



Department of the  
**Environment**

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# **The Draft Guidance on Councillors' Allowances**

## **Consultation Document**

**October 2011**

## Consultation on the Draft Guidance on Councillors' Allowances

Comments should be sent by 31 December 2011 to:

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contact us to discuss your requirements.**

**This document may also be viewed at**

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# **CONSULTATION ON DRAFT GUIDANCE ON COUNCILLORS' ALLOWANCES.**

## **Purpose of the Consultation Document**

1. The Department is seeking views from consultees on draft Guidance on Councillors' Allowances, which it proposes to make under the powers conferred by the Local Government Finance Act (Northern Ireland) 2011 ("the Finance Act"). A draft of the Guidance is set out at Appendix A.

## **Aim of the proposed Guidance on Councillors' Allowances**

2. The main aim of the Guidance is to provide information to councils to assist them in preparing and administering their schemes of allowances.
3. The Guidance will replace the current Guidance on Councillors' Allowances, which was issued in 2007, with updated information to provide for changes, including those arising from the Finance Act.

## **Background**

4. Part 3 of the Finance Act updates the legislative framework for councillors' remuneration by re-enacting, with amendments, the provisions of sections 12 and 13(2A) and sections 36 to 38 of the Local Government Act (Northern Ireland) 1972.

5. Section 31 of the Finance Act makes provision for regulations concerning the payment of allowances and expenses to councillors, and will come fully into operation on 1 April 2012.
6. The Finance Act also makes provision for councils to make schemes of the allowances they intend to pay to their councillors. This was recommended by the Councillors' Remuneration Working Group, membership of which included representatives from the National Association of Councillors, Northern Ireland Local Government Association, trade unions, business and voluntary sectors and an independent member. The Group issued its report in June 2006.
7. Consultation on the proposed Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 ("the Regulations") took place from 17 December 2010 to 24 February 2011. A copy of the consultation document, together with the synopsis of the comments received and the Departmental response, is available on the Department's website.  
[http://www.doeni.gov.uk/index/local\\_government/local\\_government\\_consultations/local\\_government\\_archived\\_consultations.htm](http://www.doeni.gov.uk/index/local_government/local_government_consultations/local_government_archived_consultations.htm)
8. The Regulations will be made early in 2012, coming fully into operation on 1 April 2012. They will provide for the making and publication of councils' schemes of allowances, and the publication at the end of each financial year of the total amounts of allowances and expenses paid to councillors. The Regulations will also make provision for the payment of basic allowance, special responsibility allowance, dependants' carers' allowance and travel and subsistence allowances to councillors.

9. The proposed guidance is intended to be read in conjunction with the Finance Act and the Regulations and does not supersede them. Councils should take their own legal advice if they are in any doubt as to the interpretation of the legislation.

### **Details of the proposed Guidance**

10. **Parts 1 and 2** contain an introduction and background note and confirm that the guidance will be kept under review by the Department and updated as necessary.
11. **Part 3** and **Annex 2** provide guidance on the new duty for each council to make and publish a scheme of the allowances it intends to pay to its members. The guidance provides information on the detail to be included in a scheme.
12. **Part 4** and **Annexes 2 and 4** provide guidance on the publication by councils of their schemes and the payments made under those schemes. **Annex 4** also suggests the minimum information to be published by councils at the end of each financial year.
13. **Part 5** provides guidance on basic allowance, which is being brought forward from the 2007 guidance without substantive change. Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents, including approved duties. **Annex 1** gives the definition of approved duties provided for in the Regulations.

14. **Part 6** provides guidance on special responsibility allowance, which is being brought forward from the 2007 guidance with the following changes. The guidance reflects the new provision in the Regulations that, in most cases, special responsibility allowance allocation should be paid to no more than half of a council's members (excluding that paid to the council chairperson or vice-chairperson). The guidance also provides information on how to apply to the Department for approval to distribute special responsibility allowance allocation to more than half of a council's members.
  
15. **Part 7** and **Annexes 3(a) and 3(b)** provide guidance on dependants' carers' allowance, which is being brought forward from the 2007 guidance without substantive change. This allowance is payable in respect of approved duties, as defined in the Regulations and shown in Annex 1.
  
16. **Part 8** provides guidance on travel and subsistence allowances, which is being brought forward from the 2007 guidance without substantive change. Travel and subsistence allowances are payable in respect of approved duties, as defined in the Regulations and shown in **Annex 1**.
  
17. **Part 9** provides guidance on the chairperson's/vice-chairperson's allowance, which is being brought forward from the 2007 guidance without substantive change.

18. **Part 10** provides guidance on councillors' support services, which is being brought forward from the 2007 guidance without substantive change.
19. **Part 11** provides guidance on how to calculate part-year entitlement to allowances, which a council may wish to reflect in its scheme of allowances.

## **Human Rights**

20. The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these rights. The Department believes that the proposals in this consultation document are compatible with the Human Rights Act, but would welcome any views that you might have.

## **Equality**

21. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed, along with this letter and the draft regulations, on the Department's website <http://www.doeni.gov.uk/index/information>.

## **Regulatory Impact Assessment**

22. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

## **Rural Proofing**

23. The Department has assessed the proposed measures and considers that there would be no differential impact in rural areas or on rural communities.

## **Freedom of Information Act 2000 – Confidentiality of Consultations**

24. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the attached Appendix (Appendix B) on the confidentiality of consultations, which provides guidance on the legal position about any information given by you in response to this consultation.

## **Alternative format**

25. This document may be made available in alternative formats. Please contact us to discuss your requirements.

## Consultation

26. Comments should be sent by **31 December 2011** to Local Government Policy Division at the address on page 1, or by e-mail to [LGPDConsultations@doeni.gov.uk](mailto:LGPDConsultations@doeni.gov.uk).
27. If you have any queries in relation to the draft Guidance, you should contact:
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28. This consultation document is being circulated to persons and bodies listed in Appendix C and is also available at:  
[http://www.doeni.gov.uk/index/local\\_government/local\\_government\\_consultations](http://www.doeni.gov.uk/index/local_government/local_government_consultations)



# **Draft Guidance on Councillors' Allowances**

**FOR CONSULTATION**

**Department of the Environment  
October 2011**

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## 1. INTRODUCTION

1.1 Section 31 of the Local Government Finance Act (Northern Ireland) 2011 (“the Finance Act”) provides for the payment of allowances by councils to their councillors in accordance with regulations.

1.2 The Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 (“the 2012 Regulations”) come into operation on 1 April 2012. They revoke and replace the regulations which previously provided for the payment of allowances to councillors, namely the:

- Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999 (as amended<sup>1</sup>); and
- Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 (as amended<sup>2</sup>).

1.3 This guidance is intended to be read in conjunction with Part 3 of the Finance Act, and with the 2012 Regulations, and does not supersede them. If necessary, it will be a matter for councils to take their own legal advice if they are in any doubt as to the interpretation of the legislation.

1.4 This guidance supersedes the Guidance on Councillors’ Allowances issued by the Department of the Environment (“the

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<sup>1</sup> Amended by the Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 2007

<sup>2</sup> Amended by the Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 1979, the Local Government (Travelling and Subsistence Allowances to Councillors) (Amendment) Regulations (Northern Ireland) 1981, the Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 1997, and the Councillors (Travelling and Subsistence Allowances) (Amendment) Regulations (Northern Ireland) 2003.

Department”) in April 2007. It will be kept under review by the Department and updated as necessary.

## 2. BACKGROUND

- 2.1 Part 3 of the Finance Act repeals the provisions of the Local Government Act (Northern Ireland) 1972 regarding payments to councillors, updates them, and re-enacts them.
- 2.2 The Finance Act makes provision for councils to make schemes of the allowances they intend to pay to their councillors, whilst the 2012 Regulations make further provision for councils to publish details of the payments made at the end of each year.
- 2.3 For the purposes of Part 3, section 36 extends the definition of “councillor” to include a member of a committee or sub-committee of a council, whether that person is a member of the council or not.
- 2.4 The 2012 Regulations repeal and consolidate into one piece of legislation the provisions for the payment of allowances to councillors. They introduce the requirement for councils to make and publish schemes of the allowances they intend to pay their councillors, and to publish details of the payments made at the end of each year.
- 2.5 Provisions regarding basic allowance, dependants’ carers’ allowance, and travel and subsistence allowances are being brought forward without substantive change.
- 2.6 The provision for special responsibility allowance is being brought forward with a new provision that, in most cases, a council must restrict payment of its special responsibility allowance allocation to

no more than half of its councillors. In exceptional circumstances, a council may apply to the Department for approval to distribute it to a greater number of its councillors. The 2012 Regulations provide that a special responsibility allowance paid to the council chairperson or vice-chairperson should be excluded from the restriction of its payment to no more than half of the councillors in a council.

### **3. SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS**

#### *Regulation 3*

- 3.1 The 2012 Regulations provide that, from 1 April 2012, each council must have in place a scheme for the payment of any allowances it intends to make to its councillors in respect of each year. Payments to a member of a committee or sub-committee of a council should be included in its scheme, whether that person is a member of the council or not.
- 3.2 A scheme must include details of the allowances paid to councillors including basic allowance, special responsibility allowance, dependants' carers' allowance and travel and subsistence allowances.
- 3.3 Before a scheme becomes effective, a council must decide upon its contents, the amounts to be paid and its commencement date. The commencement date is particularly important as the council might not decide to commence the scheme at the start of a financial year, and so will need to clarify its duration.
- 3.4 A scheme can be amended or revoked at any time but, if it is revoked, it must be replaced with a further scheme. There must be no intervening period of time between one scheme ending and a further scheme commencing.

### 3.5 Basic allowance provisions in the scheme.

To recognise the time commitment of all councillors and the incidental costs incurred, each council must make provision in its scheme of allowances for a basic allowance, payable at the same rate to all of its councillors. More detailed information is provided at page 9.

### 3.6 Special responsibility allowance provisions in the scheme.

Where a council decides to pay a special responsibility allowance, in recognition of any significant additional responsibilities undertaken by individual councillors, it must make provision in its scheme for this allowance. The council must identify the special responsibilities for which the allowance is to be paid, and the amounts to be paid for each responsibility. More detailed information is provided at pages 10 to 13.

### 3.7 Dependants' carers' allowance provisions in the scheme.

Where a council decides to pay a dependants' carers' allowance, to recompense councillors for costs incurred regarding the care of children or dependent relatives when approved duties are carried out, it must make provision in its scheme for the payment of this allowance. More detailed information is provided at pages 14 to 16.

### 3.8 Travel and subsistence allowances provisions in the scheme.

Where a council decides to recompense councillors for travel and subsistence costs incurred whilst on council business, it must make provision in its scheme of allowances for the payment of travel and

subsistence allowances. More detailed information is provided at pages 17 and 18.

3.9 Other provisions in the scheme.

A council may wish to make provision in its scheme of allowance for other issues regarding payments to councillors, for example, the allowances for the chairperson and vice-chairperson, councillors' support services, and the means of calculating part-year entitlement. More detailed information is provided at pages 19 to 23.

3.10 Scheme template.

The format of the scheme may be determined by the council concerned. A suggested template is available at Annex 2.

**4. PUBLICATION OF THE SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS AND PUBLICATION OF THE PAYMENTS MADE UNDER THE SCHEME**

*Regulation 11*

4.1 Publication of the scheme of allowances payable to councillors

As soon as possible after making or amending any scheme of allowances payable to councillors, a council must arrange for a copy of the scheme to be published on its website, and must also make arrangements for its publication, within its district, as it considers appropriate.

4.2 Publication of the payments made under the scheme of allowances payable to councillors

As soon as possible after the end of a year to which a scheme relates, a council must arrange for the amounts of basic allowance, special responsibility allowance, dependants' carers' allowance and travel and subsistence allowances it has paid to each councillor to be published on its website.

4.3 The suggested minimum information which must be published by a council is available at Annex 5.

## 5. BASIC ALLOWANCE

### *Regulation 4*

- 5.1 The 2012 Regulations provide that a council must make provision in its scheme of allowances for a basic allowance, payable to all of its councillors. Each council determines the amount of the basic allowance it will pay, but it must be within the maximum set by the Department. No council may pay more than one basic allowance to each councillor, and the allowance determined by a council must be the same for each councillor.
- 5.2 Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents, including approved duties<sup>3</sup>. A list of approved duties should be included in each council's scheme of allowances. (A site visit or a meeting arranged for a similar planning purpose are not recognised as approved duties).
- 5.3 Basic allowance is also intended to cover incidental costs incurred by councillors in their official capacity, such as the use of their homes and the cost of any telephone calls, including mobile phone calls.
- 5.4 It is for the council to decide at what intervals payment of basic allowance should be made. The Department suggests payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.

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<sup>3</sup> "Approved duty" is defined in the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012. This definition is provided in Annex 1.

**6. SPECIAL RESPONSIBILITY ALLOWANCE***Regulation 5*

- 6.1 Each council may also make provision in its scheme for the payment of special responsibility allowance (“SRA”). This is in addition to the basic allowance.
- 6.2 As elected representatives, councillors are expected to undertake responsibilities in the course of their duties which may include representation on external bodies. SRA should only be paid to those councillors of the council who have significant additional responsibilities, over and above the generally accepted duties of a councillor.
- 6.3 Councils should consider, very carefully, the additional roles of councillors and the significance of those roles, both in terms of responsibility and time commitment, before deciding which will warrant the payment of an SRA.
- 6.4 It is entirely a matter for individual councils to identify the responsibilities and also the level of SRA to be awarded to councillors. However, to achieve some consistency in the level of allowance payable for certain special responsibilities, e.g. involvement with individual local government organisations or joint committees, the bodies concerned may wish to provide a steer.

6.5 Examples of positions or responsibilities that might attract an SRA are:

- mayor/deputy mayor or chairperson/vice-chairperson of the council;
- chairperson of a committee;
- members of a joint committee (e.g. arc21 and SWaMP2008);
- members of non-departmental public bodies (NDPBs) or other public bodies that do not make payments to their members, subject to the level of responsibility that they hold; or
- such other activities in relation to the discharge of the council's functions as require an amount of time and effort equal to or greater than would be required by any one of the activities referred to above.

(Note - This list is not exhaustive.)

6.6 The amount a council may spend on SRA will be subject to a maximum rate determined by the Department and will be banded by the size of the council population. The population figures are updated each year by the Northern Ireland Statistics and Research Agency and it is the duty of each council to operate within the total maximum rate appropriate to its population band.

Population bands are as follows:

- 200,000 or more
- 100,000 to 199,999 (inclusive)
- 50,000 to 99,999 (inclusive)
- less than 50,000.

- 6.7 It is for the council to decide at what intervals payment of SRA should be made. The Department would suggest payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.
- 6.8 A council may wish to retain a portion of its SRA allocation to distribute later in the year, as a councillor's performance may not always be recognised at the beginning of a year.
- 6.9 The 2012 Regulations restrict payment of SRA, so that no councillor should be paid more than one SRA, and no more than 50% of councillors (excluding the council chairperson and vice-chairperson) should receive SRA.
- 6.10 The 50% figure is calculated against the total number of seats on the council (excluding the chairperson and vice-chairperson) and where there is an odd number, the figure may be rounded up to the next whole number.
- 6.11 There may be circumstances where it may be appropriate to pay the SRA to more than half the councillors of a particular council. The 2012 Regulations make provision allowing councils to apply to the Department for approval to do so. This will not affect the maximum amount of SRA available to a council, only its distribution among the councillors of that council. If a council decides to apply to the Department for approval to pay its SRA allocation to more than half of its councillors, it should supply the Department with relevant information, namely:

- reasons for wishing to distribute SRA allocation to more than half the council;
- the period covered;
- confirmation of whether the chairperson or vice-chairperson is in receipt of SRA;
- details of the additional councillors to receive SRA; and
- the resulting percentage of councillors to receive SRA.

The Department will make its decision based on the information supplied by councils.

6.12 The distribution of responsibilities and posts (which may inform decisions on the payment of SRA) is a matter for each council to determine according to local circumstances. The Department would encourage councils, as good practice, to adopt safeguards to ensure a fair distribution of the duties which would attract an SRA across a representative sample of political parties.

## **7. DEPENDANTS' CARERS' ALLOWANCE**

### *Regulation 6*

- 7.1 Each council may also make provision in its scheme of allowances for the payment of a dependants' carers' allowance ("DCA"). This is an allowance open to all councillors who are the main carers of a dependant where care is required to enable the councillor to perform an approved duty, which is defined at Annex 1.
- 7.2 The allowance may be paid for a dependant who requires full-time care and who resides with the councillor as part of that household.
- 7.3 A dependant is defined as:
- a child under 16 years old;
  - a child 16 years old or more, where there is medical or social work evidence that full-time care is required;
  - an adult with a recognised physical or mental disability where there is medical or social work evidence that full-time care is required; or
  - an elderly relative requiring full-time care.
- 7.4 For the purposes of this allowance, a carer is defined as a responsible person over 16 years old who does not normally live with the councillor as part of that household and is not a member of the immediate family.
- 7.5 A specialist carer is defined as a qualified person who is needed where it is essential to have professional assistance.

- 7.6 The Department determines hourly rates of DCA for both standard care and specialist care. The rate for standard care is based on the hourly national minimum wage for age 21 or over, and the rate for specialist care is double the rate for standard care. The Department sets maximum monthly amounts for standard care and specialist care, capped at the equivalent of 26 hours per month.
- 7.7 It is not intended that DCA will reflect the actual costs that may be incurred by a councillor, but will provide a reasonable amount towards the care of dependants.
- 7.8 Councillors wishing to claim DCA should be asked to complete a claim form and sign a declaration. Councillors wishing to claim regarding specialist care must obtain receipts from the specialist carer and ensure they accompany the claim form. Annexes 3(a) and 3(b) set out sample application forms for claiming DCA standard care and DCA specialised care.
- 7.9 Councillors may claim only one DCA for each instance of childcare or carer service.
- 7.10 In most cases, to allow for essential travel time, councillors may claim for a period starting up to a maximum of one hour before the approved duty starts and ending up to one hour after it finishes. In exceptional cases, with the prior approval of the council, a greater travel time may be considered.

7.11 Councillors must disclose any financial support provided under DCA, when applying for other care services offered by another public body.

7.12 Councils are encouraged to provide councillors with information as to where they might access advice on caring facilities and services. Councils should also review whether their family-friendly policies and practices cater for the needs of councillors, as well as staff.

**8. TRAVEL AND SUBSISTENCE ALLOWANCES***Regulation 7 and Schedules 1 & 2*

- 8.1 Each council may also make provision in its scheme of allowances for the payment of travel allowance and subsistence allowance. These are open to all councillors who incur expenditure for travel and subsistence in relation to any approved duties (see Annex 1 for the definition of approved duties).
- 8.2 The maximum rates of travel and subsistence are determined by the Department and are reviewed annually following consultation with the Northern Ireland Joint Council for Local Government Services.
- 8.3 Any claim for payment of travel allowance or subsistence allowance other than mileage-based claims, must be accompanied by appropriate receipts, and must be submitted within three months.
- 8.4 Payment of travel allowance shall not exceed the rate applicable to the mode of travel specified. Also, payment of subsistence allowance shall not exceed the rate as applied to the time the approved duty is carried out.
- 8.5 The rates of travel allowance and subsistence allowance must be determined by the council, subject to a maximum determined by the Department.

8.6 The rates of travel allowance and subsistence allowance must be the same for each councillor.

## **9. CHAIRPERSON'S/VICE-CHAIRPERSON'S ALLOWANCE**

- 9.1 Section 32 of the Finance Act provides that a council may pay to the chairperson and vice-chairperson of the council such allowances as it considers reasonable to meet the expenses of those offices. Where the district of a council has been designated as a borough, the chairperson and the vice-chairperson are known as the mayor and deputy mayor of the borough.
- 9.2 There is considerable variation in practice regarding the remuneration of the mayor/deputy mayor and chairperson/vice-chairperson across councils. Some councils award an allowance, whilst others reimburse receipted expenses only. Some councils pay part of their SRA allocation to their mayor/deputy mayor and chairperson/vice-chairperson, whilst others split the allowance between the SRA and expenses headings.
- 9.3 The Department recommends that, where it is feasible, councils should use their SRA allocation for the mayor/deputy mayor and chairperson/vice-chairperson allowances. The Department recommends that expenses for these offices, which should be receipted, should be met under section 32 of the Finance Act.
- 9.4 Any SRA paid to the mayor/deputy mayor or chairperson/vice-chairperson is not included in the calculation that restricts payment of the allowance to no more than half of the councillors of a council.

- 9.5 The Department intends to carry out a review in due course of how the provisions on the mayor/deputy mayor and chairperson/vice-chairperson allowance are working in practice.

## 10. COUNCILLORS' SUPPORT SERVICES

10.1 Councils currently provide various levels of support services for their councillors. For example, in addition to general secretarial services, some councils-

- provide mobile phones and meet the purchase cost and line-rental charges of those phones;
- provide laptop computers;
- pay for the installation of broadband.

As there is no specific legislative provision for support services, where councils have carried out a business case and can justify such expenditure, these arrangements may continue until such time as specific legislative provision has been made.

10.2 On occasion, individual councillors may use their council's secretarial facilities to assist ratepayers to deal with an issue that, presently, is not a function of the council, such as housing or roads matters. In such cases, the scale of the assistance required should be measured carefully and discussed with senior officials of the council. The following advice, however, may be used as a general guide:

- services available in councillors' party offices should be used in the first instance;
- council facilities may, with the agreement of officials, be used for small scale exercises (e.g. small volume of photocopying); and
- under no circumstances should council services be used for the purposes of party political campaigning.

## 11. PART-YEAR ENTITLEMENT TO ALLOWANCES

11.1 A council may make provision in its scheme of allowances payable to councillors for part-year entitlement to allowances.

11.2 Provisions for part-year entitlement to basic allowance and SRA may be made to include procedures when:

- a scheme is amended;
- a councillor becomes or ceases to be, a councillor; and
- a councillor accepts or relinquishes a special responsibility.

### 11.3 Part-year entitlement provision when the scheme is amended

If an amendment is made to the scheme that affects payment of a basic allowance or an SRA, then the scheme may provide for the amounts of those allowances to be adjusted to reflect the period of entitlement.

### 11.4 Part-year entitlement provision when a councillor becomes or ceases to be a councillor

The scheme may provide that, where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the amount of basic allowance shall reflect the proportion of the year when entitlement existed.

### 11.5 Part-year entitlement provision when a councillor accepts or relinquishes a special responsibility

The scheme may provide that, where a councillor has during only part of a year such special responsibilities as attract entitlement to

an SRA, the amount of SRA shall reflect the proportion of the year when entitlement existed.

## DEFINITION OF AN APPROVED DUTY

Regulation 2 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 defines an approved duty as –

(a) attendance at a meeting of:

- the council;
- a committee or sub-committee of the council;
- a joint committee of which the council is a member, or any sub-committee of a joint committee;
- a group committee established under the provisions of the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994 or the Local Government (Employment of Group Environment Health Staff) Order (Northern Ireland) 1994; or

(b) the doing of anything approved by a council or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees, or as the case may be, of the joint committee or any of its sub-committees.

An approved duty does not include a site visit, which is defined in Regulation 2 as a visit made by a councillor in connection with an application for planning permission -

- which has been referred to a council for consultation under Article 15(a) of the Planning (General Development) Order (Northern Ireland) 1993; or
- at the request of the applicant for that planning permission, or the agent of an applicant, or at the request of an objector to that application.

SUGGESTED FORMAT  
(NAME OF COUNCIL)  
**SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS**

This Scheme is made under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012. The scheme has been prepared in accordance with the Department of the Environment's Guidance on Councillors' Allowances, issued in January 2012.

1. In this scheme:

- 'approved duty' is defined in Schedule 2, as provided for in the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012;
- 'Department' means the Department of the Environment;
- 'guidance' means the Department of the Environment's Guidance on Councillors' Allowances, issued in March 2012; and
- 'Regulations' means the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012.

2. **Basic Allowance**

2.1 Subject to paragraph 6 below, for the year ending on 31 March 20xx, an annual basic allowance of (*amount*) shall be paid to each councillor.

2.2 Not more than one basic allowance is payable to any councillor.

3. **Special Responsibility Allowance**

- 3.1 For the year ending on 31 March 20xx, a special responsibility allowance shall be paid to those councillors who hold the special responsibilities specified in Schedule 1.
- 3.2 Subject to paragraph 6 the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- 3.3 Not more than one special responsibility allowance is payable to any councillor.

#### **4. Dependants' Carers' Allowance**

- 4.1 Councillors are entitled to claim a dependants' carers' allowance towards reimbursement of actual reasonable costs necessarily incurred in providing care for a dependant while carrying out an approved duty.
- 4.2 A dependant lives with the claimant and is defined as:
- a child under 16 years old;
  - a child 16 years old or more, where there is medical/social work evidence that full-time care is required;
  - an adult with a recognised physical/mental disability where there is medical/social work evidence that full-time care is required; or
  - an elderly relative requiring full-time care.

4.3 A dependants' carers' allowance shall be payable based upon actual receipted costs. Payment will be at the rates given in paragraph 4.4, which are subject to the limits determined by the Department.

4.4 For the year ending on 31 March 20XX, the hourly rate of dependants' carers' allowance for standard care shall be *(amount)*, and for specialised care shall be *(amount)*. The monthly maximum for standard care paid to individual councillors shall be *(amount)*, and the monthly maximum for specialised care shall be *(amount)*.

## **5. Travel and Subsistence Allowances**

5.1 A councillor is entitled to claim travel and subsistence allowances where expenditure on travelling or subsistence has been necessarily incurred in connection with an approved duty as specified in Schedule 2.

5.2 The rates of travel allowance for travel by public transport shall not exceed the actual amount paid. Where reasonably available, the cheapest available form of public transport should be used, except in urgent cases.

5.3 The rates of travel allowance for travel by private vehicle shall be the amounts shown below, which are within the maxima determined by the Department of the Environment.

TYPE OF VEHICLE	RATE
A pedal cycle	
A solo motor cycle of cylinder capacity not exceeding 149cc	
A solo motor cycle of cylinder capacity exceeding 149cc but not exceeding 499cc	
A solo motor cycle of cylinder capacity exceeding 499cc or a motor cycle with side car	
A motor car or tri-car of cylinder capacity not exceeding 450cc	
A motor car or tri-car of cylinder capacity exceeding 450cc but not exceeding 999cc	
A motor car or tri-car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	
A motor car or tri-car of cylinder capacity exceeding 1,199cc	

5.4 The additional amount for carrying a passenger for the purposes specified in Schedule 2 shall be *(insert amount)* per mile.

5.5 The rates of subsistence shall be the amounts shown below, which are within the maxima determined by the Department of the Environment.

PERIOD/MEAL	RATES	
	British Isles £	London £
An absence involving an <b>overnight stay only</b> , away from the normal place of residence		
<b>Breakfast allowance</b> (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period before 11 am)		
<b>Lunch allowance</b> (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 12 noon and 2pm)		
<b>Tea allowance</b> (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 3pm and 6pm)		
<b>Evening meal allowance</b> (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period ending after 7pm)		
Sub-total for meals		
Total maximum rate (absence of 24 hours)		

## 6. Part-Year Entitlement

6.1 This scheme may be revoked and amended at any time.

6.2 If an amendment to this scheme is made which affects payment of a basic allowance or special responsibility allowance in the year in

which the amendment is made, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that day on which the first amendment in that year takes effect; or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that day on which the next amendment takes effect, or (if none) with the year,

the entitlement to such allowance shall reflect the proportion of the year when entitlement existed.

6.3 Where the term of office of a councillor begins or ends other than at the beginning or end of a year, entitlement to a basic allowance shall reflect the proportion of the year when entitlement existed.

6.4 Where a councillor has during part of, but not throughout, a year such special responsibilities as attract entitlement to a special responsibility allowance, that entitlement shall reflect the proportion of the year when entitlement existed.

## **7. Claims and Payment**

7.1 Payments regarding basic allowance and special responsibility allowance shall be made in (*insert frequency, for example instalments of one-twelfth of the amount specified in this scheme on the last working day of each month*).

7.2 Claims for dependants' carers' allowance, travelling allowance or subsistence allowance should be made in writing within three months, and should be accompanied by receipts, where appropriate.

**SCHEDULE 1**

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances.

Name of Councillor	Special/Significant Responsibility	Special Responsibility Allowance Rate (£)
<i>Insert name of councillor</i>	<i>Insert name/type of significant additional responsibility that is over and above the generally accepted duties of a councillor</i>	<i>Insert amount attached to special responsibility</i>

## **SCHEDULE 2**

In accordance with Regulations, only the following are specified as the duties in respect of which basic allowance, dependents' carers' allowances, and travel and subsistence allowances are available.

1. attendance at a meeting of the council;
2. attendance at a meeting of a committee of the council;
3. attendance at a meeting of a sub-committee of the council;
4. attendance at a meeting of a joint committee;
5. attendance at a meeting of a sub-committee of a joint committee;
6. attendance at a meeting of a group committee established under the provisions of the Local Government (Employment of Group Building Control Staff) (Northern Ireland) 1994 or the Local Government (Employment of Group Environment Health Staff) Order (Northern Ireland) 1994; or
7. the doing of anything approved by a council or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees, or as the case may be, of the joint committee or any of its sub-committees.

A site visit is excluded from the list of approved duties and a site visit is defined as a visit made by a councillor in connection with an application for planning permission:

- which has been referred to a council for consultation under Article 15(a) of the Planning (General Development) Order (Northern Ireland) 1993; or

- at the request of the applicant for that planning permission, or the agent of an applicant, or at the request of an objector to that application.

Regarding point 7, specific duties approved by the Council are (*insert list*).

DEPENDANTS' CARERS' ALLOWANCE  
(SAMPLE) CLAIM FORM – STANDARD CARE

Date care provided: .....

Approved Duty covered: .....

(expand as necessary) .....

.....

Time from .....

Time to .....

Total hours: .....

Cost per hour: £.....

Total cost: £.....

Name of dependant: .....

Relationship to councillor: .....

Name of carer: .....

National Insurance Number:.....

Signature of carer: .....

**Declaration:**

*I declare that the above named provided a childcare/carer service to me as detailed above, in order that I could perform the approved duty stated.*

Name of claimant: .....

Signature of claimant: .....

Date of claim: .....

*NB - One form should be completed for each instance of childcare/carer service*

DEPENDANTS' CARERS' ALLOWANCE  
(SAMPLE) CLAIM FORM – SPECIALISED CARE

Date care provided: .....

Approved Duty covered: .....

(expand as necessary) .....

.....

Time from ..... Time to .....

Total hours: .....

Cost per hour: £..... Total cost: £.....

Name of dependant: .....

Relationship to councillor: .....

Name of carer: .....

National Insurance Number: .....

Signature of carer: .....

**Declaration:**

*I declare that the above named provided a childcare/carer service to me as detailed above, in order that I could perform the approved duty stated.*

Name of claimant: .....

Signature of claimant: .....

Date of claim: .....

*NB – One form should be completed for each instance of childcare/carer service - an original invoice from the carer must be presented with this claim form*

## **SUGGESTED MINIMUM INFORMATION WHICH MUST BE PUBLISHED BY A COUNCIL**

The Local Government Finance Act (Northern Ireland) 2011 and the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 provide for the publication of schemes of allowances payable to councillors and the associated payments. It is suggested that the minimum information that must be published in relation to each councillor should include:

- the name of councillor;
- all positions held (e.g. chairperson or member of (name) committee) by the councillor concerned;
- basic allowance paid;
- special responsibility allowance paid;
- dependants' carers' allowance paid;
- chairperson and vice-chairperson expenses;
- mileage expenses;
- other travel expenses;
- subsistence costs, divided into 2 columns, the first relating to accommodation costs and the second relating to meals;
- official and courtesy visits, etc. expenses;
- attendance at conferences and meetings expenses; and
- total expenses.

Details of payments made must recognise the definition of "councillor" given in section 36 of the Local Government Finance Act (Northern Ireland) 2011. For the purposes of paying allowances and expenses under Part 3 of that Act, "councillor" includes a member of a

committee or sub-committee of a council, whether that person is a member of the council or not, and, for the specific purpose of expenses for attending conferences and meetings, may also include an officer of a council.

The information should also be made available in a form which shows the totals for the council as a whole.

## **The Freedom of Information Act 2000 – Confidentiality of Consultations**

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at:

<http://www.informationcommissioner.gov.uk>).

**Addressees**

All Northern Ireland District Councils  
arc21  
Archbishop of Armagh and Primate of all Ireland  
Assembly Business Office  
Assembly Departmental Committee  
Assembly Library  
Assembly Speaker  
Association for Public Service Excellence  
Association of Local Government Finance Officers  
Belfast Solicitors Association  
Chief Local Government Auditor  
Civic Forum  
Civil Law Reform Division  
Community Technical Aid  
Confederation of British Industry  
Courts and Tribunal Service  
Departmental Library  
District Judge Magistrates Court – Laganside Courts  
Executive Council of the Inn of Court of NI  
Executive Ministers and Junior Ministers  
Federation of Small Businesses  
Food Standards Agency  
General Consumer Council for Northern Ireland  
HM Council of County Court Judges  
HM Revenue & Customs  
Judge McKibbin District Judge (Magistrates Court)  
Law Society of NI

Leaders of Northern Ireland Political Parties  
Legal Deposit Libraries  
MEPs  
Ministry of Defence  
MLAs  
MPs  
National Association of Councillors  
NI Association of Citizens Advice Bureaux  
NI Audit Office  
NI Chamber of Commerce and Industry  
NI Chamber of Trade  
NI Court Service  
NI Departments  
NI Gay Rights Association  
NI Judicial Appointments Commission  
NI Law Commission  
NI Local Government Association  
NI Local Government Officers' Superannuation Committee  
NI Office  
NI Ombudsman  
NI Political Parties  
North South Ministerial Council – NI Secretariat  
North West Region Waste Management Group  
OFMDFM Central Management Unit  
OFMDFM Legislative Programme Secretariat  
OFMDFM Machinery of Government Division  
Participation & the Practice of Rights Project  
Public Services Commission  
Queens University of Belfast – School of Law

Royal Society for the Protection of Birds

Secretary – Catholic Bishops of Northern Ireland

section 75 Groups

SOLACE

Staff Commission for Education & Library Boards

SWaMP2008

University of Ulster – School of Law

Victims Groups and individuals

Youth Council for Northern Ireland