

*This is a discussion paper prepared by the Democracy Group of Claiming our Future. It is intended to stimulate debate amongst claiming our future participants, at local and national level. This is one of three papers which look at: better local government, the conditions for participation, and the Constitution. Claiming our Future will host a series of local meetings on these and other themes in the lead up to a national meeting on democracy on Saturday 26 May in Dublin. The longer discussion paper is available on the Claiming our Future website: [www.claimingourfuture.ie](http://www.claimingourfuture.ie).*

*The ambition of the Democracy group is to deepen discussion of the third policy priority adopted by Claiming our Future in October 2010: 'to change the way we govern ourselves'. To get involved, or to comment on this paper you can contact Anna Visser on [annavisser@eircom.net](mailto:annavisser@eircom.net), or call Claiming our Future on 018870726.*



# CLAIMING OUR FUTURE

a progressive movement for an equal,  
sustainable and thriving Ireland

## *Creating Real Local Governance*

**Democracy Group Discussion paper**

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## 1 'CREATING REAL LOCAL GOVERNANCE'

### 1.1 Background

It is the experience of most European and US citizens that governance of their affairs begins in their town or district with a meaningful level of policy making and delivery of day to day services. In Ireland local government is generally seen as something of a side show with little relevance in peoples' lives. In some countries decisions over the vast majority of public expenditure is taken at local level. In Ireland local government only spends **8%?** of state funds.

It may seem un-necessary to say that local government services are, among all state provided, the only ones each citizen must engage with every day of their lives. So why is the standing of local governance/democracy as it is? Why is our form of local government the poor relation?

Given best international practice there is and has been an obvious need to look at the nature governance in Ireland for some years. Any analysis now should focus on the role and function of local government. Only when this analysis has set out what local governance should be about can there be proposals regarding structures and operating systems. Previous reviews have only looked at structure.

### 1.2 Context

It is an underpinning principle of governance in the EU that decisions be taken at levels as close to the citizen as is possible. The typical system in many European states facilitates this in a manner which is unknown to Irish residents. In most countries national and local government are easily distinguishable from each other in terms of scope and accessibility. This is the principle of 'subsidiarity'.

In Ireland we have a blurring of both forms of our democratic structures which have only recently begun to be seen as different with the ending of the dual mandate whereby individuals cannot sit at local Council level while also sitting in the Oireachtas and/or European Parliament. Even with this separation there is still a serious lack of understanding of the role and functions of what our local government systems are, and are not, responsible for.

Essentially Town, City or County Councils in Ireland are limited to the overseeing of services in areas of roads and water, land zoning, planning development, fire services and social housing with a requirement that they provide arts and waste services either directly or indirectly. These are primarily engineering type functions.

Most Councils also provide services such as libraries, parks, environmental education, sport, community facilities/development and facilitating the physical planning for economic projects.

There is no meaningful role however for managing essential services areas such as health, education, transportation, policing, social protection, childcare, labour or enterprise

### 1.3 **A Period of Decline**

In the past Councils were effective units of governance when it was clear that health, (vocational) education, agriculture, tourism and enterprise (development) were connected to the County/City through the existence of personnel and committees such as City Medical Officer and County Agriculture Committee.

Gradually over the past fifty years these functions have been stripped away with the establishment of new bodies to deliver state services through among others Health Boards/HSE, ACoT/Teagasc, IDA/Enterprise Ireland/City or County Enterprise Boards, County Childcare Committees and FAS. The operational of these and services such as policing and transport which were never within Councils' remits often do not correspond to any easily recognisable boundaries and have no local democratic input to their design, operations or review.

The introduction of the yet unproven Joint Policing Committees is the only meaningful new addition to the functioning of our local Councils in the recent past.

This has left us with a system which because it is so debased in terms of critical areas of function; and has been so lacking in financial strength since 1977; that is not seen as relevant in their lives by citizens. This relevance has been further debased through the establishment of local development bodies over the past 20 years.

The standing of Councils has also not been assisted by a lack of effective communications/marketing approach by Councils or by the general increase in cynicism with public institutions arising from increased –often simplistic/ inaccurate – media analysis.

The standing of local government is also demonstrated in the differences in voter turnout at local as against Dáil elections. The disparity is as wide as X% as the electorate do not believe that casting a vote at Council elections is of the same importance as voting in a general election.

Any new system to be put in place needs to attract the attention of the public and a corps of highly able and committed individuals, from across the whole socio-economic spectrum, who can believe that their involvement in the system does make a difference in their communities. It needs to stretch beyond normal party structures to provide a role for those who choose to commit to civil society outside of the party political system.

#### 1.4 **Better Local Government?**

The Local Government Act 2001 and the principles informing the 'Better Local Government' papers which preceded it promised much. But the question has to be asked 'has it delivered much of which the citizen would be aware'?

The Strategic Policy Committees (SPC) structure was to be a new departure in focusing Councils away from just day to day issues towards a policy overview while also involving representatives of key stakeholder groups. In practice Councillors do not see their involvement with the SPCs as having the same importance as attendance at area committees and full Council meetings.

External/ Social Partner representatives participation is very patchy and in general the senior Council staff who should lead and support the SPCs do not see them as important either. The very fact that SPCs were typically to meet only quarterly set the bar of expectation very low from the outset. Neither has the Corporate Policy Group (a meeting of the political chairs of all SPCs plus the Mayor and senior management) established the leadership role set out for it.

The very disparate size and history of the newly named Town Councils creates a very uneven understanding of their functioning as citizens do not have common experience of their roles and relative positions in the governance hierarchy across the country. With populations ranging from as little as X to a high of Y it is impossible to expect that there would be a consistent level of functions across the sector and there is the inconsistency of many large population centres not having town Councils at all.

Local Government has been analysed and reviewed on many occasions in the recent years. The overall approach adopted has been one of achieving efficiencies in structures (2009 Efficiency Review) without considering the very nature of local governance and its (potential) role in creating greater senses of community and civil society in our increasingly urbanised and anonymous places, while of course also striving for efficiencies.

Our democracy is the root of our civil society. It is imperative therefore that it is strengthened so as to play a real and meaningful role in the lives of citizens in an equal and obvious manner in every town, city and county.

## 1.5 **Funding.**

The first stage of this process is to set out the functions of a renewed local government system but before this can be ascertained there must be agreement on the funding mechanism necessary to enable the given roles to be performed within each Councils' local operating context. It is only when householders, businesses and community organisations are paying directly for local services that they will actively engage in seeking influence and accountability.

Currently local authorities are dependent on commercial rates and water charges, planning and other miscellaneous fees, NPPR, motor tax and sometimes waste collections fees. These are supplemented by the Local Government Fund whose percentage of total revenue varies enormously as between the rates wealthy and rates poor Councils.

As with the NPPR charges the new property/household charges and any water/septic tank should be collected for the local authority in whose jurisdiction the property relates. As with all devolved functions Government would set parameters for the charges and each Council would have permission to vary them locally.

With a local funding connectivity established between residents and their local expanded and more effective governance structure for the first time in almost fifty years citizens will expect that their Councils' are relevant across a wide spectrum of their lives.

## 1.6 **Functions**

If Councils' functions are confined to the sectors currently under their remit, notwithstanding the removal of the ultra vires restrictions since 2000, then not only will citizens continue to be underwhelmed but there is the risk they will quickly become (even more) disillusioned with our political systems. Expanding and developing the role of Councils on the other hand has the real potential of re-invigorating our democratic processes.

The range of functions under Local Authorities should be expanded so as to be typical of local government structures across the EU thus giving Councils levels of responsibility for a much wider remit than heretofore. There is a need also to incorporate many of the roles developed by locally based, funded development groups over the past 20 years into the functions of Councils.

In essence local government would have both a policy and/or service role in all aspects of health, education, justice, welfare, labour, enterprise, economic matters and social protection together with arts, and sports, community development and social inclusion together with all of the traditional areas within current Councils' remit.

This can be achieved in one of two ways. Either all of the staffs and budgets associated with some or all of the agencies/departments responsible for these services currently listed above are transferred to Councils or structures are established to give accountability at a local level for these services should they continue to be managed by regional or central departments/agencies.

For example it seems strange that local labour market and economic development services through FAS, IDA, Enterprise Ireland, Regional Tourism bodies, Teagasc, etc. have no locally accountable structures.

The concept that FAS/Social Protection programmes are a one size fits all as between the expanding Dublin suburbs and the isolated west coast areas cannot be efficient. Equally there is no forum for the analysis of welfare support activities in an area where local knowledge and influence could be brought to bear on delivery and outcomes.

It seems inappropriate that primary health-care services, education provision or public transport issues cannot be debated or influenced through democratic local-level processes.

Establishing the Council as the overarching body for a comprehensive range of the services citizens use in their daily lives will have the impact of requiring and facilitating the engagement of a wider group of citizens in shaping public services and thus enhancing engagement with local democracy, society and creating a greater sense of place.

#### 1.7 **Common Purpose.**

The challenge in any new and deeper role at local level over resource management will require not just the adoption of a new local governance act but the amendment of a series of acts under which many public bodies operate.

Without such legislative changes to govern how other agencies/departments are to interact at local government level any new structures will suffer the same fate that many of the current inter-agency structures experience, i.e. they will deliver little for much effort .

The City/County Development Boards, RAPID/CLAR, Drugs Task Forces, Local Sports Partnerships Area Partnerships/Leader, Community Development Projects and Family Resource Centres etc. have consistently failed to capture the interest of the wider public they serve.

Participation and commitment to their common purpose is entirely a matter of the approach of individuals sent from the autonomous agencies and to date this has not, with some honourable exceptions, reflected real buy in from departments/agencies. This has left the social partners representatives frustrated and increasingly dis- inclined to participate. With little control over resources the groups are very process and not outcomes based for all of the staffing inputs.

Bringing all of these sectors of public service (departments, agencies and multi –sector bodies), within the ambit of new local governance models is daunting and not without risk but needs to be an essential element of the focus on a better form of governance for the country as it rebuilds itself and seeks to give citizens a greater degree of control over their own affairs.

It is not intended that these new devolved functions would see the demise of the national Departments /Agencies or that all power/responsibility would be to delegated to the new local governance bodies at set out below.

Initially existing Agencies/Departments roles and structures should be statutorily amended such that their operational areas be organised only along common county/sub county levels and that there be a clear strand of accountability/influence at local level on their work. The whole roll out might take about ten years and should be supported and monitored by a national body independent of any individual department of state or agency.

There is a compelling reason to reduce administration and overheads in the local development sector and thus there is a need to integrate these structures fully into the Councils direct provision services with the proviso that the integration process is agreed and monitored in its effectiveness by a national advisory body again for at least ten years.

## 1.8 **Councils.**

Because of the adoption by the GAA of the county as the structure of their games the sense of place in Ireland is uniquely strong around counties. This strength should be built upon and all agencies/departments will be required to have the counties as the core of their management structure and systems.

This will enable the collation of budget and resources and outcome data along District Electoral Divisions/Small Areas. This can then be aggregated to appropriate local areas/counties as a common base for all state data collection to supplement the national census and the many other county based data systems.

The County will be the primary management unit of Governance for the whole of the country for all services but this does not mean that there would be a full Council structure for each County while other counties might have more than one Council in order to create some critical population mass to enhance efficiency. In broad terms approximately 20 Councils would seem optimum.

Councils, as currently, should be made up only of elected Councillors, one Councillor for between 5,000 and 10,000 residents as per the most recent census (preliminary) figures.

Councils would continue to have a special relationship with the Departments of Environment, Community and Local Government as the primary sources of their national funding and for broad policy and reporting systems.

### 1.9 **Monitoring and Advisory Committees (MACs)**

In order to deliver on its new functions new each Council, sometimes at sub-council level, will establish Monitoring and Advisory Committees (MACs) for each distinct sector of public service;

- Health-(HSE....
- Economic Development – (IDA, FAS, Teagasc, Enterprise Ireland, Department of Social Protection, Enterprise Boards, Regional Tourism, Childcare)
- Justice –(An Garda Síochána, Probation and Welfare)
- Education-(Department of Education, primary and secondary schools, VEC, third level colleges)
- Transport –( Irish Rail, City Bus, Bus Éireann)

MACs would be Sub-Committees of the Council. They would Monitor the work of each agency/state department based on reports the agencies/departments will provide on their operation and activity and the MACs will Advise on modifications/priorities for local situations within the overall framework of the national programmes/regulations.

The recommendations of the MACs if adopted by the full Council would be binding on the service providing department/agency unless formally rejected by the Minister or Agency Board at national level. In these circumstances an explanatory memo as to the national decision would have to be sent to the MAC within three months of the MACs original advice.

Broad national policy and overall accountability and budget allocation and control would remain with the Agency/Department but there would now be a strong local dimension to mould delivery to particular priorities and needs of each geographic area.

Membership of each MAC would be made up of Councillors and Civil Society Representatives (CSRs) elected at the same time as Council elections. Each MAC will be chaired by a Councillor with the Vice Chair being drawn from among the non-Councillor CSRs.

A principle of electing Civil Society Representatives would be that they cannot identify themselves with, or be identified by, any party, grouping or other individual candidate contesting the Council election and that all candidates must run as individuals and not be identifiable as being aligned with any other MAC candidate in the same or any other Council area.



CSR candidates would be nominated for a specific MAC presenting themselves to the electorate on the basis of their experience in, and policies for their chosen area. Many candidates may well be nominated by key sectoral groups active within the current five national pillars operating locally but as with Councillors citizens without sectoral support can stand for election.

#### 1.10 **Area Committees**

Councils will establish appropriate Area/District Committees to serve populations of between 25 and 100,000 population each. These would reflect natural catchment areas of large towns taking travel to school, work, shopping and entertainment into consideration. Town Councils as they currently stand would be abolished.

Area Committees membership would consist of all councillors elected from the amalgamation of its number of electoral areas. Meetings would be open to public participation where representatives of recognised civil society organisations from the area could attend and speak on a maximum of three previously tabled Community Items per agenda, but only Councillors would have votes.

Community items adopted by the Area Committee would in common with all items have to be adopted by the full Council before they became binding. Community here does not just mean local residents issues but could include items raised by business and other civil society local organisations.

The agenda of Area Committees would consist of items across the current Council remits which can best be dealt with in detail at a local level which would otherwise take up too much time at full Council meetings where in any case councillors from other areas would have no meaningful input. The minutes of area committees would, as with all sub committees, need approval at full Council and there are certain items which cannot by law be delegated to less than the full Council.

Town Councils as we know them would cease to exist but each town would now be part of an area committee structure with a broader agenda and would be married to what is currently their artificially cut-off hinterland. The anomaly of the current town council system is that some citizens have votes for two councils while rural and some large urban area residents only have one.

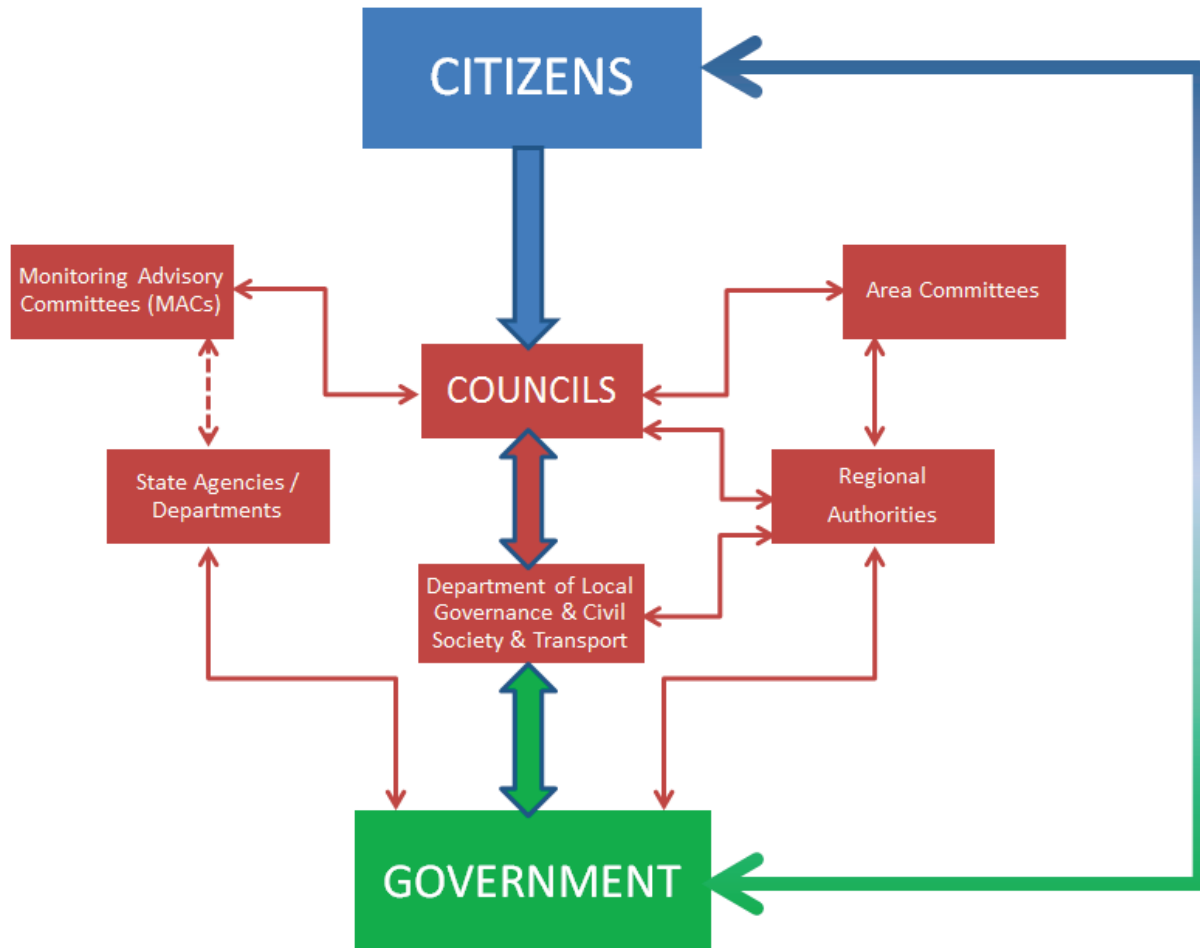
Inevitably some problems would still remain at some Council interfaces where large population centres straddled borders. In these instances Joint Area Committees across Council boundaries should be established for agreed agenda items

### 1.11 Regional Dimension

The strategic policy overview of some services would be at a regional/multi county level e.g. water, waste and transportation where the design and management of services in one county are so inextricably linked to those of neighbouring counties that individual approaches would be counter efficient. Regional Authorities would only operate services in exceptional cases.

It is proposed that there be four Regional Authorities; Connaught Ulster, Munster, Greater Dublin and Leinster. Membership would consist of all Council Cathaoirleach/Mayors together with the Chairpersons of all MACs. CSR representatives would be able to attend on being nominated by their respective County/City Community and Voluntary Forum which would be statutorily based as part of this new process.

### 1.12 Diagram of Local Governance Systems



### 1.13 **Operational Reforms**

Meetings of all the local governance groupings would happen at least ten times per annum and would be held in Council Chambers/Area Committee chambers to facilitate telecasting. Agendae, reports and minutes will be posted on websites as soon as they are available to members.

Reforms towards a new vision of local democracy, what it would be responsible for and how it would conduct its business, will require a radical change in the nature of how the staffing structures and systems would operate.

In common with all public service jobs all posts would be filled through open public competition. Just as electing CSR members of MACs would inject new skills and experiences to that process the opening up of staff appointments would create a greater mix of people and outlooks to refresh and renew the functioning of the administration and management of the Councils. There is also the need to be able to recruit staff with particular expertise for specified periods, without their gaining any permanency rights, to carry out expert tasks/provide skills not available within a smaller core staff compliment.

A critical issue is the balance of power as between the Councillors (reserved functions) and the staff (executive functions). The reality is that successive legislation has left more and more final powers with the Manager particularly where the Councillors fail to agree on policy and operational positions.

All policy powers would be returned to Councillors, and MACs as appropriate, requiring that they adopt policy in accordance with legislation. Failure to do so, within stated periods, would cause the dissolution of the Council and the holding of elections for a new Council within three months of its dissolution for the remaining part of the five year electoral term. If the period remaining was less than one year a by-election would not be held and reserved functions will rest with the Manager.

This requirement that Councillors would have to adopt a policy would lead to greater accountability of Councillors and would limit the too common practice of pandering to the loudest lobbyists egg in areas such as traveller accommodation, waste disposal and charges. CSRs would not have to seek re-election in this situation.

### 1.14 **Moving Ahead.**

It is proposed that legislation be adopted during 2012 and 2013, and that the new systems come into force immediately following the 2014 local elections which will include the first CRS elections.