackle the problem that local government in general does not have the ability to raise revenue? I want to focus on that. I ask them to mention three issues they would prioritise in making changes to this Bill. What revenue-raising powers would they like to see available to a mayor of Limerick?

Chairman: That would be 12 things, if we have four speakers, so perhaps I will ask our

guests to each mention one change they would like to see and respond to the revenue-raising question. Would that be a fair compromise?

Senator Rebecca Moynihan: That would be perfect.

Professor Deiric Ó Broin: Some form of reformed property tax is necessary for revenue raising. It is the only game in town.

Chairman: Would that be the top change Professor Ó Broin would make to the Bill?

Professor Deiric Ó Broin: There are other issues. I would be interested in seeing clarity in the regional planning process, particularly around economics and spatial strategy. I would like clarity on the metropolitan area spatial plan. There is quite a bit of work to be done in that regard. This is what the future of Limerick looks like. This is the long-term planning framework. Mr. Moran highlighted the relationship between the regional assembly and the mayor. More work can be done in that regard.

Another issue relates to the power of councillors. Clarity is required on the relationship between the chair of SPCs and the mayor. If we think of the council as the corporate policymaking system, what is the relationship there? At the moment the chairs of the SPCs have influence, if not power, and can co-ordinate. The mayor is a new actor in that ecosystem so clarity on the roles of the mayor and the chairs of these committees is required, not just through the corporate policy group, which appears to be designed to help hold the mayor to account, but in terms of policymaking and councillors' role in policymaking.

Ms Dee Ryan: I thank the Senator for the question. If I were to point to one measure I would like the directly elected mayor to have the ability to control, it would be in the area of transport, which is important across the city and county. That could make a considerable difference to the lives of citizens, encourage greater and healthier habits through the provision of cycle lanes and better walking and cycling infrastructure. We currently have a low uptake of public transport in Limerick so it would be fantastic if the mayor had the ability to determine and make changes to routes and be agile on locally based decisions. The caveat is that transport needs to be properly funded by central government.

On revenue raising, the Indecon report we published two weeks ago called for an overall review of local authority funding. We are calling for that because a tension is becoming apparent between how local authorities are currently funded through rates and car parking revenue, to a certain extent, and the changes that need to happen in converting properties that are currently in commercial use or that were previously rated commercially and are now in disuse. Those properties need to be converted into productive homes for people. To do that, there must be a desire to make urban centres more liveable and take out much of the on-street parking that is an important revenue stream for local authorities. There is greater work to be done in that regard.

Mr. John A. Moran: I have many things that I will not bother repeating, including the transfer of powers we have mentioned. I will add a new angle to our conversation that relates to the governance of how the mayor delivers. Let us assume for the moment that the mayor is given more power and a bigger budget. He then gets a programme of local government.

Senator Rebecca Moynihan: I would prefer Mr. Moran to use gender-neutral language.

Mr. John A. Moran: The Senator is right, I should be saying "he or she". In my report, I referred to "the mayor". The mayor gets the programme for office and there is a decision to

implement it. The public thinks it will be implemented but the mayor could be left with no human resources function. That person has an executive function but does not control human resources or the distribution of resources within the local authority. That person does not even control the decisions about who the director general should be or whether the person in that role stays if underperforming. That is a gap in existing terms. There was a shift from the 2019 promise, when the mayor would have had a particularly political function as chair of the council, to a more executive function. That demands a rethink of the human resources governance issues from what was recommended.

On funding, I have always been an advocate of greater local property tax. To me, this relates to taxation without representation. We are giving Limerick more representation and the mayor and councillors should have more ability to do taxation, perhaps slightly differently to the way it is done on a national basis.

Dr. Eoin O'Malley: I reiterate much of what Mr. Moran said. Currently, the mayoral function is that of an advocate for Limerick rather than somebody with the strong executive function we had intended him or her to have.

On the funding, the committee might make bold recommendations and try out new ideas on Limerick that it may, in future, want tried in the rest of Ireland. For example, why not try to introduce a land value tax, although perhaps not in this Bill? It could be introduced in Limerick to start with and we could see how it works before it could be tried out elsewhere. It would at least give the mayor a revenue stream allowing him or her to govern in a way we anticipated.

Chairman: We are running slightly over time. I have given every party approximately seven minutes so I will have to pull back slots to five minutes if we are going to get through in time. It is not possible to ask a question and have four people respond to it within five minutes so I ask members to be direct with questions to a particular witness. That would be helpful.

Senator John Cummins: I will be helpful by sharing time with my colleague, Deputy Emer Higgins, if that is all right. This is an exciting time for Waterford and I stated at a previous committee meeting that I was disappointed that my county narrowly voted against the measure in 2019 when it came before the electorate. I hope we will get the opportunity to revisit that. There is no doubt the new mayor will be a voice for both city and county. Deputy O'Donoghue raised some concerns in that regard. I support the comments from Ms Ryan about the liveable city and it is something I am pushing in Waterford.

Will the witnesses comment on the position of deputy príomh comhairleoir? It is not in the legislation but if the príomh comhairleoir is unavailable or sick for a meeting, there is no position for a deputy and the provision is that it would be elected from the floor of the council meeting. It would be a sensible measure to have an official deputy so what is the opinion of the witnesses on that?

Deputy Emer Higgins: I am in one of the cubby holes in the convention centre. I thank everybody for an engaging meeting, which has been particularly interesting. Professor Ó Broin said there are fewer clear links between the vote in local elections and local government policy that might be wished for. What kind of matters would this include if a locally elected mayor is to make a link between local elections and policy stronger?

Ms Dee Ryan: I am referring to my notes on the question of the príomh comhairleoir. I thank Senator Cummins for the question. We felt it was important to have the position of

príomh comhairleoir and not limit it to the title of deputy mayor. Having said that, we are open to suggestions from this group as to how that might best be handled. The responsibilities of the príomh comhairleoir have been imported from the report but they were to balance the envisaged powers for the mayor. I point to that disconnect.

Dr. Eoin O'Malley: It has been described as a balance or some kind of check on the mayor's power but in a way it could strengthen and be a useful aid to a mayor that he or she could have somebody to command a majority within the council chamber. It could be very difficult for a mayor who does not necessarily have that kind of foot in the council to get things through. The mayor and príomh comhairleoir could become allies; ideally, that would happen rather than checks on each other.

On the technical issue, I assume that is something that could be done within the council and it could ensure there would always be a chair of a council meeting. I hope that would not be a major issue.

Professor Deiric Ó Broin: The question was on the link between a mayor, citywide policy and elections. Anybody running for mayor would need a clearly articulated policy or set of policies for the city and county. What tends to happen in local elections is that the person running for election does not run for a city or county-wide election and he or she has a local focus. What we expect to see is candidates for directly elected mayor articulating coherent or at least a vision for Limerick city and county. That has not been the case to date.

Senator John Cummins: Do the witnesses agree that there should be an official deputy príomh comhairleoir in place? I am thinking if there is a contentious meeting where the príomh comhairleoir is absent but somebody wants to get into the chair. It would be useful if an official person could be elected at the start of the year. Do the witnesses agree?

Chairman: I see some nods.

Senator John Cummins: I also see nodding and perhaps it would be reflected in our report.

Mr. John A. Moran: A point I mention in the notes worries me about the unintended use of language. When the mayor is elected, he or she will clearly have a manifesto and mandate to deliver a particular programme for Limerick. I had assumed the checks and balances, so to speak, with the council for that would be reflected in the annual budget that the mayor must have approved. There is a provision that speaks about the programme for local government and it seems a little ambiguous. In one case it seems to suggest there must be approval of the programme by the council but, in another, it suggests the mayor must listen to what the council is saying but it would not have a veto. I was a bit worried about the approval concept at the early stage of a mayoral election and term. As is now the case, a mayor could be elected mid-term or off-term under a very different mandate from the people of Limerick than the council's.

I gave an example of a national policy that the mayor wanted to follow but the local officials or council felt it should object to it. Basically, if it could hold up things, the council could prevent the agreement on the programme and it is not clear how it would continue. We need to give the mayor some sort of ability to drive on with the programme that should, of course, reflect his or her elected mandate, having taken due consideration of the views of the council. When the budget comes, that is when the rubber hits the road and the council can impose its democratically elected will.

Chairman: I will move to the second Sinn Féin slot.

Deputy Denise Mitchell: I have a short question because much of this has been covered. It is for Professor Ó Broin and Dr. O'Malley. They said in their opening statement that "The [directly-elected mayor] will have relatively few resources on which to depend". They talked of the staff and one being appointed. What additional resources, therefore, do Professor Ó Broin and Dr. O'Malley think the office of mayor would need?

Dr. Eoin O'Malley: Four of the five staff given to a mayor are going to be chosen for him or her by the director general. That is not necessarily a good thing. A director general who wants to weaken a mayor in some way would be able to hand over four duds, perhaps. A fifth person is in the gift of the mayor. Five staff does not seem like a large number if one looks at the various different roles we are asking the mayor to carry out. It might make more sense to give the mayor's office more control over staffing rather than just depending on what the director general chooses to give him or her.

Mr. John A. Moran: I reiterate the point I made earlier about governance. We must get the governance right between the director general, who we might call the Secretary General, and the mayor, who we might call the Minister, so that it is clear the political system appoints the director general and can hold him or her responsible for delivery. We do not need to build two different silos of resources. As would happen in any Department, the director general uses all the resources of the council to drive the same programme as the mayor. Thus it is important there is a total alignment of interests there rather than, as Dr. O'Malley said, people working against each other.

Deputy Denise Mitchell: Okay. I thank the witnesses.

Chairman: I will add to the Deputy's question if she does not mind. On the staff allocation to the mayor, although Mr. Moran said it would be designated by the director general, should that staff be designated in some way as having planning, transport, economic or project management backgrounds, or something in that area? I understand the mayor will need a lot of administrative staff as well but for those main advisers, should there be some stipulations on the type of adviser and not necessarily about who suggests their appointment?

Professor Deiric Ó Broin: That is a fair point. One could probably look at the model of special advisers to Ministers and their unestablished civil servants. An aspiration could be that they have some sort of technical or policy expertise to bring to the mayor. I still think the issue is about the mayor having control over who they appoint. Dr. O'Malley is right about the mayor being able to appoint all five rather than just one. They can appoint a team of advisers who may bring different skill sets to directly advise the mayor. That might be the way to do it.

Mr. John A. Moran: The last point to mention is it must be remembered that local government has a restricted function at the moment and therefore has restricted staff reflecting that. Every time a power is added to the office of mayor, there must be an acknowledgement that either the mayor's office or Limerick City and County Council's staff headcount must represent the transfer of power, and ergo functions, from central government to a local environment, and be staffed accordingly.

Chairman: I thank the witnesses. We move to the Fianna Fáil slot and Senator Fitzpatrick.

Senator Mary Fitzpatrick: I am in Leinster House. I thank Ms Ryan, Mr. Moran and Professor Ó Broin. I appreciate their contributions. I commend them on their ambitions for Limerick and for the people they are representing. It is great. They are articulating a real am-

bition. I am a big fan of strong local government. I agree with our guests that we do not have strong local government. I have soldiered in the trenches for more than 15 years so I can say that with authority. I also believe this is an important time not just for Limerick but also for local government and it is important we get this right. The ambition our guests have articulated is balanced with the caution and concern they are expressing. We do not have the benefit of Mr. Moran's report. We will read it once we receive it and I thank him for submitting that, and thank others for their opening statements.

I have just looked up the implementation advisory group's report. The group certainly did its work as there are 156 pages. My first question, for Ms Ryan, is whether the Department ever came back and gave the implementation group feedback on that report?, Did the Department meet the group and feed back on it? How did that work out?

Ms Dee Ryan: Absolutely, and some officials worked alongside us the whole way through. There was excellent interaction between departmental officials and the group. We did not want to be going into territory that just did not have any possibility of being delivered. We did not want to waste everybody's time on that. There was a lot of consideration given to making recommendations that were ambitious but deliverable. Certainly the Minister of State, Deputy Peter Burke, appreciated that ambition and he has a vision for delivering local government reform. We met him in Limerick last week and he reassured us it is still his intention to try to bring forward as many of the other recommendations. He told us that 38 in total have been brought wholly into the Bill. A further ten are partially reflected in the Bill. However, I believe we had 67 in total, so there is a number that have not been addressed. I acknowledge what we are talking about is change and change is difficult, but Limerick has put its hand up and said we are up for it. We would appreciate the support of the committee and of the officials in the various Departments that need to co-operate in making that happen for us.

I look forward to the people of County Waterford joining us in the future. The mayor in Limerick would love to have a mayor in Waterford to have as a colleague and a buddy, and to reflect on all the commonalities and issues that face our city regions in trying to accommodate the population growth projections under Project Ireland 2040. We want to get this right, not just for ourselves but for everyone.

Senator Mary Fitzpatrick: It is not just Waterford as in Dublin we have ambitions for our own directly elected mayor as well. Ms Ryan may think we have everything here but we certainly do not. Mr. Moran was trying to come in and I apologise as I did not mean to cut across him.

Mr. John A. Moran: I am sure at the moment there are people in my old Department and others saying here comes the former gamekeeper turned poacher, in terms of what I am about to say. However, there are two tension at play here. There is the tension between central government and local government and then there is a geographical one between what happens in Dublin and what happens in the regions, and how to accommodate those. People are often afraid of change, as I said in my submission. Fundamentally, the people of Limerick were promised something and it is now up to the legislators, not the unelected officials, to take cognisance of that. I commend Mr. Tim O'Connor's report. It is a balanced way of looking at it. Anything in that report that is not in the legislation should be questioned seriously. We should ask why it is being omitted and not put through now. It is the responsibility of the democratically-elected representatives of the Oireachtas to drive that through and not just say "No" because as the Senator said, it can then be applied as a model that is well road-tested for Waterford, Cork, Galway, Dublin and indeed probably other counties as well.

Senator Mary Fitzpatrick: I agree with Mr. Moran. My fear is that if we do not get it right for Limerick, not only will that then be a failure for Limerick but also for other cities into the future and a failure by us all to strengthen local government and local democracy. We will work hard, review those recommendations and look to challenge their inclusion in the ultimate legislation. I thank the witnesses.

Chairman: I thank the Senator for sticking to her time; it is very helpful. Is Deputy O'Donoghue taking the second Independent slot?

Deputy Richard O'Donoghue: Yes, I thank the Chairman. I did not give the witnesses much of an opportunity to answer on the previous occasion so I am going to make this brief to give them all a minute each if I can. A system that was being used in the local authority was under the general municipal allocation system. It ensured each individual district within the city and county received funding for improvements within their area. Do the witnesses see something like that system with the new mayor of Limerick whereby the funds held such as the general municipal allocation could be dispersed into the county and city for the future-proofing of projects? It would mean an equal amount of funding to the city and the county. They would all grow together and support each other going forward. If it is okay with the chairman I would like each of the witnesses to have a minute to reply.

Chairman: Ms Ryan Is indicating first.

Ms Dee Ryan: I thank the Deputy and I appreciate the question. I believe that we would have to allow the mayor to prioritise projects and prioritise areas of focus within his or her programme for local government, and, consequently, within the delivery of the annual budget. This is why it is very important that we get the additional means. This should be seen as additional benefit for the Limerick city and county, and certainly not in any way a threat to existing funding, which is rightly allocated and appropriated by existing councils. I would say "No", I do not believe it should be apportioned in a blanket manner. We must use it in a targeted way to drive the greatest impact for the whole of the county.

Dr. Eoin O'Malley: I do not know enough about the general municipal allocation to comment on that. The Deputy said that he is concerned about the balance of power between city and the county. It is unlikely that we would have 21 city councillors ganging up against 19 county councillors. That is probably not the way politics works. Obviously, things do work on a geographical basis but I am not sure that they would go so strongly against party lines that the Oireachtas should be concerned that the county would not be listened to in this. The numbers of people living in the city is somewhat greater than in the county and the council will want to look to satisfy the city voters. I do not believe that any mayor would get elected who ignores the county voters.

Mr. John A. Moran: I echo that. What I find so exciting about this opportunity is that Limerick had been starting to call itself the city and county. This now means that we can drop the "city and county" and just call it Limerick council. With the mayor of Limerick, it becomes just one Limerick. There are 75,000 voters in city and county so it would be impossible for a county candidate to ignore the city and *vice versa*. The new development plan shows the real power when it is all working together in a polycentric way with neighbourhoods collaborating with each other in doing things. The programme for local government will set out the vision for the whole of Limerick and the mayor will have to deliver on it. Then the local councillors, who know best what is needed in their particular areas, will be able to negotiate and explain their case to the mayor. It then becomes no longer a negotiation with an unelected CEO but a

negotiation with a person who also has constituents in those various areas that have been talked about.

Again, it is important to note that the scale is totally different. If we get this right we are talking about moving a local government's spending from a couple of hundred million euro, for example €200 million on water pipes, waste management and so on, into a potential spend of billions of euro over the course to 2040. If it is done well, this has the potential to transform the way the entire county works, including the standard of amenities.

Professor Deiric Ó Broin: I echo Ms Ryan's comments. It is about leadership and the mayor being in position to actually drive investment on a Limerick-wide basis rather than on a municipal basis. The advisory group made a recommendation about an annual directly elected mayor block grant. This would be a substantial power that would definitely benefit the mayor.

Chairman: I do not know if Deputy Duffy is there if not. If not, I will take the second Green Party slot because it is an area I have a particular interest in. It is a fantastic opportunity for Limerick and I commend the people of Limerick on taking the opportunity. As other members said, it needs to be done right. There will perhaps be an extra-long period for a mayor because he or she will be coming in halfway through a local election cycle. Limerick may end up with the mayor for much longer than the five years; it may be for seven years, depending on when the election would be.

Having listened to the commentary, and given everything that was suggested in 2019 and what was put into the Bill, it seems to be quite a disappointment. The committee has only had engagement with the Department so far. We have not yet had engagement with people from Limerick, or with Oireachtas Members or councillors from Limerick. We have written to councillors looking for submissions. With a well-funded mayor with real powers in all of the areas we have talked about beyond planning, transport and economic matters and into the areas of education, industry and business, do the witnesses believe it would be quite challenging for Oireachtas Members in that location to have a person in that mayor's position as well? I see nods.

Mr. John A. Moran: Perhaps the Chairman should ask the Oireachtas Members who are on the call what they think of that.

Chairman: Does Mr. Moran believe it would be challenging for Oireachtas Members? This is a whole new departure in Irish politics. It is a fantastic opportunity to get it right. It seems to me that it is being suggested that it is not being delivered to the optimum that it could be.

Mr. John A. Moran: The other witnesses may have some views on this but I believe this is going to change government and the way things operate. If it is done well, the Limerick-based Members of the Oireachtas will be freed up to deal with more national issues as a result, which is what our national Parliament should be doing, and look at the policies that apply across the State and have the kinds of debates we are having now, thinking not just about Limerick but about the whole country. It moves the decisions on the allocation of budgets, the decisions about infrastructure, liveability, housing and so on down to the Limerick level. It empowers the councillors in particular to play a much more active role with the much more significant level of power and budget that is happening locally. Then the Oireachtas Members will become not just lobbyists on behalf of little parts of Limerick, for example looking for a swimming pool here and there, but genuinely able to engage at the proper national level of national politics and youth politics. which is so important for the State.

Dr. Eoin O'Malley: It would also have a major impact on politics within political parties because for the first time there would be a person who has quite a significant mandate but is independent of them. In the UK, for example, some senior politicians are choosing not to remain in the House of Commons and are choosing to run their local cities. It will give an opportunity for new political leaders to emerge from various different places and for political leaders to exercise their power in places other than just the Dáil, the Seanad and in government.

Chairman: They are two excellent points. As a Deputy, I often find that we spend a lot of our time in the basement in Leinster House looking through important legislation on housing, marine, planning, directly elected mayors, and electoral reform. Often we should be out and around the counties. It is about trying to fulfil the role that one should as a national legislator. Dr. O'Malley and Mr. Moran have both made very good points on that.

I will move onto the last Fine Gael slot.

Senator Maria Byrne: I wish to clarify that I as an Oireachtas Member from Limerick did not receive any notification looking for written submissions. Maybe not everybody received it and I just want to make that point. I am not taking it as an insult; perhaps there was just a mistake made along the way. I cannot confirm whether everybody else received a notification.

I thank the speakers because many positive proposals have been put forward today. I may have answered Dr. O'Malley wrong earlier when he was speaking about counties Clare and Tipperary. I see Limerick as the driver for the region, and that goes back to a point Mr. Moran made about the regional assembly. While it will drive Limerick, it has to be concerned with the region. With Shannon Airport and the port both on our doorstep, it is important that there be some inclusivity or connection with it.

Picking up on two points that were made, Senator Cummins spoke about a deputy speaker or príomh comhairleoir. That is important. As for the councillors, who are directly elected, it is important that that position be put in as a recommendation.

Another issue I picked up on while other speakers were contributing is that housing should be brought under the auspices of the directly elected mayor because local authorities did not build for a long time. Perhaps there should be a specific housing build policy for each county. Perhaps one of the witnesses would comment on that.

Overall, it has been an informative session. It is an honour that I will be one of only five female mayors to have served from Limerick under the old system, but I welcome and want to embrace the new system that is coming in.

Chairman: Do you wish to direct that to anybody in particular, Senator Byrne?

Senator Maria Byrne: Maybe Dr. O'Malley.

Dr. Eoin O'Malley: The Senator is right that one of the things this does is talk about one Limerick, whereas for Ennis, in County Clare, Shannon or Nenagh to be successful it needs a strong Limerick. Again, I am not sure whether this needs to be reflected in this legislation or just in the greater vision of it, but a mayor of Limerick needs to be able to consider issues such as Shannon Airport, transport to Ennis and the transport infrastructure to Nenagh. I am not sure that is currently looked at. Maybe it is looked at only within the Southern Regional Assembly.

Ms Dee Ryan: In the advisory group's recommendations we proposed that the democrati-

cally elected mayor have the right to be consulted on changes to legislation that would impact citizens of Limerick. That was to reflect that a certain number of those important State-owned assets and key drivers of the regional economy sit outside the boundaries of Limerick county. There is a recommendation in the overall report that there be a statutory right to be consulted on changes that would impact the people of Limerick.

Chairman: That brings us to the end of the slots for members and we have a couple of minutes left, so I will invite each of the witnesses to make a closing remark if they wish to do so. I thank them for coming along. As I said at the closing of the previous session we had with the Department, Limerick is such an ideally placed city, being on the western economic corridor and given all the potential we will have with Moneypoint, offshore energy, rail interconnectivity to Waterford and the two deepwater ports. Having a properly funded mayor with real powers to deal with transport, planning, housing and economic management would be such a success if we were to do it correctly. If we do it incorrectly, it will make other cities look and say, "We are not doing that." That would be bad for democracy in this country. Limerick should be afforded every opportunity to get this right, and we will strongly recommend that in our report. I will go in the order we opened up with and ask the witnesses to give a one-minute or two-minute wrap-up, beginning with Dr. O'Malley.

Dr. Eoin O'Malley: I will just reiterate what I think all four of us have been saying throughout, which is that we think the committee and the Oireachtas as a whole should be ambitious about this and try to use it as an opportunity not just to help develop Limerick and the surrounding region but also to develop a new structure for local government that could work. Inevitably, some things will work and some will not, but it can be trialled in Limerick and we can see what mistakes might be made along the way and where there may be misallocations of resources. My suggestion, my advice and my hope is that the committee will be ambitious with this legislation and try to get from the Government as many more powers as it possibly can.

Professor Deiric Ó Broin: I agree with Dr. O'Malley completely. The issue is maybe less a focus on a directly elected mayor because it is there and more of a focus on the transfer of powers to Limerick or to the local government institution. It is a matter of the devolution agenda as much as a matter of a directly elected mayor agenda, and the more we can focus on that devolution process the better.

Ms Dee Ryan: I thank the members of the committee. That was an engaging session. I am pleased that the four contributors are almost united in our perspective on what is in front of the committee. I will come away from this session with the sense that the committee more than understands this and that it is matching our ambition as to what the possibilities and opportunities are for this important local government reform. I wish the committee well in its work and point it back to the implementation advisory group recommendations, which I hope will be of support to it in the work ahead.

Mr. John A. Moran: I echo everything that has been said about all this. This is the opportunity to make a huge change that would apply not just to Limerick but to the whole of the way the country works. As I said in my statement, we kind of inherited this British system of there being no trust in the local 100 years ago and we have lived with that. As our population grows and our regional balanced development agenda becomes a reality, it is important we revisit that. That will not be done unless our Legislature imposes its will for it to be done, representing the fact that it needs democratic accountability. Limerick says it is up for this. It would be as good a test pilot as anywhere else I can think of in driving this through. As Ms Ryan said, I wish the committee the best and happy reading of the implementation report. Look what has happened.

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With a level of detail that was missing and some indications as to what would happen, the Government and the Departments went back to Limerick and asked, “What do you want?” Tim O’Connor led a huge consultation to get a balanced report that does an awful lot of the work. It just seemed ludicrous to me, reading the legislation, that we would have another forum to have another year or until 2024 to wait to move the powers and the budget we need to move today. We have had strong agreement on that. Now it is a case of just implementing it. We have had a wait of two and a half years. It sounds like we will not have an election until next year. That leaves the committee with more than enough power and, I might mention as a former Secretary General at the Department of Finance, an actual budget in October to implement any of the changes that need to be implemented such as to the Ireland Strategic Investment Fund, ISIF, allocations or anything else. I wish the committee the best.

Chairman: Having met and worked with many people from Limerick, I would entirely trust the locals to make the right decision and I have no doubt but that if the right policy-driven candidate is found for what is a very exciting job, he or she could make a significant difference to Limerick and set the bar for the rest of those areas that might look at a directly elected mayor for their regions. I thank everybody for their attendance this morning. They have been very helpful. We will now proceed to put a report together and we will ensure that a copy of that report goes to them when the committee has agreed it.

The joint committee adjourned at 2.30 p.m. until 11 a.m. on Tuesday, 6 July 2021.