

1999 No. 449

LOCAL GOVERNMENT

**Local Government (Payments to Councillors) Regulations
(Northern Ireland) 1999**

Made 11th November 1999

Coming into operation 5th January 2000

The Department of the Environment in exercise of the powers conferred by section 36 of the Local Government Act (Northern Ireland) 1972(a) and now vested in it(b) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999 and shall come into operation on 5th January 2000.

Interpretation

2. In these regulations—

“the Act” means the Local Government Act (Northern Ireland) 1972;

“approved duty” means any of the following duties, that is to say—

(a) attendance at a meeting of the council, or of any of its committees or sub-committees, or at a meeting of a joint committee or any of its sub-committees, or at a meeting of a group committee established under the provisions of the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994(c) or the Local Government (Employment of Group Environmental Health Staff) Order (Northern Ireland) 1994(d);

(b) the doing of anything approved by the council or, as the case may be, by the joint committee, 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;

and shall not include a site visit.

(a) 1972 c. 9 (N.I.) as amended by S.I. 1978/1041 (N.I. 11) Art. 9(a)
(b) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)
(c) S.R. 1994 No. 497
(d) S.R. 1994 No. 498

“committee member” means a person not being a councillor, appointed to a committee or a sub-committee of a council or to a joint committee or a sub-committee of a joint committee under sections 18 or 19 of the Act;

“councillor” means a member of a council;

“Department” means the Department of the Environment;

“site visit” means a visit made by a councillor in connection with an application for planning permission—

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

(b) at the request of the applicant for that planning permission, or his agent, or at the request of an objector to that application.

Basic Allowance

3.—(1) A council may make a payment to each councillor by way of an allowance (“basic allowance”) for, or in relation to anything done in connection with, his service as a councillor, other than an approved duty.

(2) The amount of basic allowance shall be such amount as is determined by the council but shall not exceed such amount as the Department may from time to time determine.

(3) The amount of the basic allowance shall be the same for each councillor.

(4) Where the term of office of a councillor begins or ends, otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists, bears to the number of days in that year.

Attendance Allowance

4.—(1) A council or a joint committee, as the case may be, may make a payment to a councillor or committee member by way of an allowance (“attendance allowance”) in respect of the performance of any approved duty.

(2) The amount of attendance allowance shall be such amount as is determined by the council, or as the case may be, by the joint committee, but shall not exceed such amount as the Department may from time to time determine.

(3) The amount of any attendance allowance determined under these regulations by a council or by a joint committee shall be the same for all councillors or committee members entitled to such allowance and for every approved duty in respect of which it is payable.

(a) S.R. 1993 No. 278

Special Responsibility Allowance

5.—(1) A council may, in addition to any allowance under regulation 3 or 4, make a payment to a councillor by way of an allowance (“special responsibility allowance”) if they are satisfied that he has special responsibilities in relation to the discharge of the functions of a council.

(2) The amount of the special responsibility allowance shall be such amount as is determined by the council, but the allowance shall not exceed such amount as the Department may from time to time determine.

(3) Where a councillor does not have throughout a year any such special responsibilities as entitles him to a special responsibility allowance, his entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

Claims for Allowances

6. A councillor or a committee member entitled to an allowance under regulation 4 shall make a claim for such allowance, in such form as the council or joint committee, as may be appropriate, may direct to the clerk of the council or as the case may be, the chief officer of the joint committee, and shall make a declaration that—

- (a) he has not and will not make any claim for allowances from any other body in respect of the approved duty to which the claim refers; and
- (b) the amounts claimed are strictly in accordance with the regulations.

Time for submission of claims

7. A claim for an allowance under regulation 4 shall be submitted within 3 months from the date on which the approved duty was performed.

Records

8. A council or as the case may be, a joint committee, shall keep detailed records of all payments made to councillors or committee members under these regulations, indicating the amounts paid to each councillor or committee member and the heads under which they were paid, and such records shall be open to inspection at all reasonable hours by any local elector for the district or for the districts appropriate to the joint committee.

Revocation

9. The Local Government (Payments to Councillors) Regulations (Northern Ireland) 1981(a) and the Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1983(b) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
11th November 1999.

(L.S.)

J. McConnell

Assistant Secretary

(a) S.R. 1981 No. 354
(b) S.R. 1983 No. 333

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke and replace, with amendments, the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1981 and the Local Government (Payments to Councillors) (Amendment) Regulations (Northern Ireland) 1983.

The principal amendments are:—

- (a) the introduction of the payment of a basic allowance to councillors (regulation 3);
- (b) the exclusion of site visits from approved duty (regulation 2); and
- (c) the introduction of a 3 month time limit on making claims for attendance allowance (regulation 7).

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