

Local Government
Research Series

Report No.4
January 2013

The changing structure of Irish sub-national governance

Muiris MacCarthaigh

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*In the midst of multiple reform programmes at national and sub-national levels, and in order to avoid incoherence, it will be important to manage coordination of local government reforms and abide by the vision as set out in ‘**Putting People First**’ for Irish local government*

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EXECUTIVE SUMMARY

Irish government at all levels is currently undergoing arguably its most intensive period of reorganisation and realignment since independence. The future shape and role of local government has been the focus of recent media consideration, but less emphasis has been given to the current and proposed developments affecting non-elected local and regional public bodies. In this paper, building on a survey of local and regional bodies in Ireland published by the Institute of Public Administration in 2007, the current landscape of Irish sub-national governance is considered, and a number of issues pertinent to the reform agenda are raised.

Since the publication of the OECD's seminal report on the Irish public service in mid 2008, a series of reports and programmes have been published which have directly or indirectly made recommendations for reforming Irish sub-national government, both in structural terms with a view to consolidation, but also in relation to resource allocations. These include the *Report of the Commission on Taxation* (2009), the *Report of the Local Government Efficiency Review Group* (2010), *Public Service Reform* (2011), the *Report of the Steering Group for the Alignment of Local Government and Local Development* (2012a) and most recently *Putting People First: Action Plan for Effective Local Government* (2012b).

As a result of the organisational rationalisations which have taken place at the local and regional level since 2007, the number of sub-national bodies (other than local authorities) had reduced from 244 in May 2007 to 200 by October 2012, with plans underway to reduce the number further to at least 102 bodies (see Table 3.1 for details). This represents an 18 per cent decrease in the number of sub-national organisations outside of local authorities to date, with a projection of a further 49 per cent decrease based on current government plans.

In spite of the ongoing and somewhat ad hoc rationalisation of the population of sub-national bodies at local and regional levels in Ireland, the organisation of public organisations and functions at sub-national level in Ireland remains complex.

The effect of the public service recruitment embargo has been acutely felt at the local level, where the loss of one or two personnel in small organisations can fundamentally undermine the viability of the organisation and its ability to perform its statutory functions and responsibilities. This is particularly the case when managers leave and are not replaced. For organisations registered as companies, contractual obligations mean that staff cannot be redeployed to duplicate organisations, and there are a variety of risks (such as those under health and safety legislation) arising.

Prior to the financial crisis, many local authorities and public bodies established companies in order to provide a governing structure for local development projects, such as swimming pools and cultural centres. In many cases, staff from local authorities are directors of these companies. In the context of much reduced grant funding and income a number of companies set up or otherwise associated with local authorities have the potential to come under severe financial pressures. Thus it is important that local authorities have a clear and up to date record of all companies where staff operate as directors, and that such staff are aware of their responsibilities to ensure that legislation is complied with.

Future rationalisation programmes at the sub-national level can usefully deploy recommendations which have been generated to assist administrative re-organisations at the national level such as those by the Comptroller and Auditor-General (2010) and the UK National Audit Office (2011).

Strategies for national development must still take cognisance of the important role played by sub-national organisations in the delivery of their objectives, however, and the 'bottom up' work performed by local and community development organisations will be critical in this regard.

In the midst of multiple reform programmes at national and sub-national levels, and in order to avoid incoherence, it will be important to manage coordination of local government reforms and abide by the vision as set out in *Putting People First* for Irish local government. Previous local government reforms have failed to fully achieve their goals and have had limited impact as they were not implemented on a systematic basis across both the local and national levels of government, and reforms did not take full account of their impact on central-local relationships. They also failed to recognise the need for a meaningful role for local democracy in citizens' lives and the need within representative democracy for a self-sustaining system of local government. In the absence of a clearly understood future for local government and appreciation of its particular values, reform efforts and the ability of local authorities to meet future challenges will be limited.

1.

INTRODUCTION

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Irish government at all levels is currently undergoing its most intensive period of reorganisation and realignment since independence. The background reasons for this, and in particular the financial and economic crises, are well documented and are not the subject of this paper. Instead, this report identifies the changes that have occurred over the last four years at the sub-national (i.e. regional and local) level in Ireland, challenges to the coherence of the system, and some issues to be addressed as the reforms continue. In order to reflect the diffuse nature of authority and responsibilities shared between local and regional state bodies in Ireland, the report refers to this as the system of sub-national governance.

Much attention has been given to those aspects of the government’s reform programme affecting national level governance. And while the future shape and role of local government has recently been the subject of public attention, less emphasis has been given to the current and proposed developments affecting local and regional public bodies. In part, this is because of their dispersed nature, as well as the comparatively smaller share of public finances used by these organisations. However, within their individual jurisdictions, these local and regional bodies interact with local authorities, play important economic, social and governing roles, and are worthy of greater examination.

It remains the case that sub-national governance in its broad sense continues to be undervalued in the study of Irish government and politics¹. In part, this emerges from the lack of readily available data on the work and development of local and regional organisations, but also from a perception that these organisations form little more than a complex web of administrative entities and offices directed and controlled from central government. Within this system of sub-national governance are elected local authorities which (and usually in the absence of comprehensive knowledge of what it is they actually do) are routinely categorised as simply local implementers of national policy.

The Irish sub-national governance system is deemed to be akin to the ‘Anglo’ or ‘Anglo-American’ family of local government systems as categorised by Hesse and Sharpe (1991) and Dollery et al. (2008) respectively. This family of local authorities is characterised by the performance of non-discretionary and usually statute-bound activities. By way of contrast, the local government systems of the Nordic states are characterised by considerable autonomy from central controls, including the power to raise or reduce local taxes as required. While this simple dichotomy disguises the extent to which individual local authorities may seek to expand their autonomy and range of functions, it provides a useful

¹ An exception has been the establishment of a specialist group on Local Government within the Political Studies Association of Ireland

model for setting the context for Irish sub-national governance more broadly. Sub-national governance in Ireland does not operate independently of national government, and due to the vertical imbalance in Irish local authority funding (Indecon 2005: 19) changes in national policy priorities are rapidly reflected at local level.

In this paper, building on a survey of local and regional bodies in Ireland published by the Institute of Public Administration in 2007, the current landscape of Irish sub-national governance is considered, and a number of issues pertinent to the reform agenda are raised. The work takes as a starting point the findings of a survey of non-commercial local and regional public bodies in Ireland (including local authorities) published in 2007 (MacCarthaigh 2007). Through the use of a detailed survey questionnaire, this study examined the autonomy, control and governance arrangements for these 283 organisations prior to the onset of the current economic crisis². Rather than repeating the survey, in this report the institutional changes to the sub-national landscape in Ireland are documented, as are the reductions in resources and the implications of this for the work of public service organisations.

² Ó Broin and Waters (2007) counted 22 types of local and regional agency in Ireland, totalling 491 separate organisations. The disparity arises as their work includes 'quasi-regional' structures of national bodies as well as very small community organisations, task-forces and funding programmes

2.

CONTEXT: BACKGROUND AND RECENT DEVELOPMENTS

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Since the publication of the OECD’s seminal report on the Irish public service in mid 2008, a series of reports and programmes have been published which have directly or indirectly made recommendations for reforming Irish sub-national government
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Paralleling developments at the national level, there has been a rapid appreciation in the number of public bodies operating at the sub-national level in Ireland since 1990 (MacCarthaigh 2007). Since the publication of the OECD’s seminal report on the Irish public service in mid 2008, a series of reports and programmes have been published which have directly or indirectly made recommendations for reforming Irish sub-national government, both in structural terms with a view to consolidation, but also in relation to resource allocations. They are:

- The Report of the Task Force on the Public Service: Transforming Public Services (2008)
- The Report of the Special Group on Public Service Numbers and Expenditure Programmes (the McCarthy Report) (2009)
- Report of the Commission on Taxation (2009)
- The Report of the Local Government Efficiency Review Group (2010)
- The Public Service Agreement 2010-14 (the Croke Park Agreement) (2010)
- The National Recovery Plan 2011-14 (2010)
- Programme for Government (2011)
- Public Service Reform (2011)
- Report of the Steering Group for the Alignment of Local Government and Local Development (2012a)
- Putting People First: Action Programme for Effective Local Government (2012b)

The principal issues arising for local and regional public organisations in the published reports identified above are considered below.

2.1 The Report of the Task Force on the Public Service: Transforming Public Services

This report was published in 2008 and was the then Government’s response to the report published earlier that year by the OECD titled Ireland: *Towards an Integrated Public Service*. Amongst other issues, the task force advocated a more joined-up approach to service delivery at all levels of government, enhanced performance by public organisations and greater engagement with citizens in service delivery. The report also advocated a much greater devolution of responsibility for the performance of functions to regional and local levels. In relation to sub-national government, while the task force’s report recognised ‘local agencies’ as part

of the general public service, its more detailed recommendations concerned local authorities specifically. The one exception was in relation to the county/city development boards (CDBs) which it proposed should be 'strengthened to improve the co-ordinated delivery of publicly funded services at local level'.

2.2 The Report of the Special Group on Public Service Numbers and Expenditure Programmes (the McCarthy Report) (2009)

This report, also known as the McCarthy report, was published in 2009 as the Government sought to reduce the public service budget. Though local government was not specifically within its remit (it was primarily concerned with national government) the report did make a number of observations and recommendations in relation to local authorities and other bodies. Chief amongst these was the recommendation to 'move to a single tier of local government through the abolition of regional authorities and town councils'. It also proposed a reduction in the number of city and county councils from 34 to a maximum number of 22. A similar reduction in 'corresponding local authority agencies/authorities' was also advocated, and it proposed that the number of organisation types and the number of individual bodies should initially be reduced by merging some functions into a single county/local authority level organisation. Specifically, the report suggested that the number of vocational education committees (VECs) be reduced from 33 to 22 and that the 'possibility of amalgamating the VECs with the local authorities could also be considered'.

2.3 Report of the Commission on Taxation (2009)

As part of its remit, the Commission on Taxation's report in 2009 contained a number of recommendations in relation to taxation and the autonomy of local authorities. The focus of these recommendations was on 'changing the balance between nationally provided and locally collected sources of income' (Commission on Taxation 2009: 15). They identified that local authorities secured approximately 55 per cent of their current income from their own sources (commercial rates, housing rents and receipts for goods and services) with the state providing the remaining 45 per cent. The report envisaged that by 'by the end of a five-year period, local authorities would source well over 75 per cent of their income from their own generated sources' (2009: 15). Specifically, the report recommended the introduction of a property tax before the local election due to fall in 2014, but also made important suggestions in terms of charging water, waste and other services provided at a local level.

2.4 The Report of the Local Government Efficiency Review Group (2010)

The Report of the Local Government Efficiency Review Group was published in 2010. Its remit was to 'review the cost base, expenditure of and numbers employed in local authorities' (Department of the Environment, Heritage and Local Government 2010). It identified areas for expenditure savings including through the sharing and in some cases full merging of staff complements between local authorities, with a consequent reduction of managers. Noting that the envisaged savings from shared service models do not always accrue, the group nonetheless advocated the use of a 'lead authority' model which would allow for greater sharing of fire, homelessness, higher education, building, internal audit and motor tax services. A uniform human resource and payroll system for local authorities was also recommended in the report, as well as centralised recruitment and promotion systems.

In relation to sub-national bodies other than local authorities, the report recommended more integration of back office supports between city and county councils and such bodies. It argued that the (then) organisational environment for local development involving 52 local development companies (LDCs) and 165 community development projects (CDPs) - each with staff levels dependent on public funding - was leading to an 'unnecessarily crowded space'. It did recognise however that a number of previous initiatives, (most notably the cohesion policy of the Department of Community Rural Development and the Gaeltacht) had already reduced the number of LDCs and CDPs. It therefore recommended that the 'consolidation of the local development bodies should be intensified' and that '[a]ll new local development programmes should be placed under the care and control of the relevant local authorities' (p.156).

The review group also recommended that city and county enterprise boards be integrated into county and city councils (and not Enterprise Ireland as the McCarthy report had suggested), and that other local development groups be transferred to local government after 2013. However, in relation to city and county development boards, the group recommended that they continue and that a small percentage of budget allocation to public bodies on the CDB be conditional on the delivery of agreed joint service initiatives, with a view to increasing co-ordination of service delivery.

2.5 The Public Service Agreement 2010-14 (the Croke Park Agreement) (2010)

The Public Service (Croke Park) Agreement between the government and public sector trade unions identified a number of targets and changes to be met by the various sectors of the Irish public service over the period 2010-14. Several sectoral plans have emerged from the agreement. The 'Local Government Sectoral Agreement' noted that:

A key element in reducing internal boundaries and simplifying the production of services will be the rationalisation of State agencies in the Local Government sector. These measures will help provide central corporate supports to a Local Government sector focused on the delivery of value for money services to the public.

It also committed the sector to engage in reforms designed to:

- [Achieve] more efficient delivery of services through a variety of organisational and delivery models
- [Restructure] service delivery to leverage the operational benefits available through regional delivery

Increased emphasis on greater sharing of functions, more online services and extra productivity measures (including shared services for finance, payroll, HR and other activities) are also identified as part of the programme for greater cost-savings.

2.6 The National Recovery Plan 2011-14 (2010)

In November 2010, the Irish government signed an agreement with the International Monetary Fund, the European Commission, and the European Central Bank for the provision of a total of €85 billion euro. It repeated the objective of cutting public service costs through a reduction in numbers and reform of work practices as agreed in the Public Service Agreement, and also voiced support for the efficiencies identified in the Report of the Local Government Efficiency Review Group. The plan also agreed that measures would be put in place to cap the contribution of the local government sector to general government borrowing at an acceptable level. The plan recognised the need to 'put the funding of locally delivered services on a sound financial footing, to improve accountability and to better align the cost of providing services with the demand for such services'. To this end a site value tax was announced, as well as the introduction of a 'household charge', both to begin in 2012.

2.7 Programme for Government (2011)

The Programme for Government published in March 2011 identified a number of commitments relating to reform of sub-national government. As well as specific plans in relation to such issues as planning, the arts and older people at local level, a number of more general issues were identified as follows:

- Moving 'many of the functions currently being performed by agencies – such as community employment and enterprise supports – back to local government and ensure that all property-related revenues are part of the income stream of local government'
- Merging 'local enterprise and job support functions of local, regional and national agencies into a single business and enterprise unit within Local Authorities'
- Reviewing 'the Local Government Efficiency Review as part of our Comprehensive Spending Review'

2.8 Public Service Reform (2011)

In November 2011, the Government published its plan and related statement on public service reform. While the plan was concentrated at the national level, and envisaged greater integration of structures and services across all levels of government, specific reference was made to the 'implementation of structural reform and rationalisation initiatives in the Local Government sector'.

2.9 Report of the Steering Group for the Alignment of Local Government and Local Development (2012a)

In 2011 the Minister for the Environment, Community and Local Government established a steering group to review the role played by local authorities in local and community development (LCD), and of LCD programmes more generally, and to make recommendations to better align them in light of the changed economic circumstances. Following the publication of the interim report (Department of the Environment, Community and Local Government 2011), the final report was published in 2012 (Department of the Environment, Community and Local Government 2012a). The report proposed a number of recommendations to be introduced over the 2012-14 period:

- The development of a national Local and Community Development Policy, supported by an inter-departmental group
- The development of complementary 5-year county/city local and community plans, with a socio-economic committee (SEC) being established in each local authority to progress their plan

- That all strategic planning for local and community development programmes be based around county/city boundary lines, and the 2014-20 LEADER programme be implemented via the SEC
- Greater emphasis on shared services in local and community development programmes, and defined spending limits
- Greater use of impact measurement and assessment systems, and greater use of data sharing

2.10 Putting People First: Action Programme for Effective Local Government (2012b)

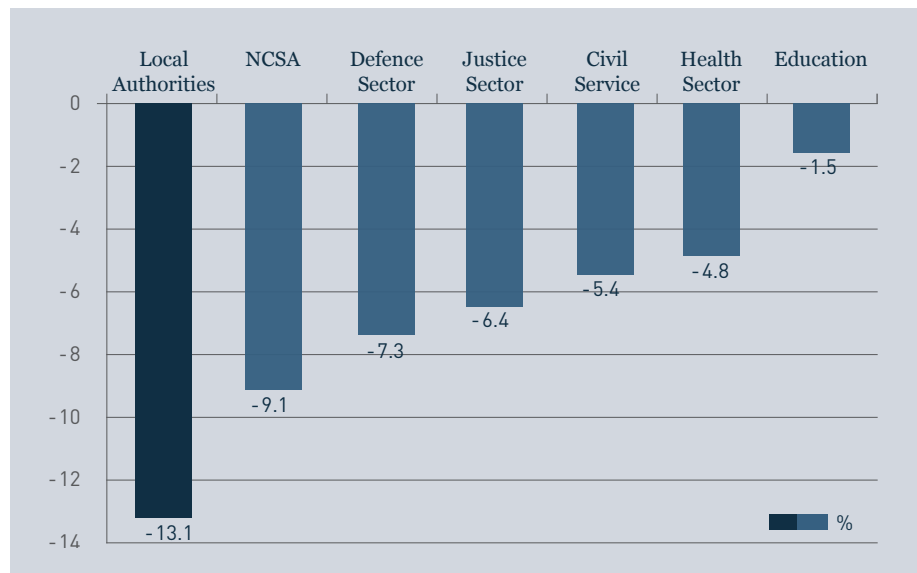
In October 2012, the Minister for the Environment, Community and Local Government published *Putting People First: An Action Plan for Effective Local Government*. The action plan was extensive, with some of the highlights being:

- The structural reform of local authorities, including the abolition of all 80 town councils and the merger of Waterford City and Waterford County Councils, Tipperary North and Tipperary South County Councils, and Limerick City and Limerick County Councils. The total number of elected local councillors would commensurately be reduced from 1627 to around 950
- The eight regional authorities and two regional assemblies to be replaced by three regional assemblies
- The introduction of a local property tax to fund local services, and which could be varied by local authorities
- Expanding the role of local authorities in economic development and enterprise support, and closer alignment of local and community development supports with local government
- More robust performance monitoring of local authorities by a new National Oversight and Audit Commission

2.11 Other developments

Apart from these reports and programmes for reform, local and regional bodies have been affected by a number of public service wide developments including the general moratorium on recruitment and promotion, and the implementation of incentivised early retirement and career break schemes. While aggregate employment figures for local and regional bodies are difficult to compile, Figure 2.1 identifies that local authorities have experienced the sharpest decline in personnel during the 2008-11 period.

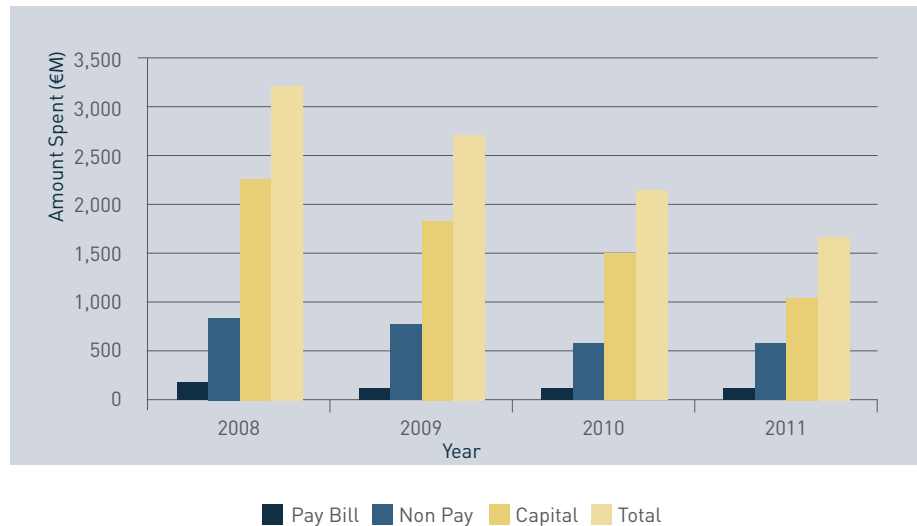
Figure 2.1 Public service personnel reductions 2008-2011



Source: Department of Public Expenditure and Reform Databank, www.per.gov.ie/databank

Also, annual expenditure by the principal government department concerned with local government issues – the Department of Environment, Community and Local Government (formerly Environment, Heritage and Local Government) – has almost halved from just under €3.2 billion in 2008 to just over €1.6 billion in 2011 as Figure 2.2 identifies. The bulk of this contraction is explained by the cut in capital expenditure from €2.2 billion to €1 billion over the period.

Figure 2.2 Annual expenditure by the Department of the Environment, Community and Local Government



Source: Department of Public Expenditure and Reform Databank, www.per.gov.ie/databank

Plans to merge the four city and county development boards in the Dublin region into one regional development board chaired by a directly elected mayor were the centrepiece of the Local Government (Mayor and Regional Authority of Dublin) Bill published in October 2010. However this Bill did not become law. *The Action Programme for Effective Local Government* published in 2012 proposed that a plebiscite for introducing an elected mayor for a Dublin metropolitan area would be held in 2014.

3.

LOCAL AND REGIONAL BODIES IN IRELAND 2007-2011

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As a result of organisational rationalisations at local and regional level, the number of sub-national bodies (other than local authorities) had reduced from 244 in May 2007 to 200 by October 2012, with plans underway to reduce the number further to at least 102 bodies
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The research report published by the IPA in 2007 identified 12 different categories of local and regional organisations in Ireland, including local authorities (MacCarthaigh 2007). In this section, the development of each category over the 2007-11 period is examined, with the exception of the local authorities (city and county councils, and borough councils). The categories of organisation to be considered, therefore, are:

- City and County Enterprise Boards
- City and County Development Boards
- Vocational Education Committees
- LEADER Companies
- Partnerships
- Regional Tourism Development Boards
- Regional Authorities
- Regional Assemblies
- City and County Childcare Committees
- Harbour Commissions
- Regional Fisheries Boards

In all cases, a brief background to the organisation is considered before their recent development and the effects of austerity measures are considered.

3.1 City and County Enterprise Boards

City and county enterprise boards (CEBs) were established in 1993 as companies limited by guarantee and subject to companies legislation. They have been involved in a wide variety of economic sectors, from agri-business, to tourism and telecoms. The enterprise support functions of the boards fall into four categories covering both financial and non-financial supports:

- Supporting smaller enterprises (not exceeding 10 employees) in the indigenous sector through grant aid
- Mentoring and running training courses for small-scale enterprises in the fundamentals of running a business
- Liaising with local educational establishments in promoting a culture of entrepreneurship

- Specific local supports, for example, in the Mid-West Region, CEBs were mandated to support former Dell workers entering self-employment

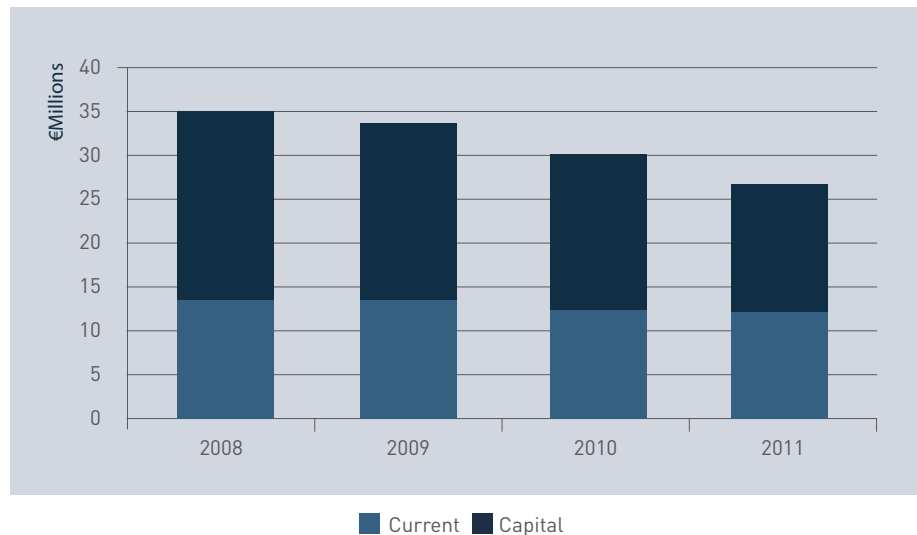
The composition of the CEB boards of directors follows guidance laid down nationally. The number of members of each board is 15, including four local councillors nominated annually, the county/city manager, representatives of Enterprise Ireland, ICTU, and IBEC. A further 7 are drawn from local statutory bodies. The positions are not remunerated.

The boards are funded from the Vote of the Minister for Jobs, Enterprise and Innovation (now channelled through Enterprise Ireland (EI)) which allocates the grants in accordance with need³. The devolution of the grant function brought CEBs into closer contact with EI, allowing greater transfer of expertise, though CEBs remain technically independent. By way of distinguishing between areas of intervention and assistance, unlike the CEBs, EI tend to become directly involved with export-focused businesses of at least 11 staff and with a turnover threshold of at least €1m annually. An argument often made for retaining the CEB network alongside the enterprise role of EI has been their ability to react more swiftly to specific local needs than large national bodies.

Each enterprise board has a chief executive officer and a small number of staff, who are involved in not only the administrative tasks required but also in meeting corporate governance obligations applicable to the boards. In 2007, the CEB central coordination unit (CCU) was established in Enterprise Ireland to provide operational and financial support to the boards. The CCU is in regular contact with the micro-enterprise policy unit in the Department of Jobs, Enterprise and Innovation where policy in relation to the CEBs is developed.

Interviews with officials working in the area suggest that the embargo on public sector employment has had significant effects on the work of the CEBs. Prior to the embargo, most CEBs had on average 4 staff and the loss of staff through, for example, retirement or statutory leave has presented very serious challenges for CEBs in managing their corporate responsibilities whilst also engaging in new enterprise development at local level. Also, as registered companies, the boards of CEBs have corporate governance responsibilities equivalent to those of larger bodies, and a considerable portion of staff time is devoted to meeting these requirements. As Figure 3.1 identifies, there has been a sharp decrease in the budgetary allocation to enterprise boards over the 2008-2011 period, amounting to almost 25 per cent.

³In 2011, the enterprise boards were allocated €27.242 million, of which €15 million was for capital development and the remainder (€12.242 million) for current expenditure

Figure 3.1 Funding for local enterprise agencies

Source: Own communications

The McCarthy report of 2009 recommended that the functions of the enterprise boards be transferred completely to Enterprise Ireland, while the Local Government Efficiency Review Group's report published in 2010 recommended that they be merged with local authorities. As noted in the previous section, the Programme for Government identified a multiplicity of enterprise and job support functions being carried out by local, regional and national agencies and seeks to streamline such functions while saving on administration costs. In a response to a parliamentary question (PQ) in May 2011, the Minister for Jobs, Enterprise and Innovation noted that '...their current structure is, in any event, in need of review and reform to move away from their current set up of 35 separate, legal entities with the resultant administrative overhead costs and inflexible staff deployment that this entails' (Written response to PQ, 4 May 2011). The proposal to review the boards was repeated in the Public Service Reform plan published in November 2011.

In February 2012, as part of the Government's 'Action Plan for Jobs', it was proposed that CEBs would be dissolved in favour of a new network of local enterprise offices (LEOs) within each local authority, supported by a new micro enterprise and small business unit within Enterprise Ireland. This process is now underway.

3.2 City and County Development Boards (CDBs)

CDBs were established in 2000 in each of the thirty-four county and city council areas to develop a strategy for economic, social and cultural development, as well as more coherent delivery of services. They are normally supported

by the respective local authority's community and enterprise section. The boards are comprised of representatives of local authorities (both elected and administrative), national bodies (such as An Garda Síochána, Enterprise Ireland and FÁS), the social partners, local development bodies and various other local non-governmental organisations and charities. In 2002, each CDB adopted its ten-year strategy for 'economic, social and cultural development' in their local authority area. In their original formulation, CDBs had a particular commitment to tackling social exclusion and promoting local development, but it is also the case that they are involved in a wide range of other activities such as training, social services, environment and enterprise.

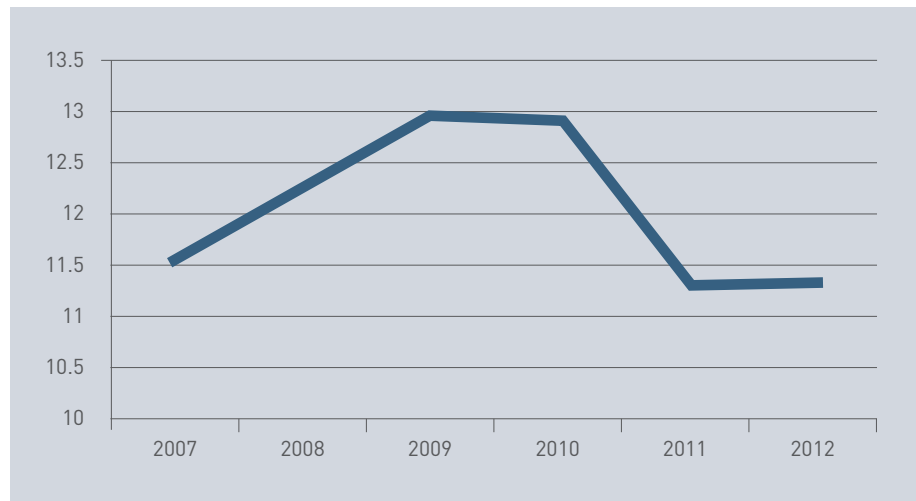
CDBs are primarily coordinating bodies and have few resources directly at their disposal. By way of response to the downturn in the national economy, many CDBs created economic development sub-committees comprised of representatives from national agencies including FÁS, Enterprise Ireland, the IDA and local business interests to develop economic plans and strategies for their areas. The ten-year strategies of CDBs were last reviewed in 2009 and are coming to an end in 2012. The report of the Steering Group for the Alignment of Local Government and Local Development did note that the CDBs were not the 'appropriate vehicle for the alignment of local government and local development' (Department of the Environment, Community and Local Government 2012a: 7). Following this, *Putting People First: An Action Plan for Effective Local Government* (Department of the Environment, Community and Local Government 2012b) proposed that the boards would be 'phased out' in favour of giving local authorities more direct co-ordinating control of local development.

3.3 City and County Childcare Committees

Thirty three city and county childcare committees (CCCs) were established in 2001 to improve the provision of childcare facilities in their area. Each has a board of management comprised of local representatives of state organisations, social partners, parents, childcare providers and voluntary organisations involved with childcare. They offer a variety of services, including advice on setting up a childcare business and training courses for those considering a career in childcare. They are also involved in the community childcare subvention programme, the early childhood care and education programme and the childcare education and training support programme. Their role was enhanced under the national childcare investment programme including involvement in the development of local childcare infrastructure, quality standards, training and information. However since 2009, as a result of reduced budgets, the role of the committees has switched from a focus on expanding services and facilities in favour of retaining existing services and maintaining standards.

As Figure 3.2 identifies, the financial allocation to the committees declined significantly after 2009, due in large part to the cut in the State's capital budget which had been a primary source of revenue for the committees.

Figure 3.2 Budgetary allocation for City and Country Childcare Committees 2007-12 (€m)



Source: Own communications

Their funding is allocated through the Department of Children and Youth Affairs. In 2011, the total amount allocated to the CCCs is €11.3m. The most recent staffing figures, for 2010, identify that the CCCs employed approximately 136 people directly, or approximately 4 staff per committee. In some committees, personnel from the Health Service Executive (HSE) were also employed alongside these staff.

3.4 Vocational Education Committees

Vocational education committees (VECs) were established under the Vocational Education Act 1930. As well as their founding legislation, the provisions of the Vocational Education (Amendment) Act 2001 determine their role. They are formally linked to local authority structures and each committee comprises members nominated by the elected members of those local authorities, as well as parents of students and members of the VEC staff. Each VEC has a chief executive officer responsible for administration and management.

Under the Education Act 1998 they are the legal patrons of the second level schools they maintain, commonly called vocational schools or community colleges. These schools educate approximately a quarter to one-third of all post-primary pupils. They also play an important role in the community and comprehensive school sectors. In community schools they are co-patrons with religious authorities, while in comprehensive schools, the CEO is a member of the board of management. Combined, comprehensive and community schools educate approximately 16 per cent of the second level population. VECs also play a role in respect of adult and further education programmes, including post-leaving certificate courses.

Originally, 38 VECs were created but following some mergers in the 1990s, this number was reduced to 33. In July 2009, the McCarthy report recommended that the number of VECs be reduced from 33 to 22 (in line with their suggestion for a reduction in the number of local authorities to 22). However in 2010 the Government announced plans to reduce the overall number of VECs from 33 to 16, with legislation due in 2014 to fix the size of the committees for the new configurations.

3.5 LEADER

LEADER is an acronym for *Liaisons Entre Actions de Développement de l'Économie Rurale* (literally, links between development actions for the rural economy). It was originally designed as an EU initiative aimed at local rural development. It was introduced in Ireland in 1991 with the establishment of sixteen LEADER I groups, followed by LEADER II for the 1994-9 period and LEADER + for 2000-6. The LEADER budget for 2007-13 is almost three times the size of the 2000-6 budget, but it also indicated a significant change in policy delivery by means of the inclusion of a 'compliance with governance measure' (Maye et al. 2010: 6). This requires greater attention to be given to corporate governance issues within LEADER projects.

In 2006, an initiative was launched to integrate more closely the work of LEADER groups, Partnerships (below) and various national social inclusion programmes at local level⁴. The resulting 'integrated local development companies' are a result of this process of 'cohesion' which was designed to eliminate duplication of efforts and more closely align the various social development programmes with city and county council boundaries. The cohesion initiative was supported and facilitated at local level by the respective county/city development boards. The 51 integrated local development companies now form a network which collectively delivers the local community development programme and in rural contexts, the LEADER rural development programme. The Programme for Government published in 2011 envisaged these bodies being aligned and to pursue this goal a committee was established to look at the 'Alignment of Local Government and Local Development'. *Putting People First: An Action Plan for Effective Local Government* (Department of the Environment, Community and Local Government 2012b) also proposed that there would be continued integration of LEADER groups' work within local authority structures.

3.6 Partnerships

Partnerships, also known as area partnerships or partnership companies, were independent companies limited by guarantee. Prior to the cohesion process (above) they were independent companies limited by guarantee and which were principally involved in issues related to social inclusion and local community development. Each had a board of directors drawn at local level

⁴ These were the Local Development Social Inclusion Programme and the Rural Social Scheme

from representatives of the social partners, various state organisations and community and voluntary organisations. Most were established during the 1991-6 period in areas of disadvantage and with relatively high levels of long-term unemployment, and funding was supplied through the national agency Pobal. The cohesion process resulted in a sharp reduction in the number of local delivery structures involved with social inclusion and rural development, including Partnerships. The report of the Local Government Efficiency Review Group (2010: 154) found that the number reduced from 94⁵ organisations pre-2009, to 52 in 2010, with the subsequent integration of most of 164 community development projects into these local development companies. As with LEADER groups, it is envisaged that the work of partnership companies will be more closely aligned with the enterprise work of local authorities into the future.

3.7 Regional Tourism Development Boards

The creation of regional tourism development boards preceded the onset of economic crisis in 2008. They replaced the regional tourism authorities⁶ that had existed as public companies between 1964 and 2006, but which were dissolved and subsumed into Fáilte Ireland. The five regional tourism development boards published regional development plans for the years 2008- 2010, as did Dublin Tourism (an autonomous body for Dublin) and Shannon Development (the regional tourism authority for the Shannon region). The Public Service Reform Plan published in late 2011 suggested further consolidation of the local and national tourism structures and in early 2012 Dublin Tourism was merged with Fáilte Ireland. A review concerning the role of Shannon Development and Shannon International Airport has resulted in a Government decision to move the enterprise and tourism functions from Shannon Development to Enterprise Ireland and Fáilte Ireland. The full implications of this decision were being studied by the board of Shannon Development at the time of writing.

3.8 Regional Authorities

While directly elected regional government is not a feature of the Irish system of government, many national organisations have regional offices or operate according to regional divisions, though these divisions rarely correlate territorially. A variety of non-elected regional authorities have been in existence in one form or another since the 1970s, and are an extension of the regional development organisations established in 1969. There are currently eight regional

⁵The 94 had comprised of 56 partnership companies, 2 employment pacts, 24 rural development (or LEADER) companies and 12 integrated local development companies (companies which were delivering both rural development and social inclusion programmes)

⁶Prior to 1996 they were known as regional tourism organisations

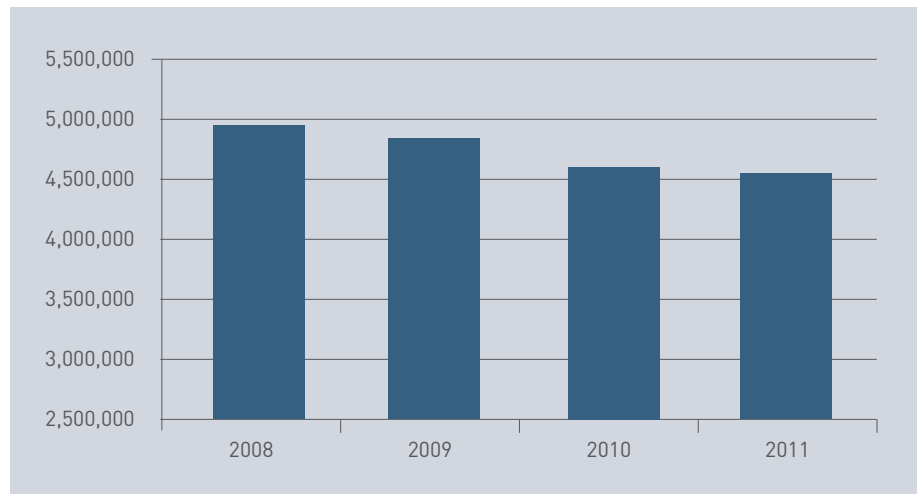
authorities in the State, each with a board of directors comprised of city and county councillors nominated by the constituent local authorities. Their key underpinning legislation is the Local Government Act, 2001, but other pieces of legislation are also relevant – in particular the Local Government (Planning and Development) Act, 2010.

Each regional authority has a director and a small number of staff. Unlike the other organisations considered here, the staffing complement for each regional authority was increased by one arising from the statutory planning responsibilities conferred on authorities under the 2010 Act. Each authority received sanction to appoint a regional planner (having initially drawn on the planning services of local authorities). An economic development strategy was part of the regional planning guidelines, but mainly as a back drop to their spatial intent.

The two principal objectives behind the establishment of the regional authorities were; firstly, to coordinate the activities of public authorities in the region, and secondly to coordinate the development plans of the local authorities. Later, functions in relation to planning and managing European funds were conferred on them⁷. Though these functions remain, there is some variety in the degree to which they are being achieved. As noted above, the planning coordination function, as expressed through regional planning guidelines, have been greatly augmented, strengthening the regional authorities' role in this regard. Interviews suggest that the service co-ordination functions have not developed in the same manner, however, and local authorities tend to focus on their own geographical areas of responsibility in the first instance, and particularly in the context of resource constraints. Figure 3.3 identifies that their budgets have reduced by almost 8 per cent over the 2008-11 period.

Putting People First: An Action Plan for Effective Local Government (Department of the Environment, Community and Local Government) argued that 'the impact of regional authorities has been limited and very little regional identity has developed' (2012b: 76). In examining the case for a regional tier of public administration in Ireland, it recommended their amalgamation with the two existing regional assemblies to form three new regional assemblies: Southern, Eastern and Midlands, and Connacht-Ulster.

⁷ Individual regional authorities also engage in specific projects. For example the Mid-West Regional Authority is centrally involved in the development of a land use and transportation strategy for the Mid-West. See also Department of the Environment, Community and Local Government 2012b: 89-90

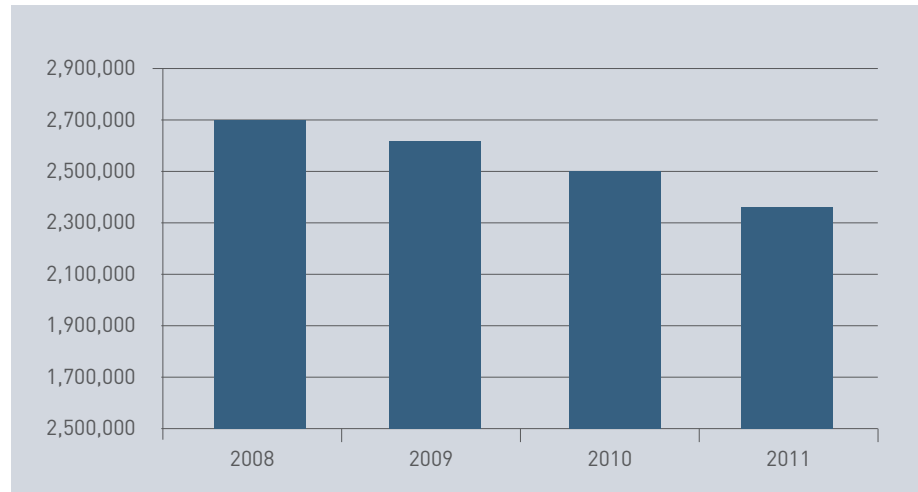
Figure 3.3 Budgets for Regional Authorities 2008-11

Source: Department of Environment, Community and Local Government (2008, 2009, 2010, 2011) *Local Authority Budgets*

3.9 Regional Assemblies

In order to apply for the 2000 to 2006 round of EU structural funds, the government created two regional assemblies under the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999. They were the Border, Midland and Western (BMW) regional assembly and the Southern and Eastern (S&E) regional assembly. The BMW regional assembly consists of twenty-nine elected members drawn from thirteen local authorities, while the S&E regional assembly consists of forty-one elected members representing the remaining group of local authorities.

The principal role of the assemblies has related to the management of regional operational programmes, part-funded by EU structural and cohesion funds. However, they also have duties in relation to monitoring the impact of EU programmes under the national development plan/community support framework within their region, promoting the co-ordination of public services within the region and making public bodies aware of the regional implications of their policies, plans and activities. The S&E regional assembly also manages the Ireland/Wales territorial co-operation programme, which is principally funded by the European Regional Development Fund. While the staffing levels in the assemblies are low, over the period 2008 to 2011, their aggregate budgets were reduced by 13 per cent as Figure 3.4 identifies.

Figure 3.4 Budgets for Regional Assemblies 2008-11

Source: Department of Environment, Community and Local Government (2008, 2009, 2010, 2011) *Local Authority Budgets*

As noted above, the *Putting People First* plan (Department of the Environment, Community and Local Government 2012b) for local government reform proposed that the existing regional assemblies be replaced by three new assemblies, which would incorporate the eight regional authorities.

3.10 Harbour Commissions

The 1946 Harbours Act created a new legal basis for the control and work of Irish harbour authorities, or commissions. The commissions were elected in the same year as local authority elections, and consisted of representatives of stakeholders such as harbour users and local authorities, as well as ministerial appointees. The staffing and budgetary allocations to the harbour commissions were quite small. Since 2006 they have been operating under the aegis of the Department of Transport (now Transport, Tourism and Sport).

The Government's 2005 ports policy statement identified that the continued operation of harbours under the Harbours Act 1946 was 'unsustainable on the grounds of good governance' and set out to transfer their management to local authorities or port companies. While responsibility for three of the harbours had already transferred to local authorities by the time of the statement in 2005, a further nine have done so since (including three as of 1 January 2012) by virtue of the Harbours (Amendment) Act 2009 and thus no longer exist as separate legal entities. Only Bantry Bay harbour remains, though the assumption by the Port of Cork of its functions are being explored at time of writing.

3.11 Regional Fisheries Boards

Prior to 2010, there existed in Ireland seven regional fisheries boards with responsibility for the conservation, protection, development, management and promotion of inland fisheries. They were supported by and reported to a body called the Central Fisheries Board. Following a series of consultancy reports examining the governance structures in place for inland fisheries, the Inland Fisheries Act 2010 created a single new inland fisheries authority called Inland Fisheries Ireland. It replaced the Central Fisheries Board and assumed the functions of the regional fisheries boards. The new body also assumed the functions of a number of fisheries development co-operative societies and the national salmon commission.

3.12 Summary of rationalisations

As a result of the above organisational rationalisations at local and regional level, the number of sub-national bodies (other than local authorities) had reduced from 244 in May 2007 to 200 by October 2012, with plans underway to reduce the number further to at least 102 bodies. Table 3.1 identifies these changes by organisational category. In most cases, the reduction in the number of organisations has arisen as a result of upwards or vertical integration of sub-national bodies into new or pre-existing national structures (for example, the regional fisheries boards). However, in many cases a form of sub-national presence remains e.g. regional tourism development fora in the case of Fáilte Ireland.

Table 3.1: Local and regional public bodies in Ireland: 2007-2011

<i>Category</i>	<i>Number of Organisations as of May 2007</i>	<i>Number of Organisations as of July 2012</i>	<i>Projected number of organisations under current government plans</i>
<i>County/City Enterprise Boards</i>	<i>35</i>	<i>35</i>	<i>0</i>
<i>City/County Development Boards</i>	<i>34</i>	<i>34</i>	<i>0</i>
<i>Childcare Committee</i>	<i>33</i>	<i>33</i>	<i>31*</i>
<i>LEADER</i>	<i>38</i>	<i>51 (local development companies)</i>	<i>51</i>
<i>Partnerships</i>	<i>36</i>		
<i>Regional Tourism Development Boards (formerly Regional Tourism Authorities)</i>	<i>7 (incl. Dublin Tourism and Shannon Dev)</i>	<i>2 (Shannon Dev and Dublin Tourism)</i>	<i>1* (Shannon Dev)</i>
<i>Regional Authority</i>	<i>8</i>	<i>8</i>	<i>3</i>
<i>Regional Assembly</i>	<i>2</i>	<i>2</i>	
<i>Vocational Educational Committees</i>	<i>34</i>	<i>34</i>	<i>16</i>
<i>Harbour Commissions</i>	<i>10</i>	<i>1</i>	<i>0</i>
<i>Regional Fisheries Board</i>	<i>7</i>	<i>0</i>	<i>0</i>
<i>TOTAL</i>	<i>244</i>	<i>200</i>	<i>102</i>
<i>Borough Councils</i>	<i>5</i>	<i>5</i>	<i>5</i>
<i>City/County Councils</i>	<i>34</i>	<i>34</i>	<i>31**</i>

* The government's Public Service Reform Plan published in November 2011 identified that the role of Shannon Development (Tourism) would be reviewed, including a 'possible merger of functions' into Fáilte Ireland. In the absence of a final decision on this review, it remains identified here as the sole sub-national tourism authority. Dublin Tourism was merged into Fáilte Ireland in early 2012.

** At time of writing, plans to merge the local authorities of Limerick City and County, Waterford City and County and Tipperary North and South Ridings, respectively, are being progressed. This development has implications for the number of city and county childcare committees of which only one is to exist per local authority area.

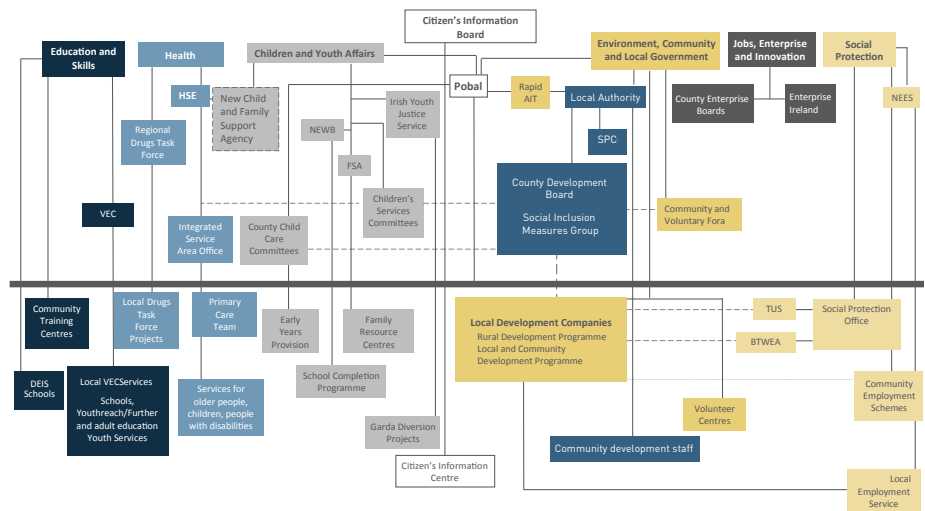
4.

CHALLENGES EMERGING

“
The new programme for shared services being developed by the Department of Public Expenditure and Reform, and in particular the proposals for greater mobility of staff across all public service organisations at national and sub-national level, should take cognisance of the disproportionate effects of the recruitment embargo at local level
 ”

In spite of the ongoing and somewhat ad hoc rationalisation of the population of sub-national bodies at local and regional levels in Ireland to date, the organisation of public organisations and functions at sub-national level in Ireland remains complex. The interim report of the Steering Group for the Alignment of Local Government and Local Development (Department of the Environment, Community and Local Government 2011) demonstrates this in its diagrammatic presentation of the ‘local development landscape’ (represented in Figure 4.1).

Figure 4.1: Map of state funded local structures 2011



Source: <http://www.environ.ie/en/Publications/Community/AlignmentLocalGovLocalDev/FileDownload,28840,en.pdf>

The diagram identifies that a wide variety of schemes under the responsibility of departments are delivered through multiple local and regional bodies and networks. Commenting on this, the steering group found that ‘the existing arrangements for local development are administratively burdensome and do not lend themselves to joined-up, integrated service delivery’ and that ‘central government, by establishing multiple structures for service delivery at local level has, to a large extent, by-passed local government and undermined the democratic process at local level’ (Department of Environment, Community and Local Government 2011: 18). To address this democratic deficit, the group calls for more ‘joined up’ local planning under the governance of respective local authorities, including greater alignment along local authority boundaries.

The report also noted that while its work focussed on programmes managed by the Department of Environment, Community and Local Government, it believed that:

...service planning and delivery would be greatly improved at national and local level if central government adopted a more integrated and targeted approach to all the programmes funded and managed by all departments and agencies and delivered locally. Joined-up services based on a comprehensive cross-programme and cross-government alignment would undoubtedly achieve greater operational efficiency and better services to citizens. (Department of Environment, Community and Local Government 2011: 19-20)

The steering group also identified some useful overarching principles for informing central-local relations:

The Steering Group believes that, within any newly aligned structures, central government priorities should allow greater flexibility at local level to customise programmes and policy initiatives to local needs and priorities. In turn, the policy making role at national level should be informed by delivery and practice on the ground at local level. New aligned frameworks and arrangements should provide for such an enhanced link between policy and practice (Department of Environment, Community and Local Government 2011: 20)

The 2012 report by the Department of Environment, Community and Local Government - *Putting People First* – sets out an ambitious programme of reform at local level which seeks to rationalise the administrative landscape at that level. The reductions in the number of local and regional bodies proposed in the report will be compensated for by increased responsibilities for local authorities, particularly in respect of social and economic development. However, ensuring that there is good central-local co-ordination and co-operation will remain an ongoing requirement, particularly in the context of reducing the public finance deficit.

4.2 Critical personnel mass

The ongoing recruitment embargo in the public service has resulted in a reduction in the numbers employed across government. However, the effect of the embargo has been acutely felt at the local level, where the loss of one or two personnel in small organisations (of normally three to five staff) can fundamentally undermine the viability of the organisation and its ability to perform its statutory functions and responsibilities. This is particularly the case when managers leave and are not replaced.

For organisations registered as companies, contractual obligations mean that staff cannot be redeployed to duplicate organisations, and there are a variety of risks arising (such as those under health and safety legislation) from organisations where only one person is working (such as when staff avail of annual leave or maternity leave provisions). The new programme for shared services being developed by the Department of Public Expenditure and Reform, and in particular the proposals for greater mobility of staff across all public service organisations at national and sub-national level, should take cognisance of the disproportionate effects of the recruitment embargo at local level.

4.3 Corporate governance liabilities

In the two decades leading up to the 2008 financial crisis, many local authorities and public bodies established companies in order to provide a governing structure for local development projects, such as swimming pools and cultural centres. Many staff from local authorities are directors of these companies.

The benefits of a company structure include the establishment of a separate legal entity which can enter into contracts and to have limited liability. There are significant responsibilities, also, which must be met by the directors. These include ensuring the maintenance of proper books of accounts, the maintenance of certain registers and to file documents with the Registrar of Companies and ensure that the information is up to date. There are various sanctions associated with not meeting these requirements which can be particularly severe if a company gets into financial difficulties.

Where a company is insolvent, i.e., unable to pay its debts as they fall due, or where a decision is taken to legally dissolve (liquidate) a company there are particular additional responsibilities. For example, under the process of voluntary liquidation directors must make a declaration of solvency stating that the company will be able to pay its debts as they fall due. In such a case a director can be held personally liable for debts if they are found liable for reckless trading.

In the context of much reduced grant funding and income a number of companies set up or otherwise associated with local authorities have the potential to come under severe financial pressures. Thus it is important that local authorities have a clear and up to date record of all companies where staff operate as directors, and that such staff are aware of their responsibilities. These include checking that the accounts and other reports are filed on time and the financial strength is monitored by the directors to ensure that legislation is complied with.

In his 2010 Report, the Comptroller and Auditor-General also identified this issue of liabilities arising in respect of the local cohesion process and specifically the creation of Local Development Companies, noting that:

Apart from difficulties relating to property there can also be implications for funding claims. There is a need to ensure that companies under cohesion are not prematurely wound up leaving the State exposed to financial risk due to inability to enforce conditions attached to grants, including funding recoupment in certain circumstances (Comptroller and Auditor-General 2010: 331)

The Comptroller and Auditor-General also identified the need for 'a thorough asset identification process to ensure that State assets are not lost in the cohesion/integration process' (2010: 331).

4.4 Managing rationalisations at sub-national level

In light of the significant agency rationalisation process underway in Britain, the UK's National Audit Office has produced some useful guidelines for creating, reorganising and closing arms length bodies. Some of these principles can usefully translate to the sub-national level and inform future rationalisations in Ireland. They include:

- **When examining the need to change organisation.**
 - Be clear about why the change is being proposed, and in particular why existing arrangements are not able to deal with the situation
 - Be clear about what the change is designed to achieve, and set corresponding objectives which can be tested at a future date
 - Consult relevant parties about the change and its objectives, and incorporate consultation feedback in change planning
- **Accountability**
 - Clarify how the change affects the body's accountability to the relevant department and Ministers, to Parliament, and to the wider public
 - Identify any wider public administration impacts, including those on the parent department, other departments and public bodies, and local government
- **Appraising Options**
 - Identify all feasible options, including no structural change and alternative delivery models
 - Ensure that the option is chosen according to appropriate and well-evidenced criteria, and that key assumptions underlying the different options are tested and varied
 - Ensure that the preferred option can be supported on grounds of economy, efficiency and effectiveness, and in particular on comparison of expected costs and benefits
- **Costs**
 - Ensure the costs of the change are estimated as accurately and completely as possible
 - Express costs in monetary terms as far as possible, and specify other non-monetary costs in measurable terms
 - Specify how long it is expected to take for costs to be recouped
 - Put in place sound arrangements for recording and monitoring costs, and for bringing costs back on track if they start to exceed those budgeted

- Realising Benefits
 - Ensure the expected benefits of the change are fully identified, and as far as possible expressed in measurable and monetary terms
 - Define the timeframe for realising benefits, and the evidence needed to show that benefits have materialised
 - Put in place appropriate arrangements to monitor benefits, and to manage risks that threaten those benefits being realised
- Managing Change
 - Ensure board-level support and clear leadership for change
 - Ensure there are clear responsibilities for delivering the change, and that staff with appropriate skills are appointed to the implementation team
 - Ensure there is a detailed implementation plan covering risks, deadlines, budget and impact on service levels
 - Specify anticipated staff impacts and ensure changes are clearly communicated to staff
- Evaluation and Review
 - Ensure effective review arrangements are in place to evaluate the change shortly after implementation, in order to identify and apply wider lessons
 - If appropriate, define ongoing review arrangements to track whether the long-term objectives of the change, such as improved accountability, are being achieved

(Adapted from National Audit Office 2011)

The Comptroller and Auditor-General (2010: 334) also suggests a number of factors for achieving operational coherence following integration of organisations, namely:

- Ensuring that all viable activities are retained and overlaps minimised
- Ensuring synergy in the operations of integrated entities
- Implementing recommendations of a value for money and policy review of the Local Development Social Inclusion Programme carried out in 2007
- Addressing financial management and control.

4.5 Conclusion

This report has identified that Irish sub-national governance is undergoing a dramatic transformation, with a large reduction in the number of public bodies operating at local and regional levels. The roles performed by local authorities will be augmented by this rationalisation of the sub-national administrative landscape, as well as by forthcoming changes in local government financing and organisation. Strategies for national development must still take cognisance of the important role played by sub-national organisations in the delivery of their objectives, however, and the 'bottom up' work performed by local and community development organisations will be critical in this regard.

Coherence of local government reforms

This report has examined a number of official reports and related reforms which will determine the future structure and role of sub-national governance in Ireland, in particular the recent *Putting People First* action programme. Other national-level plans will also affect elected local authorities and the relationship between central and local government. Having experienced significant budgetary and personnel reductions since 2008, city and county councils now face a period of considerable functional change in which their role will be augmented in relation to such issues as community development and local enterprise, whilst reduced in others, such as water. There will also be changes to the mechanisms for local funding, including greater emphasis on cost recovery and the generation of more local forms of revenue.

In the midst of multiple reforms at national and sub-national levels, and in order to avoid incoherence, it will be important to manage coordination of local government reforms and abide by the vision as set out in *Putting People First* for Irish local government. Previous local government reforms have failed to fully achieve their goals and have had limited impact as they were not implemented on a systematic basis across both the local and national levels of government, and reforms did not take full account of their impact on central-local relationships. They also failed to recognise the need for a meaningful role for local democracy in citizens' lives and the need within representative democracy for a self-sustaining system of local government. In the absence of a clearly understood future for local government and appreciation of its particular values, reform efforts and the ability of local authorities to meet future challenges will be limited.



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