



Title of Report:	Scheme of Allowances
Committee Report Submitted To:	Corporate, Policy and Resources
Date of Meeting:	27 October 2020
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Leader and Champion
Outcome	Our Elected Members will provide civic leadership to our citizens, working to promote the Borough as an attractive place to live, work, invest and visit.
Lead Officer	Chief Executive

Budgetary Considerations	
Cost of Proposal	£865,749
Included in Current Year Estimates	YES/NO
Capital/Revenue	Revenue
Code	
Staffing Costs	

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.1 Background

Causeway Coast and Glens Borough Council has established a scheme of allowances payable to Members for the current period. The scheme provides for the payment of allowances to Councillors on the basis that:

- 1 – The maximum level of basic allowance as determined by the Department for Communities (DfC) is paid
- 2 – The maximum level of carers allowances as determined by the DfC are paid
- 3 – The maximum level of mileage rates as determined by the DfC are paid
- 4 – Councillors' payments are made on the third last banking day of each month

1.2 Detail

The updated scheme of allowances, a copy of which has been included with this report, takes into account a number of factors:

- 1 – basic allowance – budget allows for 2% increase, 2.75% increase to be applied but not yet notified
- 2 – mileage rates
- 3 – rates for dependant carer's allowance
- 4 – Special Responsibility Allowance (SRA)

The four items are in keeping with the normal periodic update of the scheme of.

1.3 Amendments

In October 2019 Council formed a new Finance committee which was not provided for in previous schemes of allowances therefore the Chair was not allocated any SRA. This new scheme does allocate the same SRA to the Finance Committee chair as to the other main committees (£3,000 p.a). This does however present a problem in that there are now 22 positions of responsibility and regulation only permits 20 members to be in receipt of SRA. Until now we have dealt with this issue by making the Partnership Panel representative a member of the Planning committee thereby creating a double responsibility but only one SRA can be received, the higher of the 2 being applicable.

1.4 Current positions of responsibility

The current positions of responsibility which are governed by the 20 member limit are as follows:

- 1 CP&R Committee Chair
- 2 L & D Committee Chair
- 3 ES Committee Chair
- 4 Planning Committee Chair
- 5 Finance Committee Chair (to be agreed)
- 6 Audit Committee Chair
- 7 Partnership Panel Representative
- 8 -22 Planning Committee Member (15)

The current postholders of the above positions include 2 members with dual roles therefore currently only 20 payments will be made under the current regulations.

1.5 Rates of Special Responsibility Allowance

The current rates of SRA are as follows:

Committee chair (except Audit)	£3,000	(x5)
Audit Committee chair	£ 750	
Planning Committee Member	£1,200	(x15)
Partnership Panel rep.	£1,000	

1.6 Application

The new scheme of allowances will be effective from 1st of the month of approval by Council until 31 March 2021 unless previously amended or updated.

1.7 Previous decision

This report was previously tabled at this committee on 28 January 2020 at which time the decision was to defer the decision regarding the scheme of allowances until an application was made to DfC for council to be allowed to pay SRA to a number of members in excess of the statutory limit (50% of members i.e. 20).

1.8 Department application

An application was made to DfC in February seeking permission for Council to pay SRA to up to 22 members based on the breakdown of SRA in 1.4 above. DfC issued a response in March 2020 which is copied below:

Thank you for your email of 26 February 2020 applying for permission, under regulation 5 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019, to pay Special Responsibility Allowance (SRA) to more than 50% of the councillors in Causeway Coast and Glens Borough Council.

As Causeway Coast and Glens Borough Council has 40 elected members the 50% limit would be 20 (excluding any SRA payable to Mayor/Deputy Mayor). You have requested that SRA be payable to 22 out of 40 councillors which is 55% of the councillors.

The intention of the special responsibility allowance is to recognise greater commitment by councillors and should only be paid to those councillors who have significant additional responsibilities, over and above the generally accepted duties of a councillor. The essential intent of the legislation is to limit the number of councillors in receipt of SRA within the maximum limit of 50% of a council's total number of councillors. The Department has flexibility to increase the limit, for a short period of time, where a council has exceptional circumstances.

This restriction has been an operational policy from 2006 and was considered by the independent Northern Ireland Councillor's Remuneration Panel in 2014. That Panel had recommended that this allowance be further restricted to a maximum of 10 councillors per council. The then Minister of the Department of the Environment did not accept this recommendation. The intention of the limitation is to support payment of the 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 and transfer of functions placed on councillors from that date.

The circumstances set out below may be considered to be exceptional in that there may as you have stated be a significant reshaping of the governance structure of your Council due to the current situation. However, you have stated that 15 members of the planning committee receive SRAs. As stated in paragraph 4 the basic allowance was greatly increased from 1 April 2015 to take account of the extra duties the reform of local government and the transfer of functions placed on councillors. You will be aware of course that the additional responsibilities that your council decides attract SRA can be rotated during the year.

Before the Department could consider approving the additional SRA allowances above the 50% maximum currently allowed, the Council should first consider whether the SRAs for all the members of the Planning Committee (taking into account the intention of the enhanced basic allowance) are paid to councillors who have significant additional responsibilities, over and above the generally accepted duties of a councillor.

Therefore at this stage the Department could not agree to the increase of 5% above the maximum 50% limit for SRA but will reconsider the Council's application if more information is provided. (If the Department were to consider additional information and then decide to agree to any increase it is likely that this would only be for a limited time period (probably one year) and the council would have to re-apply for permission).

1.9 Consideration

DfC's refusal of the application now leaves Council with a decision to make regarding the allocation of SRA specifically about ensuring that the maximum number of 20 is not exceeded. This position is further complicated in that the existing SRA positions have continued to be paid at the rates detailed in 1.5 above since 1 April 2020, subject to the application of regulations where a member holds more than one position of responsibility, therefore any decision will affect the application of SRA from the date of approval of this scheme until 31st March 2021 meaning potentially a recipient of SRA up to this point may no longer receive it dependant on Council's decision. As stated 1.4 the current list of postholders does include 2 members with dual roles therefore under the current regulations only 20 payments would be made, this position however cannot be guaranteed to occur every year therefore the scheme does require amendment so that in the event all positions of responsibility are occupied by different members then the 50% (20 member) limit would not be breached. The Council could decide to dual two roles in the Planning Committee with for example, Audit Chair and Partnership Panel rep, with an increased allowance, to comply with the 20 payment allowance.

1.10 Recommendation

It is recommended that Members consider the allocation of positions of responsibility and associated special responsibility allowance so that the new scheme of allowances can be approved.

Causeway Coast and Glens Borough Council

Scheme of allowances payable to Councillors

This scheme is made under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019.

In this scheme:

- approved duties are as listed in Schedule 1, as provided for in the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019;
- Department means the Department for Communities;
- Guidance means the Department for Communities guidance on Councillors' allowances, issued in September 2019; and
- Regulations means the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019.

1. Basic Allowance

- 1.1 Subject to sub-paragraph 2.3 and paragraph 6 below, for the year ending on 31 March 2021
- 1.2 an annual basic allowance of £15,071(≠) shall be paid to each member.
- 1.3 Not more than one basic allowance is payable to any councillor
- 1.4 Where applicable this will be paid pro-rata.

≠ (The basic allowance includes an element for incidental and consumable costs incurred by councillors in their official capacity. In 2015/16 this element was £1,000 and each year this amount is uplifted in line with the increase applied to the basic allowance, therefore this element within the basic allowance is £1,040 from 1 April 2018 and £1,061 from 1 April 2019.)

2. Mayor's, Deputy Mayor's and Special Responsibility Allowance

- 2.1 For the year ending 31 March 2021, Mayor's, Deputy Mayor's and special responsibility allowances shall be paid to councillors as follows:

Mayor	£12,000
Deputy Mayor	£5,000
Partnership Panel Representative	£1,000
Committee Chair (x5)	£3,000
Audit Committee Chair	£750
Planning Committee member	£1,200

- 2.2 Subject to paragraph 3.4 and paragraph 6 below, the amount of each such allowance shall be the amount specified in paragraph 3.1. Regulation 5 of the 2019 Regulations stipulates that a special responsibility allowance must not be paid to more than 50% of the councillors in the Council.
- 2.3 Not more than one special responsibility allowance is payable to any councillor, in the event of a Councillor qualifying for more than one allocation the higher amount shall be paid.
- 2.4 Where applicable the allowances in 2.1 above will be paid pro-rata.

3. Dependants' Carer's Allowance

- 3.1 Councillors are entitled to claim a dependants' carer's allowance towards reimbursement of actual reasonable costs necessarily incurred in providing care for a dependant while carrying out an approved duty.
- 3.2 A dependant lives with a 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.
- 3.3 A dependants' carer's allowance shall be payable based upon actual receipted costs or at the appropriate hourly rate, whichever is the lower; up to the monthly maximum. Payments shall be at the rates given in paragraph 3.4, which are subject to the limits determined by the Department.
- 3.4 For the year ending 31 March 2021, the hourly rate of dependants' carer's allowance for standard care shall be £8.21*, and for specialised care shall be £16.42. The monthly maximum for standard care paid to individual councillors shall be £427, and the monthly maximum for specialised care shall be £854. Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA rate is payable even if there are 2 or more children/dependants being cared for.
- * based on national living wage for age 25+

4. Travel and Subsistence Allowances

- 4.1 A councillor or committee member is entitled to claim travel and subsistence allowances where expenditure on travelling and subsistence has been necessarily incurred in connection with an approved duty as specified in Schedule 1.
- 4.2 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.
- 4.3 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.

Type of Vehicle	Rate
A pedal cycle	20.0p per mile
A motor cycle – all engine capacities	24.0p per mile
A motor car of cylinder capacity exceeding 450cc but not exceeding 999cc	46.9p per mile 13.7p per mile*
A motor car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	52.2p per mile 14.4p per mile*
A motor car of cylinder capacity exceeding 1,199cc	65.0p per mile 16.4p per mile*
An electric car	45.0p per mile 25.0p per mile**
Passenger rate	5.0p per mile

* National Joint Council for Local Government Services – casual user rates after 8,500 miles.

** For mileage above 10,000 miles

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

Period/Meal	Rates	
	British Isles £	London £
An absence involving an overnight stay only , away from the normal place of residence	100.70	122.45
Breakfast Allowance (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period before 11am)	11.50	11.50
Lunch Allowance (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)	13.50	13.50
Tea Allowance (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)	4.70	4.70
Evening Meal Allowance (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period ending after 7pm)	20.95	20.95
Sub-total for meals	50.65	50.65
Total maximum rate (absence of 24 hours)	151.35	173.10

Note: **All** claims must be supported by appropriate receipts relating to actual expenses incurred.

- 4.5 The amount claimed for subsistence should include VAT
- 4.6 The amount claimed for subsistence should not include any alcohol.

5. Part-Year Entitlement

- 5.1 This scheme may be revoked and amended at any time.
- 5.2 The amounts stated in paragraph 1 will be subject to any indexing increase during the year
- 5.3 The amounts stated in paragraph 3 will be subject to any increase to the national living wage for age 25+.
- 5.4 If an amendment to this scheme is made which affects the 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:
- beginning with the year and ending with the day before that day on which the first amendment in that year takes effect; or
 - 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, (if none) with the year,

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

- 5.5 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.
- 5.6 Where a councillor has during a 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.
- 5.7 Where a councillor is suspended or partially suspended from his or her responsibilities or duties as a councillor, in accordance with section 59(5) of the Local Government Act (NI) 2014, the part of the Basic Allowance, Special Responsibility Allowance, or Mayor/Deputy Mayor allowance payable to the Councillor in respect of the period for which the Councillor is suspended or partially suspended, will be withheld.

6. Claims and Payment

- 6.1 Payments regarding basic allowance and special responsibility allowance shall be made in *instalments of one twelfth of the amount specified in this scheme on the third last banking day of each month.*
- 6.2 Claims for dependants' carer's allowance, travelling allowance or subsistence allowance should be made in writing within three months of the end of the month being claimed for, and should be accompanied by receipts, where appropriate.

SCHEDULE 1

In accordance with Regulations, only the following are specified as the duties in respect of which basic allowance, dependants' 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 Environmental 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 now included in 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 Council include:-

- Conferences, Courses and Seminars
- Civic Functions
- Official & Courtesy Visits
- Special Council Meetings
- Attendance at a meeting of a working group/sub-committee of the Council, or other meeting related to the functions of the Council.
- Meetings of all outside bodies to which councillors are appointed, and meetings at which representation is required by councillors as a result of sitting on various groups/committees. Membership of these bodies has been rolled forward until the end of the Council term. Any member not wishing to be on an outside body can be replaced by a party colleague or if the party does not wish to retain the position, an alternative can be nominated at an appropriate Committee meeting of Council.