

WEST DUNBARTONSHIRE COUNCIL**Report by the Chief Officer - People and Technology****Statutory Meeting of Council: 18 May 2022**

Subject: Scheme of Members' Allowances and Appointment to Senior Councillor Positions**1. Purpose**

- 1.1** The purpose of this report is to provide Council with information on the Scheme of Members' Allowances and to invite Council to identify Senior Councillor positions, agree the appointment of Councillors to these Senior Councillor positions and the relevant level of allowances payable.

2. Recommendations

- 2.1** The Council must appoint a Leader of the Council and Provost. The post of Provost has previously been recognised as the Civic Head of the Council.
- 2.2** Additionally the Council can appoint up to ten Senior Councillors. The number of Senior Councillor positions and allowances payable is determined by Scottish Government Regulations. It will be for the new Council to determine the posts deemed as being a Senior Councillor and the level of remuneration applicable.
- 2.3** Any changes to the allowances will be implemented in accordance with Scottish Government guidance.
- 2.4** Council is asked to:
- (a) note the Scheme of Members' Allowances and Expenses including the list of approved duties (Appendix 1);
 - (b) note that Councillors have access to a specific pension scheme for Councillors;
 - (c) agree that the Provost be recognised as the Civic Head of the Council;
 - (d) note that in addition to the Leader and Civic Head, the Council is entitled to appoint a maximum of ten Senior Councillors;
 - (e) identify up to ten Senior Councillor positions;

- (f) agree those Councillors who are to be appointed to the identified Senior Councillor positions;
- (g) note the rate of allowance to be paid to remaining Members who are not identified as Senior Councillors; and
- (h) delegate authority to the Chief Officer – People & Technology to uprate allowances in accordance with Scottish Government guidance.

3. Background

3.1 Remuneration arrangements for Councillors referred to in this report are governed by The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2022 (in force from 1 April 2022). These regulations cover Members Allowances, reimbursement of expenses and pensions rights. The Regulations allow for a standardised procedure across all Scottish local authorities for the payment of Councillors' allowances and expenses.

Payment of Allowances

3.2 Each local authority will have one Leader of the Council. For West Dunbartonshire Council, this position will attract a fixed allowance of £39,148 per annum. The allowance for the Leader is set by the Regulations and the Council is not able to vary the remuneration levels.

3.3 Each Council may also have one Civic Head. This position will attract an allowance up to 75% of the Leaders, namely £29,361 per annum. West Dunbartonshire Council has always recognised the post of Provost as being the Civic Head. The allowance for the Civic Head is governed by the Regulations but the Council is able to vary the remuneration levels.

3.4 In addition to the Leader and Civic Head, the Council will be entitled to appoint a maximum of ten Senior Councillors. Under the regulations the Council is allocated a maximum sum it can pay, in total, for Senior Councillors. This is £244,660, with the maximum allowance payable to a Senior Councillor being 75% of the Leader's allowance, i.e. £29,361. The Scottish Government determines the number of senior posts and associated budgetary provision. The Council does not have the authority to exceed these limits.

3.5 The current Standing Orders of the Council make provision for the appointment of a Depute Leader, Depute Provost and Service Spokespersons. Standing Orders provide that Service Spokespersons shall be Senior Councillors and if the Depute Leader and Depute Provost are also classed as Senior Councillors, these posts will all count towards the ten senior posts and the costs will come from the overall budget for Senior Councillors.

- 3.6** It is for the Council to determine which positions are deemed to be a Senior Councillor. The Council will also decide the level of remuneration to be paid to each Senior Councillor as long as no Councillor receives more than £29,361 per annum and the total sum paid out to Senior Councillors does not exceed the budget allocation. The Council's 2017 agreed allowance for Senior Councillors was £23,257 (uprated following the pay award to £24,467 at 1 April 2022).
- 3.7** A summary of Senior Councillor positions as at 1st May 2022 under the previous Council Administration is attached at Appendix 2.
- 3.8** All Councillors who do not hold the position of Leader, Civic Head or Senior Councillor will receive a basic remuneration of £19,571 per annum. This figure is set by the Regulations and the Council is not permitted to vary this remuneration level.
- 3.9** The proposed scheme of allowance makes provision for payment to be made 4 weekly in arrears. These payments will be made by electronic bank transfer (known as BACS Transfer).
- 3.10** Separate provisions will apply to the payments to Conveners and Depute Conveners of Joint Boards.

Reimbursement of Expenses

- 3.11** Claims for travel and subsistence can only be submitted for undertaking approved duties of the Council (Appendices 1, 1A & 1B refer).
- 3.12** The only standard allowance that is available to Councillors under the regulations is for mileage. The prescribed rates for mileage are as follows:
- 45p per mile for travel by own car or van (first 10,000 miles, 25p per mile thereafter);
 - 24p per mile for travel by motorcycle;
 - 20p per mile for travel by bicycle; and
 - 5p per passenger per mile where both the passenger and the Councillor are carrying out approved duties.

These rates are mandatory and cannot be varied. Note the rates are as detailed in the Councillors' Remuneration Guidance 2010 (and amendment to mileage rate, November 2011).

- 3.13** Claims for subsistence (meal expenditure) will be on the basis of receipted expenditure. Meal expenditure cannot be reimbursed where a Councillor is carrying out Council business in their own ward or on Council premises within West Dunbartonshire. All claims must be accompanied by relevant receipts.

- 3.14** All claims for reimbursement of travel and subsistence expenditure must be submitted on the HR21 expenses module. All claims will be reimbursed through Payroll as part of the payment of allowances and expenses. These payments will be made at quarterly intervals by the same method as described at 3.9 above, namely via BACS Transfer.
- 3.15** The Council will also be allowed to reimburse actual and receipted expenditure incurred by the Civic Head in carrying out their civic duties. The Civic Head's expenses cannot exceed £3,000 per annum.
- 3.16** All Councillors are provided with a mobile device (laptop or similar) and a mobile (SMART) phone. As such, all duties associated with the role of a Councillor via use of said devices will be covered by the Council contracts and use permitted in accordance with the Council's Information Security Policy and associated guidance. Additional expenditure is unlikely other than for personal use which should be repaid to the Council at the earliest opportunity.

Pension Scheme

- 3.17** All Councillors are automatically entered into the Local Government Pension Scheme (administered by Strathclyde Pension Fund Office) unless an opt-out form is received, as per scheme rules. The benefits are based on career average pay and the contribution rate is assessed based on pensionable pay at 31 March each year, per table below.

Post	Remuneration	Pension Contribution (2022/23)
Leader of the Council	Fixed £39,148	6.6%
Civic Head	Up to £29,361	5.6-5.9%
Senior Councillor	Up to £29,361	5.6-5.9%
Councillor	Fixed £19,571	5.5%

Review of Remuneration Levels

- 3.18** The Scottish Government will review the levels of remuneration and issue guidance in the event of an uprating of allowances. It is the current policy of the Council for the Chief Officer People & Technology, in partnership with relevant Chief Officers, to implement the Scottish Government recommendations as and when they are issued.

4. Main Issues

- 4.1** As stated above, there are restrictions on the number, maximum allowances and overall amount paid to Senior Councillors.

4.2 Individual members can agree to vary downwards, the level of allowance paid to them.

4.3 Council will require to consider:

- Whether the Provost is to be appointed as Civic Head;
- Decide on the number of Senior Councillor posts and identify which Members are appointed to these posts; and
- Decide the level of allowance for these ten Senior Councillor posts.

5. People Implications

5.1 There are no additional people implications beyond those outlined in the report.

6. Financial and Procurement Implications

6.1 The costs associated with the remuneration scheme are provided for within the Revenue Estimates for 2022/23.

7. Risk Analysis

7.1 The Council cannot exceed the limits set out in the regulations in respect of the number of posts, the allowances payable and the level of expenses reimbursed.

8. Equalities Impact Assessment (EIA)

8.1 There is no requirement for an Equalities Impact Assessment (EIA).

9. Strategic Environmental Assessment

9.1 The Scheme of Allowances reflects the different roles undertaken by Elected Members in taking forward the strategic agenda of the Council.

10. Consultation

10.1 Consultation has taken place with Chief Officers - Resources and Regulatory & Regeneration as appropriate.

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Date: 27th April 2022

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Appendix 1: Guidance on Councillors' Expenses
Appendix 1A: Council car taxis protocol Nov 2020
Appendix 1B: Maximum rates claimable
Appendix 2: List of Senior Councillor Roles as at May 2022

Background Papers: [The Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2022 \(legislation.gov.uk\)](#) (in force from 1 April 2022)

Wards Affected: All Wards