



New Councils

Labour's Plan to Reform and Remap Local Government



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Introduction

In this complex world, the big decisions, which affect our lives, are becoming more remote. A Board of Directors, somewhere, decides whether or not we still have a job or a business. The European Central Bank decides the size of our mortgage repayments. The European Union now initiates about half of our laws. Even our choices of TV channels, and of newspapers, are decided for us by some media monopoly.

Ministers represent us at the European Council and at World trade discussions, and our MEPs speak for us in the European Parliament, but it all seems so distant from the reality of our everyday lives. As we seem to lose our grip on Big Decision-making, we feel an increased need to control the things that are immediate and local.

We may not, as individuals, have much say over big global forces, but we want to influence our local environment, how our neighbourhoods are planned and developed, the amenities that make our local community work, the schools which teach our children, the hospitals and the local health services, transport and traffic matters, policing, care of the young and of the elderly, the everyday issues that shape the quality of our lives. These are the ingredients of Local Government.

Ireland's Weak Local Government

In most European countries, these everyday matters are the concerns and functions of a strong system of Local Government. Education, Health, Policing, Transport and Traffic are normally delivered and overseen by City, County, Regional and Local Authorities.

In Ireland, however, "Local Government" has been confined mainly to the provision and maintenance of the physical infrastructure:- roads, water and sewage, waste management, some environmental services, land-use planning and social housing. Most other public services, even those that are organised and delivered on a regional or local basis, remain the responsibility of central Government Departments or Agencies.

Ireland has the weakest system of Local Government in the European Union. Ireland puts a lower proportion of its public spending through local authorities than any other European country. Local Government in Ireland performs a more limited range of functions than anywhere else in the EU, and with the exception of the UK we have the smallest number of local authorities per capita.

Local Government, as it is normally understood in the rest of Europe, does not exist in Ireland. At best, we have a system of Local Administration, through which centrally appointed Managers make the executive decisions for our cities, counties and towns. This system was established in the 19th. Century, when we were still the subjects of a foreign monarch. It is no longer appropriate for the sovereign citizens of a modern republic.

Councillors Losing Power

Elected Councillors have very little power in Ireland. In theory, the elected members can decide a Council's policy, but that is restricted, due to new legislation and to managerial control. A county council can, for example, make a policy decision to declare the county to be a Nuclear Free Zone, but the same council has no say at all on a plan to locate a Toxic Waste Incinerator within its boundary.

Under the Fianna Fail/PD Government especially, elected councillors have lost powers over road plans, waste management plans, waste charges, and most planning functions. Even the decisive role which Councils once had over their Annual Budget and over the County Development Plan, has been greatly diminished.

At the same time, the powers of City and County Managers have been greatly increased. City and County Managers now have the power to make the Waste Management Plan and even to make the County Development Plan, if the elected Council fails to meet very strict time limits. The power of the Managers has been furthered strengthened by the appointment, in recent years, of Directors of Services and the consequential strengthening of the Administrative arm of Local Government.

On many councils, the Manager and his/her officials are the "local government", and the councillors function as a kind of "opposition" in the council chamber.

Powerless People

All this leaves the individual citizen feeling powerless in his/her own city or county. A commuter stuck in Dublin traffic can only sit and wonder as to who, if anyone, is in charge. The dual carriageway is the responsibility of the NRA. The traffic signs are the responsibility of the council. But there are 4 separate councils in Dublin and none of them have any responsibility for public transport. That's the job of three other state agencies and they have still to produce an integrated ticket which can be used on both bus and train. Then there is the DTO, which was elected by nobody, but which is busily funding cycleways and bus corridors, and meanwhile a succession of service providers are repeatedly digging up the same roads to lay pipes and cables, and nobody has the power to force them to co-ordinate the chaos. The problem is that unlike every other capital in Europe, there is no single authority responsible for Dublin.

The weakness of Local Government in Ireland has also resulted in the emergence of new local bodies which are sometimes overlapping, and relatively unaccountable. Because local authorities were unable, or were not permitted to respond effectively to local needs, a new layer of Area Partnership, Local Development and Task Force type bodies have been created.

At Regional level, there is an extraordinary overlay of separate bodies. "Regional Authorities" are comprised of representatives of city and county councils, but have little power. On top of that are overlaid two separate Regional Assemblies, which were established to facilitate a higher level of EU funding for the BMW Region. On top of that again, there are separately defined "regions" for health services, tourism, inland fisheries, industrial development, training and employment services, electricity supply, third-level education etc., and the boundaries of no two of any of the "regions" co-incide!

The net result of Ireland's unique approach to Local Governance is that

- The quality of local services is often poor
- The citizen finds it difficult to get access to the real decision makers
- The system(s) by which Ireland provides local services are excessively bureaucratic, confused and costly

- The lack of accountability results in the unelected management of local authorities being too powerful
- Many of our public service providers are not accountable at all at local level
- The lack of real power for elected councillors is leading to decreased public confidence in local government and to a reduced voter turnout in local elections
- Excessive power is concentrated in central government, where one political party (Fianna Fail) has dominated for most of the State's history. It is little wonder that FF have shown little enthusiasm for strengthening local government.

The need for radical change

This country needs to radically change the way it is governed. We especially need a new modern system of local government, which is more democratic, more accountable and which provides a better quality of service to the public. Labour's proposals for the re-organisation, re-mapping and reform of local government are based on the following principles:

- The right of every person to belong to a community which is safe, and which has access to high quality and cost effective public services
- The need for people to feel in control of their immediate environment and of the decisions which affect the way they live
- The need for all public services, whether provided by public or by private bodies to be democratically accountable through local councils
- The need for council structures, boundaries and activities to be relevant to 21st century Ireland
- The Principle of Subsidiarity

Devolving Functions - Real Decentralisation

The Fianna Fail/PD Government are proposing to relocate parts of the Civil Service to various towns and cities around the country. That is not decentralisation. Simply relocating parts of a centralised administration to separate locations leaves the system of government as centralised as ever. It remains centralised but scattered.

Real decentralisation requires the devolution of functions to regional and local level. This is of course more challenging for central government because the civil service has to let go of administrative control of many public services, and the political arm of government has to be prepared to allow new and enhanced political structures to develop in local areas and in regions.

Decentralisation of Government functions, and not merely the relocation of offices and staff is far better for the public. This way, the service, and control of it, is brought closer to the individual and to the community.

Labour believes that there should be a major devolution of Government functions from the national to the Regional and Local levels, and new structures of Local Government should be developed to ensure democratic management of these services.

Each Government department and State Agency should be examined to identify those functions which would be performed more effectively and appropriately at a local level.

Examples might be:

Education

There is no need for our education system to be so centralised. Some functions, such as curriculum, examinations, and standards should remain the responsibility of the national department of education. But the provision of support services, such as

psychological services, special needs provision and school development planning would be more appropriate to a Regional Authority, while school buildings, and school transport could be transferred to Local Authorities.

Sports, Leisure and Tourism

The allocation of most of the National Lottery Funds should be transferred to Local Authorities. Local Councils are in a better position to assess the local needs for recreational, sport and cultural facilities, and to adjudicate between the relative merits of individual projects. To have the elected councillors decide on National lottery Allocations, in open council, would help eliminate the political patronage now characterises the distribution of these monies.

Industrial Development, Training and Employment

Services are already organised on a regional basis. The Regional offices of the IDA and Fas could be brought within the new regional Authority framework.

Agriculture

As Agriculture undergoes change, it may be appropriate to transfer some of the functions of the department and some of its agencies to Regional Authorities, especially those that relate to Rural development. Indeed, it is a measure of how centralised our system of government has become that we now have a central department for community and rural affairs! This surely should be the responsibility of tiers of government which are closer to the people and communities concerned.

Social and Family Affairs

All Social Welfare schemes are administered centrally, and even those that are administered locally such as Supplementary Welfare or Rent Allowances, are controlled centrally. There should be a more local focus on the delivery of these services.

Maritime

At present, coastal local authorities have little or no responsibility for one of the country's greatest natural assets, the sea. Responsibility for coastal zone management, coastal infrastructure such as small harbours and piers, search and rescue, inshore fisheries and aquaculture should be transferred to the coastal local authorities.

Accountability

At present, people have very little say over their public services. The Local Authorities are responsible for only a small range of services. Most services are centrally controlled, and in some cases by State Agencies which are not accountable to the Dail, and therefore not amenable to a Dail Question.

Labour believes that the role of the elected Councillor as the Tribune of the people needs to be strengthened, in order to provide the citizen with accountable public services. Councils should have the power to seek accountability from any agency, whether public or private, which is providing services to the public. Councils should have the power to seek reports from service providers, and to question, in public, the appropriate managers on aspects of their service. The Manager of Fas, the local Social Welfare Manager, the Postmaster, the School Principals, the Garda Superintendent, the Manager of the Area Partnership etc would all report to the public through the Local Council. Obviously matters relating to individuals or to staff would be excluded.

This arrangement need not be confined to public sector bodies. The private refuse collector, the managers of telecom companies, the principals of private schools, the local bank manager, the management of the cable TV company, even the management of the local media should be amenable to public questioning by the elected representatives of the people, on their public service remit.

This new Consumer Protection role for Councils should be provided for in legislation.

Public Services Accountability Bill

A Public Services Accountability Bill should be enacted, which would legally oblige the providers of any public service, the holder of any public licence, or the recipient of any public funding to account, in general, to the appropriate Council for their public remit.

Planning legislation could be amended to give Councils some real power over the availability and provision of public services. For example, Councils could be given the power to refuse planning permission to a bank which closes down its office in one town and seeks to expand in a larger town nearby.

Policing

A particular area in which Councils should be given a new function concerns policing. Each Council should have a Policing Liaison Committee, which should be an SPC. A majority of the Committee should be Councillors, with the remainder representative of community interests.

The policing Liaison Committee should contribute to the drawing up of a policing plan for the area, and it should monitor its implementation. The Committee should meet regularly with the Garda Síochána to discuss the policing service in the area.

Modern Structures

The widening of the functions of Local Government can not be achieved under current structures. Our system of County, City and Town Councils belongs to the 19th. Century. Ireland has changed dramatically since the map of our Local Government system was drawn over a hundred years ago. Cities and towns have grown far beyond 19th Century recognition. Settlement patterns, living standards, lifestyles and social needs are totally changed. It is time to move on from the model of local administration which was designed to rule over a subject people.

The starting point in devising new structures of Local Government is the individual citizen, and the community in which he/she lives. How should Local Government be mapped and organised to ensure that the citizen has access to the highest quality, cost effective public services?

If we were starting afresh, to devise a form of local government for the country, we would start by looking at where and how people live and interact today. People define their locality, by reference to their county, district, town, and parish. At a practical level, Neighbourhood, Community and Locality are shaped by the location of schools, churches, health centres, hospitals, shopping centres, recreational amenities, railway stations, and other such facilities and services. New structures of local government should reflect these realities.

Local Government in Ireland needs to be remapped. The Remapping should be based on the wishes of the people and should be preceded by a public consultation process, which would consider the varying options which are possible.

Labour suggests the following approach:

1. There should be two levels of Local Government: **Regional Authorities**, which would include City Authorities for the larger cities, and **Local Authorities**, which would include County, Town and District Councils.

2. The City and Regional Authorities should have responsibility for matters such as
 - Strategic Planning. A democratically decided Regional or City Plan would replace SPGs which are now handed down by the Department
 - Implementation of the National Spatial Strategy
 - Transport and Traffic
 - Economic development including Employment Services
 - Health
 - Communication Infrastructure
3. Local Authorities would be given, in addition to their existing core responsibilities, a new range of devolved functions together with the finance and resources needed to carry out these new roles.
4. A **Dublin Regional Authority** should be established which would have overall responsibility for the running of the city and county. It would be responsible for transport and traffic, strategic planning, health and education and for overseeing the services which are delivered Dublin wide. The members of the DRA would be directly elected, and be headed by a directly elected Mayor of Dublin.
5. The current Dublin City Council and the three county councils would be replaced by 10-12 District Councils, based on populations of approx 100,000, each of which would have the status of a County Council.
6. City Authorities could be established for the other larger cities in the country, and/or Regional Authorities could be established for different regions of the country e.g. for the South East or Mid West.
7. The distinction between County Councils and the larger Town Councils should be ended. All such councils should have the same status. There would be options available to people as to the type of Council which would exist in a particular area, as between County Councils, Town Councils and District Councils. Where a dispute arises over the inclusion of an area in a council, the issue could be resolved by plebiscite of the voters in that area.

Democracy in the Council

The powers and authority of Regional and Local councils should come from the people. This means that the will of the elected representatives of the people should, subject to law, take precedence in the conduct of the council's business.

Labour, therefore proposes that

- The position of County Manager should be abolished and replaced by a Chief Executive of the Council.
- Chief Executives should exercise a limited range of Executive Functions, similar to those which were originally intended in the City and County management Acts.
- Chief Executives should have no policy making functions other than to assist and advise the elected Council in the making of policy
- The power of the Minister to abolish a Council and to replace it with a Commissioner should be ended. Instead, where a Council fails to adopt an Annual Budget, the Council should stand suspended, and fresh elections be held to elect a new council for the remainder of its five year cycle.
- Each Local Authority should have a directly elected Mayor for the five year term of the Council. Directly elected mayors should be full time.

Finance

The reorganisation and remapping of local Government proposed in this document should be achieved, without increasing costs.

The devolution of powers and functions from the centre should be accompanied by the corresponding finance and resources. In the longer term, such devolution should reduce cost, because many of the functions concerned can be performed more effectively at local level.

Following the appointment of Directors of Service, and the cosequential increase in managerial personnel within Local Authorities, there should be sufficient managerial resources available to manage the reorganised local structures.

However, for Regional and local government to be effective it must have financial independence from the centre. Assuming that taxes continue to be collected centrally, and assuming that there are no new taxes and no increases in existing taxes, a redistribution of taxes should be defined as between central and local government.

This redistribution could build on the funding framework which is already in place for local authorities. Already some taxes are dedicated for either local government generally, or for services provided through local government. These include Rates on commercial and industrial properties, which are levied and collected by local authorities; the Local Government Fund which is based on Motor Taxation; and the Environment Fund which was established with the tax on plastic.

Rates should be levied on State owned property. There is no continuing justification for exempting State owned property from the rates regime which applies to privately owned businesses.

Voting Rights

The right to vote at local elections should be reduced to age 16.

Many of the services delivered by Local Authorities are used by young people. These include Parks, Sporting facilities, libraries, cycleways etc. The number of such services will increase if Local Authorities are given new devolved functions in areas such as education.

The right to vote at local elections is already available on a wider basis than applies for elections to the Dail. It should now be extended to those aged 16 and over.