



LG 04-2020

7<sup>th</sup> August 2020

**Re: Elected Members' Annual Expenses Allowance**

Dear Chief Executive,

I am directed by the Minister for Local Government and Electoral Reform to inform you of revised arrangements to be applied in relation to the Annual Expenses Allowance paid by local authorities to elected members and associated attendance requirements. These revised arrangements apply with backdated effect from **12 March 2020**, when An Taoiseach announced measures intended to protect public health and restrict the spread of COVID-19.

The requirements for the payment of the full amount of the Annual Expenses Allowance for elected members are set out under the provisions of Part II of the *Local Government (Expenses of Local Authority Members) Regulations 2014* (S.I. No 236 of 2014). The 2014 Regulations are supplemented by directions issued by the Minister under Part 17 of those Regulations (most recently Circular LG 04-2019) that further set out the terms and conditions to be applied by local authorities to members' expenses.

Elected members are required to attend a minimum number of "*relevant meetings*" over the course of the year in order to qualify for full payment of the Annual Expenses Allowance. The attendance requirement for full payment of the travel and subsistence elements of the allowance is at least 80% of relevant meetings. While full payment of the miscellaneous expenses element of the allowance requires at least 50% attendance of relevant meetings. Where a member's attendance is less than the required threshold(s) this results in a pro-rata reduction in the amount of the Annual Expenses Allowance that is payable by the local authority.

As set out in recent correspondence from the Department to the AILG and LAMA, copied to the CCMA, it is recognised that Council meetings are an integral and critical part of local democracy through which elected councils carry out statutory reserved functions and provide policy direction and oversight to local authorities. Arrangements for Council

meetings are a matter for elected members who must, in accordance with the relevant legislation, ensure the effective discharge of Council business, including meeting statutory obligations.

In making such arrangements, Councils should take account of the Government's public health guidance to stem the spread of the COVID-19 virus.

This has required local authorities to put in place special arrangements in order to protect the health of elected members and local authority employees. This has included instances of meetings being held with a minimum or reduced number of elected members present by way of prior agreement with the wider membership. Many of the annual meetings in June took place in larger alternative venues to allow social distancing. Non-statutory meetings and briefing sessions have also taken place with elected members participating in the meetings via online platforms<sup>1</sup>. It can be expected that such arrangements will continue to be applied by local authorities, as necessary, for the duration of the COVID-19 emergency.

It is also the case that some elected members may be cocooning in line with public health advice for the over-70s or people with underlying medical conditions. Such members may feel that they cannot attend meetings in council offices or alternative larger sized venues regardless of the arrangements that have been put in place. Decisions regarding whether or not to attend meetings are a matter for individual members.

Some members may also be required to self-isolate if they have been diagnosed with COVID-19, are displaying symptoms or have been in close proximity to an infected person. Members in this category are asked not to attend meetings under any circumstances as this would pose an unacceptable risk to other attendees.

Exemptions to normal attendance requirements may be applied by local authorities (during the Covid-19 emergency) to members who do not physically attend a meeting for any of the following reasons: -

- (i) special arrangements being put in place to limit the maximum number of attendees at the meetings;
- (ii) the member is cocooning and has provided written notification of this to the Meetings Administrator; or
- (iii) the member is self-isolating and has provided written notification of this to the Meetings Administrator.

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<sup>1</sup> The Department strongly recommends that formal decisions, which are required under statute to be made by a Council at a meeting properly constituted under the Act, are not taken by Councils meeting incorporeally on online platforms due to concern over legal uncertainty.

In such circumstances that meeting should not be counted as a “*relevant meeting*” for the purpose of calculating an elected member’s attendance for the purpose of the Annual Expenses Allowance. This exemption does not apply in relation to normal absences that may occur for other reasons.

Local authorities should endeavour to ensure that all elected members continue to be appropriately briefed at regular intervals with regard to council business. Local authorities should also take all reasonable measures to provide supports to cocooning or self-isolating members to allow them to participate actively in council business (such as online briefing sessions) even though they cannot be physically present at statutory meetings. This will allow members to continue to fulfil their representational role as well as provide input in relation to policy matters.

This circular should be brought to the attention of all elected members in your local authority as well as relevant employees who process members’ expenses payments. Enquiries concerning travel and subsistence for elected members may be addressed to Jeanette Young ([jeanette.young@housing.gov.ie](mailto:jeanette.young@housing.gov.ie)) or Gary McGuinn ([gary.mcguinn@housing.gov.ie](mailto:gary.mcguinn@housing.gov.ie)).

Yours sincerely

A handwritten signature in cursive script that reads "Jeanette Young".

p.p.  
Gary McGuinn  
Assistant Principal Officer  
Local Government Oversight and Governance Section

For the attention of: chief executives and elected members

Cc: AILG, LAMA