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# Introduction:

## Reclaiming the role of local authorities and local democracy

Local government is an important site for defending and extending democracy and full citizenship. Local government is also a source of economic development, developing in local jobs in local authorities fuels local spending with local multipliers. To reach such potential requires explicit rebalancing towards direct local public provision in Ireland. Unions occupy an important public space. Public sector workers see first-hand the loss of trust in public institutions, which, alongside growing inequality, is contributing to new forms of populist politics across Europe. It is necessary to create a critical and oppositional space to reclaim Irish local democracy. This paper constructively engages in what can be done, in the short and long term, to enhance local democracy and local authority provision of and local democratic control over public housing, water, refuse collection and energy policy concerning low carbon transition.

Developing new forms of local democratic control and delivery of public services is central to meeting 21st century challenges (Cumber, 2017). Public ownership and economic democracy are central features of contemporary trade union, civil society and left alternative projects (Ungar 2013). Concerns about equality, distributional, economic and social justice are now joined by environmental sustainability and low carbon transition (Fraser 2014). Climate change requires that we now pursue more radical, innovative and ambitious agendas, many of which need to be local in nature. This means reversing trends of centralisation,

executive direction, privatisation and austerity, all of which combined to undermine the vitality and capacity of local government in Ireland and the capacity for progressive forms of local delivery public policy.

This paper seeks to both reimagine and demonstrate the value and relevance of local government in the delivery of key infrastructure and services in Ireland. We first discuss key developments concerning local government in Ireland and the degree to which the four dead hands of centralisation, executive direction, privatisation and austerity have undermined local democracy in Ireland. Drawing from European and wider evidence us than make the general case for local government and democracy and against centralisation and privatisation. Key recommendations are made to consolidate the role and capacity of local government delivery in four key sectors; public housing, domestic refuse collection, water and energy/low carbon transition. In each of those sectors, attention is drawn how to restore democratic control of both workers and citizens or residents. Examples of international best practice (from Petitjean and Kishimoto, 2017) are given to illustrate the potential of local government in each sector and recommendations are made. The conclusion suggests some immediate and longer-term agendas for reform, which could become a focus for both short term and long term local democracy and public service campaigns.

# Four 'Dead Hands' strangling local government

**Centralisation** has been core theme of a number of authoritative studies on governmental structures in Ireland have highlighted the broad monopolising tendencies of national government (Callanan 2018, Quinlivan 2018). The subsidiarity of local government offers the potential for a different type of connection between the community and local authority, this logic lead the OECD (2009) to recommend that every new service should be delivered at first consideration by local government. Yet in Ireland a number of functions have been lost, not to outsourcing, but to central (for example water) or regional government, or to new quangos (including higher education grants (to SUSI) and driving licences (to NDRL)). This has not necessarily improved the services, in the caser of driving licences both fees and administrative processing time increased because of centralisation.

**Executive direction** has occurred as new public management processes and changes in administration, evaluation and control mechanisms has increased bureaucratic power at the expense of political representatives. Nowhere is this more evident than in the managerial processes and

controls associated with public procurement process. Irish procurement transaction costs are far too high at a potential €1.6 billion falling on public sector buyers and suppliers over an estimated 85bn procurement budget for the next five years.<sup>1</sup> Described as 'horrendous' by Dublin City Council deputy chief executive and head of housing Brendan Kenny<sup>2</sup> who considers executive direction and procurement is pushing up the cost of providing local authority housing. Procurement is also making the process of competing for public jobs much more onerous for the contractor, it makes project management processes inflexible, while costing out risk and guaranteeing certainty in the project delivery is more expensive. Finally scaling up tendering processes for efficiencies also rules out the local authority as the preferred delivery mechanisms. Conversely centralisation of purchasing and aggregation of requirements, resulting in bigger contracts, is resulting in the exclusion of not only local government as a potential delivery agent but also rules out smaller and local SMEs and NGOs from the tendering process (ISME 2015) with consequences for local business, local employment and local rates potential.

1 <http://council.ie/public-procurement-in-ireland-a-critical-review/>

2 <https://www.irishtimes.com/news/social-affairs/horrendous-procurement-rules-pushing-up-social-housing-costs-1.3637482>

**Privatisation** has occurred as services have been marketised, the most high profile being refuse services where most citizens now pay bin charges to private waste management companies. Other services which might have been local authority services are instead tendered out (for example migrant's language classes and homeless services), while public housing has been residualised to facilitate market provision of social housing. Other functions remain a potential focus for privatisation, in 2014 trade union intervention averted the possibility of privatising administration of the Housing Assistance Payment.

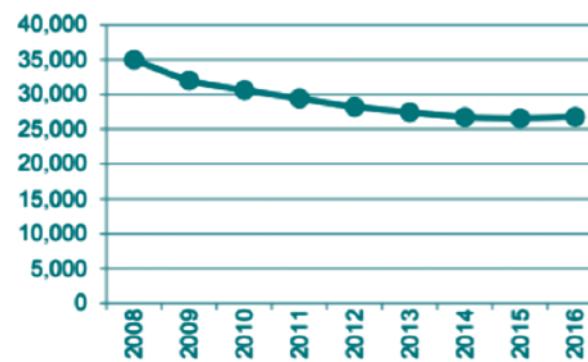
**Austerity** has eroded by stealth local authority capacity and downgraded it in scope, scale and skills (Norris and Hayden 2018). Local level government fared worse than national and in many cases local government, in the context of austerity, has lived up to the challenge of 'delivering more with less' (O'Donnell 2013). In this new recovery stage, local government has not yet recovered from the loss of a quarter of its resources, funding and staff. Gaynor et al's (2017) assessment of the impact of austerity on cities and local democracy highlights the vicious cycle of cumulative erosion of local authority power and capacity. This is nowhere more evident in the obvious inability to meet public housing building targets but is also evident in the degree to local government lacks capacity to innovate, for example to utilise SEAI retrofitting grants on its own stock, key to low carbon transition. This

erosion makes rebuilding the power and function of local authority more difficult but also makes more urgent the challenge of restoring public democracy and public services.

Quinlivan (2018) recounts how the banking crisis negatively impacted on local government everywhere; loss of dividends from banks partly owned by local governments caused serious problems in Flemish local authorities, Dutch local authorities lost reserves and devaluation of pension funds while British local authorities lost over €1 billion as a consequence of failed Icelandic banks. Local authorities found it difficult in obtaining or rolling over credit for investment and to service the increased cost of servicing euro denominated debt. To some degree, central controls and restraints on local government borrowing protected Irish local authorities from this scale of financialisation, nonetheless Irish local authorities suffered badly under austerity. The decline in central government funding, difficulties in collecting commercial rates because of struggling businesses and the virtual disappearance of development levies due to the collapse of the construction sector saw local authority funding decrease by 839m and staffing decrease by 24 per cent in the five years to 2013 (Quinn, 2015, p.13).

To appreciate the impact of austerity on local government it is essential to understand that austerity adjustments were made not only in the composition of budgets but also through the organizational configuration of state institutions through territorial, functional, financial, managerial and efficiency, and participative reforms (Callanan 2016). In Ireland austerity not only meant less money and staff but also more centralized control of the bureaucracy and more standardized governance and accountability arrangements across the public service, in the form of micro-management (Boyle and O'Riordan 2013) and managerialism (Hardiman and MacCarthaigh 2013). Administrative rationalisation at the sub-national level has been quite dramatic, reducing institutions from 250 to 150 and substantially merging local authorities based institutions like Vocational Education Committees into regional Education and Training Boards.

Figure 2  
Total employment in local authorities (WTE)



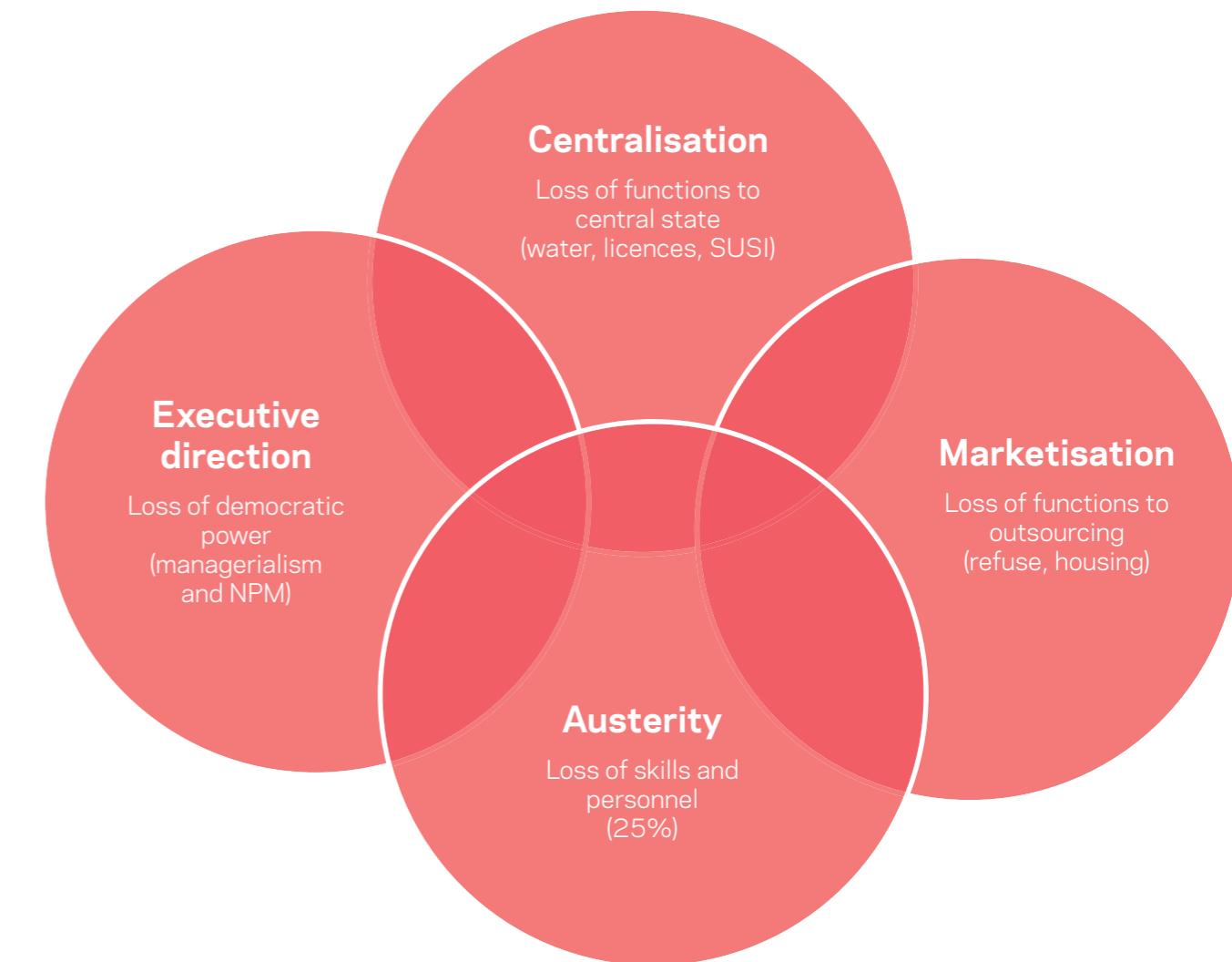
Source: DPER Databank

Figure 2 shows the impact of the 2010 employment control framework (ECF), required a 20 per cent reduction in personnel from 37,243 to 29,480 over the five year period ending in 2015. This target was, in fact, met by early 2012. The moratorium on recruitment to the public service and the premature retirement of many officers have reduced the skill pool within the local government system, and many of the remaining personnel are focused on maintaining day-to-day operations rather than promoting innovation and reform. This alongside salary cuts and pension levies has affected staff morale. Direct staffing

levels dropped from a 2008 37,242 by 9018 to 28,224 a drop of 24.2%, this varied across councils with Galway suffering a 34% (and others including Donegal, Kildare, and Waterford City losing in excess of 30%, while some including Cork who lost 17% and Louth with the lowest drop of 15.7%).

While losses varied across councils, the nature of the early retirement package mean a loss of senior management, and a loss of skills and functional capacity in core areas as well as a loss of institutional memories and inability to transfer knowledge and skills.

Figure 1  
Local authority undermined by overlap of centralisation, managerialism, privatisation, austerity



# Irish local government – the poor cousin in Ireland's democracy

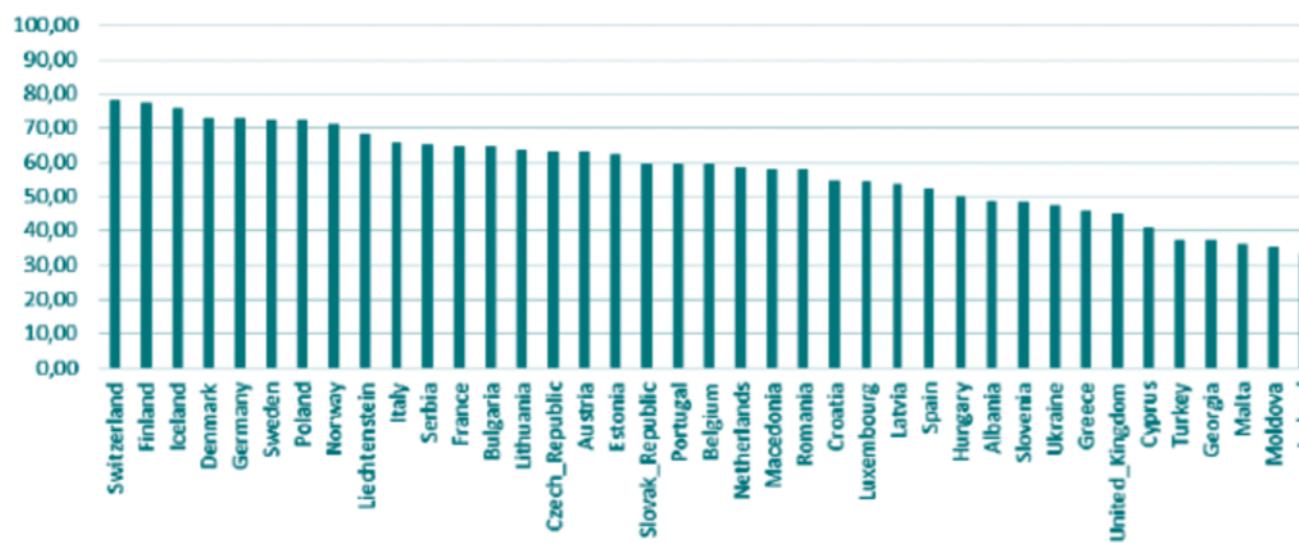
Irish local government scores poorly on a number of assessments of relative strength.<sup>3</sup> Unequal representation and inconsistent structures reduces its democratic legitimacy. It remains dominated by central government and has few financial resources. The non-elected manager, renamed the CEO in 2014, dominates a very limited range of functions and its elected councillors, while ironically the new seven year term for the CEO (introduced in 2017) also limits the power of CEOs relative to central government.

The net effect of recent reforms has been to limit, relative to international practice, the functions and competencies of Irish local government (Quinlivan 2017, Callanan 2018). Reidy (2018) refers to central government's 'power monopoly' as the 'elephant in the room'. The international index of self-autonomy uses seven categories (legal protection, organisational autonomy, and institutional depth, fiscal autonomy, financial self-

reliance, borrowing autonomy, and financial transfer system, and administrative supervision, central or regional access) to assess self-autonomy. Over 1990 to 2015 Ireland declined from the third least powerful local authority to the weakest across all Europe (Layand et al 2015).

There are currently 31 local authorities (26 county councils, three city councils and two city and county councils. With the exception of the local authorities in the (administrative) counties of Dun Laoghaire, Fingal and South Dublin and the cities of Dublin, Cork and Galway, all counties and cities have been divided into municipal districts (currently 95 countrywide) with councillors representing simultaneously the municipal district and the local authority. The elected council is the policy-making assembly of a local authority. The municipal district members act as a decision-making sub-assembly of the overall council in respect of their respective municipal district area.

**Figure 5.23**  
Local Autonomy Index: Country Ranking 2014



<sup>3</sup> Size and structure of local authority units; the institutions within local government; the balance of power between the administrative and elected parts of local government; the range of functions for which local government has responsibility; the relationship between central and local government; and the financial autonomy of local government.

# The least powerful local authority in Europe

Table one demonstrates how Ireland has far fewer local municipalities than the other countries illustrated, with only one city or county council for every 148,517 people (far lower in other similar small sized states). Citizens' access to representation and the responsiveness of local government to the population is limited when there

are large population sizes per primary unit of local government – the County/City council. Ireland also has structural weaknesses and inconsistency in structures, with significant inequality of representation (with little sub-county representation, outdated boundaries, fragmentation and duplication of functions).

**Table 1**  
Ireland compared to other small EU states and UK

Figure 3  
Local government expenditure as a percentage of general government expenditure

County (EU/EEA)	Number of local municipalities	Local gov exp as a % of general govt. spending	Average population per unit	Population	Area
Denmark	98	65.9%	57,421	5.6 million	42,921 km <sup>2</sup>
Sweden	290	51.1%	33,258	9.6 million	438,574 km <sup>2</sup>
Finland	313	40.2%	17,416	5.5 million	338,435 km <sup>2</sup>
Norway	428	33.5%	11,897	5.1 million	32,387 km <sup>2</sup>
Netherlands	390	31.1%	43,152	16.8 million	41,540 km <sup>2</sup>
United Kingdom	419	23.7%	153,480	64.3 million	248,528 km <sup>2</sup>
European Union (current composition)		23.1%		-	-
Euro area (19 countries)		20.4%		-	-
Ireland	31	8.4%	148,517	4.6 million	69,797 km <sup>2</sup>

Source: Eurostat gov\_10a\_main

# Few functions and declining

A number of different legislative acts determine the specific services local authorities provide and Irish local authorities have a narrower scope than local authorities do internationally; functions (grouped into eight programmes) revolve around physical infrastructure, environmental issues and recreational facilities.

There are few social or care services, primary or specialist education, health or public employment services. Local government is substantially stronger and has more control over decisions in other European jurisdictions. The Council of European Municipalities and Regions (2016) note how in Ireland even when the function **is** a local authority function, for example housing, central government dominates local democracy.

The scenario is complicated by the degree to which Ireland does provide some public services on a local and regional level (such as health and education) but does not include these services as part of local democratic government. While the Local Government Reform Act, 2014 introduced an increased role in local economic development, there was little else about functions.

Other powers and functions have been removed from councillors, for removal of Section 140 of the Local Government Act, 2001 means councillors no longer direct the executive in respect of planning decisions (this followed the Mahon Tribunal, which examined corruption in planning processes) while other functions such as water, third level grant applications and driving licences have also been lost.

As Boyle and O'Riordan (2013) conclude these losses

*"When combined with a reduction in service delivery in the traditional functional areas of local government such as housing, roads and environment (driven in large part by the economic downturn), and a growing use of outsourcing and shared services, local authorities are seen as less and less engaged in direct service delivery to local citizens."*

So while Irish local government services are still relevant to and valued by Irish citizens (see example of library services below), it is also the case that Irish local government does not reach as extensively into everyday life in Ireland than, as the vignettes below illustrate, everyday life in Denmark. However, in making this comparison we should be aware that Denmark is not a panacea and does not have a perfect local government system.

## Morning to evening in Denmark - 65% of public spending filters through local government

Dorit starts her day with direct engagement with her local authority, noticing the pothole near her house has been repaired by the local authority. She drops her 22 year unemployed son to the local authority delivered public employment service, and her 24 year old daughter to her job in the local authority delivered crèche. She then visits her elderly father who lives in the local authority delivered nursing home.

After a swim and workout in the local authority run recreation centre she attends a local authority consultation on plans for environmental protection and waste management and water. In the afternoon she goes to her own job in the local primary school where she works in special education and engages with other local authority services in social psychiatry.

Part of her work that day is to make a submission to the local authority consultation on Social Services where the local authority has a total regulatory, supply and financing responsibility, she is interested in this as a worker and a citizen. After work she attends a local authority class on health care preventive treatment, and finds out more about how her local authority provides for care and rehabilitation, home care and treatment of alcohol and drug abuse.

In the evening she volunteers teaching Danish in the local authority run service for integration of refugees and services, she hopes to bring the asylum seeker she is working with to the local authority run museum and another local authority run local tourist and cultural attraction, the local art collective. Home and tired she remembers to sort her bins and put them out for the weekly local authority waste collection.

Late at night she reflects on how lucky she is to have the security of her long lease cost rental home in such a good community and hopes at least one of her children will choose to move out but stay local in a similar local authority lease.

## Morning to evening in Ireland - 8% of public spending filters through local government

Nuala starts her day with direct engagement with her local authority, noticing the pothole near her house has been repaired by a local authority outsourced private contractor. She drops her 22 year unemployed son to the central government Intreo public employment service, and her 24 year old daughter to her job in the privately owned local crèche.

She then visits her elderly father who lives in the privately owned and managed nursing home, she finds it hard to keep them accountable. After a swim and workout in the local hotel leisure centre she attends a central government consultation 'dialogue on climate change'. In the afternoon she goes to her own job in the local church managed primary school where she works in special education and struggles to engage with regional and national social psychiatry services.

Even though she is interested as a worker and a citizen, she finds it very hard to know who has regulatory, supply and financing responsibility for social psychiatry. After work she attends a local class on health care preventive treatment, but even the teacher admits, that without money to purchase privately, it is hard in Ireland to source things like care and rehabilitation, home care and treatment of alcohol and drug abuse.

In the evening she volunteers teaching English in the charity run service for migrants. She would like to bring the asylum seeker she is working with to local attractions but would have to pay for both herself and her guest. Home and tired she remembers to sort her bins and pays online to make sure her private collection service picks up her bin. She finds it hard to sleep wondering whether her private sector landlord might give her notice to quit and wondering when her adult children might ever afford a home of their own.



## Little money and control

Irish local government expenditure as a percentage of general government expenditure is low indicating the degree to which Irish local government lacks control over budgets (a hallmark of democratic control at local level). Ireland is highly centralised in comparison to most EU/EEA countries, only Malta, Cyprus and Greece have

less spending and less revenue-raising capacity at local government level. On average across the EU 23.1% of public spending occurs at local government level compared to 8% in Ireland. Denmark, the highest at 65.9%, has eight times more public spending at local level.

Table 2  
Local government expenditure as a percentage of general government expenditure (select countries)

County (EU/EEA)	Local government spending as a % of general govt. spending	Population	Area
Denmark	65.9%	5.6 million	42,921 km <sup>2</sup>
Sweden	51.1%	9.6 million	438,574 km <sup>2</sup>
Finland	40.2%	5.5 million	338,435 km <sup>2</sup>
Norway	33.5%	5.1 million	32,387 km <sup>2</sup>
Netherlands	31.1%	16.8 million	41,540 km <sup>2</sup>
United Kingdom	23.7%	64.3 million	248,528 km <sup>2</sup>
European Union (current composition)	23.1%	-	-
Euro area (19 countries)	20.4%	-	-
Ireland	8.4%	4.6 million	69,797 km <sup>2</sup>

Source: Eurostat gov\_10a\_main

The implications of this funding model differs across Ireland, some funding sources (outlined below) are more meaningful for larger local authorities. Dublin for example holds reserves

while Donegal carries deficits from year to year and Longford struggles with an inadequate local rate base and a disproportionately poor population.

**Table 3**  
Funding sources for local government

<b>Charges for goods/services</b> level of fees set locally or nationally	<ul style="list-style-type: none"> <li>■ Commercial water charges, Housing rents</li> <li>■ Waste charges, Parking charges</li> <li>■ Planning application fees</li> </ul>
<b>Rates</b> central government agency carries out valuations and local councils set the Annual Rate on Valuation (ARV)	<ul style="list-style-type: none"> <li>■ Occupiers of commercial property</li> </ul>
<b>Specific state grants</b> paid to local authorities by government departments in respect of specific services/schemes	<p>For example</p> <ul style="list-style-type: none"> <li>■ road maintenance grants</li> </ul>
<b>The Local Government Fund (LGF)</b> financed by the full proceeds of motor tax and property tax, plus an Exchequer contribution	<ul style="list-style-type: none"> <li>■ finance for general discretionary funding of day-to-day activities and for non-national roads, and funding for certain local government initiatives</li> </ul>
<b>Community fund</b> contributions to the community fund may be made by local voluntary, business or community groups, and may be raised by the local authority by way of a community initiative scheme	<ul style="list-style-type: none"> <li>■ to support specific community initiatives such as amenity, recreational, environmental or community development projects of benefit to the area concerned</li> </ul>
<b>Environment Fund</b> <ul style="list-style-type: none"> <li>■ proceeds of the plastic bag levy</li> <li>■ receipts from the landfill levy</li> </ul>	<ul style="list-style-type: none"> <li>■ used primarily to support environmental initiatives, campaigns and programmes, many of which are organised at local or regional level under the auspices of local authorities</li> </ul>

Source PublicPolicy.ie<sup>4</sup>

4 <http://www.publicpolicy.ie/finances-local-government-ireland/>

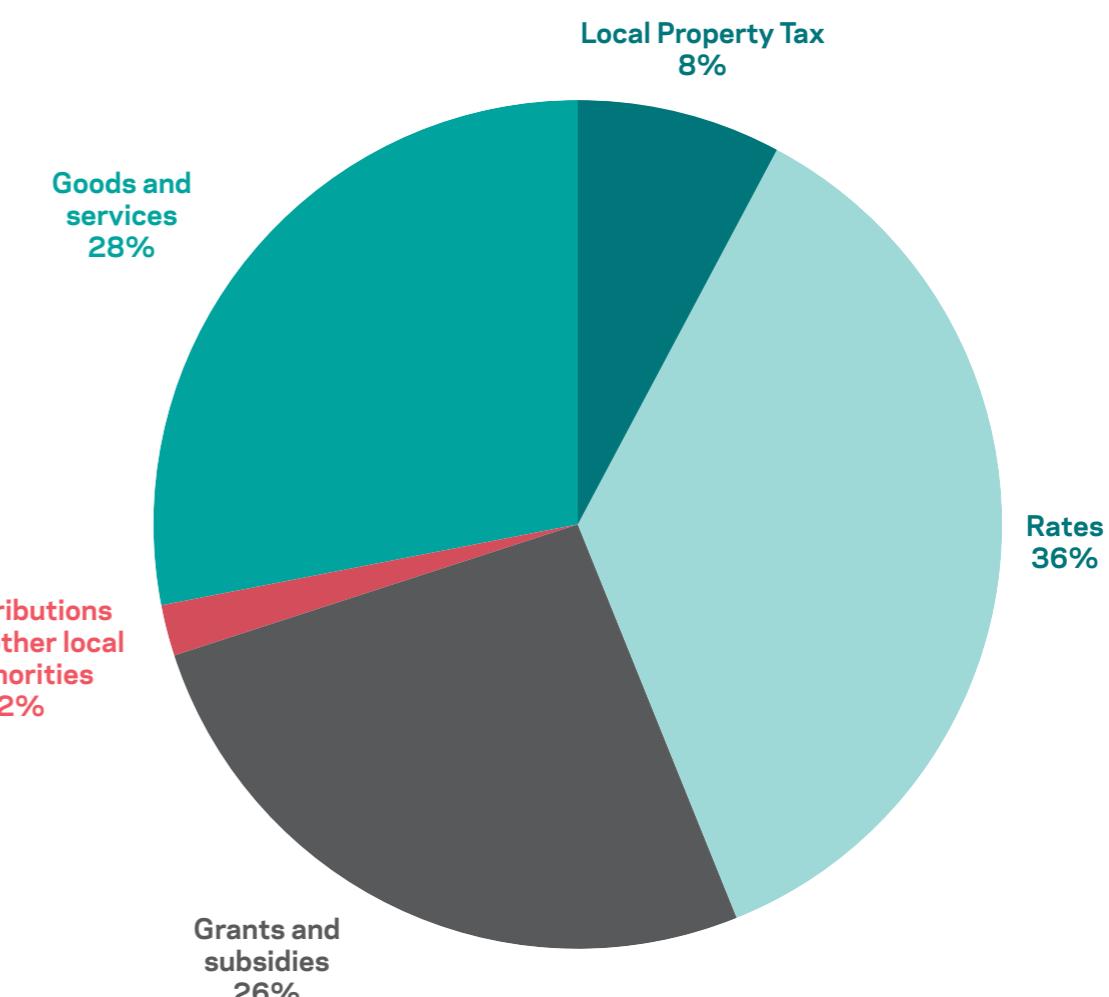
Total 2016 expenditure by local authorities was €5.7 billion (€4.3 billion current and €1.4 billion capital) with the following sources of income: grants and subsidies €1.1bn, contributions from other local authorities €102m, goods and services €1.23bn, Local Property Tax €312m, Pension-related deduction €53m, Rates €1.5.bn. This funding arrangement means that local government is reliant on central government and agencies for approximately a quarter (26%) of its funding.

Two-thirds of local government funding (rates and sale of goods/services) is generated locally, while a further 8% from Local Property Tax is based on a mixture of local funding plus national equalisation

of the LPT fund. With functions transferred from local to national level, already small budgets decline more. Recent forms of taxes and charges included Tax on Non Principal Private Residences (e.g. holiday homes and investment properties), Household Charge (later replaced by the Property Tax), Septic Tank Charges and water charges have not proved sustainable revenue sources.

Austerity budgets reduced funding for local authority by 20-25% with the largest impact felt in housing from €1.3bn in 2007 to just €83 million in 2013, with only 8,200 units delivered over that time rather than an additional 25,000 social housing units had budgets been maintained.

**Figure 3**  
Composition of local authority funding

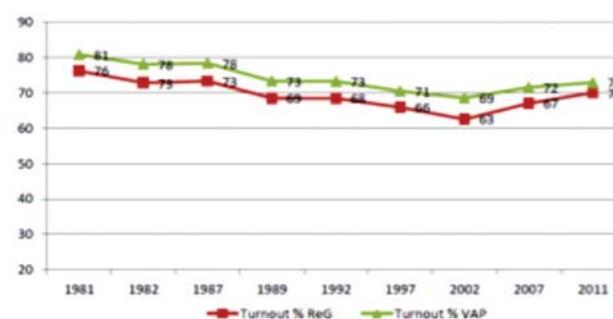


# Public support and electoral turn out

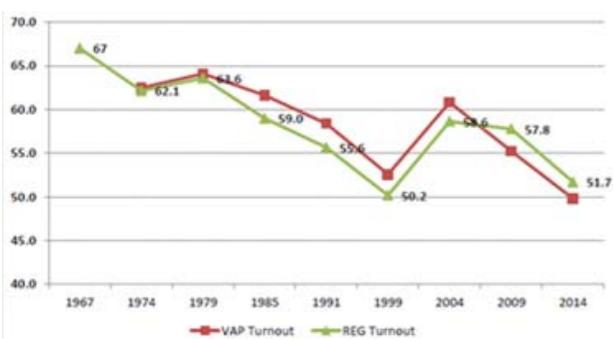
Quinlivan (2017) argues the 2018 abolition of town councils and territorial upscaling happened with little discussion of debate and creates a loss of local knowledge and local voice. While some reforms such as Public Participation Networks might be seen as an attempt to bring in voices that are more diverse this is in a context of access without influence. The decline in power may be reflected in decline in the calibre candidates for 2019 local government elections.

**Figure 4**  
National and local electoral turnouts

Turnout: General Elections 1981-2011 (as proportion of the Register and of the Voting-Age Population (VAP))



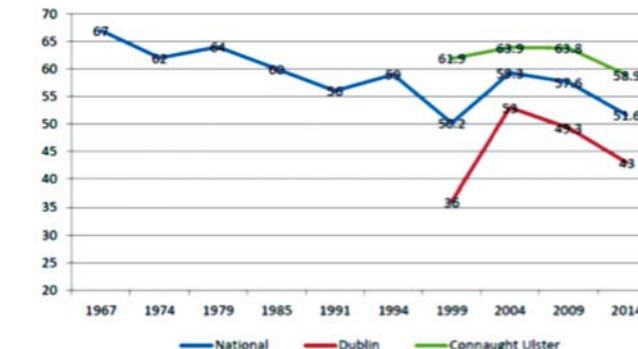
Local elections 1974-2014  
Turnout as % of Register and by Voting-Age Population (VAP)



This contributes to an underlying low turnout in local government elections, which while more volatile than national election turnout, dropped to almost 50% in 1999 and 2014. Turnout dipped below 40% in some urban areas, (albeit the 2014 local elections saw a narrowing of this urban-rural difference when rural areas experienced the biggest drops (measured by percentage points) in turnout, with the Border, West and Midland areas experiencing the greatest decline).

**Figure 5**  
Local election turn out  
rural and urban, Ireland  
1967-2014

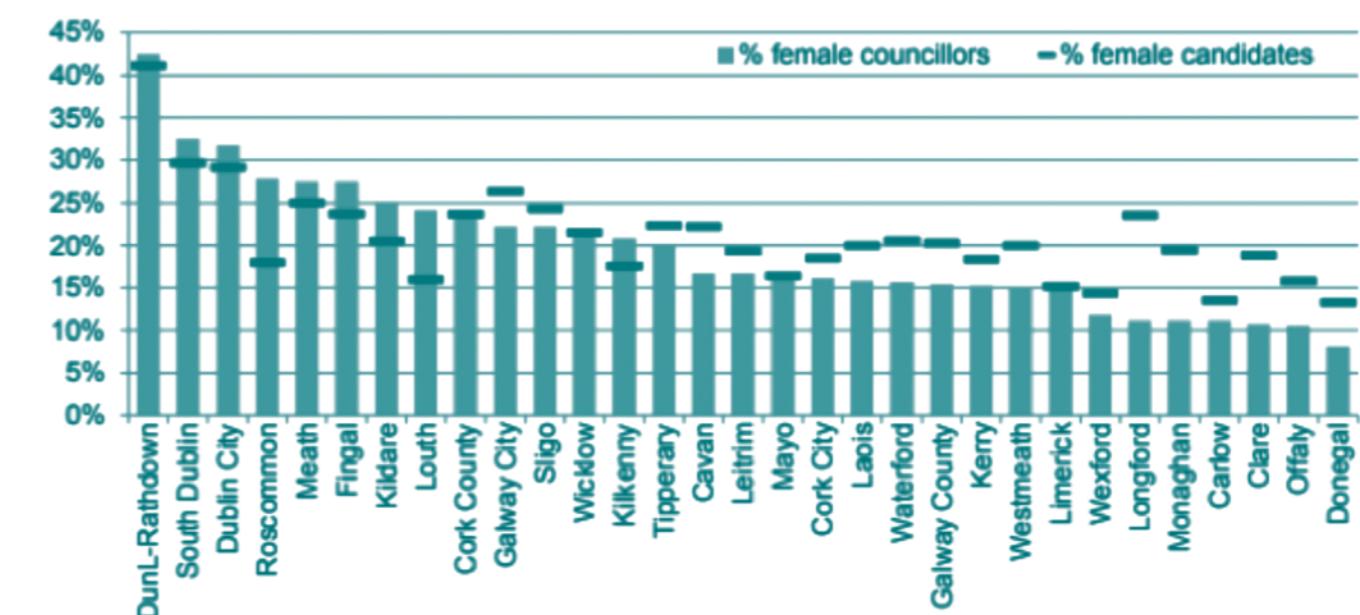
Local election turnout (urban and rural)  
1999-2014



A downward trend in turnout at local elections is clear. Over the period from 1967 to 1999 turnout fell from 67 per cent to 50 per cent of registered voters. Voters in 2011 made up just 50% (49.8%) of the estimated voting-age population.

The lack of elected voices means in effect fewer councils and councillors; many of these local losses are potential national politicians, with only 21% female politicians there are implications for generating a gendered pipeline into local government and subsequently national politics.

**Figure 6**  
Female candidates and elected councillors 2014  
Irish local government elections



Source: DHCLG Local Elections 2014: Results, Transfer of Votes and Statistics

# Reimagining and restoring local democracy in Ireland

The sketches of Danish Dorit and Irish Nuala illustrate how differently local government impacts on the experience of worker's and citizen's quality of life in Denmark and Ireland as well as their power to influence local services. However there is evidence that, when invested in and nurtured, Irish local government can perform well. What is required is a fuller vision of what is possible through local government. Library services, parks and recreational centres are all examples of valuable community based local services; these have increased in use over the last ten years and point towards a low carbon future where shared local public services help us live more sustainable lives.

## Reimagining Irish local government

Libraries are not the only positive example of good local authority provision in Ireland. We know from

recent examples how local government administered driving licences had a speedy turnaround with next day delivery, while the technological innovation in motor tax services has been lauded. We know too that historically local government oversaw significant public building programmes in both affordable and public housing delivering (for example building over 9,000 houses in 1975 alone).

Norris and Haden (2018) recount how Irish local authorities provided 365,350 council houses and flats which amounted to almost one quarter (22.2%) of the total Irish housing stock in 2016. There is much to be proud of, historically local authority built housing contributed much to affordable, good-quality and secure accommodation for low-income households, as well as the overall quality and increasing the size of the Irish housing stock, and strong sustainable communities. It is not too late to reverse recent regression in this historical trajectory.

## Example of libraries

The Irish public library illustrates what a trusted and valued locally delivered and democratically controlled community might look like. This local authority led and delivered public service facilitates a wide range of social, economic and cultural development, local democracy and participation.

The national strategy Our Public Libraries 2022 – Inspiring, Connecting and Empowering Communities is ambitious in its aim of building on technological and service innovations of recent years to improve access, use and visibility of the public library as a sustainable, integrated public service. Shining a Light, (Carnegie UK Trust, 2017) shows 80% of people feel libraries are important to their communities. Despite austerity over 1998 and 2012, co funding by local authorities delivered €131 million to invest in 95 library buildings, in ICT, stock, and digitised local studies content.

This resulting growth in the use of the service saw stock issues increased by 55% and visits increase by 15% between 2008 and 2012. Between 2013 and 2017 there was investment in 45 new or re-developed libraries delivered (29 co funded and 16 funded solely by local authorities). Book stocks increased by 15% to over 12 million books while visits increased by almost 500,000 to 17.3 million visits in 2016.

# Recommendations for strengthening local government

This leads us to offer three recommendations for change in the context of the forthcoming May 2019 local elections. Before we do this we note how the Council of Europe report in 2013 strongly criticised Ireland for its lack of constitutional protection for sub-national government and its importance in articulating shared community interests, and factoring local history, geography, political culture and economy into its decision-making processes. Irish local government is recognised in Bunreacht na hÉireann (Irish Constitution), however it is not protected. The 1999 20th amendment to the Constitution formally recognised the role of local government, Article 28A<sup>5</sup> provided for Local Government to be a forum for the democratic representation of communities and in exercising and performing powers conferred by law, however this does not mean local government is independent of central government, the centre can and does take control of local government.

In 2013 the government proposed the abolition of Seanad Éireann (Irish Senate) but it could not proceed without the approval of the Irish people by way of referendum as the Seanad is protected in the constitution. This is the not the case for local government, and the abolition of 83 local authorities in 2014 happened without the need for a referendum. (Quinlivan 2017). While in the long term we believe there is strong case for a constitutional referendum we focus now on short term recommendations.

Directly elected mayors offer an opportunity to rethink and reimagine local government. The 2008 Green Paper Stronger Local Democracy favoured the introduction of a directly elected mayor in Dublin and other city and county councils. Following the Local Government Reform Act, 2014 an initiative for a plebiscite for a directly

elected mayor in the four authorities – Dublin City Council, South Dublin County Council and Dún Laoghaire-Rathdown County Council and Fingal County Council did not proceed when the latter voted against the proposal on the grounds that the 2014 Act lacked detail about the role and powers of the mayor. It is still unclear what executive functions or powers a directly elected mayor would hold but for it to make a real difference he or she would have to have significant powers. Consequently in May 2019 there will be plebiscites concerning directly elected mayors in three councils (Cork, Galway and Limerick). In the Dublin region councils, there are instead proposals to deliberate on the possibility of a directly elected mayor for Dublin in a citizens' assembly.

There is a clear need to redress the democratic deficit relating to the 2014 abolition of town councils. By abolishing all town councils the Local Government Reform Act, 2014 reduced the number of local authorities from 114 to 31 while introducing ninety-five municipal districts to cover the entire area of each county (overlapping local electoral areas<sup>6</sup>). A reconfigured sub country form of government and revenue powers has the capacity to reanimate local government from the ground up. Territorially aligned sub county town councils should be re-established.

There is also a need to address local funding sources and revenue. Irish local government has few responsibilities and commensurate resources (2.2 % of tax revenues or 8.8% of government expenditure). The 2009 OCED review of the Irish public services commented on the lack of fiscal autonomy limited room for manoeuvre in Irish local government. Strengthening local government requires local revenue gathering capacity that is autonomous of national government, this means supporting mechanisms to increase revenue

<sup>5</sup> "The State recognised the role of local government in providing a forum for the democratic representation of local communities, in exercising and performing at local level powers and functions conferred by law and in promoting by its initiatives the interests of such communities"

<sup>6</sup> Recognising that the previous town council representation was inconsistent and unevenly covered only 14% of the population Quinlivan (2018) recommends that the democratic deficit relating to the 2014 abolition of town councils might be best restored by adding a democratically elected representative layer to newly formed municipal districts that have the advantage of comprehensive and consistent coverage but, with no direct elections to the municipal districts or revenue-raising capabilities, are not yet legitimate local government corporate entities.

sources that are controlled locally and can be used to pursue innovative local services. The Commission on Taxation (2009) rejected various local taxation measures including: local income tax, poll taxes/community charges or local sales or bed taxes. They recommended changing the

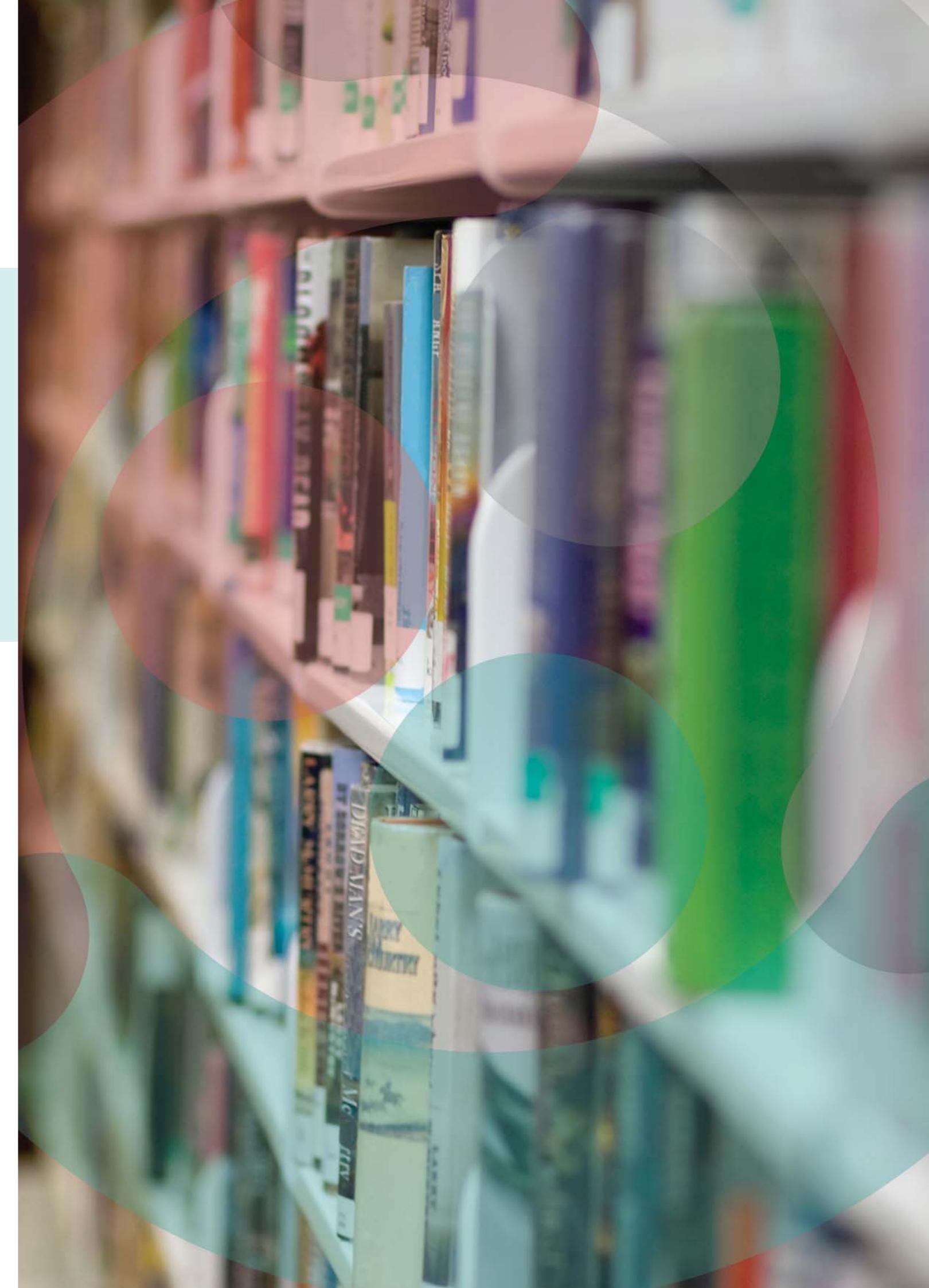
balance between nationally provided and locally collected sources of income from the current 45:55 ratio to a ratio of 25:75. A national target could be to increase the 8% of government expenditure that flows through local government to the European average of 22-23%.

### Recommendation:

Government should seek to constitutionally protect local government. Directly elected mayors can play a key role in a reimagined local government system, clarity about roles, function and powers and relevant legislative changes to facilitate directly elected mayors should be progressed immediately. In 2020 government should restore the town council system of sub-county government and do so in a way that achieves territorial balance.

Local government needs increased revenue and funding powers. Increasing the percentage of public expenditure that is channelled through local authorities from the present low of 8% so it moves towards European average 22-23% would translate into local employment and local economic drivers.

Increased financial authority requires parallel systems of accountability, transparency and democratic input including for example participatory budgeting and forms of equality, gender and sustainability proofing.



# Contextualising European (re) municipalisation

The core importance of local and municipal services is at the heart of the European model of democracy. Communities, residents and workers throughout the world are increasingly challenging the degree to which public services have been outsourced to the private for profit sector.

Kishimoto and Petitjean (2016) identify 835 examples of remunicipalisation in 1600 cities in 45 countries, **but none in Ireland**. This brings down costs and tariffs, improves conditions for workers and boosts service quality, while ensuring greater transparency and accountability (*ibid* p 11), but also contributes to new social economic and environmental change as well as new forms of and deeper or wider democracy.

Services remunicipalised range from funeral service, beach guards and nursing homes, to water infrastructure, energy grids and public transport. There is a growing awareness that a low carbon transition requires a strong democratic form of

local governance and local control over the local economy. Many on the left are developing a 'spatial imaginary' (Cumbers 2012 155) to realise the importance of local autonomy as a key building block that enables a reconstituted concept of public ownership, framed around economic democracy and public participation in economic decision-making. Only a more participatory model of public ownership that is deeply embedded in economic democracy and civil society can be effective in mobilizing support for innovative state policies and targets for low carbon transition and sustainable communities.

The philosophy of local government stresses two fundamental reasons for its existence, its role in provision of local public services and its role as a bulwark of democracy. In Denmark, for example, there is a fundamental belief in the bottom-up approach. This reflects the Principle of Subsidiarity which Ireland has signed up to in the Council of Europe Charter of Local Self-Government and the EU Treaty of Amsterdam (Quinlivan 2018).

## Disadvantages of private provision

Over four decades of privatisation offer a statistically significant range of evidence of the failure of privatisation projects to deliver on promises of improved investment, performance and efficiency (Hearne 2011). The innovative Australian Peoples Inquiry into privatisation (Herthington 2017) offers a holistic overview of the damage to workers and citizens, especially the most vulnerable citizens, when public services,

particularly local public services, are privatised. Chief among these negative effects are increased user charges and customer frustration with charges used to subsidise private profit/dividends, the failures of marketised services to deliver to everyone, or to meet public goals of integrating service delivery. Finally, there are the costs of inefficiencies of competition and the costs of hidden subsidies (tax policy etc.).



## Benefits of de-privatisation and rationale for public delivery

The recorded benefits from deprivatisation, remunicipalisation, or re-establishment of public services range from improved quality of services to greater financial transparency. Crucially, from a democratic perspective, the local authority regains operational capacity and control. This enables local authorities have more capacity to meet environmental and equality objectives and, from an efficiency and equality perspective, to integrate public services and provide affordable services, both of which are crucial for local authorities to meet their public duty to promote human rights and equality (IHREC 2014).

It is ironic that it was often austerity fuelled deficits that caused local governments across Europe to look again at the real cost of privatisation and/or to recapture lost revenue streams. The costs savings from ending privatisation are significant. Bergen in Norway found bringing nursing homes back into public ownership generated a surplus of €500,000 instead of a loss of €1m, while in London ending local transport PPP has generated savings of £1b. In Chiclana Spain p16, €215m budget savings over three services enabled the redeployment of 200 workers into better quality public sector jobs.

It is interesting that in Ireland the five guiding principles of the Green Paper already reflect the dominant debate in Europe and recognise the two primary reasons for local government – local democracy and local provision of public services:

- Appreciation of the importance of local democratic institutions;
- Decision-making at the lowest appropriate level (subsidiarity);
- Democratic responsibility and accountability;
- Proper balance between the number and functions of local government structures and the requirements of coherence, value for money and efficient delivery of service; and,
- Continued focus on quality customer service

## Economic democracy, workers, unions and employment

Terzis (2016 p 810) has an overall positive assessment of the benefits to workers of remunicipalisation and the degree to which it reverses the diminished quality of work associated with privatisation and outsourcing. He records the crucial role public sector unions played in various remunicipalisation campaigns. The PSI and EPSU lead the Right 2 Water campaign, an EU level citizens' initiative referendum campaign which generated 2.1m signatories, lead to the 2018 Water Recast Directive and some improvement in access to water for vulnerable citizens (EPSU 2018).

The German trade union ver.di led the 'Public is Essential' campaign while in Australia The Taking Back Control initiative involved unions working with civil society to generate a community response to privatisation and an innovative peoples inquiry which documented significant impacts on jobs, wages, conditions of employment and training for previously publicly employed workers. Other issues relating to employment include less capacity to implement equal opportunity employment and positive discrimination policy (Hetherington 2017), or to implement progressive codes of practice and to monitor health and safety.

Economic democracy is enhanced by remunicipalisation, while conversely workers and unions are key municipalisation actors. Collaboration between workers and public officials, politicians, communities, civil society and citizens is increasingly commonplace across the globe and more locally in Europe. Whereas local autonomy of workers and economic democracy is diminished by privatisation, it is enhanced by remunicipalisation as is the power and role of local, regional and national unions.

Local democracy is also important from an equality perspective. Taking the perspective of gender equality we know women in Ireland are more likely to rely on the public services, local and national. As such they should be properly represented in decision-making positions. But this is not the case.

In both political and executive positions women are under-represented, they also struggle to have their voice heard in the more participative processes like Public Participation Networks (PPNs). It was not until 1998 that Ann McGuinness was the first woman appointed a local authority manager (to Westmeath County Council), and up to 2018 just under 30% of CEO and Director of Services (26%) roles nationally are held by women.

With just 21 per cent of local councillors are women and it would take another 200 years to achieve gender parity at the current rate, Quinlivan (2018) observes how the abolition of town councils removes a valuable woman friendly pipeline into local government and national decision making.

As the Fawcett society found in the UK (2017) in a male-dominated environment women councillors and workers find they are held back by structural and cultural barriers, facing sexism from fellow councillors, including in the public council chamber, and sexism within the party political structures. The often outdated culture, practices and protocols of local government create unnecessary barriers to participation for women with caring responsibilities.

# Democratic case and mobilisation for public services

Putting delivery back into public ownership often leads to the renaissance of the municipal economy (Becker 2017 p 118), democratising public services through greater participation of workers and users and through greater control by elected officials and citizens. This is best expressed not as a campaign to return to the past but to imagine a new future with new forms of democratic control of enterprises and cooperatives. For example in the Scottish government supported Our Power, 35 housing associations, local authorities and citizens co-operatives work together towards low priced energy and fuel policy.

With greater subsidiarity and democratic control, and enhanced citizen input and participation, remunicipalisation has been the site of various democratic experiments. The Berlin Citizens Utility Model (Bürgerstadtwerk) included four key constitutional requirements for democratic utility delivery a Democratic Advisory Board, a Right to Initiative; Public Assemblies, An Ombudsman (albeit the campaign eventually lead to an unsuccessful referendum for a water utility using this model).

Vibrant citizen's movements have also asserted the right to public ownership. The UK based 'We Own It' has been a consistent and coherent voice for public ownership. Hall and Hobbs (2017 132) argue this dynamic offers important counterpoints to dissipate the polarisation and to direct public frustration and energy in the context of Brexit and populist politics in the UK.

Various citizen and union led local campaigns in Spain united under the slogan 'Aigua es Vida' (water is life) to denounce private sector water companies irregularities and profiteering and to recover direct public management of water with citizen participation and social control, these movements generate good buy in for new policy.

Referendums and other participative mechanisms have been an anchor of remunicipalisation and of new water or energy management models, which offer transparency, accountability, education and training. Irish proposal for referendums against Water Privatisation and for Right to Housing can be understood as part of this trend.



# Public housing

Local authorities maintain crucial housing and planning functions which are too numerous and complex to address here. Crucial for example is the role local authority's play in the planning and provision of infrastructure for private land bank development and for mixed-use development on public lands. The issues raised in the Cherrywood development in Dun Laoighaire-Rathdown exposes the range of serious policy and political issues that emerge when large land banks are in the control of a private cartel. Irish local authorities utilise and invest significant public resources to develop infrastructure to service such land banks. This transfers significant hidden (or sometimes very visible) subsidies to the private sector, however they have no guarantee as to when or if these land banks will be used and national policy frameworks limit the degree to which local councillors can impose conditions stipulating percentage returns in social and affordable housing.

Recognising the importance of such issues, this section draws on Norris and Hayden (2018) to focus more narrowly on how to protect and enhance the direct provision of public housing by local authorities. It also draws on ICTU's (2017) call for a Local Authority led emergency response to the housing crisis and NERI (2017) proposals for cost rental models for affordable housing and on the NESI (2014) proposal for a similar model.

The shift away from the role of local authorities in provision of public housing has been a long term

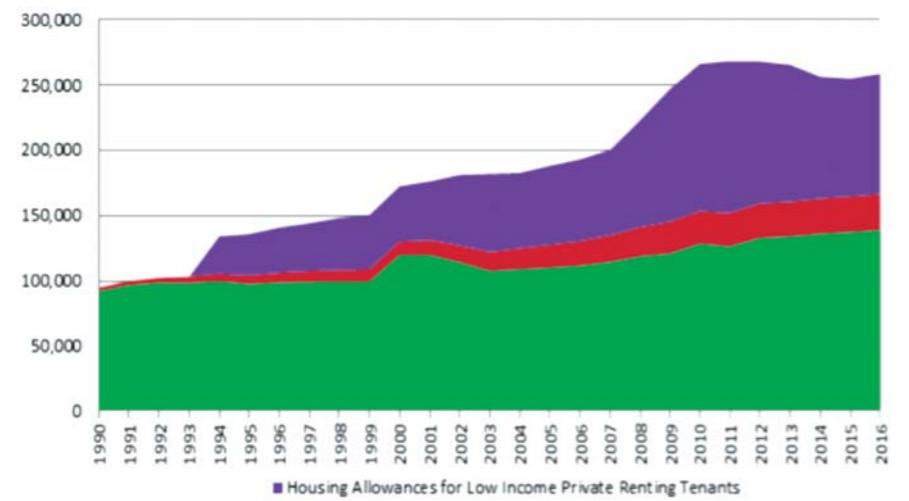


Figure 7  
Public housing provision

Source Norris and Hayden 2018

trend which began in the 1980's. As such the economic crisis has been a smoke screen hiding a longer term dynamic and shift towards the private housing market. This shift is reflected in a change in language from public housing (delivered by the public body) to social housing (which can be delivered by the market). Reclaiming the language of public housing is therefore an important starting point in reinvigorating demand for public housing delivered by local authorities. There is little doubt, as the figure above illustrates, that the traditionally dominant provision of council housing has been displaced by the growing importance of private sector rental subsidies including the most recent Housing Assistance Payment (HAP), which Rebuilding Ireland (2016) positions as the primary provider of social housing by 2021.

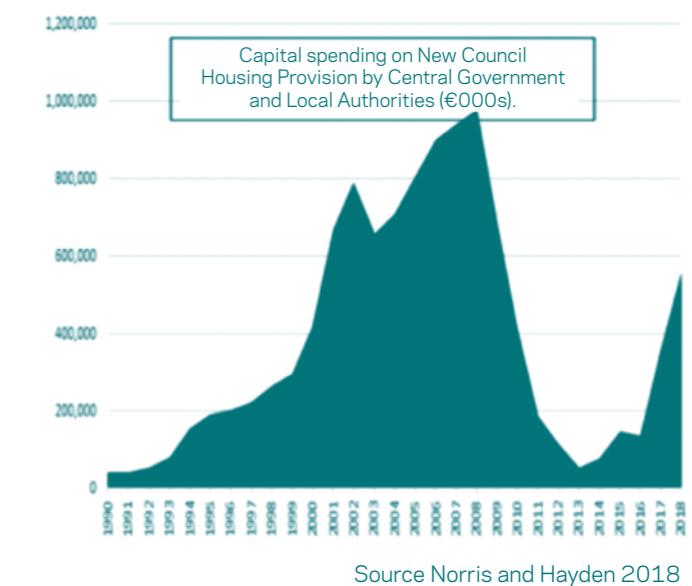
The general decline of local government has more general consequences for the declining confidence in public provision of social housing. Vice versa is also the case, with poor perceptions of local government linked in the public mind to negative perceptions of a now residualised public housing sector. Perceptions and ideology crowd out any concept of what local government driven public housing could or should be.

It is not clear what is driving this policy shift towards the private sector but ideology, management challenges associated with the ongoing residualisation of social housing, and limited political power of low-income households all play a role in driving the strategy. Also important are numerous government assessments flagging concerns about the affordability, efficiency and value for money of council housing, and questions about the long-term sustainability and viability of the Irish social housing model (Norris and Hayden, 2018). From the perspective of the citizen and worker secure social housing social housing is infinitely preferable to insecure private sector housing (Hearne and Murphy 2017). While insufficient regulation of the private social housing market reflects the political conflict of interest which exists when large profits can be made it is also apparent that some actors have also been searching for alternative sources of accommodation for low income households that are better value and more flexible from the perspective of the state. To this end proposals for cost rental models of accommodation are very relevant (NESI 2016, NERI 2015, ICTU 2019).

Norris and Hayden's (2018) assessment of council housing examines the financial sustainability of council housing and sets out recommendations to increase its future financial sustainability suggesting some serious root and branch reforms are needed to protect future investment.

Most capital funding for council housing is provided by the Department of Housing through a slow and unnecessarily bureaucratic approvals system. This funding is challenging for the Exchequer to afford during recessions and in the context of European Semester financial accounting rules. The financing challenges creates a boom/bust pro-cyclical pattern of social housing investment and output which generates inefficiencies in housing and land procurement and staffing, and means local authorities cannot take advantage of lulls in private construction sector. More stable local sources of funding cannot be utilised as the property tax system redistributes revenue from local authorities where housing need is high to areas of low housing need (*ibid* 2018).

Figure 8  
Capital spending, boom and bust



Source Norris and Hayden 2018

Local authorities are obliged by government policy to sell council housing to tenants at a discount of up to 60 per cent of market value. While recognising the loss of housing stock this entails in the end, Local Authorities are motivated in the short run to encourage sales to fund ongoing council housing management and maintenance (accounting procedures disguise the full costs of this policy). No viable European models of social housing are built on incentivising the right to buy at 60% discount (Norris and Hayden 2018).

Availability of non-standard smaller sized community based housing options could enable imaginative downsizing options and allow standard accommodation to be relet. Likewise, more resources could prompt changes in letting and successor policy and practice.

The differential rent system not only operates inconsistently across the state but based on an income assessment (€50.63 a week per dwelling in 2015) does not recover revenue sufficient to planned funding housing management, maintenance and upgrading of dwellings. A shift in changing differential rent to a cost rental model (potentially subsidised by HAP) would allow local authorities tap into secondary incomes in households. Instead, Local Authorities over rely on central government regeneration and upgrading grants, this is not only inefficient, it means no incentive to swiftly re-let vacant dwellings. This

creates a structural incentive to allow voids persist, illustrated by the degree to which a dedicated budget over 2014-17 enabled LA's successfully return 5,000 houses to public provision.

Relating back to the earlier discussion on austerity, the loss of 25% of staff disproportionately hit housing, as with no capital budgets to plan for or implement, after redundancies, the remaining professional staff were redeployed. Not only was there loss of professionals (planners, architects etc.), but given the tight labour market for such skills, it is difficult to restore such capacity in the short term (Norris and Hayden 2018).

Removal of those in market delivered housing assistance payment (HAP) subsidised housing from local authority housing need assessments deflates the demand for public housing (in Cork for example only 6,000 are counted in need of public

housing while 2000 are on internal transfer lists and the HAP). Crucially all build programmes and negotiations between the local and central government is determined by formal housing need assessment. Local demand will remain artificially low as long as HAP is excluded from the assessment of need. Further demand for affordable public housing is evident in the number of workers who cannot get mortgages and who do not want to remain long term in private sector accommodation.

Unreformed, the underlying model for local authority housing incapacitates and limits potential to not only meet direct build targets but to innovate and utilise existing grant and support. Given the loss of many technical staff many void related services are now outsourced, this is not efficient, more direct labour capacity in maintenance would enable effective use of SEAI retrofitting grants which presently many LA's have insufficient resources to utilise.

#### Recommendation:

*In the short term investment can enable less outsourcing of local authority short-term and long-term maintenance functions; employment of direct labour can enable more preventative maintenance, effective void management and proactive use of SEAI retrofitting grants.*

*In the medium term a new local authority led public housing financial model for social housing which changes the funding model to a cost-rental model, with no right to buy or successor policy, and adequate down-sizing capacity alongside supports for local sustainable communities for diverse families across generations.*

## International case study: public housing

In 2012 the UK Arm's Length Management Organisations were brought back into full council control in both Sheffield and Islington following 14 councils who had already taken back direct control of their council housing. In Islington the decision to take its Almo back in-house was the prospect of long run savings and generating funding as well as removing uncertainty in the context of renewal and government's intentions about long-term ownership of the stock.

Finance and accountability are the key issues for Sheffield, which balloted tenants on returning to the council triggered in part a new [Labour] administration with strong attachment to the democratic relationship between tenants and city councils.

However, the majority of the 60 Almos that currently exist are likely to continue in some (often-expanded) forms and remits (Birch 2012).



# Refuse collection

Fórsa has a long history of representing municipal cleansing workers, the Muno (Municipal Employees Workers Union), established in 1883, merged with IMPACT in 1991. While Irish domestic waste collection is no longer primarily a local authority function many local authorities across Europe are remunicipalising waste management. This occurred in Britain (North Tyneside 2008, Thurrock 2010) and in Germany the towns of Uckermark and Bergkamen, 2005, Rhein-Hunsrück-Kreis, 2006 and Böblingen 2007. In Spain when Leon waste and cleaning services remunicipalised in 2013, the cost reduced from €19.5m to €10.5m and 224 workers gained public employment contracts. When Oslo in Norway remunicipalised waste services, 170 workers transferred from part time jobs to full time jobs with municipal salaries and pension rights. (Trevis 2016, P174).

Refuse collection policy is not only an important household service but also crucial in terms of transition to a low carbon economy. Future policy will be understood in the context of the EU Circular Economy. Ireland, like all EU states, adopts a policy of market environmentalism, which posits a market logic in environmental policy, and user polluter pays principles. This logic was applied to bin charges over the last decade. In larger councils over time, the ineffective fee collection and unsustainable charging models<sup>7</sup> and other pressures including absorbing senior management pension costs, meant an unviable business model for domestic refuse. Faced with unsustainable financial models (and in the Dublin region pressure to maximise use of the new incinerator) councils exited waste management service effectively abandoning the service to private operators. However privatisation has had a

number of negative consequences including increased charges, a decline in recycling and an increase in fly tipping and dumping.

Initial waste permit systems saw a number of new companies alongside established companies Panda, Greyhound, Thornton, Greens Star, however over time these were absorbed into approximately 20 large private refuse collection services. However there are a significant number of illegal practices with no waste collection permit who engage in illegal dumping or fly tipping. This can be illustrated by the Irish Business Against Litter report which found Dublin's North Strand to be particularly problematic for fly tipping necessitating Dublin City Council to provide a free of charge bin collection, to request 'Reliant Drivers' to manage fly tipping and to provide a 'bin car' to clear all refuse. This is also a problem in rural councils. Longford, for example, has only one operator who is able to charge excessively high prices which are unaffordable in a county with disproportionately high social welfare dependency and low income and consequently high levels of dumping with vacant houses often targeted by illegal dumpers.

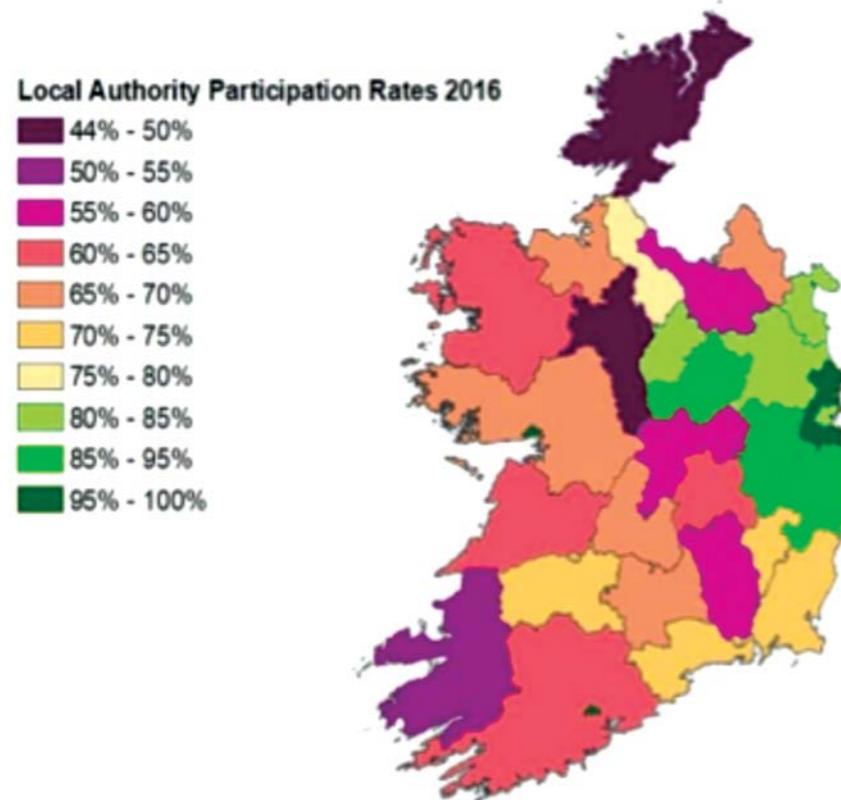
All of this costs. Addressing fly tipping requires follow up services relating to unmanaged waste (that is not collected or brought to a waste facility) which causes pollution in the environment when burned, buried or dumped, a problem that is widespread in some councils including for example Longford where there are considerable health and pollution implications. The EPA (2018) estimates that 44,868 tonnes was unmanaged in 2016. While the 65 staff formerly employed in DCC domestic waste collection have been redeployed within DCC, there are concerns that the private

<sup>7</sup> In context of the local political agreement of significant waivers for low income users were agreed including for workers on FIS and on labour market programmes like CE. 26,000 waivers were in practice in Dublin City Council and between 4,000-5,000 in other larger city councils, costing from €1m in some councils to up to €6.5 m in lost revenue in the Dublin City Council budget.

refuse service workers are underpaid and overworked with poor working conditions. Some private sector refuse workers depend on the in work benefit working family payment (formerly FIS), so that the state is in effect subsidising the low wages.

The Competition and Consumer Protection Commission (CCPC) report on waste market (Goggin 2018) highlights the degree to which the unique Irish waste management market, operating a "side by side" licensing permit model, is highly inefficient in enabling a competitive market that in theory might drive efficiencies and price competition. This produces "a natural monopoly" with little competition in the market. The lack of competition is evident in that only 20 main operators service 90% of households that avail of a collection service. 18% of households nationally, and 25% in the Dublin region, do not have choice of provision from multiple suppliers, while 23% of households do not have a waste-collection service at all.

**Figure 9**  
Household waste collection coverage



Source: CCPC analysis of NWCPO and CSO household data

While Goggin finds no evidence of price, gouging the €350-400 annual cost is significant for many, particularly those on low income who no longer have waivers. While only 6% of people cite cost as a reason for not having their waste collected, the number of operators in the market is concentrating and expected to decrease more and consumers and citizens have little influence in monopolistic conditions. Further, a significant number of households do not have a choice of operator, competitive markets do not exist. Viability of operators in a given area is influenced by route density and collection costs, sparsely populated or rural areas are less economically attractive.

In Ireland the national waste collection permit acts as the regulator but this results in a side-by side 'quasi market' which is problematic and poorly regulated with environmental and other costs. Rather than an open competition between uncoordinated providers there is more a 'cartel like' market or a 'natural monopoly' (Goggin 2018).

The presence of multiple providers in some local markets is seen as inefficient while in other local areas the natural monopoly means insufficient competition to create market conditions that might regulate price and quality. The market structure and supporting regulatory regime in Ireland is atypical. Other states more closely align practical realities, consumer needs and the economics of waste collection. Environmental policy is the primary focus of the current

regulatory regime but is difficult to implement in the current market structure. The current regulations for household waste collection do not cover economic or market considerations and are not assessed as part of the operator permit management process. Authorities have limited enforcement mechanisms to address noncompliance and the fragmented regulatory regime presents a further challenge in standardising the approach taken by the State.

**Figure 10**  
International regulation of household waste collection

Side-by-side	Competitive tendering	Competitive tendering and State-run monopoly	Competitive tendering and side-by-side
Ireland	Poland Latvia Estonia Slovakia	UK Italy France Lithuania Sweden	Finland

Goggin's concludes government should establish a 'regulator for household waste collection' (to include the functions of economic-licensing, data-collection and analysis, market design and consumer protection). The CCPC recommends that a national economic regulator be established with the principal objective of developing over time, an efficient, sustainable and commercial model of domestic waste collection in Ireland, in a manner that protects the interests of consumers and adheres to the principles of better regulation (Goggin's 2018 p104). Goggin's argues that the economies of scale and density which are prevalent in household waste collection markets mean that, at some local levels, the market for household waste collection is a natural monopoly, then a single (private) supplier serving an entire market will never be a competitive market. This is precisely the scenario where public goods are the most logical option.

Siptu (2018) argue the review confirms the only long-term solution for the industry is the return of services to local authority control. Terzic (2017, 86) recounts examples of German and Austrian

waste disposal privatisation where only a few private tenders are actually submitted, given Irish scale density issues, even in a well regulated market, the single supplier outcome will likely dominate. While no Cost Benefit Analysis exists there is on the surface a strong case for a new financial and charging model with the local authority as central provider of refuse collection, only organisation that can be trusted to operate "a natural monopoly" is the State and more regulation without a fundamental rethink "is doomed to fail".

Regulation could create conditions for local authority to re-enter domestic bin collection (see the example of Scotland who having privatised then remunicipalised with a different economic model). If pricing and local markets were regulated by competition authority in an affordable but realistic charging model some larger local authorities would seek re-entry, particularly cities who want regular, quality and efficient service to avoid cost of managing fly tipping and want to avoid present practices where private refuse companies won't enter tenders, (cherry picking, reluctance to give rural cover, no collection for flat

# International case study: Oslo waste services

In 2017, the municipality of Oslo took its waste collection services back into public hands after 20 years of competitive tendering. The last private provider, Veireno, which had won the tender for the capital's waste services in October 2016, quickly became a perfect illustration of competitive tendering gone wrong.

In February 2017, Oslo remunicipalised waste collection and also took over the assets of the private contractor and employed its 170 former staff. The takeover is expected to be costly, as Veireno had several part-time employees, who will now work full-time for the municipality, with municipal salary and pension rights. In the period between October 2016 and February in 2017 the municipality received tens of thousands of complaints from citizens whose waste was not being collected.

The Norwegian Labour Inspection Authority examined Veireno and disclosed work weeks of up to 90 hours for some employees. One employee had a seven-day work week, for several weeks at the start of the private company's contract with the Oslo municipality. Many employees had worked for more than 70 hours per week, with workdays lasting from 6h00 to 22h00.

Veireno's low-cost waste services obviously came at great expense for the workers' conditions. These employees who were responsible for the capital city's garbage collection and for driving heavy vehicles were putting themselves and other people at risk with such long workdays and so little rest between shifts.

Veireno is not unique. Competitive tendering of waste collection services is bad for employees and expensive for citizens. Even when services are outsourced, the municipality ends up covering for anything that goes wrong. If Oslo had not taken back the services and employed the people engaged by Veireno, the employees would not have received any salaries after 1 January 2017 because the company filed for bankruptcy, freeing itself from all responsibilities.

complexes). Regulation would have to cover, government subvention required for non-economic routes or anti-social collection – as in the previous practice which used the council 'vulture car' to back up primary routes.

The advantages of well-regulated system can also be generated with a return to full local authority delivery in a context of regulatory and policy regime that can address expertise, balance and long-term sustainability, evidence to informed decision-making; state control and influence to co-ordinate with other State organisations and lever social, environmental and policy goals;

consultation, accountability, accessibility, service standards; stability. The function of any regulatory authority should include a culture and health promotion and education service to highlight hazards of internal domestic burning which can trigger respiratory and other health problems. A local authority lead regime could also consider compulsory subscription to a local affordable bin service. Finally, from a local authority workers perspective, most of the members in waste management are now waste enforcement officers. A regulatory regime would allow qualifications to be recognised in career structure or meaningful roles.

## Recommendation:

Outsourcing waste collection was driven by the commercial viability of the charging regimes as well as other factors (including the Poolbeg Incinerator). Crucially this was not driven by local government inefficiency or workforce considerations.

It is possible to imagine a local authority led professional, affordable environmentally friendly, cost efficient and citizen friendly service, which has the potential to generate local multipliers in local economy. There is also demand from customers who want the service to return to local authorities.

What is first required is the regulation of the waste sector to ensure every household is guaranteed an affordable waste disposal service; this is a necessary precursor to direct provision.

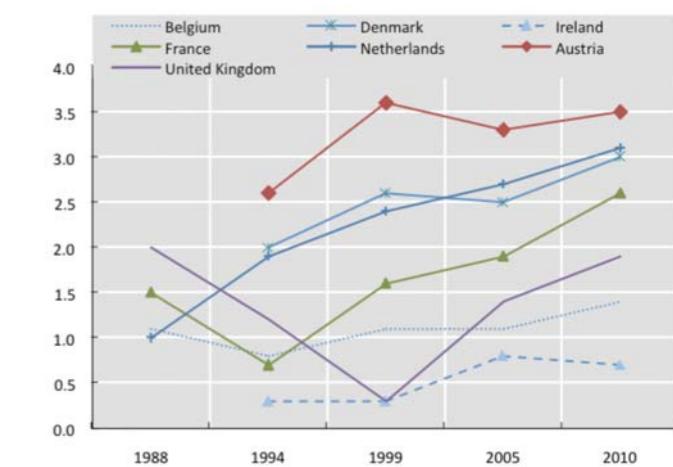


# Water

Water as traditionally provided through the local authority was originally understood as a public good, essential for public health, it was a universal municipal service with the focus on 'hydraulic' investment to ensure supply (Dukelow 2016). The 2002 European Water Directive or framework placed a new focus on environmental and financial sustainability, and, pointing to state failure to invest in water infrastructure, encouraged market based provision. This market environmentalism lodged the market logic in environmental policy along with the use of price signals, charges, and polluter pay principles. Water Charges have been a long-term agenda in Ireland with attempts to introduce them in 1977, 1985, 2002-10, and again over the 2013-2014 period. There is now a limited charging regime for excess use.

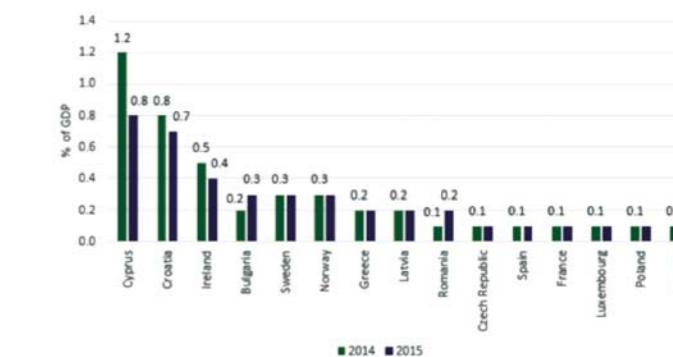
Part of the long-term issue for water policy in Ireland has been the traditional low level of investment in water infrastructure. From historical Irish underdevelopment in water services Figure 11 shows the degree of catch up over 2014/5. Centralisation from local to national is partially motivated by the need to guarantee adequate levels of investment. A form of market approach has been developed in the increased role of PPPs in the provision of water infrastructure. Up to 2015 Ireland was an EU leader in this form of privatisation with 45% of such investment delivered through PPP's (the 2nd highest in EU next to Greece). This Public Private Partnership Model of private sector participation in the delivery of services at municipal level existed since 1999 prior to Irish Water using Design Build Operate contracts that are off 'off-balance sheet'. While Ertiva has discontinued this practice many such contracts cover decades of infrastructural provision remain valid.

**Figure 10**  
Exp share spent on water and household services, Western Europe states 1988-2010



Source: Ruelens, A., & Nicaise, I. (2018)

**Figure 11**  
Exp share spend on water and household services, Western Europe states 2014-2015



Source: Ruelens, A., & Nicaise, I. (2018)

# International case study: Water in Montpellier

Montpellier was the last large French city to remunicipalise its water services in 2016. This case is particularly significant since the Montpellier area, where a lot of Veolia's and Suez's research teams are located, has long been a stronghold of the private water sector.

Montpellier has created its new public water operator building on the lessons from previous experiences in Grenoble, Paris and Nice. As a result, the price of water dropped by 10 per cent, which could have been even more significant had it not been for the poor state of the water infrastructure as discovered by local officials after remunicipalisation. Montpellier created a Water Observatory to allow for citizen participation, based on the Paris model.

The board of the new public operator also has 30 per cent civil society representation. This element of democratic participation will be all the more important given that there is still a divergence between local authorities and the citizen movements.

# International case study: Water customer services in Flanders

Flanders has a rich tradition of dialogue in relation to water poverty. Firstly, **Combat Poverty Service**, organised regular dialogues with around 40 representatives of organisations ranging from social NGOs, environmental NGOs, poverty organisations, charities, public centres for social welfare, public authorities, and also energy and water companies across Belgium.

Their recommendations are strongly rights-based and relate mainly to the concrete realisation of the right to water in general and for vulnerable groups in particular. Secondly, the **Samenlevingsopbouw Antwerpen Provincie** framework project for the Flemish Minister for the Environment, works on water and poverty in 2014 with a rich dialogue based methodology to consult vulnerable clients.

Their recommendations, based on individual cases, individual contacts with the people from target groups and group discussions, mostly relate to improvements in the attitude of water companies, in relation to the realisation of access to quality water for all.

Thirdly, the local project of **Samenlevingsopbouw Oost-Vlaanderen** at the PWO in Wetteren in 2017 enabled vulnerable participants to identify concrete steps that can be achieved in the practices of water companies<sup>8</sup>.

<sup>8</sup> Utilising the **participatory approach** for the assessment of access to affordable provision of water and sanitation of good quality in Belgium, this case study incorporates existing participatory approaches in the Flemish region where **Samenlevingsopbouw**, having since 2014 led a number of consultative processes to address water poverty, and who in 2017, engaged with the NGO **Permanent Welzijnsoverleg (PWO)**.

Public control over the level of such investment is essential; hence, the public demand to guarantee public ownership of water into the future and the specific demand for a constitutional referendum. Various water related referendums have been conducted at municipal level across Europe, while some succeed (Hamburg) other have not (Berlin) but were often important rally points for public education and deliberation. National level referendums (non-binding) have been conducted in Greece and Italy, but only in Slovenia in the EU has the constitution been amended to include the right to water, although 14 other countries globally have this constitutional right.

While Ervia is now in place, and the question of charges is politically settled, there are still remaining issues of transfer of services from local to central levels and outstanding questions about the role of local authorities in water infrastructure. From the citizens perspective there is the relationship between local democracy and water provision, and from the users perspective there are issues of user's rights and service delivery. There remains a clear public democratic deficit; the citizen's point of contact for service provision is the local government however, a constitutional referendum can consolidate the role of the state, national and local, in the provision of water and do this from a rights perspective.

The future of SLA's between Ervia and Local Authorities was the subject of a September 2018 report to the Minister from the Workplace

Relations Commission which outlined a range of concerns from interested parties concerning the future of water services and issues relating to 3500 staff under existing Service Level Agreements between Ervia and local authorities. There are also broader concerns about the impact of the loss of water functions on the sustainability of the local authority more generally (WRC 2018). Central to the issue of resolving SLA's (due to expire in 2021) and the future of public sector workers who are presently employed in local authorities is a commitment to maintain their status as public sector employees who benefit from present and future public sector wage agreements.

The referendum is key to protecting the public sector status of workers in SLAs with Ervia. A Referendum can ensure, not only the right to water, but can keep Ervia in public ownership as a state-run commercial or non-commercial state entity. Workers concerns vary; for many workers it is essential that Ervia must be a single state run public utility incorporated into public sector wage agreements. The Joint Committee on the Future Funding of Domestic Water Services supported the concept of a referendum on the issue of water services continuing in public ownership as a protection against any privatisation. A November 2018 Ministerial memo to cabinet proposed a May 2019 referendum to stipulate that ownership of a water services authority must be retained by the State or a State-controlled body. Wording is now with the Attorney General.

## Recommendation:

A water referendum is essential and wording must facilitate SLAs between Irish Water and local authorities, and ensure local authority water staff continue to be covered as public sector workers, regardless of whether they are employed in the local authority or a public national water company.

The right to water can be made real through a local authority delivered water customer service as in the Flanders region and citizen participation as in the Montpelier governance model.



# Energy

Becker (2017 121) argues energy provision is now a concern for a wide range of policy outcomes including environmental objectives and targets as well as the need to develop renewable energy in the context of low carbon transition. Climate change triggers increased concern about sustainability of energy security and supply; renewable energy is essential to low carbon transition, while at the same time climate change triggers disruption of supply. Instead of overloaded centralised national grids, local decentralised forms of energy supply can limit disruptive impacts. Cumber (2017) argues new forms of power in local or regional alliances can disrupt international and national vested energy interests. Integrated local strategies are essential to tackle climate change, encourage energy efficiency and advance renewable energy solutions. In Wolfshagen over 100 contracts for energy distribution networks have returned to the public sector, many in small municipalities and/or rural areas (Cumber 2017 p 131). In Ireland, we see local examples of best practice for example Co Tipperary engagement with Cloughjordan Eco Village and various councils support for the Transition Town Movement.

Concerns about energy security and energy poverty suggest state based investment is central to realising new forms of renewable energy. The municipal level Robin Hood Initiative in Nottingham, England offers a creative example of local citizen focused energy policy that protects employment conditions and is sustainable for not only the economy but also those on low incomes, addressing both climate change obligation and fuel poverty. In Germany, remunicipalisation has played a key role in facilitating the country's energy transition (Energiewende). Below we see case study of innovative local energy policy from Denmark. What each of these processes have in common is not only local delivery but also local democratic participation and economic democracy in the planning and monitoring of such services, this recognises the degree to which much of the

innovation needs to be vested in the 'local'. Many examples of remunicipalisation of energy were triggered by mobilisations from citizens and civil society (in a 2013 Hamburg referendum citizens voted to take city electricity grid back into public ownership).

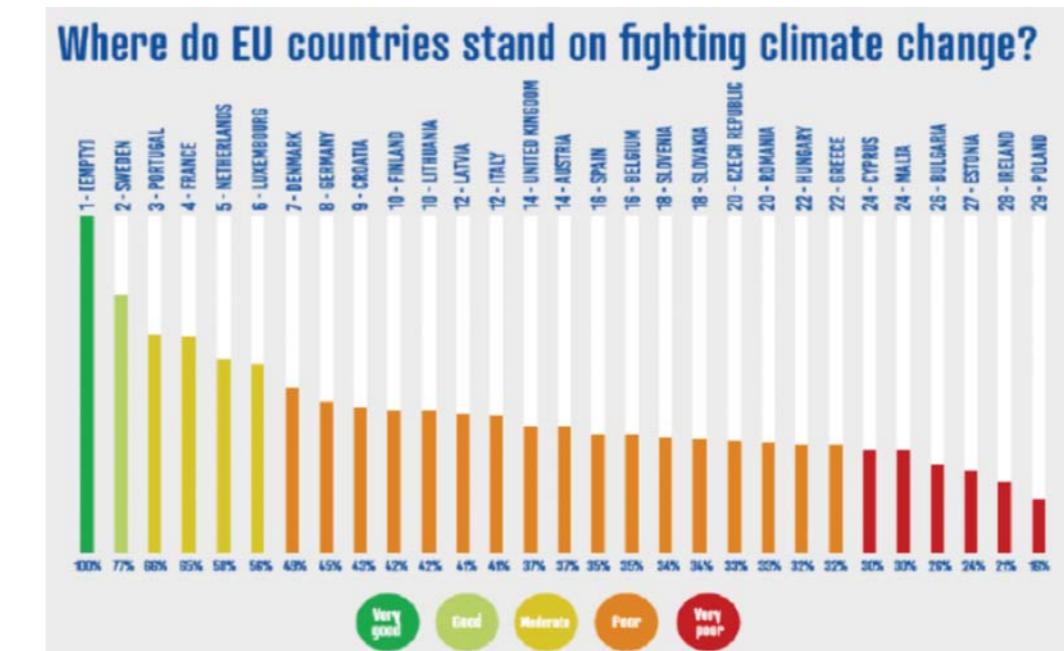
In many instances remunicipalisation also lead to better work conditions and wage increases for workers. Various US city level initiatives successfully maximise partnership and generate 'a community's collective wisdom' (Cumber 2017 128) as well as generate community buy in, engagement and ownership in transition processes. In Germany over 800 community enterprises and initiatives have experimented with new forms of collective ownership and democratic participation including mutuals, relevant to Ireland's strong cooperative tradition. At the same time, experiments in remunicipalisation have exposed power alliances where workers in energy industries ally to maintain what they perceive are better working conditions.

Figure 12 (right), where Ireland is ranked second last after Poland, tells us much about Ireland's dismal record for fighting climate change and the considerable challenge we have to meet internationally agreed targets. Ireland's National Strategic Objective No 8 Plan (NDP 2018 - 2027) focuses on the low carbon transition local government and local democracy is core to realising this objective.

## National Dialogue on Climate Action – local citizen education and mobilisation

The national mitigation plan stresses the role of community engagement to build public support for the action plans and the Programme for a Partnership Government committed to establishing a National Dialogue on Climate Action

**Figure 12**  
Ireland's international ranking for fighting climate change



Source: Climate Action Network (CAN) Europe, Off Target: Ranking of EU countries' ambition and progress in fighting climate change, June 2018

which subsumes the previous National Energy Forum. In its early state of roll out with 4 regional meetings in 2018 and 2019, this aims to engage people with the challenge of climate change; to motivate changes in behaviour; and create structures at local, regional and national levels to support the generation of ideas and their translation into appropriate cost-effective actions. Key is creating structures and information flows to facilitate people gathering to discuss, deliberate and maximise consensus on appropriate responses to these challenges, to enable and empower appropriate action; to establish networks for people to meet periodically to consider evidence-based inputs on the economic, social, behavioural, environmental and public aspects of climate and energy policy; to input into the prioritisation and implementation of climate and energy policy which can be reported and monitored at local/regional/national levels.

With structures such as the Local Community Development Committees (LCDCs), Strategic Policy Committees (SPCs) as well as through development plans and local economic and community plans which set the future local and community development direction and priorities for each city and county, local authorities are well placed to integrate high-level SDG objectives and

targets into their various plans and programmes. Public Participation Networks (PPNs) can also play an important role in this process through their engagement with all aspects of local government. They can also raise the awareness of the general public and community groups to the SDG process and how it can improve their quality of life and wider environment. It is difficult to imagine how these targets can be reached without significant local input to planning and delivery.

## National Mitigation Plan and Role of Local Authorities

The role of the local actor is a recurring theme in academic literature concerning sustainability (Felber 2013). Cumbers (2016) sees remunicipalisation as central to low carbon transition and energy democracy and in an Irish context Kirby (2016) argues local democracy as central to low carbon transition. However, there is no consistency in Irish public administration with energy and local government administered from two different central departments. This does not recognise the importance of local drivers in education and proofing, in driving recycling and in driving a circular economy.

The SEAI (2013) coordinated methodology for the Local Renewable Energy Strategy (LARES) recognises in theory that the local authority and public sphere should be at the heart of the low carbon transition and provides a four step process for local authorities to engage in local planning for renewable energy. The National Mitigation Plan acknowledges in Acton Point 9 the role of Local Authorities in enabling successful transition to a low carbon economy and that a bottom-up approach is essential to promote awareness and engagement within individual communities across Ireland. The Climate Action and Low Carbon Development Act, 2015 provides that a Local Authority may adopt mitigation measures. The Local Authority has a leadership role to encourage appropriate behavioural change in local communities and conversely is often the first point of response to climate related incidents. A regional approach to climate action envisages regional offices dedicated to coordinating climate activities for the local authorities and relevant regional assemblies play a key role in coordinating relevant activities related to the National Dialogue on Climate Action.

## Decarbonising the built environment

The public are aware by now of energy saving measures like attic insulation and lighting replacement. To enhance the potential of energy efficiency to contribute to low carbon transition requires a step change in the level of activity and the 'depth' of the measures undertaken to decarbonise heating and energy use, this requires new thinking about how we renovate, design, construct and use our buildings. Local authorities have a key role in promoting and implementing energy efficiency measures and these have other potential benefits including fuel poverty and public health. Reducing energy use in the built environment can occur at Design, Acquisition and Use stages and SEAI through DCCAE are piloting various ways to promote energy efficiency in the Better Energy Programme and grant scheme for

homes and communities. Two measures are of particular relevance to local authorities; Measure BE3 - Rental Sector - Housing Assistance Package In 2017, a pilot scheme to encourage landlords participating in the Housing Assistance Payment to avail of the Better Energy Programme will get underway to incentivise energy standard improvements in the rental sector and Local Authorities are signed up to participate and make the scheme operational; Measure BE7 - Social Housing enables Energy efficiency upgrades to be undertaken by local authorities to social housing stock funded by DHPCLG. Local authorities have a clear promotion role for all other BE measures (1-8).

## Achieving local renewable energy targets

While the SEAI supported LARES envisages a role for local authorities in shifts to renewable energy, resources are needed to enable this to happen. Recommendations v and vi of the Citizens Assembly report *How the State can make Ireland a Leader in tackling Climate Change* (2018) address the role of enabling communities initiate local based renewable energy solutions. Recommendation V (voted by 99% of the Members) recommended that the State should enable, through legislation, the selling back into the grid of electricity from micro-generation by private citizens (for example energy from solar panels or wind turbines on people's homes or land) at a price which is at least equivalent to the wholesale price. In Recommendation vi 100% of the Members recommended that the State should act to ensure the greatest possible levels of community ownership in all future renewable energy projects by encouraging communities to develop their own projects and by requiring that developer-led projects make share offers to communities to encourage greater local involvement and ownership. The infrastructure for this should be developed by local government.

## Recommendation:

*Investment is needed in local authority environmental and sustainable energy staff infrastructure to ensure sufficient capacity to enable maximum use of the SEAI Better Energy programme (BE 3 (private rental) and BE 7 (social housing)), support renewable energy in the existing LARES framework and advance Citizens Assembly recommendations to facilitate micro generation and community ownership of renewable energy projects.*

*In line with the National Dialogue on Climate Action local government has a key role in citizen education, county 'targets' could mobilise towards low carbon transition.*

# International case study: Hamburg energy grid

A controversial remunicipalisation and one contested by unions was the repurchase of the **Hamburg** energy grids, which were at that time 74.9 per cent owned by the energy groups Vattenfall and E.ON., two of the biggest energy players within Europe.

The remunicipalisation was initiated by more than 50 Hamburg civil society organisations. The civil society initiative achieved a referendum on the remunicipalisation of the energy networks in Hamburg, which was held in 2013. The workers' council feared a drop in income, a reduction in social standards and a threat to jobs.

Employee satisfaction with the private employer was high and workers wanted the existing jobs, working conditions and wages to be maintained. Additionally, there was fear of a counter-financing of the public expenditure on the grid transfer at the expense of the employees. Despite the resistance of segments of the trade unions, of the majority of the political parties (SPD, CDU and FDP) and of employers' associations, the inhabitants of Hamburg voted for the remunicipalisation of the networks. In 2015, the electricity network was repurchased.

The gas network remunicipalisation is to be implemented in 2018-19. Have the fears of the workers' council been confirmed after the remunicipalisation? It does not seem so: working conditions and salary have not deteriorated. The political commitment to maintain the collective agreement is limited in time, however.

In terms of jobs, a positive conclusion can be drawn: There are now more jobs than before, since services are now purchased from (municipal) company subsidiaries.

# Conclusion

*This paper makes a strong argument for investing in local public control and delivery of local services and infrastructure. All assessments of Ireland point to the historically weak role of local authorities and the degree to which, over decades, centralisation and managerialism of power has consistently eroded the already meagre power base of local government.*

*Over the last two decades, various forms of marketisation and privatisation have also served to disempower local government while austerity has seriously undermined remaining capacity.*

*Workers in local authorities fear that local government is becoming only a figure head, local government should be about delivering substance, like water, housing or other public sector goods, that are essential to underpin sustainable communities or promote local authority as the base for local economic development as well as local democracy and subsidiarity.*

*While much innovation is happening in local authorities, including moves towards new forms of collaborative work and shared services, a strengthening of local government functions, powers and capacity offers a pathway to a sustainable future of inclusive growth and dynamic democratic communities and work places.*

# Recommendations

<b>Local Government</b>	Legislative changes to facilitate directly elected mayors should be progressed immediately	Restore sub-county government through a territorially rebalanced town council system	Maximise local employment and economic potential by increasing the % of public expenditure channelled through local authorities from the present low of 8% towards European average 22-23%
<b>Public housing</b>	Investment in direct maintenance staff	A new local authority led public housing financial model for social housing which changes the funding model to a cost-rental model	Referendum for right to housing
<b>Waste</b>	Address fly tipping	Regulation of waste management to ensure abolish side by side and guarantee all households an affordable waste collection service	Direct entry of local authority into regulated waste management service
<b>Water</b>	Local authority led citizens water advocacy	Ensure public service conditions of employment in all SLAs	Referendum for right to water and public ownership water infrastructure
<b>Energy</b>	Advance National Dialogue on Climate Action through local government citizen education and county low carbon transition targets	To advance LARES invest in environmental and sustainable energy staff infrastructure	Advance Citizens Assembly recommendations to facilitate micro generation and community ownership of renewable energy projects

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# Appendix

## Historical back drop

The Spotlight series (Oireachtas 2012) outlines how counties were historically established under the *Local Government (Ireland) Act 1898* and remain the predominant units of local government. The Local Government Act 1925 put in place the structures of local government that were relatively untouched until the first iterations, albeit minor, of reform in the 1970s. From 1925 until 1975, reforms introduced including the abolition of rural district councils, reinforced powers for dissolution of local authorities, creation of a local appointments commission, introduction of a city and county management system, implementation of a code for local authority personnel and the institutionalisation of development plans for local authority areas.

From the 1970s to 1985 despite, a number of commissioned reports and review groups on local government there were few concerted efforts at local government reform. The 1985, policy statement, *Reform of Local Government*21, which recommended devolution of certain functions to local government but was not acted on. The central government response to an ambitious 1991 Report of the Advisory Expert Committee on Local Government Reorganisation and Reform ('Barrington Report') was at minimalist, selective, piecemeal and conservative". The 1996 Better Local Government - A Programme for Change was published in the context of Government's Strategic Management Initiative for the broader public service including local government.

It focused on enhancing local democracy and widening participation, serving the customer

better, developing efficiency in local government and resourcing local government to fulfil its assigned roles. The 1997 second report of the Devolution Commission recommended a wider role for local authorities in respect of specific functional areas and envisaged that local authorities as multipurpose entities relating to a broad range of government departments and other state agencies. The *Local Government Act 1998* provided a new funding framework for a local government fund financed by motor taxation and the central exchequer. From 2003, politicians were no longer able to have national/local dual mandate.

This altered the practice whereby following the 2002 elections, 138 of the 226 members elected to the Oireachtas were also members of local councils. An excessive focus on local issues in Irish politics is blamed for weakening parliament's capacity to hold the Government to account and scrutinise legislation. This localism has been attributed, in part, to the weak system of local government. In 2008 government published *Stronger Local Democracy - Options for Change* with according to Quinlivan 2017, "...some significant proposals, with a focus on stronger democratic processes and improving the balance of powers between management and elected representatives'. A Bill to legislate for directly elected mayors was published in 2010 while a 2010 White Paper was prepared but not published.

The *Local Government Reform Act 2014* updated *Local Government Act 2001*, the principal legislative code outlining supporting the structures, powers, functions and duties of local government in Ireland (Quinlivan 2017, 2018).

## Timeline of policy initiatives on local government reform (Oireachtas 2012)

<b>1971</b>	Local Government Reorganisation White Paper
<b>1973</b>	Local Government Discussion Document
<b>1985</b>	The Reform of Local Government Policy Statement
<b>1991</b>	Local Government Reorganisation and Reform – Report of Advisory Expert Committee
<b>1991</b>	Government Statement on Local Government Reform
<b>1996</b>	Towards Cohesive Local Government – Town and County
<b>1996</b>	Devolution Commission – Interim Report
<b>1996</b>	Better Local Government – A Programme For Change
<b>1997</b>	Devolution Commission – Final Report
<b>2008</b>	Green Paper, Stronger Local Democracy – Options for Change
<b>2012</b>	Putting People First: Action Programme for Effective Local Government
<b>2014</b>	Local Government Reform Act



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