EXECUTIVE NOTE

THE LOCAL GOVERNMENT (ALLOWANCES AND EXPENSES) (SCOTLAND) AMENDMENT REGULATIONS 2008 (SSI 2008/414)

The above instrument was made in exercise of the powers conferred by Sections 11 and 16 of the Local Governance (Scotland) Act 2004, section 50 of the Local Government (Scotland) Act 1973, and section 18 of the Local Government and Housing Act 1989. The instrument is subject to negative resolution procedure.

Policy Objectives

The Local Governance (Scotland) Act 2004 enables regulations to make provision for the payment by local authorities of allowances and reimbursement of expenses to their members. These regulations amend the provisions in the Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 (SSI 2007/108).

The purpose of the instrument is to revise some conditions and some maximum amounts which apply for reimbursement of expenditure incurred by local authority members in carrying out their approved duties, to introduce a new allowance payable to members who choose to stay with friends or family in lieu of claiming overnight subsistence and to revise rates for mileage allowances where the local authority member chooses to travel by car. This instrument also proposes extending the right to claim from maximum annual amounts, which can be paid to Civic Heads, to others carrying out duties on behalf of the Civic Head to reimburse them for any receipted expenditure they incur in that capacity, in addition to payments which may be made to them as council members for reimbursement of expenses or travel mileage allowance. It also amends the standard form which local authorities are required to use for claims for expenses and allowances in line with the new provisions.

This structure follows on the recommendations from the Scottish Local Authorities Remuneration Committee (SLARC), following on from their review of the levels and of how the allowances and expenses have been implemented by local authorities.

Consultation

The following bodies have been consulted on a draft of the instrument in accordance with the requirements of Section 11(4) of the Local Governance (Scotland) Act 2004.

The Scottish Local Authorities Remuneration Committee

The following organisations were also consulted on the Scottish Local Authorities Remuneration Committee Report published in September 2008

Convention of Scottish Local Authorities
Society of Local Authority Chief Executives and Senior Managers
National Association of Councillors

Financial Effects

This is difficult to quantify as the cost to local authorities is dependant on claims made by their elected members. However, it is anticipated that this instrument will have financial saving for Local Government between £0.3m and £0.5m.

Scottish Government Public Service Reform Directorate
15 December 2008