

Local Government, Housing and Planning Committee

6th Meeting, 2023 (Session 6)

Tuesday, 28 February 2023

SSI cover note for: Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2023

SSI 2023/21

Title of Instrument: Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2023

Type of Instrument: Negative

Laid Date: 30 January 2023

Circulated to Members: 2 February 2023

Meeting Date: 28 February 2023

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 13 March 2023

Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.

2. An electronic copy of the instrument is available at: [Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2023](#)
3. Copies of the Scottish Government’s Explanatory and Policy Notes are included in **Annexe A**.

Purpose

4. The policy note states that “These regulations will implement the arrangement introduced in 2017 by increasing councillors’ pay by 2.7% with effect from 1 April 2023.”
5. Members may wish to note that the Scottish Government recently reconvened the Scottish Local Authorities Remuneration Committee (SLARC). SLARC was established under the provisions of the Local Governance (Scotland) Act 2004 to advise Scottish Ministers on the payment by Local Authorities of remuneration (including pensions), allowances and the reimbursement of expenses incurred by local authority councillors. SLARC is expected to report its recommendations for future councillor remuneration by August 2023.

Delegated Powers and Law Reform Committee consideration

6. At its meeting on 7 February 2023¹ the DPLR Committee considered the instrument and agreed not to draw it to the attention of the relevant lead committee.

Procedure for Negative Instruments

7. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.
8. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a

¹ <https://digitalpublications.parliament.scot/Committees/Report/DPLR/2023/2/7/7bf56402-0565-4605-a80d-e4d1ddf66ddb#Annex-A>

Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

**Clerks,
Local Government, Housing and Planning Committee**

Annexe A

Scottish Government Explanatory Note

EXPLANATORY NOTE

These Regulations amend the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. They substitute increased annual amounts for different categories of local authority remuneration to their members. These changes take effect on 1 April 2023.

Regulation 2(2) makes provision for Council Leaders' remuneration.

Regulation 2(3) provides new maximum levels for remuneration of Civic Heads. It is for each local authority to determine whether and to what extent such remuneration should be paid.

Regulation 2(4) sets new levels for councillors' remuneration.

Regulation 2(5) sets new levels of remuneration for councillors who perform the role of convener or vice-convener of a joint board.

POLICY NOTE

THE LOCAL GOVERNANCE (SCOTLAND) ACT 2004 (REMUNERATION) AMENDMENT REGULATIONS 2023

SSI 2023/21

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 11(1) and 16(2)(b) of the Local Governance (Scotland) Act 2004 and all other powers enabling them to do so. It is subject to the negative procedure.

<p>These regulations will implement the arrangement introduced in 2017 by increasing councillors' pay by 2.7% with effect from 1 April 2023.</p>
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Policy Objectives

This instrument makes provision in relation to the remuneration of local authority councillors. It amends the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 to increase the level of remuneration payable to local authority councillors by 2.7%.

Consultation

There is no requirement for the Scottish Ministers to undertake a consultation before implementing an increase on councillors' salaries. Ministers are following the procedure established in 2017, to increase councillors' pay annually in line with the percentage increase in the median annual earnings of public sector workers in Scotland. This information is published by the Office of National Statistics in the *Annual Survey of Hours and Earnings*.

Impact Assessments

An equality impact assessment has not been undertaken as the increase in councillors' remuneration applies to all local authority members. The Scottish Ministers have decided that a Business Regulatory Impact Assessment is not required as there is no impact on business or the third sector and the impact on the public sector (council budgets) is not expected to cause a significant financial pressure.

Financial Effects

The salary increase would be met from existing council budgets: it is estimated that for 2023/24 the total cost would be around £811,795 across all 32 councils.

Local Government and Analytical Services Division
The Scottish Government

January 2023