



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



LG 3/2015

2 February 2015

Revised arrangements for allowances for expenses incurred by elected members of local authorities

Dear Chief Executive,

I am directed by the Minister for the Environment, Community and Local Government to bring to your attention revised Directions, which have immediate effect, regarding arrangements for allowances for expenses incurred by elected members of local authorities issued by under Article 17 of the Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014) arising from recent recommendations made by the Standards in Public Office Commission (SIPO).

SIPO's recent report, in relation to an investigation under the Ethics in Public Office Act 1995, concerning a former local authority elected member contained, *inter alia*, the following recommendations –

1. that the Minister for the Environment, Community and Local Government should introduce a revised claim form for travelling and subsistence allowances which would require a member of a local authority to provide all such details relevant to a claim as are sufficient to allow a local authority to make payment of only such allowances as relates to travel away from home on official business, and
2. that the form should ask members to provide such details as would be required to distinguish between travel expenses incurred for official business purposes and for other business or personal purposes.

The Minister, having examined the SIPO Report and considered the matter, has decided that its recommendations be implemented and that local authorities be notified accordingly.

The Directions which issued on 30 May 2014 under cover of Circular LG 12/2014 have, accordingly, been amended as follows: –

- The insertion of a new sub-paragraph (4) at paragraph 19 of Part II of the Directions covering the “need to claim travelling or subsistence expenses allowances”, by requiring claim forms for travel and subsistence to seek such particulars that will enable a local authority ensure that elected members –

- provide all such details relevant to a claim as are sufficient to allow a local authority to make payment of only such allowances as relates to travel away from home on official business, and
- provide such details as would be required to distinguish between travel expenses incurred for official business purposes and for other business or personal purpose.
- The insertion of a new sub-paragraph (5) at paragraph 20 of Part II of the Directions covering the “non-entitlement to claim” by requiring an elected member who has engaged in activity in respect of business or personal purposes in the same period, to provide details in that regard to the local authority.
- Amendment of clause (e) of the “declaration by a person claiming expenses” at Schedule C to Part II by declaring that the claims “includes details of activity incurred in respect of business or personal purposes in the same period but excludes a claim for any costs in respect of these business or personal activities”.

The attached Directions in Appendix I restate in full for convenience the existing rules and conditions under which expenses allowances are paid under sections 142 and 143 of the Local Government Act 2001, with necessary adaptation to reflect the recommendations made by the Standards in Public Office Commission. Accordingly they replace all existing arrangements regarding the expenses of local authority members.

A copy of this circular, together with the revised directions and the regulations should be given to each elected member.

Any queries in relation to matters covered by this circular letter should be directed to Jeanette Young (Tel. 01 888 2728 or email Jeanette.young@environ.ie). Local Government Policy Section, Custom House, Dublin 1.

Yours sincerely



Sean O'Suilleabhain
Local Government Policy

Phone: 01 888 2800
Fax: 01 888 2643
Email: sean.osuilleabhain@environ.ie

To each Chief Executive

Copied to: Association of Irish Local Government (AILG)
Local Authority Members' Association (LAMA)

Appendix I

Allowances for expenses incurred by elected members of local authorities

Directions

**Issued by the
Minister for the Environment, Community and Local Government**

**under
Article 17 of the**

**Local Government (Expenses of Local Authority Members) Regulations 2014
(S.I. No. 236 of 2014)**

With effect from 2 February 2015

Introduction

The following are directions given by the Minister for the Environment, Community and Local Government under article 17 of the Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014).

The directions should be read in conjunction with section 142 (as amended) of the Local Government Act 2001 generally with respect to expenses, and with section 143 with respect to any allowances for reasonable expenses set by municipal district members for the Cathaoirleach of the municipal district, and the fore-mentioned Regulations. They replace all previous directions regarding expenses allowances of elected members and other relevant persons.

Contents

Part I	Rates and Rules in relation to Annual Expenses Allowances
Part II	Rates and Rules in relation to Travelling and Subsistence Expenses Allowances
	Schedule A Scale of Motor Travel Rates to be applied for the purposes of Travelling Expenses Allowances
	Schedule B Scale of Subsistence Rates to be applied for Subsistence Expenses Allowances
	Schedule C Declaration
Part III	Rates and rules in respect of mobile phone allowance
Part IV	Allowances for certain Chairpersons
Part V	Allowances for Expenses for Attendance at Conferences and Training
Part VI	General Rules in respect of the Allowances

Part I

Rates and Rules in relation to Annual Expenses Allowances

Rates

1. The rates that apply for the purpose of calculating an annual expenses allowance under Part II of the Regulations shall be as follows:-
 - (a) the annual travel rate which shall apply for the purposes of subparagraph (i) of paragraphs (a), (b), (c) and (d) respectively of article 5(1) of the Regulations shall be 60.88c per kilometre,
 - (b) the annual subsistence rate which shall apply for the purposes of subparagraph (ii) of paragraphs (a), (b), (c) and (d) respectively of article 5(1) of the Regulations shall be €33.61,
 - (c) the fixed annual rate which shall apply for the purposes of subparagraph (iii) of paragraphs (a), (b), (c) and (d) respectively of article 5(1) of the Regulations shall be €2,286, €2,413, €2,540 and €2,667.
2. Annual expenses allowances under Part II of the Regulations shall be paid in instalments following the end of each month or of such greater period as the local authority may decide.

80% Rule

- (a) As set out in Part II of the Expenses Regulations, the annual expenses allowance for elected members comprises three elements - (1) travel, (2) subsistence and (3) an allowance in respect of miscellaneous expenses. The attendance requirement for the travel and subsistence elements is 80% and the attendance requirement for the final element i.e. postage and other miscellaneous expenses is 50%. Full payment of the miscellaneous element is payable for attendance by a member at 50% or more of the total number of meetings which that member was due to attend (i.e. "relevant meetings" of the full council, of municipal district members, and of committees, joint committees and joint policing committees of which he or she is a member). Where a member attends less than 50% of the total number of due meetings, then the proportion of the miscellaneous element payable shall be proportionate to the number of meetings attended. If for example 20 meetings are attended when 30 meetings is the 50% threshold, then 20/30 of the miscellaneous element is payable.
- (b) The calculation of the 80% attendance threshold and of the amount of the allowance when less than 80% attendance is achieved should accord with the rules as set out at paragraphs (c) and (d) below.
- (c) In determining eight tenths of the due number of meetings, any fraction of the number of meetings shall be disregarded. If for example the total number of meetings which a member was due to attend in the period was 47 then eight tenths of such number of meetings is $47 \times \frac{8}{10} = 37\frac{6}{10}$ or 37.6. In this example, the fraction should be totally disregarded (i.e. it should not be rounded up to 38 meetings) so that full payment of the allowance is available for attendance at 37 meetings.

- (d) In calculating the amount of the travel and subsistence element of the allowance payable when a member attends less than eight tenths of the due number of meetings, any fraction or percentage point should be rounded up. So that if for example a member attends 26 meetings when the relevant number of meetings for full payment of the travelling and subsistence element is 37 meetings, then the proportion of the travelling and subsistence element payable is $26/37$ or 70.3% of the maximum entitlement. In such instance, the 70.3% should be rounded up to 71% and this percentage of the allowance is payable. This will apply to every percentage point (i.e. .1 to .9).
- (e) The rules at (c) and (d) above should also apply in the case of calculations arising as regards the reduced attendance threshold at paragraph (a) above.
- (f) With regard to the level of payment where the number of meetings is below the index figure used in the formula for calculating the annual allowance, the position remains that once 80% or upwards of the relevant number of meetings (i.e. meetings of full council and municipal district members plus meetings of committees, joint committees and joint policing committees of which the person is a member) are attended the member qualifies for the full allowance determined in accordance with the formula.
- (g) It is entirely a matter for the local authority to determine the actual number of meetings. Arrangements should be in place to ensure they are prepared and organised in a business-like manner and conducted efficiently and effectively so as to minimise demands. Procedures should continue to be reviewed periodically to identify any changes in existing arrangements, which may lead to improvements in this regard.
- (h) Attendance at meetings of any body that the member has been nominated onto in their capacity as an elected member shall not be included in the calculation in the determination of the actual number of meetings for which an allowance is paid (e.g. heritage committees).

Part II

Rates and Rules in relation to Travelling and Subsistence Expenses Allowances

1. Scale of travel rates

- (1) Subject to these rules, the scale of motor travel rates which shall be applied for (other than the annual expenses allowances) the purposes of travelling expenses allowances in accordance with article 8 of the Regulations shall be as set out in Schedule A to this Part.
- (2) The motor travel rates referred to in subparagraph (1) shall be payable where it is necessary for a member to use a private car for a journey or part of a journey in respect of which the use of public transport is not practicable, in respect of each kilometre travelled along the shortest route by which the member could reasonably be expected to travel, between the member's official residence and the place at which the event or events concerned is or are located.
- (3) The motor travel rate applying to a particular member will be dependent on the car engine capacity of the member concerned

2. Class of public transport travel

Where it is practicable to travel by bus or rail, the allowance to be paid shall not be greater than the first class (or equivalent) fare payable in respect of the journey concerned.

3. Use of Private Car

Where a member uses a private car for the purpose of a journey or part of a journey for which the use of public transport would have been practicable, the travelling expenses allowance to be paid to the member shall not exceed the cost of public transport (or the sum of the cost of public transport and travel expenses where public transport was available for part of the journey only). Where public transport is available for part of a journey only, the local authority shall determine, having regard to the circumstances in each case, whether such use would have been practicable. Where two or more members travel in the same private car, the estimated cost of public transport for the purposes of this paragraph shall be increased by the amount of travelling expenses allowance which would otherwise have been payable in accordance with paragraphs 1 or 2 of this Part by the local authority to the additional member(s).

4. Use of Hired Car

Where it is necessary for a member to use a hired vehicle for a journey or part of a journey in respect of which the use of public transport is not practicable, the travelling expenses allowance to be paid to the member in respect of the use of the hired vehicle shall not exceed the lesser of the vouched cost of such use or the maximum fare fixed for such use (or, where no such maximum fare applies, the amount which might reasonably be paid, in respect of such use).

5. Two or more members travelling in same car

Where two or more members travel in the same private car, a travelling expenses allowance may only be paid to one member in respect of that journey except insofar as it might be necessary for another member to use a separate means of transport for part of the journey.

The total amount of travelling expenses allowances payable shall not exceed the total amount which would be payable in respect of the journey if the members had travelled separately.

6. Only one travelling allowance per journey

A local authority shall not pay more than one travelling allowance to a member in respect of the same journey and shall not pay any travelling allowance to a member in respect of any journey or part of a journey in respect of which an allowance is paid by, or is payable by, or is claimed from, another public authority.

7. Attendance at more than one matter

- (1) Where a member attends more than one matter to which Part IV or Part V of the Regulations applies on the same day, the distance in respect of which a travelling allowance shall be paid shall, subject to subparagraph (2), be the shortest overall route by which the member could reasonably be expected to travel between the member's official residence and the location of the matters concerned.
- (2) Where a member who attends a matter to which Part IV or Part V of the Regulations applies returns to his or her official residence and travels thence on the same day to the same matter or another such matter or matters, the total travelling and subsistence allowances to be paid shall be the lesser of –
 - (a) the amounts payable on the basis of the actual journeys and periods of absence in connection with the said matters, or
 - (b) the amounts which would be payable if the member did not return to his or her official residence.
- (3) Where, on the same day, a member attends a matter or matters to which Part IV or Part V of the Regulations applies and a matter or matters of the type referred to in article 7(2) of the Regulations, a travelling expenses allowance under article 8 of the Regulations shall only be payable in respect of any additional distance which it was necessary for the member to travel by reason of attendance at the matter to which Part IV or Part V of the Regulations applies over and above the distance which the member would reasonably have been expected to travel by reason of attendance only at the other matter or matters.

8. Attendance at conferences and training locally or regionally

Where a conference or training event for the purposes of Part V of the Regulations is organised within the area of more than one local authority, or more than one Regional Assembly area or other regional basis, or where the elected members attends at training listed at 2 (1)(b) to (f) under "Courses for which expenses may be paid" at Part VB of these Directions, the travel and subsistence payments shall be those applicable for attendance at the event organised within the local authority area or the area of the Regional Assembly, or other regional basis. Where the elected member attends at an event of than the event the local authority area or the area of the Regional Assembly or other regional basis, the payments shall be calculated on the lesser of the expenses payable for attendance at the actual event and the expenses payable for attending the event organised within the local authority area or the area of the Regional Assembly, or other regional basis, as appropriate.

9. Scale of subsistence rates

The scale of subsistence rates which shall be applied for the purpose of subsistence expenses allowances in accordance with article 9 of the Regulations shall, subject to these rules, be as set out in Schedule B to this Part.

- (1) A local authority may, subject to these rules, pay a night subsistence expenses allowance in accordance with the rate set out in Schedule B to this Part to a member who by reason of a matter to which Part IV or Part V of the Regulations applies, is obliged to spend a night away from home and could not reasonably be expected to have returned home.
- (2) A night subsistence expenses allowance which is payable in accordance with subparagraph (1) shall cover a period of up to 24 hours from the time of departure of the member from his or her official residence.
- (3) A day subsistence expenses allowance and a night subsistence expenses allowance shall not both be paid in respect of the same period of absence save where an overnight absence exceeds 24 hours (or, where an absence includes more than one night, a multiple of 24 hours) by not less than three hours.

10. Return by member to official residence

Where a member who attends a matter to which Part IV or Part V of the Regulations applies on two or more consecutive days returns to his or her official residence overnight instead of remaining overnight at the location of the event, the total travelling and subsistence expenses allowances to be paid shall be the lesser of –

- (a) the amounts payable on the basis of the actual distances travelled and periods of absence in connection with the matter, or
- (b) the amounts which would be payable if the member remained overnight at the location of the matter instead of returning to his or her official residence.

11. Only one subsistence allowance payable

A local authority shall not pay more than one subsistence expenses allowance to a member in respect of the same period of absence and shall not pay any subsistence allowance to a member in respect of any period or part of a period in respect of which an allowance is paid by, or is payable by, or is claimed from, another public authority or other body.

12. Attendance at more than one matter

- (1) Where, on the same day, a member attends a matter or matters to which Part IV or Part V of the Regulations applies and a matter or matters of the type referred to in article 7 (c) of the Regulations, a subsistence expenses allowance under article 9 of the Regulations shall only be payable in respect of any portion of such period of such absence attributable solely to the member's attendance at the matter or matters to which Part IV or Part V of the Regulations applies including any travelling time reckonable in accordance with subparagraph (2).
- (2) For the purposes of subparagraph (1), the length of travelling time which may be included shall not exceed the length of time which the member spent or could reasonably be expected to have spent in travelling the distance in respect of which

travelling expenses allowances are payable in accordance with the Regulations and these rules.

13. Recoupment of costs

Where a claim in respect of travelling or subsistence expenses allowances includes a claim for recoupment of costs incurred by a member, the amount of such costs which may be recouped by the authority to such member shall not be greater than the amount of such expenses reasonably incurred in accordance with the Regulations and these rules and for which satisfactory evidence in the form of all relevant receipts, tickets or other appropriate vouchers is furnished.

14. Fee for attendance at event

Where a local authority pays a fee in respect of the attendance of a member at a conference or other event to which Part IV or Part V of the Regulations applies or recoups the cost of such fee to such member, it may, insofar as appropriate take account, in the determination of any subsistence expenses allowance, of any subsistence covered by such fee and availed of by the member.

15. Travel outside the State

Where it is necessary for a member to travel outside the State for the purpose of a matter to which Part IV of the Regulations applies -

- (1) the local authority shall, where practicable, make the necessary arrangements, having regard to the need to minimise cost,
- (2) the local authority may pay a subsistence expenses allowance to the member in respect of the reasonable costs incurred by the member (excluding any costs incurred by the authority), in accordance with the scales of subsistence expenses allowances for the time being approved by the Minister for officers of local authorities travelling abroad who are eligible for Class A home rates,
- (3) where it is necessary for the member to make arrangements, the member shall have regard to the need to minimise cost and where the member pays the cost of a travel fare, the local authority may recoup the reasonable cost thereof to the member and the amount recouped shall not exceed the fare indicated on the ticket purchased and used in respect of the journey undertaken by such member and for which recoupment is sought.

16. Expenses payable or recoupable by any other person

A local authority shall not pay any travelling or subsistence expenses allowance or recoup any cost to a member in respect of any matter or any particular journey or part of a journey, or period of time, or item of expense which has been paid or recouped by, or is payable or recoupable by, any other person or body to such member or which has been claimed from any other person or body by such member.

Where a member is attending a conference or absent for more than three hours and where a meal is provided to the member by any other body, or as part of the conference fee no subsistence allowance will be payable in respect of this period.

Where meals have been provided the following deductions from the overnight/day rates should be applied;

- Where lunch or dinner is provided – deduct a three hour rate
- Where both lunch and dinner is provided – deduct a seven hour rate
- Where breakfast is provided – deduct half the three hour rate

17. Expenses covered by another allowance

A local authority shall not pay any expenses allowance under regulations 8 or 9 of the Regulations (other than any allowance payable under paragraph 15 of this Part of the Appendix) in respect of any expenses covered by an allowance under section 143 of the Act (i.e. to a Cathaoirleach or Leas Cathaoirleach of a local authority or municipal district).

18. Expenses allowances for committee members who are not local authority members

- (1) An expenses allowance to a member of a committee or joint policing committee under article 10 of the Regulations (i.e. where the person concerned is not a member of a local authority) shall be payable by the local authority by which such member was appointed.
- (2) These rules shall, insofar as applicable, apply in respect of persons to whom article 10 of the Regulations applies in the same way as they apply to a member of a local authority.

19. Need to claim travelling or subsistence expenses allowances

- (1) A local authority shall not make any payment to a member in respect of travelling or subsistence expenses allowances under regulations 8 or 9 of the Regulations unless the member has furnished to it a claim for such expenses, in such form as the local authority shall determine and containing Schedule C to this Part and containing such other statements (if any) as the local authority may determine (including, if the local authority so requires, proof of attendance at the event for which expenses are claimed).
- (2) Where a claim in respect of travelling or subsistence expenses allowances includes a claim for recoupment of costs incurred by a member, the claim shall be accompanied by all relevant receipts, tickets or other appropriate vouchers in respect of such costs.
- (3) A local authority shall not consider a claim in respect of travelling or subsistence expenses allowances unless all necessary information relating thereto has been duly furnished.
- (4) The claim form provided for at sub-paragraph (1) shall seek such particulars that will enable a local authority ensure that elected members –
 - (a) provide all such details relevant to a claim as are sufficient to allow a local authority to make payment of only such allowances as relates to travel away from home on official business, and
 - (b) provide such details as would be required to distinguish between travel expenses incurred for official business purposes and for other business or personal purposes.

20. Non-entitlement to claim

- (1) A member shall not be entitled to take a particular journey or part of a journey, or a particular period of time or any other item into account for the purposes of more than one claim in respect of a travelling or subsistence expenses allowance and a member shall not make a claim from a local authority in respect of any matter or any particular journey or part of a journey, or period of time or item of expense which has been paid or recouped by, or is payable or recoupable by, any other local authority or person to such member or which has been claimed from any other local authority, person or body by such member.
- (2) Where two or more members travel in the same vehicle in connection with a matter to which Part IV or Part V of the Regulations apply, not more than one such member may claim a travelling expenses allowance in respect of that journey except insofar as it is necessary for a member to use a separate means of transport for part of the journey.
- (3) Where a member is attending a conference or absent for more than three hours and where a meal is provided to the member by any other body, or as part of the conference fee no subsistence allowance will be payable in respect of this period.
- (4) Where meals have been provided the following deductions from the overnight/day rates should be applied;
 - Where lunch or dinner is provided – deduct a three hour rate
 - Where both lunch and dinner is provided – deduct a seven hour rate
 - Where breakfast is provided – deduct half the three hour rate
- (5) Where an elected member has engaged in activity in respect of business or personal purposes in the same period, details in that regard shall be provided to the local authority.

21. Public Register

- (1) A public register of attendances and payments under Section 142 and 143 shall be kept.
- (2) Members' attention should be drawn to the requirements of section 141(1A) of the 2001 Act, as inserted by section 53(1) of the 2014 Act. This requires members to notify the local authority of attendance at all meetings of bodies to which he or she was elected, appointed or nominated by the authority. This report is required to be presented within 15 working days of the end of each quarter (end-March, June, September and December), and provide details of any payments made to the member by and on behalf of that body, including mileage details if payment of expenses for travel by private vehicle is made. The payments to be reported would include all payments by the body to which the elected member was elected, appointed or nominated (e.g. attendance at meetings, conferences etc on behalf of the body).
- (3) The information provided by the elected member must be published in the public register at subparagraph (1) above (section 142(4)(ga) of the 2001 Act, inserted by section 53(2)(b) of the 2014 Act).

- (4) The local authority may use these notifications from the elected members to ensure no double payments where expenses are met by the other body.
- (5) The register should be maintained on the council website, and it would be good practice to update this at least quarterly.

22. Irish Public Bodies Mutual Insurances Ltd

Expenses separate from members annual allowance may be paid for attendance at the AGM of the Irish Public Bodies Mutual Insurances Ltd., subject to authorisation by the authority in accordance with these directions.

Schedule A

**Scale of Motor Travel Rates to be applied for the purposes of
Travelling Expenses Allowances**

(Paragraph 1 of Part II refers)

**Scale A
Rates per kilometre (effective from 12th March 2009)**

Official Motor Travel in a calendar year	Engine Capacity Up to 1,200cc	Engine Capacity 1,201cc to 1,500cc	Engine Capacity 1,501cc and over
Up to 6,437 km	40.11 cent	47.82 cent	60.88 cent
6,438 km and over	21.70 cent	24.33 cent	29.43 cent

Travel rates, which apply to officials, should be applied for the purposes of computing members' annual allowances. In future any changes to the travel rate of local authority officials should be applied automatically to members' travel rates from the same effective date as for officials in the case of Ad Hoc travel.

The appropriate travel rate, other than that relating to the annual allowance will be dependent upon the car engine capacity of the members concerned and will attract the reduced rate for travel in excess of 6,437km per annum.

Schedule B**(Paragraph 8 of Part II)****Scale of Subsistence Rates to be applied for purposes of
Subsistence Expenses Allowances****Domestic Subsistence Rates (effective from 12th March 2009)**

Night Allowance	Day Allowances	
€	Absence of seven hours or more (€)	Absence of three hours or more but less than seven hours (€)
108.99	33.61	13.71

The day rate which applies for officials' absence of 10 hours or more should be applied for the purposes of computing members' annual allowances. In future any changes to the subsistence rate of local authority officials eligible for Class A allowances should be applied automatically to members' subsistence rates from the same effective date as for officials in the case of Ad Hoc travel and for the purposes of calculating the annual allowance should apply in respect of the current year in question.

Schedule C

(Paragraph 19 of Part II refers)

Declaration by a person claiming expenses

I declare that –

- a) I have necessarily incurred expenditure on travel and subsistence in respect of my authorised attendance at as authorised by council/municipal district (delete as required) at its meeting on 20....;
- b) My hours of attendance at the aforementioned event were from to
- c) My total estimated expenditure at the aforementioned event (i.e. the amount being recouped from the local authority amounts to €.....;
- d) I have made the payments (if any) shown on the attached claim form (tickets/receipts and other relevant vouchers are attached);
- e) This claim, which includes details of activity incurred in respect of business or personal purposes in the same period but excludes a claim for any costs in respect of these business or personal activities, is made strictly in accordance with the Local Government (Expenses of Local Authority Members) Regulations 2014, the Directions and the General Rules made by the Minister for the Environment, Community and Local Government thereunder;
- f) The statements and particulars furnished herein are complete and accurate in all respects;
- g) No other payment has been made to me or is payable to me in respect of the time(s), journey(s) or other matters set out herein;
- h) I have not made, and will not make, any other claim for payment in respect of the time(s), journeys or other matters set out herein;

Name of member (Block Capitals) _____

Signature of member _____

Date _____

Part III

Rules in respect of Mobile Telephone Allowance

A mobile telephone allowance under Part III of the Regulations shall be payable to a member in relation to the carrying-out of his or her duties as a member subject to the following –

1. Local authorities shall, in the first instance, seek the most economical options either by negotiating a contract for the provision of mobile voice and data services (“bundle”) for its elected members or including elected members in the local authority’s own contracted bundle for such services. Only in the event a cheaper option not being available should an allowance in accordance with paragraph 2 below be considered. Local authorities shall be required to document and retain details of all costings to demonstrate that payment of an allowance is the cheaper option.
2. An annual allowance of 50% of total vouched mobile phone costs associated with the public duties of a member of a local authority may be paid, subject to a maximum allowance of €600 per annum and subject to paragraph 1 above.
3. If in any year a person is a member of a local authority for a period less than the full period of that year, the mobile telephone expenses allowance payable to such person by the authority shall be proportionate to the period of the year during which the person is a member, or, as appropriate, the local authority bundle for mobile phone and data services shall cease when the person is no longer a member of the authority.

Part IV
Allowances for certain Chairpersons

**Allowances to Cathaoirligh and Leas-Chathaoirligh of Local Authorities,
Cathaoirligh of Municipal Districts and Chairpersons of Strategic Policy
Committees**

- (1) The allowance the local authority may decide to pay to the Cathaoirleach and Leas-Chathaoirleach of the local authority shall not exceed that set out Part A in the Table to this Part.
- (2) The allowance municipal district members may decide that may be paid to the Cathaoirleach of municipal district shall not exceed that set out in Part B in the Table to this Part. No allowance shall be paid to the Leas-Chathaoirleach of a municipal district.
- (3) A local authority may pay an annual allowance not exceeding €6,000 to a Chairperson of a Strategic Policy Committee.
- (4) The allowances shall be paid in instalments following the end of each month or of such greater period as the local authority or municipal district members, as appropriate, may decide.
- (5) The allowances are to cover all matters associated with the posts, including meetings of the Corporate Policy Group, meetings with local authority officials, or meetings with external groups.
- (6) Where a member serves as a Cathaoirleach of a local authority, as a Leas-Chathaoirleach of a local authority, as a Cathaoirleach of a municipal district or as a Chairperson of a Strategic Policy Group for a period of less than the full twelve months, the amount of allowance payable shall be calculated on a pro rata basis for that period.
- (7) The decision to pay an allowance and the amount of such allowance is, subject to the maximum amount specified in paragraphs (1) to (3) above, a matter for determination by the members of each local authority and municipal district, as appropriate.
- (8) The amount of allowances payable under this Part shall be shown in the Annual Report in line with the requirements of the Act.

Table for Part IV

Part A

Maximum Amount of Allowances Payable to Cathaoirligh and Leas-Chathaoirligh of Local Authorities under Section 143 of the 2001 Act

Class of Local Authority	Maximum Amount of Allowance Payable to Cathaoirleach	Maximum Amount of Allowance Payable to Leas-Chathaoirleach	Local authorities (listed for information purposes)
Local authorities with more than 50 members:	€50,000 per annum	€10,000 per annum, or no more than one fifth of the allowance payable to the Cathaoirleach, if less	Dublin City Council Cork County Council
Local authorities with 30-40 members	€30,000 per annum	€6,000 per annum, or no more than one fifth of the allowance payable to the Cathaoirleach, if less	Donegal, Dun-Laoghaire Rathdown, Fingal, Galway County, Kerry, Kildare, Mayo, Meath, South Dublin, Tipperary, Wexford, Wicklow County Councils; Limerick and Waterford City and County Councils; Cork City Council
Local authorities with 18-29 Members	€20,000 per annum	€4,000 per annum, or no more than one fifth of the allowance payable to the Cathaoirleach, if less	Carlow, Cavan, Clare, Kilkenny, Laois, Leitrim, Longford, Louth, Monaghan, Offaly, Roscommon, Sligo, Westmeath County Councils; Galway City Council

Part B**Maximum Amount of Allowances Payable to Cathaoirligh of Municipal Districts
under Section 143 of the 2001 Act**

Class of Municipal District	Maximum Amount of Allowance Payable to Cathaoirleach	Municipal Districts (listed for information purposes)
Municipal District known as a Metropolitan District in accordance with section 22A(2)(a) of the 2001 Act ¹	€18,000 per annum	Metropolitan Districts of Limerick and Waterford
Municipal District known as a Borough District or as the Municipal District of Kilkenny City in accordance with section 22A(2)(b) and (c) of the 2001 Act, and a Municipal District described at section 32(1A)(c) of the 2001 Act ²	€2,000 per annum	Borough Districts of Clonmel, Drogheda, Sligo and Wexford; Municipal Districts of Athlone, Bray, Carlow, Celbridge-Leixlip, Dundalk, Ennis, Kildare-Newbridge, Kilkenny City, Letterkenny, Mullingar, Naas, Navan and Tralee
Municipal District other than the foregoing	€6,000 per annum	Remaining Municipal Districts

No allowances is payable to the Leas-Chathaoirleach of a municipal district.

¹ Section 22A of the 2001 Act, as inserted by section 19 of the 2014 Act.

² As inserted by section 37(1) of the 2014 Act.

Part V

Allowances for Expenses for Attendance at Conferences and Training

A. Allowances for expenses for attendance at conferences

1 Introduction

- (1) Article 11 of the Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014) establishes a maximum amount of expenditure that can be incurred by a local authority under section 142(5) of the Local Government Act 2001, as amended by section 53(2) of the Local Government Reform Act 2014 (i.e. in respect of attendance by local authority members at conferences, seminars, or other meeting or event) whether within or outside of the State. Such expenditure incorporates conference fees, as well as travel and subsistence costs.
- (2) The purpose of establishing such maxima is to restrict the overall amount of expenditure incurred by local authorities under section 142(5). This is significantly reduced from the amount set in 2010 by the Local Government Act 2001 (Section 142) Regulations 2010 (S.I. No. 37 of 2010). Notwithstanding the reduction in the ceiling, there must remain a presumption against attendance at conferences organised to generate maximum attendance by councillors and hence conference fees, and a greater reference to the quality and relevance of conferences when deciding on attendance.
- (3) These Guidelines complement the Regulations by identifying best practice in regard to attendance at such events.
- (4) The Regulations and Guidelines together should be read in the context, inter alia, of the Code of Conduct for Councillors, which outlines that –
 - a) the public is entitled to expect conduct of the highest standards from all of those involved in the local government service, and the Local Government Act 2001 imposes a statutory duty on all in the local government service to maintain proper standards of integrity, conduct and concern for the public interest,
 - b) the core principles underlying democratic local government are based on councillors acting in good faith and with fairness and impartiality for the common good and to promote the public interest, and
 - c) Councillors must be seen to act solely in the public interest, and to maintain and enhance public trust and confidence.

2 Amount provided by local authorities for attendance at conferences, seminars, training, or other meeting or event

- (1) The Regulations set the maximum amount that can be provided by a local authority for attendance at events by councillors at €700 per annum, with

€350 being the maximum for the period from 1 June 2014 to 31 December 2014.

- (2) The maximum amount for a local authority calculated in accordance with article 11 should in no way be interpreted as being a target amount, or an amount deemed to be appropriate for a local authority in any year. Article 11(2) leaves it open to each local authority to provide a lesser amount than the maximum specified in the Regulations.
- (3) The amount provided in its budget by a local authority to meet expenditure for the purposes of under section 142(5)(c) of the Act should be consistent with, and seen to be consistent with the major financial and other policy decisions being taken by the authority, and the general requirements to be prudent and to secure best value for money.

3 Position of individual councillors

- (1) While the maximum amount provided by a local authority under section 142(5)(c) of the 2001 Act is calculated by reference to the number of councillors on that authority, this should not be interpreted as conferring on any individual councillor an entitlement to any part of the overall budget. Accordingly, the limit on the payment under this heading shall be €1,000 per councillor per annum (and €500 in respect of the period from 1 June 2014 to 31 December 2014).
- (2) The decision of a local authority and a municipal district to authorise one or more members to represent the authority at a conference, seminar, meeting or event (i.e. under paragraph (b) of the said subsection (5)) is a separate decision. It may well be that having regard to a variety of factors, for example, the experience, interests and committee involvement of different councillors, and the range of conferences and similar events occurring, the amount of expenditure incurred by different councillors will vary. This is a matter for the local authority itself.

4 Assessment of value of conferences

- (1) As up-coming conferences, seminars or other meetings or events come to the attention of a local authority, the authority should carry out an assessment of their relevance and suitability for its councillors. It is suggested that the Corporate Policy Group would have a useful role to play in this regard.
- (2) The decision of a local authority to authorise one or more members to represent the authority at a particular conference, seminar etc under section 142(5)(b) should take account of –
 - a) the resources available to fund attendance at the event, having regard to needs likely to arise later in the year concerned,
 - b) the cost of attendance at the event (including attendance fees and travelling and subsistence expenses payable for attendance),
 - c) how the event compares in terms of efficacy and value for money with other similar meetings or events.

- (3) In authorising members to attend events, account should be taken of the following factors –
- a) size of delegation - the number of members attending any event should be the minimum necessary to represent the authority at the event consistent with producing the required benefit for the members concerned, the authority and the community,
 - b) members attending - the selection of a particular member to attend any event should, where possible, (and in addition to any identified needs) take account of his/ her particular areas of proven interest in relation to the council, their membership of an SPC or other local authority/ Committee, or their participation in community activities of a particular nature or sector, and
 - c) any follow-up action that the local authority or its elected members need or propose to take following the event or in the future.

5 Requirements on members in relation to attendance at conferences

- (1) Having been authorised to attend an event under section 142, a councillor is required in all circumstances to –
- a) attend that event and participate in the proceedings to the greatest extent possible, and
 - b) submit a written report within 15 days to the Cathaoirleach, who shall submit the report to the next ordinary meeting of the council. The report must indicate the nature of the meeting and contain a summary of the proceedings. This report shall be made available free of charge on request to any member of the public; for this purpose it may be put on the local authority's website. The requirements in relation to reports by attendees and making the report available to the public are in large part new requirements under section 142(5)(f) (as amended) and section 142(5)(fa).
- (2) The Minister considers that default arrangements should be for the report from the member and the proceedings to remain available on the local authority's website, with omission only of documentation where clear copyright restrictions so require.

B. Allowances for expenses for attendance at training events

1 Introduction

- (1) Under section 142(5A) of the 2001 Act, as inserted by section 53(1)(d) of the 2014 Act, the provision of allowances for expenses for training is separated from the allowances for expenses for conferences, on the basis that attendance at training events will be of greater advantage to individual councillors and thus to the overall membership of the council and ultimately of greater benefit to the people the councillors represent.

- (2) From 2010, local authorities have been required to adopt a Training and Development Programme for Councillors, the objective of which now will be -
- a) to adopt a more structured approach to supporting the development needs of councillors so that they can discharge their duties as effectively as possible, and
 - b) to inform decisions by the elected council on the training events for which councillors should be supported.
- (3) The Programme should have regard, inter alia, to –
- a) the key policy issues and challenges facing the councillors and the local authority generally,
 - b) the stage of the local government term; the training and development needs may be different at the beginning and end of a local government term,
 - c) the profile and experience of the councillors, including the events already attended by councillors generally, and
 - d) The likely resources that will be available to meet training needs under section 142(5A) of the 2001 Act for the development of councillors.

2 Courses for which expensed for attendance may be paid

- (1) Within the context of the overall programme, consideration should only be given to:-
- a) Attendance at the annual conference of, and specific training events provided by, the Association of Irish Local Government (AILG);
 - b) the need at the beginning of a new local government term for induction courses organised by the local authority itself within the local authority area and by the AILG;
 - c) attendance at appropriate events organised by national representative bodies for functions for which local authorities have responsibilities. The bodies must have a remit in relation to the relevant functional area, and represent relevant bodies or individuals active in relation to that function across a range of matters other than provision of training. Examples would include the IPI and RIAI in relation to planning functions;
 - d) programmes of education and training which relate to functions for which local authorities have responsibilities and which are validated by Quality and Qualifications Ireland, the body established by the Qualifications and Quality Assurance (Education and Training) Act, 2012, (formerly FETAC and HETAC courses). This is to ensure that the training is externally accredited or validated, and includes courses and training programmes provided by a wide range of educational bodies;
 - e) the possible inclusion of structured training or educational courses that would lead to or contribute to qualifications of relevance to the functions of the local authority and of councillors. This could include, for example, distance or on-line courses leading to the award of

qualifications which are recognised within the National Framework of Qualifications; and

- f) such other training which may be approved by the Minister from time to time. The Minister, in the development of a training regime for elected members (see below) will assess the programmes or bodies that contribute to the training and/or continuous professional development of elected members. Training provided by the Institute of Public Administration in relation to local government is hereby approved by the Minister for the purposes of this provision.
- (2) Consideration may also be given to the annual seminars and conferences of Local Authority Members Association (LAMA). Normally, 2 are arranged per annum, and attendance will be limited to 2 events per annum organised by LAMA.
 - (3) For educational programmes identified at subparagraphs (2)(d) and (e) above at Level 6 and above in the National Qualification Framework, the local authority should pay a proportion only of the course fees where these are in excess of €500 per annum, and should in no case pay a contribution in excess of €1,500 per annum. Payment should be made annually in arrears following satisfactory evidence that all examinations have been passed and the elected member is eligible to progress to the next stage of the course, were the course is not completed. The payment of a contribution only of such course fees reflects the expectation that qualifications at Level 6 and above will be of benefit to the elected member outside his or her role as an elected member.
 - (4) While the manner in which the Programme is prepared is a matter for local authorities, it is suggested that it could be prepared in the first instance with the assistance of relevant personnel in the local authority.

4 Further training that may be provided for

- (1) The Minister is assessing the options for a comprehensive training regime for local authority members, including in discussions with the AILG. As such training is developed, there will be further guidance to supplement, or as appropriate amend, this circular letter, and as appropriate, amendments made to the Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014).

5 Training and development by local authorities

- (1) Local authorities themselves are requested to consider on an on-going basis their own potential to meet a greater proportion of the training and development needs of councillors. Authorities, particularly the larger ones have –
 - a) structures in place for the training and development of staff that could be extended to also meet the needs of councillors, and
 - b) much in-house expertise across the range of local authority policy areas.
- (2) Authorities should also consider the possibilities for cooperation and coordination between themselves in this regard.

Part VI

General Rules in respect of the Allowances

1. Notification of official address

A member of a local authority or of a committee, joint committee or joint policing committee shall, as soon as possible after becoming such member, notify the local authority of the address of his or her official residence and provide any other relevant information required by the local authority for the purposes of the Regulations or of these rules and shall notify the local authority as soon as possible of any subsequent changes in such address or information.

2. Authorisation by local authority for representation at event

The following provisions shall apply in relation to an authorisation for the purposes of sections 142(5) and 142(5A) of the Act: -

- (1) The resolution in relation to an authorisation shall specify by name the member or members of the local authority which it is proposed to authorise and these shall be recorded in the minutes of the meeting at which the authorisation was given. This authorisation is a reserved function of the local authority, and it is a matter for the elected members of the local authority to determine whether this function may be delegated to municipal district members under the provisions of section 131A(2) of the 2001 Act (as inserted by section 31(3) of the 2014 Act).
- (2) Before a decision is taken to give an authorisation, the Chief Executive shall inform the members of the estimated total cost which is likely to result from the proposed attendance at or participation in the matter to which the proposed authorisation relates and the members shall have regard to this and to the provision made for such purposes in the annual estimate of expenses, for the purposes of section 142(5) or section 142(5A) of the of the Act, as appropriate,
- (3) In deciding the number of persons to be authorised to attend conferences, seminars or other meeting or event other than a training event (i.e. under section 142(5)), the members shall have regard to the need to minimise the costs which are likely to result from attending or participating in the matter to which the proposed authorisation relates and to ensure that the number authorised does not exceed a reasonable proportion of the total number of members of the authority.
- (4) In deciding the number of persons to be authorised to avail of training or attend training events (i.e. under section 142(5A)), the members shall have regard to the benefits of increasing the skills and knowledge base of the elected members, their continued development in their role, the need to achieve efficiencies in delivery of such training and the need to minimise the costs which are likely to result from attending or participating in the matter to which the proposed authorisation relates.

3. Matters to be recorded in Annual Report

- (1) The particulars to be recorded separately in the annual report of a local authority under section 221 of the Act shall include the following:
 - a) the total amount of payments made by the local authority under Part II and Part III, and to non-members of the council under regulations 8, 9 and 10 of the Regulations;
 - b) the total amount of payments made by the local authority in respect of each of the matters specified in paragraph (b) of section 142(1) of the Act;
 - c) the amounts of payments made by the local authority in respect of the matters specified in the said paragraph (b) which related to travel or subsistence expenses within or outside the State respectively;
 - d) the total amount of all payments made by the local authority in accordance with regulations made under the said section 142.
- (2) The following particulars shall be recorded in the annual report of a local authority -
 - a) the number of meetings of the local authority and of municipal district members which were held during the year,
 - b) the title, purpose and number of members of each committee and joint committee and the number of meetings of each committee, joint committee and joint policing committee held during the year,
 - c) the public authorities and other bodies on which the local authority or any committee or joint committee was represented and the names of such representatives,
 - d) the conferences, seminars and other similar events under section 142(5) at which the local authority or any committee or joint committee was represented during the year, specifying the purpose of each such event, whether such event was held within or outside the State and the number of representatives of the local authority or of any committee or joint committee who attended in each case.
 - e) the training availed of by members, and the training events attended by members under section 142(5A), specifying the title of each training event, the body which provided it and the number of representatives of the local authority or of any committee or joint committee who attended in each case
- (3) For the purposes of subparagraph (1)(b), payments in respect of attendance at conferences, seminars, etc. held by the AILG and LAMA shall be included in the total.

4. Avoidance of unnecessary or excessive cost

A local authority and municipal district members shall ensure, as far as possible, that meetings of the authority, the municipal district members and any committees and joint committees and any events to which Part IV and Part V of the Regulations applies for which it is responsible, are so arranged and that the business at such meetings or other events is so managed as to avoid any unnecessary or excessive cost in respect of travelling or subsistence expenses allowances.

5. Record of payments

A local authority shall keep a record of all payments made under sections 142 and 143 of the Act, specifying the amount and nature of each payment and the name of the person to whom it was made and any other relevant particulars.

6. Repayment of payments not due

(1) Where in any case a payment was made to a member of a local authority or to a member of a committee or a joint committee of such authority in respect of travelling or subsistence expenses and such member was not entitled to such payment or was entitled to a lesser amount than that actually paid, then such member shall be liable to repay to the local authority an amount equal to such payment or, as the case may be, a sum representing the difference between the amount actually paid and the amount to which the member was properly entitled.

(2) Where a member fails to comply with the requirement of subparagraph (1) within a reasonable period, the local authority shall take any necessary action to recover the amount which is repayable by such member and without prejudice to any other method of recovery, any sum repayable in accordance with subparagraph (1) may be recovered by deduction from, or suspension of, any other payments to which the member would otherwise be entitled in accordance with the Regulations and these rules.

7. Member's official residence

(1) Where a member's official residence changes to a place which is outside of the functional area of the local authority, the number of kilometres outside such functional area which may be reckoned for the purposes of the Regulations and these rules shall not exceed –

a) where the member's official residence immediately prior to such change was outside such functional area, the number kilometres outside the functional area which was reckonable prior to the change,

b) in any other case, 16.1 kilometres.

Appendix II

Allowances for expenses incurred by elected members

Guidance notes regarding the

Local Government (Expenses of Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014)

and

Directions

by the

Minister for the Environment, Community and Local Government under Article 17 of those Regulations

1. Annual Expenses Allowances

- (1) Part II of the Regulations provides for the annual expenses allowance system, the general terms of which have already been announced by the Minister and notified to local authorities. It will be noted that payment of the annual expenses allowance will continue to be proportionate to -
 - a) the period of the year for which a person was a member, and
 - b) to the member's attendance rate with respect to a "quota" of 80% of all meetings which the member was due to attend.
- (2) Groupings of local authorities for the purpose of the annual allowance system are set out in the Schedule to the Regulations.
- (3) The rates and other rules to be applied for the calculation of annual expenses allowances are set out in Part I of the directions given by the Minister under article 17 of the Regulations.

2. Travelling and Subsistence Expenses Allowances (other than Annual Expenses Allowances)

- (1) Part IV and Part V of the Regulations provides for the payment of individual travelling or subsistence allowances (apart from the annual expenses allowance) on an ad hoc basis in certain cases, viz. attendance at conferences, seminars and similar events, training events, certain types of meetings held outside of the functional area of the local authority, visits in connection with twinning or similar arrangements and any other matters which might be specified in directions given by the Minister.
- (2) The matters in respect of which travelling or subsistence expenses allowances will be payable on an ad hoc basis are provided for at article 7 of the Regulations. Matters which are specifically excluded for the purposes of such allowances are set out in article 7(2) of the Regulations.
- (3) Particular attention is drawn to the fact that travelling and subsistence expenses on an ad hoc basis are not payable to elected members in respect of meetings of a local authority, meetings of municipal district members, or

committees and joint committees, including such committees the joint policing committee (either by a local authority or the committee/ joint committee), and other types of meetings held within the functional area of the local authority. **These are covered by the annual expenses allowance.**

- (4) Local authorities are reminded that the payment of expenses in connection with meetings of any public authorities or committees, etc. of such authorities on which a local authority may be represented is a matter for the body concerned, e.g. ETBs, regional health fora, regional assemblies. The elected member must, within 15 days of the end of each quarter, notify the local authority of his or her attendance at the relevant meetings and any payments made by the body (including in relation to travel by private vehicle, the distances travelled) – see section 141(1A) of the 2001 Act, as inserted by section 53(1) of the 2014 Act.
- (5) By virtue of sections 142(4)(g and (ga), all payments under sections 141, 142 and 143 of the Act are required to be published by the local authority in the public register. The local authority shall maintain a copy of this register publicly available on the website of the local authority.

3. Rules and Rates for Travelling and Subsistence Expenses Allowances

- (1) Rules in relation to travelling and subsistence expenses allowances payable under Part IV of the Regulations are set out in Part II of the directions; they incorporate the rules and the scale of travel and subsistence rates applicable. At this time, the applicable travel and subsistence rates are set out by circular EL 03/09 of 12 March 2009. The rates are also set out in Schedules A and B respectively to Part II. It should be noted, in particular that in the case of attendance on the same day at –
 - (a) a matter to which Part IV of the Regulations does not apply (e.g. covered by the annual expenses allowance or for which expenses are payable by another party), and
 - (b) a matter to which Part V does apply (e.g. a conference, seminar, etc., and training events)
- (6) travelling and subsistence expenses allowances will only be payable in respect of any additional distance or period of absence arising from the latter over and above what the former would in any case have involved (see in particular paragraphs 7(3) and 12(1) of Part II of the directions.
- (7) It should also be noted that a travelling or subsistence allowance under Part IV or Part V of the Regulations should not be paid unless a claim is accompanied by a signed declaration as set out in Schedule C to Part II of the directions.

4. Local Authority Authorisations

With regard to attendance at conferences, seminars or other meetings or events, attention is drawn to the requirement in section 142(5)(d) of the Act that such attendance should not be authorised unless the authority is satisfied that this is

justified having regard to costs, benefits and the general interests of the authority's area and the local community. Similarly, in relation to training events, attention is drawn to the same requirements under section 142(5A)(d) of the Act.

5. Allowances to Chairpersons of SPCs

The rules in relation to the payment of an annual allowance to Strategic Policy Committees are set out in Part IV of these directions. The allowance is expenses related and therefore are not subject to income tax.

6. Rules for Expenses Allowances Generally

General Rules in relation to members' expenses are set out in Part V of the directions, incorporating the rules and requirements which apply generally to the making of claims for or payment of expenses allowances and other matters relating to expenses.

7. Payments in Accordance with Regulations and Directions

Attention is drawn to article 16 of the Regulations which prohibits any payments in respect of expenses to members of local authorities or of committees, joint committees and joint policing committees except in accordance with the Act, the Regulations and these directions.

8. General Arrangements, Procedures, etc.

Local authorities are also recommended to continue to keep under review the organisation of council and committee business with a view to maximising efficiency and economy and minimising the burden on members.

9. Taxation Implications for Allowances under Sections 142 and 143 of the Act

- (1) Section 143 of the Local Government Act, 2001 permits the payment by a local authority of an allowance for reasonable expenses to the Cathaoirleach and to the Leas-Chathaoirleach of the local authority, and to the Cathaoirleach of municipal district members, subject to the directions of the Minister.
- (2) As previously notified to local authorities, following an examination by the Revenue Commissioners of the operation of this system (including amounts and arrangements for payment) instructions issued to all local authorities regarding the tax treatment of such allowances. These arrangements continue in force as required by Revenue.
- (3) In light of the foregoing, guidance is outlined below as regards certain related matters, as understood by this Department:
 - (a) there is no change in the position regarding the fixed annual expenses allowance system for councillors – payable without deduction of tax, and
 - (b) there is no change in the position regarding the allowance for the chairperson of a Strategic Policy Committee – payable without deduction of tax.

- (c) the role of the Leas-Chathaoirleach of the local authority is, under the Local Government Act, 2001, confined to acting in place of the Cathaoirleach in certain circumstances. Accordingly if an allowance for reasonable expenses is considered appropriate, it should reflect this position and be limited to a modest sum approximate to likely expenses, and may not exceed one-fifth of the allowance payable to the Cathaoirleach.

APPENDIX III**Summary of the Amendments to the elected members Expenses System effective from 1 June 2014**

NOTE: This Appendix is a summary only and should be read in conjunction with the Regulations and Directions issued together with this circular.

Item	Existing Position	Comment
<p>Meetings' bands for Annual Expenses Allowances for County/ County and City/ City Councils</p> <p>Details in relation to the application of the revised indices to the relevant councils are set out in article 5 of the Regulations and Parts I, II, III and IV of the Schedule thereto.</p>	<p>The councils of the counties of Carlow, Cavan, Kilkenny, Laois, Leitrim, Louth, Longford, Monaghan, Offaly, Roscommon, Sligo, and Westmeath and the council of the city of Galway.</p>	<p>Index = 80 (travel rate)</p> <p>Index = 40 (subsistence rate)</p>
	<p>The councils of the counties of Clare, Donegal, Galway, Kerry, Kildare, Mayo, Meath, Tipperary, Wexford and Wicklow, the councils of the cities and counties of Limerick and Waterford and the council of the city of Cork.</p>	<p>Index = 110 (travel rate)</p> <p>Index = 55 (subsistence rate)</p> <p>North and South Tipperary county councils and Waterford city and county councils were previously at Index 80 (travel rate)/ Index 40 (subsistence rate)</p> <p>Limerick county council and Limerick city council were previously at this Index (i.e. Index 110 (travel rate)/ Index = 55 (subsistence rate))</p>
	<p>The councils of the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin.</p>	<p>Index = 150 (travel rate)</p> <p>Index = 75 (subsistence rate)</p>
	<p>The council of the county of Cork and the council of the city of Dublin.</p>	<p>Index = 170 (travel rate)</p> <p>Index = 85 (subsistence rate)</p>

Item	Existing Position	Comment
Expenses allowances to Cathaoirligh and Leas-Chathaoirligh of local authorities are set out in Part VI of the Regulations and Part IV of the directions.	No limits set by the Minister	See Table for limits set by Minister for Cathaoirleach. Limit for Leas-Chathaoirleach at $\frac{1}{5}$ th the rate for Cathaoirleach.
Expenses allowances to Cathaoirleach of municipal districts (which include metropolitan districts) are set out in Part VI of the Regulations and Part IV of the directions.	None	See Table for limits set by Minister for Cathaoirleach. New provision
Expenses allowances to chairpersons of Strategic Policy Committees (SPCs) are set out in Part VI of the Regulations and Part IV of the directions.	Allowance €6,000 pa	No change
Annual Mobile Phone Allowances in respect of 50% of the total vouched costs of mobile phone usage in association with the public duties of a councillor.	Inclusion in the local authority's contract for mobile data and voice ("bundle") or where lesser, €600 p.a. towards vouched expenses.	Inclusion in bundle is a new provision

Appendix IV**Local Government (Expenses of
Local Authority Members) Regulations 2014 (S.I. No. 236 of 2014).**

These Regulations provide for the payment of expenses to members of local authorities in accordance with section 142 of the Local Government Act 2001, and for payment of allowances to Cathaoirligh and Leas-Chathaoirligh of local authorities, and Cathaoirligh of municipal districts in accordance with section 143 of the same Act.

They revoked the Local Government (Expenses of Local Authority Members) Regulations 2006 (S.I. No. 668 of 2006) and the Local Government Act 2001 (Section 142) Regulations 2010 (S.I. No. 37 of 2010).



STATUTORY INSTRUMENTS.

S.I. No. 236 of 2014



LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY
MEMBERS) REGULATIONS 2014

LOCAL GOVERNMENT (EXPENSES OF LOCAL AUTHORITY MEMBERS) REGULATIONS 2014

I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by sections 4, 142 (as amended by section 53 of the Local Government Reform Act 2014 (No.1 of 2014) and 143 of the Local Government Act 2001 (No. 37 of 2001) and section 4 of the Local Government Reform Act 2014 (No.1 of 2014) and with the consent of the Minister for Public Expenditure and Reform (pursuant to the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), hereby make the following regulations:—

PART I

1. These Regulations may be cited as the Local Government (Expenses of Local Authority Members) Regulations 2014.

2. (1) In these Regulations, except where the context otherwise requires—

“annual expenses allowance” means an annual expenses allowance for the purposes of Part II;

“attendance” means—

(i) in the case of a meeting of a local authority or of municipal district members or a committee or a joint committee or a joint policing committee, participation in the business of such meeting as a member of the relevant authority or municipal district, committee or joint committee, as the case may be,

(ii) in the case of a matter to which Parts IV and V apply, participation in such matter as a representative of a local authority;

“the Act” means the Local Government Act 2001 (No. 37 of 2001);

“committee” means a committee of a local authority established under Part VII of the Act;

“joint committee” means a joint committee of local authorities as provided for in section 52 of the Act;

“joint policing committee” means a committee established under section 36 of the Garda Síochána Act 2005 (No 20 of 2005);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd June, 2014.*

“conference” means a conference, seminar or other meeting or event to which section 142(5) of the Act applies;

“local authority” has the meaning given by the Act;

“member” means a member of a local authority;

“municipal district” and “municipal district members” have the meaning given by the Act;

“official residence” means a person’s ordinary place of residence;

“strategic policy committee” means a committee established under section 48 of the Act;

“subsistence expenses allowance” means a subsistence expenses allowance for the purposes of article 9;

“training” means a training or training events to which section 142(5A) of the Act applies;

“travelling expenses allowance” means a travelling expenses allowance for the purposes of article 8.

(2) In these Regulations a reference to—

- (a) a Part which is not otherwise identified is a reference to a Part of these Regulations;
- (b) an article which is not otherwise identified is a reference to an article of these Regulations;
- (c) a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to a sub-article, paragraph or sub-paragraph of the article, sub-article or paragraph in which the reference occurs.

(3) In these Regulations a reference to—

- (a) any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.
- (b) a matter as being in accordance with or subject to or provided for in these Regulations or any provisions thereof shall be construed as including a reference to such matter being in accordance with or subject to or provided for in directions given under these Regulations.

Commencement.

3. These Regulations shall come into operation on the 1st June 2014.

PART II

ANNUAL EXPENSES ALLOWANCE

Payment of annual expenses allowance.

4. (1) A local authority shall, subject to and in accordance with these regulations, make payments to a member consisting of a composite annual allowance (in these Regulations referred to as an annual expenses allowance) not exceeding an amount determined in accordance with sub-articles (2) and (3) and article 5 in respect of travelling, subsistence and other expenses reasonably incurred in connection with the performance of the member's functions and duties, save as is otherwise provided for in these Regulations, in respect of each year or portion of year for which such person is a member.

(2) Where in any year a person is a member of a local authority for a period less than the full year, the annual expenses allowance payable to such person by that authority shall not exceed such proportion of the sum determined in accordance with article 5 as is equal to the proportion of a full year represented by the said period.

(3) (a) Where in any year a member attends less than the relevant number of meetings, the annual expenses allowance to be paid to the member shall be the proportion of the sum determined in accordance with sub-article (2) and article 5 as is equal to the proportion of the relevant number of meetings which the member attended during the year or portion of the year concerned.

(b) For the purposes of this article, "relevant number of meetings":

(i) means in the case of the travelling and subsistence elements of the annual expenses allowance as determined in accordance with paragraphs (a), (b), (c) and (d) of article 5(1), eight tenths of the sum of—

(I) the total number of meetings of the local authority and the relevant municipal district members held during the year or portion of the year concerned, and

(II) the total number of meetings of committees, joint committees and joint policing committees of which the person is a member held during the year or portion of the year concerned,

and in the case of the other expenses element of such annual expenses allowance as so determined (such expenses element being the fixed annual rate applicable in accordance with directions pursuant to article 17), five tenths of that sum, and

(ii) in the case of a fixed annual amount as determined in accordance with paragraph (e) of article 5 (1), shall be calculated, operate

and apply in such manner as may be specified by directions pursuant to article 17.

- (c) For the purposes of this sub-article, whenever a meeting of a local authority or of municipal district members or a committee or a joint committee of such authority or a committee of such municipal district members or joint policing committee is abandoned, owing to failure to obtain a quorum, a meeting of such authority or municipal district members or committee or joint committee or joint policing committee shall be deemed to have been held at the time and place appointed for such meeting and the members attending at such time and place shall be deemed to have attended such meeting.

Determination of annual expenses allowance.

5. (1) The annual expenses allowance payable in accordance with article 4 shall be determined as follows:—

- (a) In the case of a member of a local authority mentioned in Part I of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by eighty, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by forty, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (b) In the case of a member of a local authority mentioned in Part II of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and ten, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by fifty five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (c) In the case of a member of a local authority mentioned in Part III of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and fifty, and

- (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by seventy five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (d) In the case of a member of a local authority mentioned in Part IV of the Schedule to these Regulations, an amount equal to the sum of—
- (i) the annual travel rate applicable in accordance with directions pursuant to article 17 multiplied by the relevant distance multiplied by one hundred and seventy, and
 - (ii) the annual subsistence rate applicable in accordance with directions pursuant to article 17 multiplied by eighty five, and
 - (iii) the fixed annual rate applicable in accordance with directions pursuant to article 17.
- (2) For the purposes of sub-article (1), “relevant distance” means the greater of either—
- (i) the number of kilometres between the headquarters of the local authority and the member’s official residence measured along the shortest route by which the member could reasonably be expected to travel, or
 - (ii) 16 kilometres.

PART III

MOBILE TELEPHONE EXPENSES ALLOWANCES

6. (1) A local authority may, subject to and in accordance with these Regulations, make payments to a member consisting of an annual sum (in these Regulations referred to as an annual mobile telephone expenses allowance) not exceeding an amount determined in accordance with directions pursuant to article 17 in respect of mobile telephone expenses reasonably and necessarily incurred in connection with the performance of the member’s functions and duties in respect of each year or portion of year for which such person is a member.

(2) Where in any year a person is a member of a local authority for a period less than the full year, the mobile telephone expenses allowance payable to such person by that authority shall not exceed such proportion of the sum determined in accordance with directions pursuant to article 17 as is equal to the proportion of a full year represented by the said period.

PART IV

TRAVELLING AND SUBSISTENCE EXPENSES ALLOWANCES

Matters to which Part IV applies.

7. (1) This Part shall apply to the following:—

- (a) subject to the exclusion of the matters referred to in sub-article (2)—
 - (i) attendance, authorised by the local authority in accordance with section 142(5) of the Act and in accordance with any directions given by the Minister pursuant to article 17, by a member at a meeting, held at a place which is outside of the functional area of the authority or at a conference, seminar, or similar event at which the authority is, pursuant to subsection (5) of section 142 of the Act, entitled to be represented;
 - (ii) attendance, authorised by the local authority in accordance with section 142(5A) of the Act and in accordance with any directions given by the Minister pursuant to article 17, by a member at a training event;
 - (iii) a visit by a member, authorised by the local authority, in accordance with section 142(5) of the Act and in accordance with any directions given by the Minister pursuant to article 17, to an area with which the authority has or proposes to have twinning arrangements or other similar links pursuant to section 75 of the Act, in connection with, or in connection with the making of, such arrangements or links; and
- (b) such other matter as may be specified in directions given by the Minister pursuant to article 17.

(2) Subject to sub-article (3) below, the following shall be excluded from matters referred to in sub-article (1):—

- (a) attendance at a meeting of a local authority or of municipal district members or a committee or a joint committee or at a joint meeting of local authorities or a joint meeting of any such committees or a joint policing committee;
- (b) attendance at a meeting of any public authority or of any committee, sub-committee, joint committee or other group of, or appointed by, or of any body established by, such authority, as a member of such public authority, committee, sub-committee, joint committee, group or body,
- (c) any matter in respect of which expenses have been paid by or are payable by or have been claimed from a person or body other than the local authority;

(d) such other matter as may be specified in directions given by the Minister.

(3) Without prejudice to the provisions of sub article (2) above, the Minister may give directions with regard to the payment of expenses to members of River Basin District Advisory Councils, established under the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended by the European Communities (Water Policy) (Amendment) Regulations 2005 (S.I. No. 413 of 2005).

Payment of travelling expenses allowances.

8. Where travelling expenses are incurred by a member in connection with a matter to which this Part applies, the local authority may, subject to and in accordance with directions given by the Minister under article 17, pay a travelling expenses allowance to such member.

Payment of subsistence expenses allowances.

9. Where a member is obliged by reason of a matter to which this Part applies to remain away from his or her official residence for a continuous period of three hours or more a local authority may, subject to and in accordance with directions given by the Minister under article 17, pay a subsistence expenses allowance to such member.

Allowances for non-members of local authority.

10. (1) This article applies to a person who is not a member of a local authority but who is a member of a committee, a joint committee, or a joint policing committee.

(2) The provisions of articles 8 and 9 shall apply in respect of a person to whom this article applies as if such person was a member.

(3) A local authority may, by resolution and subject to and in accordance with directions given by the Minister under article 17, decide to pay travelling or subsistence expenses allowances in respect of the attendance by persons to whom this article applies at meetings of committees or joint committees or joint policing committee of which they are members and while such resolution is in force such attendance shall, for the purposes of this article, be deemed to be a matter to which this Part applies.

PART V

ALLOWANCES FOR EXPENSES FOR ATTENDANCE AT CONFERENCES AND TRAINING

Allowances for expenses for attendance at conferences.

11. (1) Subject to and in accordance with directions given by the Minister under article 17, the maximum amount which a local authority may provide for the payment of allowances for expenses incurred by its members in connection with attendance at conferences for the period from 1 June 2014 to 31 December 2014 is €350 multiplied by the number of members of the authority, and for each subsequent year is €700 multiplied by the number of members of the authority.

(2) Nothing in these Regulations shall prevent a local authority from providing in its budget for the payment of an amount less than that specified in sub-article (1).

Allowances for expenses for attendance at training.

12. Subject to and in accordance with directions given by the Minister under article 17, local authorities may provide for payment of allowances for expenses incurred by its members in connection with attendance at training which is provided by:—

- (a) the Association of Irish Local Government, being a local authority association for the purposes of section 225 of the Act,
- (b) no more than 2 events per annum provided by the Local Authority Members' Association,
- (c) national representative bodies for functions for which local authorities have responsibilities,
- (d) programmes of education and training which relate to functions for which local authorities have responsibilities and which are validated by the Quality and Qualifications Assurance Authority of Ireland established by the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012), and
- (e) such other training which may be approved by the Minister from time to time.

PART VI

ALLOWANCES FOR CERTAIN CHAIRPERSONS

Chairperson of a Strategic Policy Committee.

13. A local authority may, subject to and in accordance with directions given by the Minister under article 17, pay an allowance to a Chairperson of a Strategic Policy Committee.

Cathaoirleach and Leas-Chathaoirleach.

14. (1) Payment of an allowance to a Cathaoirleach and Leas-Chathaoirleach of a local authority shall be subject to and in accordance with directions given by the Minister under article 17.

(2) Payment of an allowance to a Cathaoirleach of a municipal district by a local authority shall be subject to and in accordance with directions given by the Minister under article 17.

Part VII

GENERAL

Local authority associations.

15. Without prejudice to the generality of article 17, the Minister may give directions in relation to expenses of members of local authorities in connection with representation by them of such authorities on the Association of Irish Local Government or the Local Authority Members' Association.

Payments in accordance with regulations, etc.

16. (1) A local authority shall not make a payment in respect of travelling or subsistence expenses allowances or in respect of any matter referred to in section 142 of the Act to a member or to a member of a committee or a joint committee, or to a Cathaoirleach of a municipal district in accordance with section 143 of the Act, except in accordance with the Act and with these Regulations.

(2) A local authority shall not make a payment in respect of travelling or subsistence expenses allowances or in respect of any matter referred to in section 142 of the Act to a member or to a member of a committee or a joint committee, or to a Cathaoirleach of a municipal district in accordance with section 143 of the Act, unless it is satisfied that such a payment and the amount of the proposed payment can properly be made in accordance with the Act and with these Regulations.

Directions.

17. (1) The Minister may from time to time give directions with regard to any matter referred to in section 142 of the Act, or with regard to payment to a Cathaoirleach and Leas-Chathaoirleach of a local authority, or a Cathaoirleach of a municipal district in accordance with section 143 of the Act, or in these Regulations or any other matter which appears to him to be necessary or expedient for the purposes of the said section 142 or with regard to payment to a Cathaoirleach and Leas-Chathaoirleach of a local authority, or a Cathaoirleach of a municipal district in accordance with section 143 of the Act.

(2) Without prejudice to the generality of sub-article (1) the Minister may from time to time give directions with regard to all or any of the following matters:

- (a) the calculation of "relevant number of meetings" for the purposes of article 4(3)(b);
- (b) the annual travel rate to be applied for the purposes of sub-paragraph (i) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),
- (c) the annual subsistence rate to be applied for the purposes of sub-paragraph (ii) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),

- (d) the fixed annual rate in respect of general representational expenses to be applied for the purposes of sub-paragraph (iii) of paragraphs (a), (b), (c) and (d) respectively of article 5 (1),
- (e) the arrangements in respect of, or amounts to be applied for the purpose of, article 6 in respect of the annual mobile telephone expenses allowance,
- (f) the scale of travel rates to be applied for the purposes of article 8,
- (g) the scale of subsistence rates to be applied for the purposes of article 9,
- (h) the rules, requirements, conditions, restrictions, limits, procedures or any other provisions which shall apply in connection with the claiming or payment of a mobile telephone expenses allowance, a travelling expenses allowance or a subsistence expenses allowances, or the payment of an annual expenses allowance,
- (i) the matters in respect of which, the purposes for which, the circumstances in which or the distance or periods in respect of which travelling expenses allowances or subsistence expenses allowances may or may not be claimed or paid or annual expenses allowances paid,
- (j) the method by which or manner in which annual expenses allowances, mobile telephone expenses allowances, travelling expenses allowances or subsistence expenses allowances shall be calculated, paid or claimed,
- (k) matters specified for the purposes of article 7,
- (l) the allowances or scale of allowances to be applied for the purposes of articles 11 and 12 and any conditions subject to which those allowances may be paid,
- (m) particulars to be recorded in the annual report of a local authority relating to expenses of members of local authorities and allowance for non members of local authorities, representation of local authorities at training events, meetings, conferences, seminars or other similar events or any other related matters,
- (n) requirements to be complied with by local authorities in connection with authorisations for the purposes of sections 142(5) and 142(5A) of the Act,
- (o) requirements to be complied with the local authorities in connection with the maintenance of the public register of attendances and payments for the purposes of section 142(4)(g) and (ga) of the Act,
- (p) any other requirements to be complied with by
 - (i) local authorities or by members, members of committees, or members of joint committees in connection with the payment of

or claiming of mobile telephone expenses allowances, travelling expenses allowances or subsistence expenses allowances or with the payment of annual expenses allowances, or

- (ii) specified members of joint policing committees in connection with the payment of or claiming of travelling expenses allowances or subsistence expenses allowances.

Revocations

18. The Local Government (Expenses of Local Authority Members) Regulations 2006 (S.I. No. 668 of 2006) and the Local Government Act 2001 (Section 142) Regulations 2010 (S.I. No. 37 of 2010) are hereby revoked.

SCHEDULE

Local Authority Groupings for the Purposes of Article 5

Part I

The councils of the counties of Carlow, Cavan, Kilkenny, Laois, Leitrim, Louth, Longford, Monaghan, Offaly, Roscommon, Sligo, and Westmeath and the council of the city of Galway.

Part II

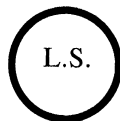
The councils of the counties of Clare, Donegal, Galway, Kerry, Kildare, Mayo, Meath, Tipperary, Wexford and Wicklow, the councils of the cities and counties of Limerick and Waterford and the council of the city of Cork.

Part III

The councils of the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin.

Part IV

The council of the county of Cork and the council of the city of Dublin.



GIVEN under the Official Seal of the Minister for the Environment, Community and Local Government,
29 May 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

The Minister for Public Expenditure and Reform hereby consents to the Local Government (Expenses of Members of Local Authorities) Regulations 2014.



GIVEN under the Official Seal of the Minister for Public Expenditure
and Reform,
29 May 2014.

PHIL HOGAN,
Minister for Public Expenditure and Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations provide for the payment of expenses to members of local authorities in accordance with section 142 of the Local Government Act 2001, and for payment of allowances to Cathaoirligh and Leas-Chathaoirligh of local authorities, and Cathaoirligh of municipal districts in accordance with section 143 of the same Act.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.81



Wt. (B30640). 295. 5/14. Clondalkin. Gr 30-15.