

SYNOPSIS OF RESPONSES TO THE CONSULTATION ON THE DRAFT LOCAL GOVERNMENT (PAYMENTS TO COUNCILLORS) REGULATIONS NORTHERN IRELAND 2016

Background to Consultation

1. The Department for Communities (DfC) is the responsible authority for the administration and legislative framework for local government. This remit includes the legislative arrangements for payments to councillors including allowances.
2. DfC carried out a public consultation from 3 October 2016 to 30 November 2016 on proposals to revoke and remake the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012, “the 2012 Regulations”.
3. The draft Regulations revise current provisions and reflect other legislative changes resulting from the local government reform.
4. The draft Regulations which were consulted on are set out in three parts:
 - Part 1 deals with the title and the commencement of the regulations, and provides an interpretation of some of the terms used within. A number of definitions have been updated as occasioned by the Local Government Act (Northern Ireland) 2014, “the 2014 Act” and there is a new definition for approved duty.
 - Part 2 deals with the overarching scheme of allowances and provides details on each allowance payable to councillors: basic; special responsibility; dependants’ carers’; and travel and subsistence. The references in the 2012 Regulations regarding reductions to allowances related to councillors being members of other institutions are now redundant and have been removed.

- Part 3 deals with the administrative arrangements for the allowances and restate the provisions of the 2012 Regulations with some refinement. The regulations in this part relate to how and when payments are to be made and how and when details of such payments are to be made available to the public. Schedules 1 and 2 of the 2012 Regulations have been removed and a revised version of the information previously provided in those Schedules will now be provided in statutory guidance.
5. The Department, having carried out a screening exercise, is satisfied that the draft Regulations will not lead to any discriminatory or negative differential impact.

Consultation Replies

6. The Department received a total of five responses. The breakdown was as follows:

NUMBER	CATEGORY
3	Councils
1	Local Government Representative Body
1	Other

7. Based on the comments received, all of the respondents in general supported the proposed draft regulations. Further detail on the responses is provided below.

General Comments received in support of the proposed draft Local Government (Payment to Councillors) (Northern Ireland) Regulations

8. The three council respondents, Newry, Mourne and Down District Council, Fermanagh and Omagh District Council and Lisburn and Castlereagh City Council, either welcomed or were content with the draft regulations.

9. Northern Ireland Local Government Association (NILGA), in close liaison with the National Association of Councillors (NAC), also responded and accepted that the overall intention of the draft regulations was to update the legislation following the reform of local government.
10. A response was received from the Northern Ireland Audit Office on behalf of the Local Government Auditor acknowledging the consultation.
11. The Department acknowledges and welcomes the comments from the respondents.

Substantive comments received in response to the consultation on the proposed draft Local Government (Payment to Councillors) Regulations (Northern Ireland) 2016

12. In the consultation the Department proposed restating the provision in regulation 5(5) of the 2012 regulations which restricts payment of special responsibility allowance (SRA) to no more than half of the members of a council. The proposed draft regulations also incorporated further SRA restrictions that are currently in statutory guidance to state that no individual member should receive more than one fifth of the SRA ceiling, as set by the Department for that council, and to state that no member should receive more than one special responsibility allowance.
13. The NILGA response questions the need for the Department to restrict councils in the disbursement of the allowances. They suggest that it is sufficient for the Department to set maximum limits of the allowances payable but should not impose further restrictions allowing councils autonomy in deciding policy on payments.

Departmental Response to Substantive comments

14. **The Department sets the maximum limits and conditions for allowances payable to councillors. The further restriction in respect of SRA to limit**

payment to maximum of 50% of a council's councillors has been operational policy from 2006 and was considered by the independent Northern Ireland Councillor's Remuneration Panel in 2014. The Panel had recommended that this allowance be further restricted to a maximum of 10 councillors per council. The Department did not accept this recommendation. The intention of the limitation is to support payment of this allowance only where a councillor has undertaken considerable extra responsibility. The basic allowance for councillors was greatly increased from 1 April 2015 following the Panel's report and this took into account the extra duties the reform of local government placed on councillors from that date.