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**STRUCTURE AND OPERATION  
OF LOCAL AND REGIONAL  
DEMOCRACY**

**Ireland**

**IRELAND**  
*Territorial set-up*



# **Structure and operation of local and regional democracy**

## **Ireland**

Situation in 1998

Report adopted by the Steering Committee on Local and Regional  
Democracy (CDLR) in June 1998

Council of Europe Publishing

French edition:

*Structure et fonctionnement de la démocratie locale et régionale : Irlande*

ISBN 92-871-3895-8

**Studies appearing in the series “Structure and operation of local and regional democracy”:**

**1st edition**

1992: *Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland*

1993: *Czech Republic, Estonia, Hungary, Lithuania, Malta, Turkey, United Kingdom.*

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Council of Europe Publishing

F-67075 Strasbourg Cedex

ISBN 92-871-3896-6

© Council of Europe, April 1999

Printed at the Council of Europe

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## **1. LEGAL BASIS**

### **1.1. Constitutional provisions**

The Irish Constitution at present makes no special provision for local government. However, an expert constitutional review group and an all-party parliamentary committee have recently recommended that local government should be accorded constitutional recognition. The government supports this recommendation. Local authorities derive their powers, functions and duties from acts of parliament, from statutory instruments made under the authority of parliament and from bye-laws made by the authorities themselves. The legal basis for local authorities is found in a number of acts which apply generally to the particular category of local authority involved.

### **1.2. Main legislative texts**

The principal enactments under which the different classes of local authorities are constituted are as follows:

- Municipal Corporations (Ireland) Act, 1840;
- Towns Improvement (Ireland) Act, 1854;
- Public Health (Ireland) Act, 1878;
- Local Government (Ireland) Act, 1898;
- Local Government Acts, 1925 to 1997.

There are also a number of acts which apply to individual city local authorities only.

## **2. STRUCTURE OF LOCAL/REGIONAL AUTHORITIES**

### **2.1. Main subdivisions**

There are 114 local authorities and eight regional authorities. Local authorities are categorised in five legal classes as follows:

– county councils	29
– county borough corporations (cities)	5
– borough corporations	5
– urban district council	49
– town commissioners	26

The county/city is the primary unit of local government. Each county is administered by a county council and the five main cities by county borough corporations. County councils and county borough corporations enjoy the same status and range of functions and together encompass the entire land area of the state. Borough corporations, urban district councils and town commissioners each cover solely town areas and are located within and form part of the administrative counties. These three categories are referred to as “town authorities” in this publication. The regional authorities are made up of groupings of contiguous counties and county boroughs. All local government structures were established by and operate subject to law.

## 2.2. Statistical data

### Total number of units

Authorities	In 1950	In 1996*
County councils	27	29
County borough corporations (cities)	4	5
Borough corporations (towns)	7	5
Urban district councils (")	49	49
Town commissioners (")	23	26
Regional authorities	0	8

\* Three new county councils – Fingal, Dun Laoghaire-Rathdown and South Dublin – were established on 1 January, 1994 in place of Dublin County Council and Dun Laoghaire Borough Corporation, thus increasing the number of county councils by two and reducing the number of borough corporations by one. Galway Borough Corporation was reclassified as a County Borough Corporation (City) in 1985. Three new Town Commissions have been established since 1980 – Shannon (1982), Greystones (1984) and Leixlip (1988). Eight regional authorities, made up of groupings of counties and county boroughs, were established in 1994.

### Surface area (hectares) of local and regional authorities

	Smallest	Largest	Average
County council	12 772	745 988	237 553
County boroughs	1 904	11 499	4 623
Boroughs and urban districts	67	2 443	566
Town commissioners	24	1 010	340
Regional authorities	91 596	1 373 738	860 792

### Population indicators of local and regional authorities in 1996\*

	Smallest	Largest	Average
County councils	25 057 (Letrim)	293 323 (Cork)	98 801
County boroughs	42 540 (Waterford)	481 854 (Dublin)	152 172
Boroughs and urban districts	1 707 (Bundoran)	25 762 (Dundalk)	7 080
Town commissioners	474 (Ballybay)	13 451 (Leixlip)	4 140
Regional authorities	205 542 (Midlands)	1 058 264 (Dublin)	453 261

\* All population figures are taken from the 1996 preliminary census. Many boroughs, urban districts and towns, where the boundaries have not been adjusted in line with outward development, have environs population outside the legally defined boundary which is not included in the figures quoted.

Number of inhabitants	Number of town authorities*	Percentage of town authorities
Less than 1 000 inhabitants	0	0
1 000-5 000 inhabitants	36	45
5 000-10 000 inhabitants	24	30
10 000-50 000 inhabitants	20	25
50 000-100 000 inhabitants	0	0
Over 100 000 inhabitants	0	0

\* Boroughs corporations, urban district councils and town commissions.

### 2.3. Special structures for particular areas

#### ***Gaeltacht***

*Udarás na Gaeltachta* (statutory authority for the *Gaeltacht* – Irish speaking area) is responsible for encouraging the linguistic, cultural, social, physical and economic development of the *Gaeltacht*. Industries and productive schemes of employment are assisted in order to provide employment in the *Gaeltacht*. It is also indirectly engaged in commercial activities through subsidiary companies. The area of the *Gaeltacht* involved consists of several geographically separate districts with a total population of 80 000.

### 2.4. Boundaries

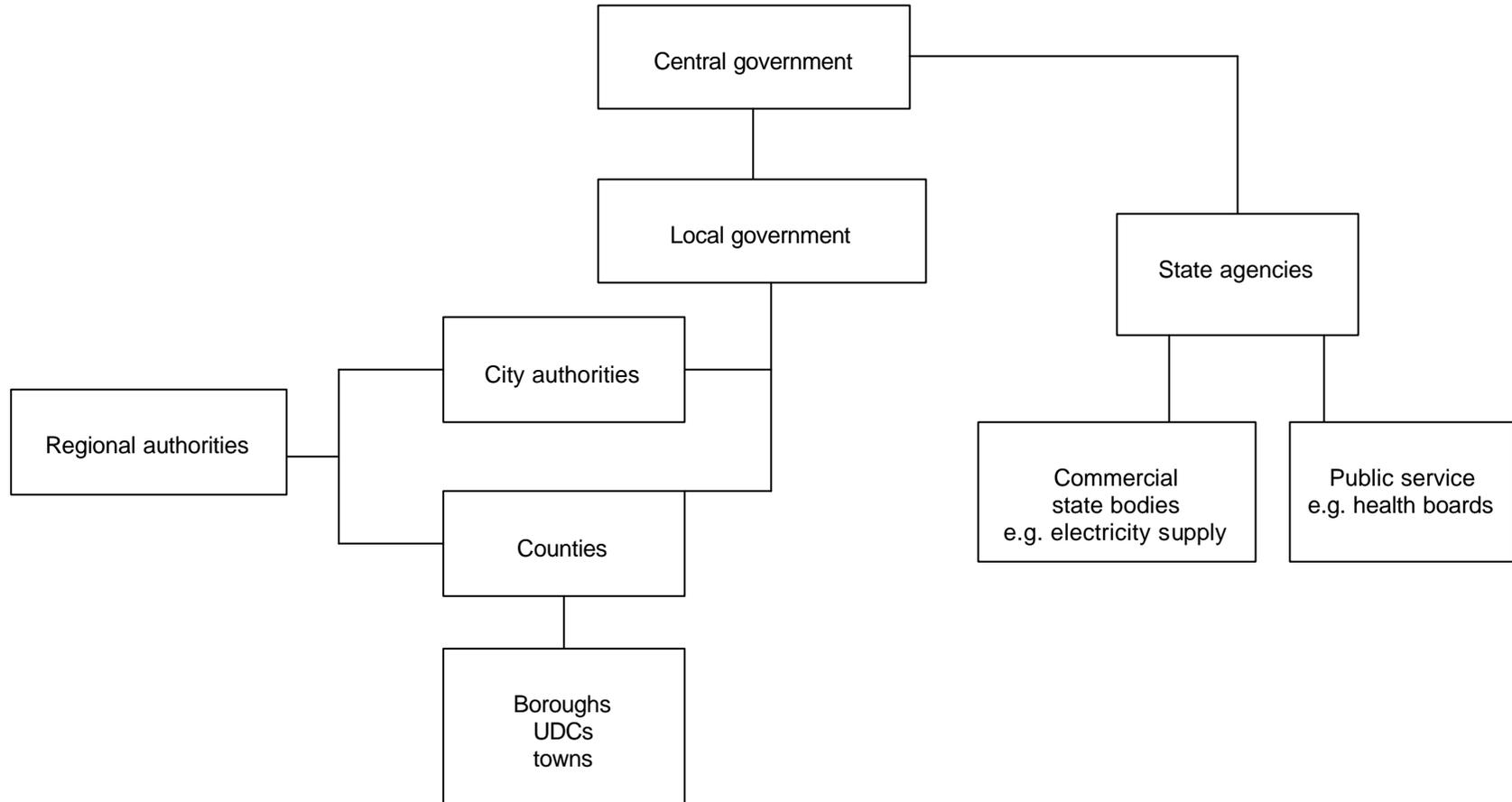
The boundaries of the various local authorities are mainly the historical county boundaries. The legal framework for local authority boundary alterations is contained in Part V of the Local Government Act, 1991 and the Local Government (Boundary Alteration) Regulations 1996. Under this legislative framework, it is open to any local authority to make a proposal for a boundary extension. The legislation enables all the issues in relation to a boundary alteration to be considered by the local authorities involved with procedures for public consultation. Where there is disagreement between the authorities involved, there is provision for the establishment of an independent boundary committee to make recommendations. Proposals for changes in boundaries must be presented to parliament and confirmed by it in the case of counties and cities.

### 2.5. General units of state administration at local/regional level

Expenditure by local authorities is running at £2 billion per annum and accounts for 5% of GDP. Central government has an influence on the way local authorities carry out their functions as capital expenditure is provided by the state at 100% on certain projects or in conjunction with the European Union e.g. roads and sanitary services. Local authorities also administer a limited number of centrally determined schemes for example higher education grants and motor tax (see paragraph 8.3).

At a regional level semi-autonomous single purpose public regional bodies operate in the health, tourism promotion and fisheries areas. While these bodies operate separately from local government, elected members of local authorities are statutorily represented on the boards of some of these bodies e.g. health boards. In addition the local authority based regional authorities have a mandate to promote the co-ordination of public services in their region. (See paragraph 3).

**Organisational chart**



### **3. ORGANS OF EACH CATEGORY OF LOCAL OR REGIONAL AUTHORITIES**

#### **3.1. Deliberative body**

##### **Title and composition**

##### **3.1.1. Local authorities**

The deliberative body is the elected council of the county council, county borough corporation, borough corporation, urban district council or town commissioners composed of councillors elected by universal suffrage.

The number of members of the council of each local authority is fixed by law. Membership of county councils ranges from twenty (Monaghan) to forty-eight (Cork); that of county borough (city) councils from fifteen (Galway and Waterford) to fifty-two (Dublin); all five boroughs have a membership of twelve; most urban district councils have a membership of nine (twelve in the case of Bray, Dundalk and Tralee) and all town commissioners have nine members. The combined membership of the 114 local authorities is 1 627 (city/county authorities = 883; the eighty town authorities = 744).

Every person over 18 years of age is entitled to be registered as a local government elector for the local electoral area in which s/he lives. There are over 2.7 million local government electors. Citizenship is not a requirement for voting at a local election. Residents of towns with town commissioners, urban districts or boroughs may vote for the election of the town commissioners, urban district council or borough council, respectively. Such residents also vote for the election of the council of the county in which the town, urban district or borough is located.

The polls at local elections are conducted on the principle of proportional representation by means of the single transferable vote in multi-member electoral areas, each city and county is divided into a number of separate electoral areas as are the largest towns.

Local authority members are elected for five-year terms by secret ballot. Casual vacancies in the membership of local authorities are filled by co-option.

##### **3.1.2. Regional authorities**

Regional authorities are statutory corporate bodies, consisting of elected members of the county and city councils in each region who are appointed by their local authorities through a procedure specified by law and are not directly elected to the regional authorities. Membership of regional authorities ranges from twenty-one (Mid East) to thirty-eight (Border), with a combined total membership of 226.

### **3.2. Executive body**

Local authorities by law comprise two separate elements which share responsibility for performing local authority functions – the elected members who constitute the “council” of the authority and a full-time chief executive, the county/city manager. The manager is an officer of the county council or the city council as the case may be. The manager is also manager for any town authorities within the county.

### **3.3. Political head**

The political head is the chairman of the council (*Cathaoirleach* in Irish) or lord mayor or mayor in the case of city and borough councils, who is elected annually by the members of the council. While in practice s/he exercises an important representational role; in law the chairman generally has no executive powers. His/her functions are limited and relate mainly to procedural matters at meetings.

### **3.4. Head of administration**

The manager is the head of administration of each level of local authority and is responsible for the day to day running of the authority within the policy parameters determined by the elected council. The manager is a local authority official and does not exercise functions on behalf of the state.

The manager is appointed by the county or city council on the recommendation of the Local Appointments Commission (an independent statutory recruitment agency). Managers are appointed for a seven-year term and may be suspended by two-thirds majority vote of the city/county council. (See 3.5 below).

### **3.5. Division of powers and responsibilities**

#### **3.5.1. Local authorities**

Responsibility for performing local authority functions is shared between the elected members of the authority and the manager. Functions which are performed directly by the elected members are known as “reserved functions”. The reserved functions are defined by law and are set out in various enactments. The effect of these arrangements is that the members decide major policy e.g. adopting the annual estimates (budget), adopting the land use development plan, borrowing money, etc. All functions which are not reserved are known as “executive functions” and are the responsibility of the manager. Executive functions include such matters as taking enforcement action under various statutory codes, collection of monies, making of contracts, staff matters – in effect the day-to-day running of the organisation. The executive role is carried out by the manager in accordance with the overall policy as determined by the members. A manager has a duty to advise and assist the elected members in the performance of their reserved functions. While functions are clearly defined for legal purposes in practice the policy and executive decisions are not wholly divorced and members and the manager operate together.

Apart from the policy role, as expressed via the different reserved functions, the elected council, in addition, has various powers in relation to the operation of the executive role. These allow for oversight and direction of the affairs of the authority generally, and for directing the manager in the performance of the executive role in certain circumstances.

### 3.5.2. Regional authorities

Regional authorities are recently established non-executive bodies with a region-wide role to promote the co-ordination of public services throughout the region and to monitor and advise on the implementation of European Union funding in the region. They do not have a specific policy implementation competence. The regional authorities operate on a relatively modest scale; it was never the intention that they should have an invasive role in services delivered by other organisations.

## 3.6. Legal provisions concerning the internal structure

### 3.6.1. Local authorities

The legal provisions regarding the internal structure of local government including the functioning of the elected council, the establishment of committees of the councils and the management of the local authority are spread over a range of enactments. It is a matter for each local authority to decide its own internal organisational arrangements.

### 3.6.2. Regional authorities

The internal structure of regional authorities is set out in the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1993. These regulations provide that each regional authority is supported by two committees – a general operational committee and the European Union operational committee.

## 4. PUBLIC PARTICIPATION

### 4.1. Referendums

A statutory framework exists for changing the name of a place (area, street or town, etc.) which involves the holding of a plebiscite of ratepayers and local government electors in the place the subject of the proposed name change, by the local authority for the area. No other cases of referendum are provided for by law.

Under the 1991 Local Government Act, local authorities have a general permissive power which would allow for local public surveys, studies, etc. with respect to the local community.

### 4.2. Other forms of direct participation

Planning legislation provides for public participation in the making of the development plan which is a statement of the policy of the local authority for the use of land and for the promotion and control of development in their area. Each local planning authority (i.e. the relevant local authority) is required to make a development plan and to review and update it every five years. The public has access to the draft development plan and may make representations or objections to the local planning authority with provision for oral submissions. Such objections or representations must be considered by the authority before the plan is adopted. Similar type provisions also apply in the making of waste management plans and air and water quality services.

There are also specific requirements in various other acts regarding the giving of public notice in respect of proposals/decisions by local authorities including provisions for objections and representations. Examples include: making of bye-laws or rules for various purposes (for example in relation to such matters as traffic and parking, tolls, control of nuisances, litter, control of dogs); compulsory purchase of land, clearance of rights of way, etc.

## **5. STATUS OF LOCAL ELECTED REPRESENTATIVES**

### **5.1. Conditions and term of office**

There are no nationality or residence restrictions on eligibility for election to office. Every citizen of Ireland and every person ordinarily resident in the State, over 18 years of age, who is not disqualified by law,<sup>1</sup> is eligible for election to a local authority. Dual membership of local government and national parliament is generally permitted. After the next local elections members of parliament will be disqualified from the position of chairman of a local authority. The term of office of local authority members is five years.

A member of a local authority may resign at any time by notifying, in writing, the local authority concerned. The resignation takes effect on the date of the receipt of such notification by the local authority.

### **5.2. Duties and responsibilities**

Members of local authorities have a general responsibility to serve the interests of the community. Under planning law they are required to declare their property interests: these declarations are recorded in a public register. Elected representatives may not participate in debates and votes on such questions affecting their interests. Under the Electoral Act, 1997, the Minister for the Environment may make regulations to provide for the disclosure of donations to members of local authorities and by candidates at local elections and for the limitation of election expenses by or on behalf of candidates and political parties at local elections.

### **5.3. Working conditions**

Working conditions are governed by national provisions and local rules. Meetings may take place outside office hours at the local authority's discretion. Elected representatives are not generally provided with an office and secretarial services are limited. Members receive an annual expenses allowance which includes an element to cover postage/telephone and general expenses (see paragraph 5.4).

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<sup>1</sup> The following persons are by law disqualified for election to a local authority: ministers and ministers of state; the Controller and Auditor General; *Garda Síochána* (police force), the Civil Service (unless permitted by their terms of employment), chairperson of either House of the *Oireachtas* (parliament) or of certain committees of either House, persons serving a prison sentence, or convicted for fraud or dishonest dealings affecting a local authority, failure to comply with a court judgement or decree for payment of money due to a local authority.

#### **5.4. Remuneration**

Members of local authorities are regarded as performing a part-time activity. They are not remunerated for their work as elected representatives. However, they are paid an annual allowance to cover postage/telephone and miscellaneous representational expenses, as well as travel and meals costs. Local authorities may also pay an allowance for reasonable expenses to the chairman, mayor or lord mayor.

### **6. DISTRIBUTION OF POWERS BETWEEN THE VARIOUS CATEGORIES OF LOCAL AND REGIONAL AUTHORITIES**

#### **6.1. Local authority functions**

Local authorities are multi-purpose bodies which operate subject to statute law. In addition to the general law relating to the local government system, specific codes apply to different services – e.g. planning; roads; traffic control; housing; sanitary services; water pollution; control of dogs; fire services and motor tax. The functions of local authorities are classified into eight programme groups as follows:

##### **i. Housing and building**

Assessments of housing needs; provision of housing to meet those needs, either directly or through social housing initiatives; collecting rents; housing management and maintenance services (including tenant participation); assistance to people housing themselves or improving their houses; enforcing certain housing standards and registration of private rented sector; and accommodation of travellers and homeless persons.

##### **ii. Road transportation and safety**

Upkeep and maintenance of roads; public lighting; traffic management; car parks; road safety promotion; registration and collection of motor vehicle taxation; licensing of drivers; and licensing of taxis and hackneys.

##### **iii. Water supply and sewerage**

Operation and maintenance of public water supply and sewerage schemes; the provision of services to households, commercial and industrial users; and assisting private water schemes.

##### **iv. Development incentives and controls**

Preparation and making of development plans; deciding on planning applications; enforcement action; urban renewal; building control; promotional activities in the areas of tourism and industrial development; and other community development activity.

v. Environmental protection

Preparation of air and water quality and waste management plans; monitoring and enforcement of pollution controls; deciding on licensing applications; operation and maintenance of landfill sites; collection and disposal of waste and refuse; operation and maintenance of burial grounds; civil defence; dangerous buildings; water safety; fire fighting and fire prevention; street cleaning and litter prevention.

vi. Recreation and amenity

Operation and maintenance of a range of amenities such as swimming pools, libraries, parks, open spaces, community centres, galleries, museums, recreation centres and such like.

vii. Agriculture, education, health and welfare

Local authorities have limited involvement in these areas. Generally they are concerned with payment of higher education grants; contributions to vocational education committees (VECs); payment of VEC pensions; aspects of animal disease control and land drainage; and some minor involvement in services of a social/educational nature.

viii. Miscellaneous services

Rate collection; elections; courthouse maintenance; coroners and inquests; malicious injury claims; operation of markets; abattoirs; dog control; and general administration.

The full range of the above functions are legally vested in the county/city authorities, which are the primary units of local government. While the urban authorities (five borough corporations and forty-nine UDCs) have a fairly extensive range of functions, they are not responsible for the full range shown above. Some functions are carried out by county councils throughout the entire county – including the urban areas. For example, motor tax, library and generally national and regional roads, fire, building control, emergency planning and most aspects of pollution control are the responsibility of the county council in all areas. The main difference between boroughs and urban district councils is mainly historical; they exercise largely the same functions. In some cases, functions which are legally vested in urban authorities are exercised on their behalf by the county council on foot of local agreements. The functions of town commissioners, which exercise a mainly representational role, are much more limited than those of the other classes of local authority; most functions in those towns being vested in the county council.

While overall local government structures have not significantly changed, functional responsibilities have been extensively adapted – for example, new local authority roles have grown in areas such as environment, planning, urban renewal, housing and general development while health functions have moved to the regional health boards established in 1971. In recent years, the Environmental Protection Agency and the National Roads Authority have been established to support and assist local authority environmental protection services and national road services, respectively.

## **6.2. Participation of local/regional authorities in national, economic and spatial planning**

County councils and county boroughs (city councils) were involved in the preparation of the two National Development Plans between 1989 and 1994 and the programmes to implement them through regionally based monitoring groups. They continue to be involved through the regional authorities who have responsibility for monitoring and advising on the implementation at regional level of the various operational programmes under the European Union Structural and Cohesion Funds and making recommendations to the programme monitoring committees at national level.

Spatial planning in Ireland is taken to mean land use planning. Local and regional authorities are involved in land use planning through the development plan process (in the case of local authorities) and the review of such plans to promote consistency of development plans/overall regional needs, etc. (in the case of regional authorities). The statutory framework allows for full citizen participation in the development plan process.

## **6.3. Tasks delegated to local or regional authorities as agents of the central authority**

There are few tasks specifically delegated to local authorities as agents of central government. The operation of the system of higher education grants is an example.

## **6.4. Proposals or bills leading to a change in the distribution of powers**

In recent years legislation has widened the discretion and generally strengthened the powers of local government in Ireland. A Devolution Commission was established in 1995 to oversee a phased programme of devolution and a widening of the role of local government on the basis of the principle of subsidiarity. The commission published its first interim report in August 1996 and a second report is expected shortly.

The strengthening of local government is set to continue with the implementation of a major programme for the reform of local government. *Better Local Government – A Programme for Change* (see paragraph 12) which was published in December 1996.

## **7. CO-OPERATION AND OTHER TYPES OF LINKAGE BETWEEN LOCAL/REGIONAL AUTHORITIES**

The Local Government Act, 1955 provides a framework for the agreements between local authorities for the discharge of any of their functions by another local authority, where they are of the opinion that this course would be advantageous. Many such agreements are made between local authorities for the effective discharge of their functions in areas such as housing, roads, fire services. There is also provision for the establishment of joint committees involving two or more authorities.

Regional authorities promote co-operation and linkages between their constituent local authorities; particularly with regard to the services provided by these authorities. In addition there have been recent moves to initiate co-operation between regional authorities in the area of the preparation of strategic planning guidelines for the regions.

### **7.1. Associations of local authorities at national level**

There are two statutory local authority representative associations – the General Council of County Councils (GCCC) and the Association of Municipal Authorities of Ireland (AMAI). Both associations are in the main funded by their member local authorities. The GCCC is the national and international representative association of all county councils and county borough (city councils). The AMAI is the corresponding body for town authorities (also including cities).

The main work of the two representative associations is to safeguard the interests, rights and principles of their member authorities. In this regard there is also ongoing liaison between the associations and the Department of the Environment at administrative and ministerial level on matters of mutual concern. Both the GCCC and AMAI are nominating bodies to certain boards and for the purpose of *Seanad* (Senate) elections.

### **7.2. International co-operation between local and regional authorities**

Local authorities are free to co-operate with counterparts in other member states. Section 49 of the Local Government Act, 1991 gives statutory recognition to local authority involvement in town twinning. Twinning arrangements (usually involving towns but sometimes counties or other areas) are conducted on a local voluntary basis.

Membership of international associations is entirely a matter for local authorities themselves and there are no conditions or restrictions laid down in connection with this matter.

## **8. FINANCE**

Local authorities have four main sources of income; commercial rates (i.e. tax on commercial property), government grants, motor tax receipts and fees, charges and rents from services provided.

## 8.1. Taxes

The only local authority “own tax” is rates (i.e. a property tax) which is determined annually by the elected members of the council and collected by the local authority. They are levied on commercial and industrial ratepayers in accordance with the rateable valuation of their properties. Valuation for rating purposes is carried out by the independent Valuation Office which is under the aegis of the Department of Finance. Rates are levied on the valuation of immovable commercial property such as, factories, shops, railways, canals, mines, woods, rights of fishery and rights of easement over land.

The local authorities for rating purposes are the following:

–	county councils	29
–	county borough corporations	5
–	borough corporations	6
–	urban district councils	<u>48</u>

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The Local Government (Financial Provisions) Act, 1978 contains a provision whereby the Minister for the Environment may cap rate increases for all local authorities but these powers have not applied since 1982.

## 8.2. Grants from higher authorities

In the context of this report, grants from higher authorities are grants from central government departments or agencies. Most of the grants paid to local authorities are from the Department of the Environment and the National Roads Authority. The grants are for both capital and current expenditure. The overall level of capital expenditure is determined by the government annually in the Public Capital Programme. A list of the most significant grants paid by higher authorities, both current and capital (general and specific) appears at the end of this publication.

While capital grants are specific in the sense that monies must be applied for a particular purpose (e.g. non-national roads, housing) the selection of particular schemes is generally a matter for the local authority.

Local authorities are required to provide a realistic level of own resources contributions to works on non-national roads. In the housing area, grants are not dependent on financial participation by local authorities, although local authorities do provide own capital receipts (mainly from receipts in respect of the sale of former local authority dwellings under various tenant purchase schemes) for both the provision of, and remedial works to, local authority housing. In the areas of waste management, urban renewal, libraries and swimming pools, local authorities are required to contribute financially to the various projects/schemes. Grants are allocated under statutory provisions in the various legislative codes.

### Percentage of total grants by category

	Grants	Specific	General
Capital	73%	100.0%	0.0%
Current	27%	87.5%	12.5%

*Better Local Government – A Programme for Change* announced a new funding system for local authorities on 19 December 1996. Under the Local Government (Financial Provisions) Act, 1997 motor tax has now become a dedicated local authority source of revenue with the rate support grant (a central government grant) being terminated along with domestic water and sewerage charges. The motor tax receipts will largely be retained by the local authorities with the balance being remitted to an equalisation fund and distributed among local authorities (see paragraph 8.3).

#### 8.3. Financial equalisation

Under the equalisation system local authorities retain 80% of the proceeds of motor tax on cars and motor cycles and contribute all other motor tax revenues, i.e., the remaining 20% of motor tax on private cars and motor cycles, 100% of motor tax on non-private vehicles, licence duties and other miscellaneous income, to an equalisation fund for redistribution among local authorities in general, according to need.

#### 8.4. Other sources of income

The table below sets out the income that local authorities received from fees, charges, rents, etc. for the services they provided in 1996.

**Total local authority receipts from fees,  
charges, rents, etc. in 1996 (Provisional outturn)**

	<b>1996</b>	<b>Percentage of Total</b>
Rents	68.3	14.2
Purchase annuities	21.4	4.4
Repayment of housing loans	91.5	19.0
Repayment of HFA (old scheme)	5.4	1.1
<b>Domestic charges</b>		
Water	50.3	10.4
Refuse	7.5	1.6
Sewerage	2.2	0.5
<b>Commercial charges</b>		
Water	41.3	8.6
Refuse	8.4	1.7
Development charges	2.7	0.6
Planning fees	13.4	2.8
Swimming pool fees	4.0	0.8
Library charges	1.1	0.2
Agency services	17.4	3.6
Contribution to pensions	18.3	3.8
Other receipts	93.2	19.4
Sale/lease/rental	35.3	7.3
<b>Total goods and services</b>	<b>481.7</b>	<b>100.0</b>

The other sources of local authority income are state grants and commercial rates.

### **8.5. Loans**

Borrowing by local and regional authorities is governed by the Local Government (No. 2) Act, 1960 which requires the sanction of the appropriate minister (normally the Minister for the Environment) to any borrowing proposal. Local authorities also need ministerial sanction for overdrafts. Almost all loans are obtained from the institutions operating in the Irish Financial Market. Some local authorities engage in inter-authority borrowing and lending. Neither local nor regional authorities have legislative powers to borrow abroad.

### **8.6. Financial control**

The overall level of public capital expenditure including that of local authorities is determined by the government annually in the Public Capital Programme. The Public Capital Programme is considered as part of the expenditure estimates for all government departments and other government services. Current expenditure and capital expenditure decisions on a global basis are taken by the government each year for government departments, local and regional authorities, etc. as part of the estimates process. Local authorities have some discretion with regard to current expenditure i.e. levying of commercial rates and imposition of various fees, charges and rents for local authority services.

Expenditure by local and regional authorities is a component of overall state expenditure and is subject to the same influences and constraints. Local authorities have to have regard to the need to maintain expenditure in line with adopted estimates and that planned expenditure must have regard to realistic income targets.

## **9. SUPERVISION OF LOCAL AND REGIONAL ADMINISTRATION**

The Department of the Environment is the central government department charged with the responsibility of monitoring and supervising the local government system. However, legislation in recent years, has removed or relaxed various requirements for central government approval e.g. in areas such as personnel, building construction, bye-laws, traffic management.

In the financial area the Department of the Environment monitors the adoption of local and regional authority estimates to ensure that they are adopted within the prescribed statutory periods. Under section 44 of the Local Government Act, 1994 the minister may, if s/he thinks an estimate of expenses which has been adopted is insufficient to defray the expenses to be incurred by the authority in that financial year, by notification in writing require the local authority by resolution to revoke or to amend the estimate of expenses.

Local and regional authorities are statutorily subject to audit by a corps of local government auditors appointed by the Minister for the Environment. The local government auditors have powers to disallow illegal or unfounded payments, to surcharge such payments on the persons responsible for the amount of any loss or deficiency incurred through their negligence or misconduct. A Value For Money Unit attached to the local government audit service undertakes reviews of selected local authority operations with a view to improving the economy and effectiveness of operations. For the future a system of financial performance indicators will be developed to identify best practice and encourage local authorities to improve their performance levels. Local authorities will publish on an annual basis their performance against these indicators. This will allow for comparisons to be made between local authorities. In very exceptional cases specified by law e.g. failure to comply with a court judgement, to perform functions or to adopt a sufficient estimate elected members may be removed by ministerial order in accordance with statutory procedures.

While local authorities act in accordance with legislation, the Minister for the Environment and his or her department must also act in accordance with legislation. The minister is answerable for his or her actions and those of his or her department to *Dail Eireann* (parliament) and the Controller and Auditor General, who audits the accounts of government departments.

## **10. APPEALS AGAINST LOCAL AND REGIONAL DECISIONS**

The law provides for formal public inquiries/consultation in specific areas such as planning applications, compulsory land purchase, motorway proposals and extinguishment of rights of way and there is provision for arbitration in relation to compulsory purchase terms. Individuals can lodge formal objections at audit on which the auditor is obliged to adjudicate and there is provision for the public to inspect local authority accounts.

There is provision for appeal (including by third parties) to *An Bord Pleanala*, (the national planning appeals board), against local authority planning decisions on individual applications. The board is an independent statutory body. The decision of the board and its validity may only be challenged, within two months, by way of judicial review in the High Court.

Complaints against local authorities may also be made to an ombudsman who has powers to investigate any action taken by any state organisation including local authorities which adversely affect a person.

## 11. LOCAL AND REGIONAL ADMINISTRATIVE PERSONNEL

Local authority staffing comprises administrative, clerical, professional and technical staff (34%) together with craft and general workers (66%). In all there are just under 30 000 local authority staff. The administrative, clerical, professional and technical staff are known as “officers” and a special body of law applies to them concerning the creation of offices, appointments to offices, qualifications, duties, tenure of office, abolition of offices, suspensions, removal from office, etc. All staff, administrative and technical report to the county or city manager.

All functions relating to staffing are executive functions of the manager. Salary levels are determined in accordance with overall public service pay policy and are sanctioned by the Minister for the Environment. Vacancies for senior administrative and professional posts are filled by the local authority concerned, following public advertisement and open competition, on the recommendation of the Local Appointments Commission which is a statutory body established for that purpose. Vacancies for other local offices are filled directly by the local authority concerned in accordance with statutory regulations. Recruitment of craft and general workers are matters for the local authority manager. Regional authority directors are seconded from other public authorities. Other regional authority staff needs are provided on an agency basis by public authorities in the region.

## 12. REFORMS ENVISAGED OR IN PROGRESS

A major programme for the renewal and reform of local government entitled *Better Local Government – A Programme for Change* was published in December 1996. The programme has four core principles:

- enhancing local democracy and widening participation;
- serving the local authority customer better;
- developing efficiency;
- providing proper resources.

### Enhancing local democracy

Local democracy will be enhanced under the programme with:

- local authorities working in partnership with public, private and voluntary bodies;
- strategic policy committees (SPC) being established in county, city and larger urban areas to address issues of policy and strategy. They should enhance the policy-making role of elected members as the work of this new type of policy-focusing committees should have considerable input in the early stages of policy formulation and strategic planning;

- one third of the SPC membership will consist of nominees from six sectors: agriculture/farming (if applicable), environmental/conservation, development/construction, business/commercial, trade union, community/voluntary/ disadvantaged.
- at least one third of the members of the strategic policy committees being drawn from local interests relevant to the committees' work;
- a programme for the continued education and development for councillors being prepared to assist councillors in their enhanced policy-making role.

### Quality services

The quality service approach of local authorities will be strengthened in a number of ways:

- greater emphasis will be placed on serving customer needs;
- performance indicators will be used to measure and compare local authority activities;
- one stop shops will be promoted so that the public can avail of a range of public services in one centre;

### Efficiency and effectiveness

The programme outlines a series of measures to achieve greater efficiency and effectiveness in the delivery of services and in the financial management of local authorities. Service standards and performance indicators will be introduced and reinforced, where they already exist. The local government financial management system will be modernised and made more transparent, with the emphasis on value for money.

### Funding

The programme sets out a new funding system for local authorities and these are outlined in paragraphs 8.2 and 8.3 of this document.

### Implementation

Work on implementing the programme is well underway e.g. legislation on funding has been enacted.

## Grants allocated by higher authorities in 1996

Item	Capital £m	Specific or general	Current £m	Specific or general
<b>Housing</b>				
Provision, improvement and related housing services	139	S		
Expenses – travellers			1	S
Homeless recoupment			3	S
Rental subsidies			2	S
Shared ownership subsidies			1	S
<b>Roads</b>				
National road improvement grants	202	S		
Non-national road improvement grants	56	S	14	S
Restoration programme	50	S	23	S
Local improvement schemes	3	S		
Traffic management measures	4	S		
<b>Environment</b>				
Public water supply & sewerage grants	116	S		
Waste management	2	S		
Fire services	4	S		
Rate support grant			194	G
<b>Recreation and amenity</b>				
Libraries	3	S	1	S
Swimming pools	2	S		
<b>Other</b>				
Urban renewal	9	S		
Subsidies	1	S		
Sub total	591	-	239	-
<b>Other departments</b>				
Higher education grants	51	S		
Community enterprise schemes	20	S		
Sub total	71			
<b>Overall total</b>	<b>662</b>	<b>-</b>	<b>239</b>	<b>-</b>