SCOTTISH STATUTORY INSTRUMENTS

2007 No. 183

The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007

Citation and commencement

1. These Regulations may be cited as the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and shall come into force on 2nd May 2007.

Interpretation

2.—(1) In these Regulations–

"the 1973 Act" means the Local Government (Scotland) Act 1973(**1**);

"the 1994 Act" means the Local Government etc. (Scotland) Act 1994(**2**);

"the 1995 Regulations" means the Local Authorities Etc. (Allowances) (Scotland) Regulations 1995(**3**);

"the 2004 Act" means the Local Governance (Scotland) Act 2004;

"Band A", "Band B", "Band C" and "Band D" refer to the banding of local authorities in accordance with regulation 5 and the Schedule;

"Civic Head" means the depute convener of a local authority elected in terms of section 4(2) of the 1994 Act or such other councillor as that local authority decides has the title of Civic Head for the purposes of payment of remuneration;

"councillor" means, in relation to a local authority, an elected member of that authority;

"Councillor", for the purposes of payment of remuneration, means a councillor who is not the Leader of the Council, the Civic Head or a Senior Councillor;

"joint board" means a body corporate, constituted for the purposes of a combination of local authorities (within the meaning of these Regulations) under the 1973 Act or by or under any other enactment, consisting exclusively of persons appointed by those local authorities, and including a joint fire and rescue board constituted by a scheme made under section 2(1) of the Fire (Scotland) Act 2005(**4**);

"Leader of the Council" means the convener of a local authority elected in terms of section 4(1) of the 1994 Act or such other councillor as that local authority decides has the title of Leader of the Council for the purposes of payment of remuneration;

"local authority" means a council constituted under section 2 of the 1994 Act;

"ordinary election" means an ordinary election of councillors for local government areas in Scotland held after 2nd May 2007 in accordance with section 5 of the 1994 Act(**5**);

(**1**) 1973 c. 65.
(**2**) 1994 c. 39.
(**3**) S.I.1995/912, amended by S.I. 1997/1631 and 1998/3219 and S.S.I. 2002/15 and 2004/146.
(**4**) 2005 asp 5.
(**5**) Section 5 of the 1994 Act was amended by the Scottish Local Government (Elections) Act 2002 (asp 1) and section 5(2) of the Local Governance (Scotland) Act 2004.

"Senior Councillor" means, for the purpose of payment of remuneration, a councillor who is designated as such by the local authority of which that person is an elected member;

"year" means, for the purposes of these Regulations, any period of 12 months from 1st April and "yearly" is construed accordingly.

New remuneration arrangements for councillors

3.—(1) Regulations 4 to 11 apply in relation to payment of remuneration by each local authority to its councillors who are elected at–

(a) an ordinary election, or

(b) an election to fill a casual vacancy in the office of councillor in accordance with section 37 of the 1973 Act (filling of casual vacancies)(**6**), that is held after 2nd May 2007.

(2) No local authority shall make any payments to its councillors by way of remuneration (as opposed to allowances, for reimbursement of expenses or by way of pension), except where that is provided for by paragraph (4) or regulations 4 to 11.

(3) Any councillor may renounce the receipt of any remuneration payable in terms of these Regulations, in whole or in part, in which case the remuneration is not payable by the local authority.

(4) A local authority shall pay contributions or other payments as required of an employing authority under the Local Government Pension Scheme (Scotland) Regulations 1998(**7**) in respect of those of its councillors that elect to become councillor members of the pension scheme established under those Regulations.

(5) Where any period for which remuneration is payable under these Regulations is less than a year, the remuneration so payable for that period shall be a proportionate part of the yearly rate.

(6) Where there is a provision for a local authority to pay remuneration, that remuneration shall be payable either calendar monthly or every four weeks, as the local authority determines.

Grading of councillors for remuneration arrangements

4.—(1) There are 4 grades of councillor in each local authority for the purposes of payment of remuneration to councillors, being–

(a) the Leader of the Council;

(b) the Civic Head;

(c) Senior Councillors; and

(d) Councillors.

(2) The Leader of the Council and the Civic Head cannot be the same person, for the purposes of payment of remuneration.

Banding of local authorities for remuneration arrangements

5. For the purposes of payment of remuneration to councillors, each local authority shall be banded within Band A, Band B, Band C or Band D, as set out in the Schedule to these Regulations.

Remuneration of the Leader of the Council

6.—(1) Each local authority shall pay remuneration to one Leader of the Council of the authority of an amount as provided for in paragraph (2).

(**6**) Section 37 was amended by the Scottish Local Government (Elections) Act 2002, sections 3 and 4.
(**7**) S.I. 1998/366.

(2) Such amount shall be the following total yearly amount, depending on the banding of a local authority:

(a) Band A – £25,754;

(b) Band B – £30,905;

(c) Band C – £36,055; or

(d) Band D – £46,357.

(3) No local authority shall pay its Leader of the Council any amount of remuneration as a Senior Councillor or a Councillor.

Remuneration of the Civic Head

7.—(1) Each local authority may pay remuneration to one Civic Head of the authority of an amount as provided for in paragraph (2).

(2) Such amount shall be the following total yearly amount, depending on the banding of a local authority:

(a) Band A – £19,316;

(b) Band B – £23,179;

(c) Band C – £27,041; or

(d) Band D – £34, 768.

(3) No local authority shall pay its Civic Head any amount of remuneration as a Senior Councillor or a Councillor.

Remuneration and number of Senior Councillors

8.—(1) Each local authority shall pay remuneration to Senior Councillors of the authority, the number of which shall be determined by each local authority, but which shall not exceed the maximum number as provided for in paragraph (2).

(2) That number is–

(a) 8, for each of Clackmannanshire Council and Midlothian Council;

(b) 9, for each other local authority in Band A;

(c) 10, for West Dunbartonshire Council;

(d) 11, for East Dunbartonshire Council;

(e) 13, for each of Angus Council and Dundee City Council;

(f) 14, for each other local authority in Band B;

(g) 19, for each local authority in Band C; and

(h) 24, for each local authority in Band D.

Amount of remuneration of Senior Councillors

9.—(1) Each local authority shall pay remuneration to each of its Senior Councillors of an amount to be determined by the local authority, but which shall for each Senior Councillor be more than the amount payable to a Councillor in terms of regulation 10.

(2) Subject to paragraph (4), each local authority may pay remuneration of the same or different amounts to each Senior Councillor (in any combination of the same or different amounts), but up to a maximum yearly amount for each as provided in paragraph (3).

(3) The maximum yearly amount that may be paid to a Senior Councillor is 75 per cent of the total yearly amount payable to the Leader of the Council of the local authority as provided in regulation 6.

(4) The total yearly amount payable by each local authority for remuneration of all of its Senior Councillors shall not exceed an amount calculated as follows–

$$\left\{ \frac{(A \times 0.75) - B}{2} + B \right\} \times C,$$

where

A is the yearly remuneration of a Leader of the Council of the local authority as provided in regulation 6;

B is the yearly remuneration of a Councillor as provided in regulation 10; and

C is the maximum number of Senior Councillors of the local authority to which remuneration may be paid, as provided in regulation 8(2).

(5) No local authority shall pay its Senior Councillors any amount of remuneration as a Councillor.

Councillors

10. Each local authority shall pay remuneration to each of its Councillors of a total yearly amount of £15,452.

Remuneration of certain other councillors

11.—(1) This regulation applies only to those councillors for each of Fife Council and Dumfries and Galloway Council, who are appointed as–

(a) convener, or

(b) vice-convener,

of a committee of that Council with responsibility for the discharge of the functions of that Council as either police or fire and rescue authority, or who have (in place of any such Council committee) been nominated as a councillor with responsibilities for either of those functions (or both).

(2) Where either of those Councils has two committees with responsibility for the discharge of those functions mentioned in paragraph (1), that Council shall pay remuneration to not more than one convener and one vice-convener of each committee.

(3) Where either of those Councils has one committee with responsibility for the discharge of both the functions mentioned in paragraph (1), that Council shall pay remuneration to not more than one convener and one vice-convener of that committee.

(4) Where (in place of any such Council committee) either of those Councils has nominated councillors with responsibilities for both functions mentioned in paragraph (1), that Council shall pay remuneration to not more than two such councillors.

(5) Where (in place of any such Council committee) either of those Councils has nominated councillors with responsibilities for the functions mentioned in paragraph (1) separately, that Council shall pay remuneration to not more than four such councillors.

(6) A convener referred to in paragraph (1) shall be paid a total yearly amount as determined by the local authority, but which shall–

(a) be more than £20,604; and

(b) not exceed 75 per cent of the total yearly amount payable to the Leader of the Council of the local authority as provided in regulation 6.

(7) A vice-convener referred to in paragraph (1) shall be paid a yearly amount of remuneration which is 75 per cent of such amount of remuneration paid to the convener (and which amounts may be different in respect of each Council).

(8) Where (in place of any such Council committee) either of those Councils has nominated up to two councillors with responsibilities for both functions mentioned in paragraph (1), that Council shall pay one such councillor the same amount as a convener in terms of paragraph (6), and any additional such councillor shall be paid the same amount as a vice-convener in terms of paragraph (7).

(9) Where (in place of any such Council committee) either of those Councils has nominated councillors with responsibilities for the functions mentioned in paragraph (1) separately, that Council shall pay up to two such councillors the same amount each as a convener in terms of paragraph (6), and up to two such councillors the same amount each as a vice-convener in terms of paragraph (7).

(10) The amounts of remuneration payable to councillors with responsibilities for the functions mentioned in paragraph (1) are not included in the maximum amount payable by a local authority in terms of regulation 9(4).

(11) Councillors with responsibilities for the functions mentioned in paragraph (1) shall not be included in the maximum number of Senior Councillors to which remuneration may be paid in terms of regulation 8(2).

(12) No local authority shall pay councillors with responsibilities for the functions mentioned in paragraph (1) any remuneration as the Leader of the Council, the Civic Head, a Senior Councillor or a Councillor.

(13) In this regulation, references to "convener" include "chair" if that designation is used by a Council in place of "convener", and similarly, references to "vice-convener" include "vice-chair".

Joint Boards

12.—(1) This regulation applies in relation to the payment of remuneration to those councillors who, after 2nd May 2007, hold the offices of–

(a) the convener; or

(b) a vice-convener,

of a joint board.

(2) Remuneration shall be paid by the local authority of which the convener or vice-convener (as the case may be) is a member to–

(a) one convener and not more than two vice-conveners (as the local authority determines), for each of Strathclyde Joint Police Board and Strathclyde Joint Fire and Rescue Board; and

(b) one convener and one vice-convener, for each other joint board.

(3) No remuneration shall be paid to any member of a local authority who is a convener or vice-convener of a joint board (as opposed to amounts for reimbursement of expenses, allowances, or by way of pension), except where that is required by this regulation, but a convener or vice-convener is entitled to receive (in addition) any remuneration otherwise payable to them as a Councillor or a Senior Councillor.

(4) Paragraphs (5) and (6) apply to the conveners or vice conveners of any joint board that is either–

(a) a joint fire and rescue board constituted by a scheme made under section 2(1) of the Fire (Scotland) Act 2005(**8**); or

(**8**) 2005 asp 5.

(b) a joint police board constituted by an amalgamation scheme made under the Police (Scotland) Act 1967(**9**).

(5) The convener of such a joint board shall be paid an amount which, when added to any amount payable to the convener as a Councillor or a Senior Councillor, shall equal the total yearly amount that is 75 per cent of the amount payable to the Leader of the Council of a local authority that is represented on the joint board and having the highest banding as provided in the Schedule, in terms of regulation 6.

(6) A vice convener of such a joint board shall be paid a total yearly amount that is 75 per cent of the amount payable to the convener (inclusive of any amount payable to the vice-convener as a Councillor or Senior Councillor), unless such amount equals less than the amount payable to the vice-convener as a Councillor or Senior Councillor, in which case the vice-convener shall be so paid as a Councillor or Senior Councillor only.

(7) Paragraphs (8) and (9) apply to the conveners or vice conveners of any other joint board.

(8) The convener of such a joint board shall be paid a total yearly amount of £19,316 (inclusive of any amount payable to the convener as a Councillor or Senior Councillor), or if greater, the amount payable to the convener as a Senior Councillor.

(9) A vice convener of such a joint board shall be paid a total yearly amount of £18,350 (inclusive of any amount payable to the vice-convener as a Councillor or Senior Councillor), or if greater, the amount payable to the vice-convener as a Senior Councillor.

(10) Where remuneration is payable to any conveners and vice-conveners of joint boards in terms of this regulation, they shall not be included in the maximum number of Senior Councillors to which remuneration may be paid in terms of regulation 8(2).

(11) The remuneration payable to any convener and vice-convener under this regulation, including any remuneration payable to that person as a Senior Councillor, is not included in the maximum amount payable by a local authority in terms of regulation 9(4).

(12) The local authority of which the convener or the vice-convener is a member (as the case may be) shall pay contributions or other payments as required of an employing authority under the Local Government Pension Scheme (Scotland) Regulations 1998(**10**) in respect of the convener or vice-convener if he or she elects to become a councillor member of the pension scheme established under those Regulations.

(13) In this regulation, references to "convener" include "chair" if that designation is used by a joint board in place of "convener", and similarly, references to "vice-convener" include "vice-chair".

Amendment of the 1995 Regulations

13. Regulation 28 of the 1995 Regulations (records of allowances) is amended in accordance with this regulation with effect from the date of the first ordinary election–

(a) omit paragraph (1);

(b) in paragraph (2)–

(i) omit "authority or"; and

(ii) for "45" substitute "46";

(c) in paragraph (3) for "either of the preceding paragraphs" substitute "paragraph (2)";

(d) in paragraph (4)–

(i) for "either of paragraphs (1) or (2)" substitute "paragraph (2)";

(ii) omit "authority" where it first and second occurs; and

(**9**) 1967, c. 77.
(**10**) S.I. 1998/366.

(iii) omit sub-paragraph (a); and

(e) after paragraph (5) insert–

"(6) Paragraphs (2) to (5) of this regulation do not apply to local authorities.".

Revocations

14.—(1) Subject to regulation 15, the provisions of the 1995 Regulations specified in paragraph (2) are revoked with effect from the date of the first ordinary election.

(2) The provisions referred to in paragraph (1) are–

(a) regulations 3 to 7;

(b) regulation 9;

(c) regulation 10;

(d) regulation 11(3);

(e) regulations 12 to 20;

(f) regulations 23 to 25;

(g) regulation 26(1);

(h) Schedules 1, 2 and 5.

Savings

15. Notwithstanding revocation of any provision of the 1995 Regulations by virtue of regulation 14, that provision shall continue to have effect in relation to claims made for allowances or other payments in respect of duties performed up to but not including the date of the first ordinary election.

St Andrew's House,
Edinburgh
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A member of the Scottish Executive