

2008 No. 414

LOCAL GOVERNMENT

**The Local Government (Allowances and Expenses) (Scotland)
Amendment Regulations 2008**

Made - - - - - *16th December 2008*

Laid before the Scottish Parliament *16th December 2008*

Coming into force - - - *10th February 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 50 of the Local Government (Scotland) Act 1973(a), section 18 of the Local Government and Housing Act 1989(b), sections 11 and 16 of the Local Governance (Scotland) Act 2004(c) and all other powers enabling them to do so, after consideration of the information, advice and recommendations given to them by the Scottish Local Authorities Remuneration Committee, in accordance with the requirements of section 11(4) of the Local Governance (Scotland) Act 2004.

Citation and commencement

1. These Regulations may be cited as The Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2008 and come into force on 10th February 2009.

Amendment of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007

2.—(1) The Local Government (Allowances and Expenses) (Scotland) Regulations 2007(d) are amended in accordance with the following paragraphs.

(2) In regulation 2, at the end of the definition of “Civic Head”, insert—

“, and includes persons deputising for the Civic Head”.

(3) After regulation 4(3) insert—

“(4) A member of a local authority shall be entitled to receive an allowance from that authority as provided for in paragraph (ee) of Schedule 2(e), in addition to any claim for reimbursement of expenditure incurred on travel in terms of this regulation or regulation 5.”.

(4) In regulation 5(4)(a) for “49.3 pence per mile” substitute “40 pence per mile”.

(5) In Schedule 2—

(a) in the left-hand column of paragraph (a) for “except” substitute “including”;

(a) 1973 c.65. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1989 c.42. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(c) 2004 asp 9.

(d) S.S.I. 2007/108.

(e) Paragraph (ee) of Schedule 2 is inserted by regulation 2(5)(e) of these Regulations.

- (b) at the end of the left-hand column of paragraph (a) insert–

“North Ayrshire Council

Ward 2 – Ardrossan and Arran

Ward 8 – North Coast and Cumbraes”;

- (c) for the note between paragraphs (d) and (e) substitute “Meals taken under paragraphs (b), (c) and (d) exclude those purchased or taken by a member of a local authority within the electoral ward in respect of which they hold office and those purchased or taken while they are carrying out council business in any local authority premises in the area of the local authority of which they are a member.”;

- (d) in paragraph (e) for the right-hand column substitute–

“£131 within London

£110 elsewhere”;

- (e) after paragraph (e)–

- (i) in the left-hand column insert–

“(ee) Overnight accommodation away from home with friends or family”; and

- (ii) in the right-hand column insert–

“£25 per night if the local authority determines that the expense is reasonably incurred for approved duties and otherwise no such allowance”.

- (6) In Schedule 3–

- (a) on the Claim Form for Allowances and Expenses–

- (i) in the column headed “Car Mileage” for “£0.493” substitute “£0.40”; and

- (ii) after the column headed “Subsistence” insert a column headed “Accommodation Details”;

- (b) in the Notes of Guidance for Completion of Claim Form–

- (i) at the end of paragraph 2 insert “, where claims relate to overnight subsistence or meal costs but not where claims relate only to travel”;

- (ii) in paragraph 6 for “Only” substitute “With the exception of road and bridge tolls and the allowance provided for by regulation 4(4), only”; and

- (iii) after paragraph 6 insert–

“6A. ACCOMMODATION DETAILS

This column relates to claims for overnight accommodation with friends and family. These must include the address of the accommodation and the name(s) of the friends or family with whom you stayed.”; and

- (c) on the Member’s Travel and Subsistence Expenses Claim Form, in the Summary of Claim table, after the row for “Passenger Mileage Claim”, insert a row with “Staying With Friends Allowance” in the left hand box;

- (7) In Schedule 4–

- (a) in column (B) for “DESIGNATION” substitute “POSITION HELD”;

- (b) in column (D) for “TRAVEL EXPENSES” substitute “CAR AND VAN MILEAGE EXPENSES”;

- (c) in column (G) for “OTHER EXPENSES” substitute “OTHER ALLOWANCES AND EXPENSES”; and

(d) in column (I), for “(I)=C+G” insert “(I)=C+H”.

St Andrew's House,
Edinburgh
16th December 2008

JOHN SWINNEY
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government (Allowances and Expenses) (Scotland) Regulations 2007. They implement recommendations made by the Scottish Local Authorities Remuneration Committee in its report published in September 2008.

Regulation 2(2) extends the right to claim reimbursement of Civic Head expenses to others undertaking civic duties on behalf of the Civic Head.

Regulation 2(3) introduces a new regulation 4(4), which provides for an allowance of £25 a night when a councillor opts to stay with friends or family instead of incurring the price of an hotel while engaged on council business.

Regulation 2(4) adjusts the car or van mileage rate from 49.3 pence for every mile, so that councillors may claim 40 pence per mile while on council business.

Regulation 2(5) makes adjustments to Schedule 2, adding a further two wards in North Ayrshire to the list where councillors may be reimbursed for meals purchased within their own electoral wards or while working in council premises. It also clarifies related provisions and gives new and adjusted rates for overnight accommodation, including the allowance introduced by regulation 2(3).

Regulation 2(6) amends Schedule 3 to reflect the change in mileage rate introduced by regulation 2(4) and to adjust the guidance notes for the councillors' claim forms, including adding a requirement that certain details be provided when councillors submit claims under the 'staying with friends or family' allowance provisions.

Regulation 2(7) makes minor adjustments to the headings in the Record of Claims form in Schedule 4.

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