STATUTORY RULES OF NORTHERN IRELAND

2019 No. 174

LOCAL GOVERNMENT

The Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019

Made - - - -	*9th September 2019*
Coming into force - -	*1st October 2019*

The Department for Communities(**1**) makes the following Regulations in exercise of the powers conferred by section 31(1), (3) and (4); and section 43(2) of the Local Government Finance Act (Northern Ireland) 2011(**2**).

In accordance with section 44(1) of that Act the Department has consulted councils, such associations representative of councils, such associations representative of officers of councils and such other persons or bodies as appear to be appropriate.

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019 and shall come into operation on 1stOctober 2019.

Interpretation

2. In these Regulations—

"the Act" means the Local Government Finance Act (Northern Ireland) 2011;

"the 2014 Act" means the Local Government Act (Northern Ireland) 2014(**3**)

"approved duty" means any of the following duties—

(**1**) Formerly known as the Department for Social Development; see the Departments Act (Northern Ireland) 2016 c.5 (NI). Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76) transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment.

(**2**) 2011 c.10 (N.I.), now vested in the Department for Communities S.R. 2016 No.76

(**3**) 2014 c.8 (N.I.)

(a) attendance at a meeting of a council, or any of its committees or sub-committees, or at a meeting of a joint committee or any of its sub-committees; or

(b) the doing of anything approved by a council or a joint committee, for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees, joint committees or any of its sub-committees;

"committee" or "joint committee" means a committee or joint committee appointed under section 11(1) of the 2014 Act;

"committee member" means a person who is a member of a committee appointed under Section 11 or 12 of the 2014 Act; but is not a member of the council that appointed that committee;

"year" means the period of 12 months ending on 31st March in any year after the coming into operation of these Regulations.

PART 2

SCHEMES FOR COUNCILLORS' ALLOWANCES

Scheme of allowances

3.—(1) A council shall make a scheme in accordance with these Regulations for the payment of allowances to councillors and committee members in respect of each year.

(2) A scheme must specify in respect of any year to which it relates the amount of, or means to ascertain the amount of,—

(a) basic allowance; and

(b) special responsibility allowance and, where different amounts apply to different responsibilities, the amount or means to ascertain the amount applicable to each.

(3) The scheme shall also make provision for the following allowances if the council intends to make such payments in respect of that year—

(a) dependants' carers' allowance; and

(b) travel and subsistence allowances.

(4) A scheme may provide for payments of allowances to be made at such times as may be specified in it and different times may be specified for different allowances.

(5) A scheme may be amended or revoked at any time.

(6) When a scheme is revoked in accordance with this regulation, a council shall, before the revocation takes effect, make a further scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

Basic allowance

4.—(1) A council may make a payment to each councillor by way of an allowance ("basic allowance") for carrying out the duties of a councillor.

(2) The amount of basic allowance shall be determined by the council and shall be the same for each councillor.

(3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement to payment of such part of the basic allowance shall be the relevant proportionate amount of the yearly rate.

Special responsibility allowance

5.—(1) A council may, in addition to any allowance under regulation 4, make a payment to a councillor by way of an allowance ("special responsibility allowance"), if the council is satisfied that the councillor has special responsibilities in relation to the discharge of the functions of the council.

(2) The amount of special responsibility allowance paid to each councillor shall be determined by the council; but shall not exceed one fifth of the department's limit on special responsibility allowances for that council.

(3) Where any period, for which the councillor is entitled to a special responsibility allowance, is less than a year, the amount payable for the period shall be the relevant proportionate part of the yearly rate.

(4) Subject to paragraph (5), a special responsibility allowance may not be paid to more than fifty per cent of the councillors of the council (calculated using the total number of seats on the council and by rounding up the number of councillors to the next whole number when, in calculating the percentage, the number is not a whole number).

(5) A council may, where it considers it necessary to do so, apply to the Department for permission to pay a special responsibility allowance to more than fifty per cent of its councillors.

(6) A council may not pay more than one special responsibility allowance to a councillor.

Dependants' carers' allowance

6.—(1) Subject to paragraphs (2) to (4), a council may, in addition to any allowance under regulations 4 and 5, make a payment to a councillor by way of an allowance ("dependants' carers' allowance"), in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of the performance of any approved duty.

(2) The amount of dependants' carers' allowance shall be determined by the council.

(3) The amount of dependants' carers' allowance payable by the council shall be the lesser of—

(a) the actual expenses of arranging care of their children or dependants as are necessarily incurred in respect of the performance of any approved duty; or

(b) such amount as is determined by the council.

(4) The council shall not make any payment under this regulation —

(a) in respect of any child over the age of fifteen years, or any dependant, unless the councillor satisfies the council that the child or dependant required supervision which incurred expenses that were necessary in respect of the care of that child or dependant in the carrying out of an approved duty;

(b) to more than one councillor in relation to the care of the same child or dependant; or

(c) of more than one dependants' carers' allowance to any councillor for each performance of approved duty.

Travel and subsistence allowances

7.—(1) Subject to paragraph (2), a councillor or committee member shall be entitled to receive payment by way of travel and subsistence allowance as determined by the council where expenditure on travel or on subsistence is necessarily incurred in the carrying out of an approved duty.

(2) The rate of allowance determined under paragraph (1) by a council shall be the same for all councillors or committee members entitled to the relevant allowance.

(3) Any claim for payment of travel and subsistence allowances in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied