EXPLANATORY MEMORANDUM TO

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

SR 2019 No. 174

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 31(1), (3) and (4) and section 43(2) of the Local Government Finance Act (Northern Ireland) 2011, "the 2011 Act", and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will revoke and remake the Local Government (Payments to Councillors) Regulations Northern Ireland 2012 "the 2012 Regulations" to take account of :-

2.2. (a) the revision of councillors' allowances; and

2.3. (b) other legislative changes resulting from local government reform.

3. Background

3.1. Section 31(1) of the 2011 Act, provides for the Department to make regulations for the payments by councils to councillors. The draft Regulations are in three parts:

3.2. 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 and there is a new definition for approved duty.

3.3. Part 2 deals with the overarching scheme 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 allowance reductions related to councillors being members of other institutions are now redundant and have been removed.

3.4. 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. Information provided in Schedules 1 and 2 of the 2012 Regulations has been removed and a revised version will be provided in guidance.

4. Consultation

4.1. In accordane with section 44(1) of the 2011 Act, a consultation was issued on the draft regulations for the period 3 October 2016 to 30 November

2016. The Department received five responses to the consultation none of which opposed the purpose of the draft statutory rule.

4.2. Copies of the consultation and the synopsis of responses can be found at: https://www.communities-ni.gov.uk/consultations/draft-local-government-payment-councillors-regulations-northern-ireland-2016

5. Equality Impact

5.1. 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.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary, as the Statutory Rule has no impact on the costs of businesses, charities, social economy enterprises or the voluntary sector, and no significant financial impact on any public bodies.

7. Financial Implications

7.1. The Statutory Rule has no significant financial implications,

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Local Authorities (Members' Allowances) (England) Regulations 2003, as amended, make provision for the payment of basic allowance, special responsibility allowance, dependants' carers' allowance and travelling and subsistence allowance, and the preparation and publication of schemes of allowances.

10.2. The Local Authorities (Allowances for Members) (Wales) Regulations 2007 make similar provision for basic allowance, special responsibility allowance, dependants' carers' allowance and travelling and subsistence allowance, and the preparation and publication of schemes of allowances. In Wales, the maximum amount for each allowance is prescribed by the Independent Remuneration Panel for Wales.

10.3. The approach in Scotland is different. The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 specify four grades of councillor for remuneration purposes, namely, the Leader of the Council, Civic Head, Senior Councillors and Councillors. Although there is no requirement for local authorities in Scotland to publish schemes of the allowances they intend to pay, they are required, under provision of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, to publish a record of the allowances and expenses paid to each councillor in the previous year on the council's website.

11. Additional Information

11.1. Not applicable.