

Association of Irish Local Government – AILG

AILG Module 1 Training

Fáilte Roimh



Module 1 Training – September 2021

Government Decision on the Reform on Remuneration and Allowances Payable to Local Authority Elected Members/Update on Planning and Development Bill 2021 and other Planning Related Matters





Agenda Item 1. Welcome and Opening by Cllr. Mary Hoade, President AILG



Implementation of Government Decision on the Remuneration, Allowances and Expenses of Local Authority Elected Members

Recap and Events to Date

- 1) Cabinet Memo approved on 18th May setting overall policy decision e.g. Salary €25,788/T&S Allowance unchanged/Petty Cash Un-Vouched Allowance €960/Vouched Allowance €4,200
- 2) Local Government (Remuneration of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021) & Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021) signed on 28th June 2021
- 3) Circular LG 02/2021 issued to all LA's on 30th June giving details of the Remuneration, Allowances and Expenses of Local Authority Elected Members
- 4) Further directions are being prepared by the Department regarding the terms and conditions that will apply to the new expenses regime. This will include further details on the Local Representation Allowance (Vouched Allowance) and are expected to issue shortly.
- 5) Until such time as these directions have issued to local authorities, they have been instructed to continue to pay members expenses allowances under the existing expenses regime with adjustments being calculated retrospectively to 1st July 2021

Members Remuneration

- □ Local Government (Remuneration of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021) signed on 28th June 2021
- With effect from 1 July 2021 the salary-type payments increased from a combined taxable salary of €18,706 (i.e. RP of €17,706 & MD/AC Allowance of €1,000) to a gross taxable salary of €25,788 per annum. An increase of €7,082 in gross pay (38% ↑)
- ☐ This annual remuneration amount is linked to future adjustments under Government pay agreements to the pay of Local Authority Grade 4 staff and such adjustments will be communicated to local authorities by circular
- The existing arrangements that apply in relation to elected members long-term absences will continue to apply under the new regulations (i.e. a member may be absent from meetings for a continuous period of up to 6 months and still receive the full amount of his or her remuneration payments).

Local Government (Remuneration of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021)

Pay Increases Due to 1st October 2022

Details	Amount (€)
Salary – 1 st July 2021	€25,788
National Pay Increase due 1 st October 2021 1% plus	€365
Salary – 1 st October 2021	€26,153
National Pay Increase due 1st February 2022 1%	€261
Salary – 1 st February 2022	€26,414
National Pay Increase due 1st October 2022 – 1% plus	€365
Salary – 1 st October 2022	€26,779

Total Pay Increases Due to 1st October 2022 - €991

Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021) The new regulations come into effect from 1 July 2021. ☐ No Change to the existing travel and subsistence elements of the current Annual Expenses Allowance - existing terms and conditions are being retained including meeting bands index, 80% attendance requirements. The former un-vouched fixed annual expenses element (worth between €2,286 - €2,667) has been replaced by compulsory vouched expenses allowance, called the Local Representation Allowance (LRA) □ LRA is worth a maximum of €5,160 per annum (or €2,580 for the period July – Dec 2021) The LRA includes a (un-vouched) petty cash element to offset against incidental expenses, worth €80 per month, or €960 per annum.

Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021)

- ☐ The Mobile Phone Allowance is being abolished but expenditure previously covered by this allowance will be included as an eligible expenditure category under the new LRA Allowance.
- ☐ There is now a statutory link between members' travel and subsistence expenses and the prevailing civil service travel and subsistence rates and bands this is KEY, councillors are
- ☐ no longer dependent on Oireachtas members' decisions as regards pay increases.

☐ There are no changes to chairpersons allowances.



Cabinet Proposals Approved

Annual Fixed Expenses Allowance – Travel & Substance Allowance

- The travel & subsistence element of your Annual Fixed Expenses Allowance, for attendance at LA related meetings will <u>remain</u> as is, with no change proposed.
- Current meeting banding system for calculation of Travel & Subsistence Allowance will remain in place.
- 3. By ensuring that this allowance remains at its current level, this is a major win for our members.
- 4. This is something that AILG fought very hard for over the last number of months, as under Sara Moorhead's recommendations, members would have seen significant losses to this allowance of up to €3,900.
- 5. AILG have been successful in protecting this allowance in its entirety for our members.

Local Representation Allowance (LRA) - New Vouched Allowance

Circular LG 02/2021 30th June stated that further directions are being prepared by the Department regarding the terms and conditions that will apply to the new expenses regime. This will include further detail on the Local Representation Allowance (Vouched Allowance) to issue shortly.

- □ AILG Executive Delegation met with Minister Peter Burke on 16th June last and again on **21 September 2021.**
- ☐ AILG Paper Concerns covered areas including
 - Vouched Expenditure Categories
 - Reimbursement Process under a Vouched Allowance System
 - Local Authority Elected Members Gratuity Scheme



Local Representation Allowance (LRA) – New Vouched Allowance

Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021) includes for

	LRA Allowance is a combined allowance of un-vouched petty cash amount of €960 and the balar vouched allowance up to a combined maximum of €5,160	ice being a	
_ (Un-vouched Petty Cash Allowance of €960 to be paid in 12 monthly installments of €80 p/month		
ľ	Each member who chooses to claim the vouched LRA Allowance "shall on an annual basis provnotification to his or her local authority of the monthly amount that he or she wants to receive in eduring the year subject to the maximum annual amount (i.e. €4,200) not being exceeded		nents
I	If additional expenditure is incurred by a member in excess of the amount originally notified at the	e start of the	at

If additional expenditure is incurred by a member in excess of the amount originally notified at the start of that year then he or she may apply to his or her local authority, before 1 December each year, for a supplementary payment equivalent to the differential between actual expenditure incurred and the total amount received to date. (subject to the maximum annual amount not being exceeded)

Local Representation Allowance (LRA) – New Vouched Allowance

Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021) includes for

Each member must retain evidence in the form of invoices and receipts to show that the expenses were incurred and will be eligible for audit – <u>possible further requirement to submit records to their local authority on a regular basis (TBC)</u>
Each member is to provide to their local authority a written certification of expenditure incurred during the preceding year
If a member has incurred less expenditure at the end of a year than the total amount of monthly payments that they have received during that year then they shall refund the differential.
Where a refund for overpayment is due a member may either
(a) repay the amount to the local authority no later than 1 February of the following year; or
(b) notify their local authority in writing no later than 1 February of the following year that they wish to receive a reduction in their following years allowance until such time as the amount of the overpayment has been refunded
Attendance rule of 50% applies to LRA Allowance
Remote Meetings will be deemed to be relevant meetings for the purposes of calculating the attendance rule for payment of the Annual Expenses Allowance

Local Representation Allowance (LRA) - New Vouched Allowance

N.B. – Subject to Further Directions to issue from the Minister

	Expenditure Categories	Allowable Expenditure	Not Allowable
1.	Rent, rates and other such charges in relation to an office or offices including home office	Rent, rates and other such charges are allowable on an office premises (apportioned as appropriate) including mortgage interest on the premises, rent paid on non-owner occupied premises used as a constituency office and rental relating to the storage space for a mobile office *Rates issue on a home office	
2	Signage in respect of the office	The signage on any office, signage on a mobile office or vehicle (vehicle wrapping), vehicle sign writing, graphics or car wrap signs for a Member's car	Signage explicitly promoting a person's candidacy, party's interests or which solicits votes
3	Improvements to office accommodation (New)	Office improvements include any enhancements to the office/offices and may include upgrading works, refurbishment, repairs and maintenance, painting and decorating, health and safety requirement works and telephone system improvements	

	Expenditure Categories	Allowable Expenditure	Not Allowable
4.	Utilities of an office or offices	Cost of bills/invoices apportioned to include only costs of utilities or office services for the premises declared in the relevant periods including ESB, Gas, Oil or other fuel purchases for the office, rates, refuse charges, water charges, alarm monitoring, security costs, language service such as translation, interpretation, disability [e.g. Braille] etc., bulk scanning services, bulk or confidential shredding HOME In the case of a home office, a pro-rated amount based upon the floor space of the office as a percentage of the total floor area of the dwelling subject to a maximum of 20% of total cost.	Sundry items of refreshments which includes catering, tea, coffee, newspapers, water, etc Bank charges/interest
5.	Purchase or maintenance of home office furniture or equipment	Home office furniture and equipment normally required for the running of a home office. Equipment can include cost of purchase, rental and maintenance of any office equipment including tablet PCs (such as iPads) and IT equipment (such as laptops). Also included are charges levied by a local authority ICT section or ICT service provider for IT connection or support	Televisions
6.	Purchase of stationery	Stationery required for the performance of his or her duties as an elected member and public representative, including stamps, envelopes and pre-paid envelopes.	

	Expenditure Categories	Allowable Expenditure	Not Allowable
7.	Insurance including for office accommodation or equipment and public liability insurance (New)	Insurance of the office accommodation and contents, equipment, public liability insurance, employer's liability insurance and other insurances related to a Member's duties	
8.	Cleaning of office accommodation (New)	Cleaning of office premises declared by the Member in the performance of his or her duties as a Member	
9.	Telephone calls (New)	Members are not restricted in the number of office/mobile telephone lines listed for the allowance where the Member is the assigned bill holder/ payer. The cost of line rental, telephone calls and mobile data made by the Member (or on behalf of the Member) in the performance of his or her duties as a Member. SMS text messaging service. Credit purchased for "Pay As You Go" phones is allowable provided the device is used solely for a Member's duties. Each such phone number must be publicly listed as a designated contact number for the Member. HOME Home telephone to a maximum of 20% of the combined call, rental and internet connection costs	

	Expenditure Categories	Allowable Expenditure	Not Allowable
10.	Web hosting and other related costs	Invoices for web hosting, web design and other related costs. Invoices for any amounts charged by the ICT section of the service provider may be included pro rata for the relevant period	
11	Hiring rooms for clinics or other meetings	The hire cost of rooms in any location or premises for the purpose of clinics or meetings with the general public in the performance of his/her functions as a Member Language service such as translation, interpretation, disability (such as Braille and sign language) are available under this category	
12	Leaflet and newsletter printing and distribution	Printing of leaflets and newsletters for the performance of his or her functions as a Member that is not otherwise facilitated by the use of the printing facilities of the local authority Graphic design costs and services (New) Transport and distribution of leaflets and newsletters for the performance of his or her functions as a member	Electoral expenses for election to political office or referenda are not allowable

	Expenditure Categories	Allowable Expenditure	Not Allowable
13.	Advertising relating to the performance of his/her functions as a member	Advertising to publicise work as a Member or to publicise clinic times, dates, venues, etc. All forms of media can be used including radio, web advertising, billboards, bus shelters, window space and social media (excluding sponsorship, e.g. a golf tee) Content is limited to the Member's name, contact details, addresses, clinic times/title of the meeting, the venue, time and the date Costs involved with the erection of posters If other public representatives appear in the advertisement, an amount of the cost of the advertisement, prorated on a reasonable basis, is allowable	
14.	Purchase of secretarial support, public relations and expert advice relevant to local government functions	Allowable Advertising for the service required, costs involved with promoting, organising or assisting the carrying out of research or studies with respect to the local community or administrative area Two of more Members may jointly commission a person or persons to provide advice or undertake research and the costs are then prorated	Services purchased from a person or persons on a local authority payroll

Local Representation Allowance (LRA) – New Vouched Allowance

Other Provisions of the Proposed Directions

- Equipment provided by a local authority to its Members as part of a standard supports package (e.g. a laptop) prior to the issuing of these directions shall continue to be provided by the local authority and shall not be deducted from a Member's LRA.
- In cases where a piece of equipment has been provided by a local authority to a Member, then the Member may not use his or her LRA to purchase the same type of equipment that serves an identical purpose as the equipment already provided by the local authority. However, a Member can purchase other types of equipment within the same broad category. i.e. so a Member who has been provided with a laptop by their local authority may not purchase a second laptop. However, the Member could use his or her LRA to purchase a desktop for working from home while using the laptop for mobile working and when attending meetings.
- □ Local authorities are encouraged to be flexible provided that a Member's requests are deemed to be reasonable. In cases where it is unclear as to the purpose of a cost incurred that a Member wishes to offset against the LRA then a local authority may request that the Member provides a written statement setting out the reason for the purchase and how it is relevant to the Member's duties.
- Where a Member has a doubt about the eligibility of an expense he or she is considering incurring, the Member should first examine these guidelines and secondly, if still in doubt, contact their local authority in advance of making any purchase

Local Representation Allowance (LRA) – New Vouched Allowance

Other Issues Requested by AILG to be Addressed

- ☐ Process for Audit and Retention of Records by Elected Members
- ☐ Home office commercial rates issue
- ☐ Childcare/Other Care Costs
- ☐ Built in review of Vouched Expenditure Categories agreed by Min. on 21 September
- ☐ Gratuity Minister has advised AILG that DPER are resistant to any cost-incurring changes
- but that discussions will take place on the future of a gratuity or pension arrangement.

Follow-up AILG Actions

- AILG met Minister Burke on Tuesday 21st September
 - All G will keen all Members informed once final directions have been issued to all I A's

Moorhead Non-Pay Recommendations

- ☐ Minister Burke has established a working group to examine the non-pay related recommendations contained within the final Moorhead report AILG are represented on the working group
- Non-Pay issues being examined include
 - ➤ Role of the councillor Promotion of role of Councillor & local government sector/best practice/communications
 - Council meetings Efficiency of meetings/flexibility of meetings/remote meetings/live streaming
 - Members Training
 - ➤ Future Councillors/Greater participation and diversity/Maternity Leave issue
- □ Recommendations to be submitted to Minister Burke for implementation to be finalized by end of 2021/early 2022



Government Decision on the Reform on Remuneration and Allowances
Payable to Local Authority Elected Members/Update on Planning and
Development Bill 2021 and other Planning Related Matters



Thank you for your attention and we'll take any questions?



Module 1 Training – September 2021

Update on Planning and Development Bill 2021 and other Planning Related Matters

An Konn Titmochta, Rialtais Áitiúil agus Oidhreachta Department of Housing, Local Government and Heritage



To: Chief Executives, City and County Councils Chief Executive, Office of Planning Regulator Chairperson, An Bord Pleanála Directors, Regional Assemblies

Cc: Senior Planners, City and County Councils Deputy Regulator, Office of Planning Regulator Director of Planning, An Bord Pleanála Assistant Directors, Regional Assemblies

Circular Letter: NRUP 04/2021

9th August 2021

Development Plans, Draft Guidelines for Planning Authorities

A Chara.

I am requested by Mr. Peter Burke, T.D., Minister of State for Planning and Local Government to inform you of the issuing of Development Plans, Draft Guidelines for Planning Authorities, under Section 28 of the Planning Development Act 2000 (as amended).

These Draft Guidelines will be subject to a period of stakeholder consultation, during which time submissions may be made to the Planning Division of the Department between 13th August 2021 and 8th October 2021, up to 5pm, via email to nrupconsultation@housing.gov.ie or in writing to:

Development Plans Guidelines Submissions, National, Regional and Urban Planning Section, Department of Housing, Local Government and Heritage, Custom House, Dublin 1, D01 W6X0.

Submissions are invited in respect of matters of process and methodology in the preparation of development plans, as set out in the Draft Guidelines, rather than on wider matters of planning policy. It is expected that the Draft Guidelines will be finalised before the end of 2021.

Although being issued in Draft format to enable feedback and refinement, it is intended that planning authorities would have regard to the Draft Guidelines, noting that many

development plan review processes are currently underway and are at different stages of completion.

The question naturally arises as how the Draft Guidelines may be taken into account in respect of ongoing review processes. While it is not possible to address each individual development plan review in a circular, any such consideration should be subject to the following:-

- the stage of the review process the plan in question is at:
- the extent to which matters of process and methodology set out in the Draft Guidelines may apply to the plan under review (i.e. give rise to material addition and/or change), and
- whether there is reasonable scope to address any such applicability as part of the ongoing plan review process, taking into account remaining periods of public consultation, reporting and decision making and any need for environmental assessment.

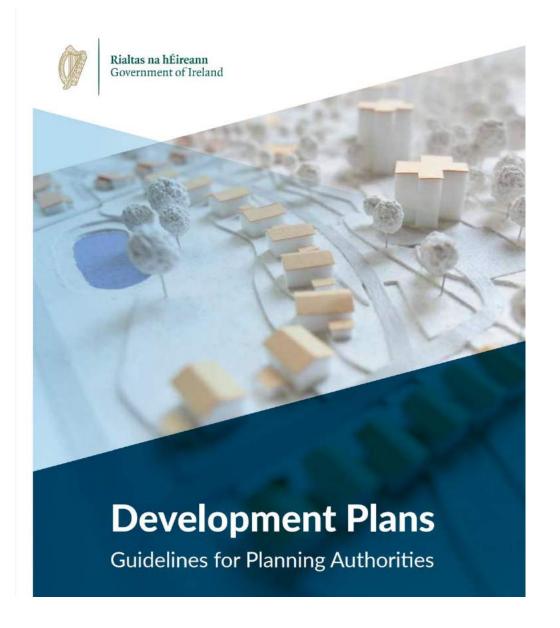
In some instances where a development plan is nearing completion, it may be preferable to complete the review process and to address any matters arising by way of subsequent variation. In other cases, likely to be at an earlier stage of the plan review process, it may be appropriate to consider whether an extension of the review period would provide sufficient scope to address any matters arising. In general terms, the earlier the stage in the review process a plan is at, the more likely it is that the Draft Guidelines may be taken into account without any need for variation or extension.

These are matters to be determined by each individual planning authority. In addition, the Office of the Planning Regulator in undertaking it's independent plan evaluation and assessment function will be in a position to provide advice and guidance to planning authorities.

In conclusion, these Draft Guidelines are intended to provide clarity to assist plant authorities in the preparation and variation of city and county development plans and the Office of the Planning Regulator in undertaking statutory evaluation and assessment of same. Planning authorities and the Office are expected to have regard to the Draft Guidelines, while also determining their applicability to ongoing plan review processes and the means by which this might best be achieved.

Paul Hogan

Principal Adviser (Chief Planner)

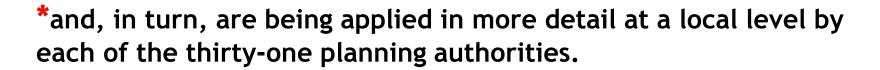


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*We now have a National Planning Framework which sets out the overall 'big picture' strategic objectives for our planning system to deliver.

*These objectives have been incorporated into Regional Spatial and Economic Strategies for each of our three Regional Assembly areas, operating at the regional tier of our planning system



^{*}The purpose of this is to secure the best possible outcomes for our citizens and our Country as a whole, by having integrated planning objectives that can be matched by investment and lead to decision-making that delivers the right development in the right place at the right time



Mr Peter Burke, T.D., Minister for Planning

"The preparation of a development plan is a significant function of local democracy, through which important choices about the future development of an area are decided and detailed by local communities and their elected city or county councillors.

These draft Guidelines will support robust and accountable planmaking process that are accessible and transparent, and that enjoy the full confidence of citizens and other stakeholders." - Minister Burke, T.D.





Changes in Government planning-related structures since the last development plan cycle:

- 2009 Establishment of the National Transport Authority with responsibilities for transport planning including the Metro Area Transport Strategies for the 5 ciites
- 2013 Irish Water incorporated with major role for planning and operation of large scale water and waste networks.
- 2014 Three Regional Assemblies tasked with regional planning resulting RSESs
- 2015 Transport Infrastructure Ireland with planning inputs in national & regional roads and light rail;
- 2018 Land Development Agency with a mandate to assemble sites for large scale housing development (subject to Planning) in urban locations.
- 2019 establishment of the Independent Office of the Planning Regulator to ensure, *inter alia*, "consistency with the plan hierarchy."

New national criteria impacting the planning environment:

- 2009 Ministerial (Section 28) statutory guidelines published on Flood Risk Management and, separately, Sustainable Residential;
- 2013 Ministerial guidelines on Local Area Plans;
- 2015-20 Statutory guidelines on Apartments
- 2018 Building Heights
- 2018 National Planning Framework placed on a statutory framework and complementing the National Development PLan
- 2017 2022 Strategic Housing Development- 'fast track' for large residential schemes





Natural and man-made phenomena which colour the plan-making environment:

- Population growth of 650,000 people in the Rol from 2007 to 2021 latest CSO figures indicate a
 current population of 5.1 million;
- Growth projected to continue at a high level for the rest of this decade with an increasing proportion being of an over 65 category;
- Continued demand for housing to accommodate the growing population in all areas and for all types of household including young couples, single and newly single, long-terms renters etc.
- Climate change all pervasive and apparently irreversible: national target to reach zero net carbon by 2050; strong relationship between planning and climate change mitigation including emphasis on compact growth cutting down on emission producing travel;
- Digitalisation enabling remote working and dispersed workplaces as well as creating expectations of more flexible and instant public services - and what implications for "a sense of place" which is at the heart of plan making?
- Although not mentioned in the document Pandemic what legacy will the Covid lockdowns leave in planning terms - will the "flight to the country" become embedded or will cities reassert themselves?

"Given that development plans are produced only every six years, there is a need for a fundamentally different approach to the preparation and adoption of the development plans to that which operated previously to reflect profoundly changed circumstances ..."

- Development Plan Guidelines, paragraph 1.2



The role of elected members:

*Each key stage of the plan review process is ratified by the elected members ... who have the primary statutory responsibility to make the Development Plan under Section 12 of the Planning Act ... in this role the members are central to the process as both policy makers and as decision-makers ..."

*The range and detail of the material presented to Councillors can be highly technical and complex ... Coupled with the role of representing the often diverse views of local communities, all of this makes the review process a challenging task."

- Development Plan Guidelines, par 2.3



Effective Council meetings and the Development Plan ...

- "the best practice approach is that the motions from elected members be submitted a minimum of 10 days in advance of the Council meeting, be precise and give direction.
- " the resolutions of the Council must be carefully and clearly worded to account for clarity in decision-making and interpretation ..."
- "Where the business of the Council meeting (re Development Plan) cannot be concluded by 10pm or shortly thereafter, a further meeting shall be scheduled save for exceptional circumstances ..."
- "Under no circumstances should meetings continue into the next day (beyond midnight)".

Title: Planning and Development (Amendment) LSRD Bill 2021

Status: General Scheme published July 2021

Objective: To wind down the Strategic Housing Development 'fast-track' process created under the Act of 2016 and to provide for the establishment of an accelerated local authority based channel for large housing developments incorporating some of the features of the former:

Main provisions:

- Applicant must complete two pre-application consultation meetings
- Time Limits local authority must give an opinion within 4 weeks;
- An Bord Pleanala must give a decision within 16 weeks (if the project is appealed).

Note: LSRD = Large Scale Residential Development: SHD = Strategic Housing Development



Unintended consequence of the new Bill identified by AILG:

- Although the repatriation of Large Scale Residential Developments to the standard local authority process is welcome, the AILG identified an unintended consequence.
- The outgoing "fast track" Strategic Housing Development Legislation provided a mechanism for the elected council to be be consulted about the development and the members' opinions were fed back to An Bord Pleanala and taken note of in the Board inspector reports.
- However, when studying the draft Bill, the AILG identified that such a
 consultation channel would not exist when such planning applications
 became part of the normal planning rubric as there is no facility in the
 planning code for Councillors to comment as a collective council on
 applications.



On 21 September 2021 an AILG delegation led by President Hoade met with Minister Peter Burke and urged him to amend the legislation with two objectives:

a) Insert a mechanism for Councillors to be consulted in open council about a large scale residential development;

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b) Include a provision prohibiting applicants from including characteristics in their developments which manifestly contravene parameters of the Development Plan.

Minister Burke committed at the meeting to take both AILG proposals up with Minister Darragh O'Brien who will be navigating the Bill through the Houses of the Oireachtas.







National Marine Planning Framework - new roles for Councils

If St Kevin had to apply for planning permission the outcome might have been





Planning for monastic development <u>refused</u>:

- Exceeds building height regulations
- Inappropriate in a Special Area of Conservation
- No zoning for spiritual activity in the Development Plan