

## South Ayrshire Council

### Report by Head of Legal, HR and Regulatory Services to South Ayrshire Council of 19 May 2022

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**Subject: Members' Remuneration**

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#### 1. Purpose

- 1.1 The purpose of this report is to advise Members of the salaries which are payable under the current regulations and seek approval of the remuneration for the Civic Head and other Senior Councillors.

#### 2. Recommendation

##### 2.1 It is recommended that the Council:

- 2.1.1 **notes the provisions for remuneration for Councillors, the Civic Head and the Council Leader in terms of The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2022;**
- 2.1.2 **agrees the remuneration to be paid to the Civic Head; and**
- 2.1.3 **agrees the numbers of and remuneration levels for Senior Councillors.**

#### 3. Background

- 3.1 The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2022 came into force from 1 April 2022. Mileage rates are set nationally.

#### 4. Proposals

- 4.1 For the purposes of the salary, allowance and expenses arrangements, there are 4 levels of payment (depending on the responsibilities of the Councillor), defined in the guidance as follows:
- 4.1.1 **'Leader of the Council'** (that is, the Convener or such other Councillor the authority decides should be termed as 'Leader of the Council' for remuneration purposes).
- 4.1.2 **'Civic Head'** (that is, the councillor who holds this title for remuneration purposes at the Council's discretion. This is generally the Provost).
- 4.1.3 **'Senior Councillor'** (that is, a Councillor who holds a **significant** position of responsibility in the Council's political management structure – for

example, a Convener of a major Committee, the Leader of a significant opposition group, etc. This would include Portfolio Holders.).

- 4.1.4 **'Councillor'** (that is, a Councillor who is likely to hold no significant position of responsibility in the Council's political management structure, and who will receive the basic salary).
- 4.2 Each local authority has been banded (Bands A to D) for the purposes of payment of remuneration to Councillors. South Ayrshire Council is in Band B.
- 4.3 All Councillors will receive a basic remuneration of £19,571 (with effect from 5 May). Councils are **not** able to vary this remuneration level. The Guidance provides that any councillor, regardless of level of payment, will be able to renounce receipt of all or any part of his or her salary if he or she so chooses to do so.
- 4.4 Each local authority will have **one** Leader of the Council to whom it will pay an annual remuneration dependent on the band at which each Council has been set. The Leader of South Ayrshire Council will be paid £39,148 (including basic remuneration of £19,571).
- 4.5 Each local authority may have **one** Civic Head post, and will have scope to determine the level of salary paid to that Civic Head up to a maximum of 75 per cent of the remuneration paid to the Leader of the Council – ie a maximum of £29,361 (including basic remuneration of £19,571).
- 4.6 In addition to the Leader of the Council and the Civic Head, each local authority may have a maximum number of Senior Councillors, and a total budget for paying them. The maximum set for South Ayrshire Council is 14 Senior Councillors within a budget of £342,524. The Guidance provides that Senior Councillors should be paid according to the level of responsibility they hold and this may result in different councillors being paid different levels of salary.
- 4.7 The salaries of any Senior Councillors serving on Boards established by the Council – for example, Licensing Boards – must be met from the maximum number and the overall budget available.
- 4.8 There are 3 restrictions that need to be considered when allocating salaries to Senior Councillors:
  - 4.8.1 the limit on the number of Senior Councillors that each Council may have (14);
  - 4.8.2 the total budget for paying Senior Councillors (ie £342,524); and
  - 4.8.3 that Councils cannot pay any Senior Councillor more than 75 per cent of the remuneration paid to the Leader of the Council (ie £29,361).
- 4.9 It is proposed that Council determines the remuneration to be paid to the Civic Head and to the other Senior Councillors, in accordance with the regulations and guidance as outlined above.
- 4.10 The Council's guide to Councillors' Remuneration will thereafter be updated and published in the Elected Members Area on Rewired.

## **5. Legal and Procurement Implications**

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

6.1 The costs will be contained within existing budgets.

## **7. Human Resources Implications**

7.1 Not applicable.

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### **8.2 *Risk Implications of Rejecting the Recommendations***

8.2.1 Rejecting the recommendations could result in a failure to comply with the Regulations and Guidance.

## **9. Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

## **10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## **11. Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## **12. Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

## **13. Results of Consultation**

13.1 There has been no consultation on the contents of this report.

## 14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Head of Legal, HR and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Make arrangements for payment of salaries to reflect decision	27 May 2022	Service Lead – Democratic Governance
Update and publish in the Elected Members Area on Rewired the guide to Members' Remuneration	27 May 2022	Service Lead – Democratic Governance

**Background Papers**     [The Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2022 SSI No 18](#)

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**Date: 12 May 2022**

## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: [Equality Impact Assessment including Fairer Scotland Duty](#)

Further guidance is available here: [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#)

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

### 1. Policy details

Policy Title	<b>Members' Remuneration</b>
Lead Officer (Name/Position/Email)	Catriona Caves, Head of Legal, HR and Regulatory Services – catriona.caves@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – gender identity (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children's Rights	-	-

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.**

<b>Socio-Economic Disadvantage</b>	<b>Negative Impacts</b>	<b>Positive impacts</b>
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

<b>General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty</b>	<b>Level of Negative and/or Positive Impact (High, Medium or Low)</b>
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

**5. Summary Assessment**

<b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b> )	<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<b>Rationale for decision:</b>  <b>This report advises Members of the salaries that are payable under current regulations. Their decision on this has no specific equality implications</b>	
<b>Signed :</b> Catriona Caves	<b>Head of Service</b>
<b>Date:</b> 28 April 2022	