



<b>Subject:</b>	Revision of the Council's Scheme of Allowances
<b>Date:</b>	22 <sup>nd</sup> March, 2019
<b>Reporting Officer:</b>	John Walsh, City Solicitor and Director of Legal & Civic Services
<b>Contact Officer:</b>	Stephen McCrory, Democratic Services Manager

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider an amendment to the Council's Scheme of Allowances to provide for the removal of allowances and support services to a Member who is disqualified or suspended following an adjudication by the Local Government Commissioner for Standards in relation to a breach of the Northern Ireland Local Government Code of Conduct for Councillors. It is not proposed that any amendment to the scheme should be made in respect of partial suspensions or sanctions imposed as part of an interim adjudication.
<b>2.0</b>	<b>Recommendations</b>
2.1	It is recommended that the Committee:  1. Approve the amendment to the Scheme of Allowances as set out in the report;

<b>3.0</b>	<b>Main report</b>
3.1	<u>Key Issues</u>
3.1.1	<p>The Committee, at its meeting on 19<sup>th</sup> October 2018, considered a report on amendments to the Scheme of Allowances (copy attached). The Committee agreed to defer consideration of the report and agreed that a letter be forwarded to the Local Government Commissioner for Standards to ascertain clarification on the imposing of sanctions on Councillors who had been found to have breached the Northern Ireland Code of Conduct for Councillors, following the response to which, a briefing on the matter be held for all Members of the Council. A letter was sent to the Commissioner and her response is appended to this report. This confirms the Commissioner has no power to give any direction to the Council in respect of measures to be implemented by it in relation to any penalty imposed other than to notify the Chief Executive in respect of a suspension or disqualification or other sanction.</p>
3.1.2	<p>The Council is required, under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012, to publish a Scheme of Allowances, which sets out the allowances, and support services that apply to a Councillor.</p>
3.1.3	<p>The Council's current Scheme does not cover what should happen if a Councillor is disqualified, suspended or partially suspended following an adjudication by the Local Government Commissioner for Standards in relation to a breach of the Northern Ireland Local Government Code of Conduct for Councillors. The issue of most concern to Members last October, in light of the Commissioner's interim ruling against Councillor Bunting, was that the Council was being left to determine what penalty should be imposed on a Member who was found to be in breach of the Code and who has a partial suspension imposed upon them.</p>
3.1.4	<p>It seems that it should be relatively clear that a Member who is either disqualified or who is fully suspended for a period should have the payment of any allowances and the access to other facilities such as equipment and rooms in City Hall removed.</p>
3.1.5	<p>The Committee will be aware that Alderman Ruth Patterson has been suspended from acting as a Councillor for a period of six months with effect from 11<sup>th</sup> March, 2019. Therefore, it seems incumbent upon the Council to stop her allowances from that date,</p>

require the return of any equipment on loan from the Council and prevent her use of the Members' Common Room, Party Room and Car Park.

3.1.6 The following amendment to the Scheme of Allowances is recommended for approval by the Committee in order to give effect to this:

**“Disqualification or Suspension of a Councillor**

***The Local Government Commissioner for Standards may impose sanctions on a Councillor who is found to have breached the Northern Ireland Code of Conduct for Councillors. Such sanction may be imposed at the conclusion of the Commissioner’s adjudication process of the alleged breach or at the conclusion of an interim adjudication by the Commissioner.***

***For the purpose of this Scheme of Allowances, the following action will be taken upon receipt by the Chief Executive of a decision by the Commissioner which results in the disqualification or the suspension of a Councillor.***

**Disqualification**

***If a Councillor is disqualified, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of disqualification.***

**Suspension**

***If a Councillor is wholly suspended for a period, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of suspension.***

3.1.7 The Committee is requested to note that further consideration will have to be given as to how the Scheme of Allowances might be further amended to deal with partial suspensions or suspensions following an interim adjudication.

3.2	<u>Financial &amp; Resource Implications</u>
3.2.1	There would not be any adverse impact on the Council's budgets if the recommendation is approved. Any individual Councillor who is disqualified or suspended will be affected adversely.
3.3	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.3.1	There are not any Good Relations, Equality or Rural Needs issues associate with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1 – Report to SP&R meeting on 19 October 2018 Appendix 2 – Letter from Local Government Commissioner for Standards