

2011 No. 64

LOCAL GOVERNMENT

**The Local Authority Accounts (Scotland) Amendment
Regulations 2011**

<i>Made</i>	- - - -	<i>3rd February 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>7th February 2011</i>
<i>Coming into force</i>	- -	<i>31st March 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 105(1) of the Local Government (Scotland) Act 1973(a) and all other powers enabling them to do so.

In accordance with section 105(2) of that Act they have consulted with such associations of local authorities as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Local Authority Accounts (Scotland) Amendment Regulations 2011 and come into force on 31st March 2011.

Saving provision

2.—(1) Nothing in these Regulations applies to any accounts that relate to a financial year that began prior to 1st April 2010.

(2) Where a local authority has, at any time prior to these Regulations being laid before the Scottish Parliament, contractually bound itself not to disclose publicly the terms on which it remunerates a person, nothing in these Regulations requires the entry in respect of that person in any Remuneration Report to disclose remuneration details relating to a financial year that began on or earlier than 1st April 2010.

Amendment of the Local Authority Accounts (Scotland) Regulations 1985

3.—(1) The Local Authority Accounts (Scotland) Regulations 1985(b) are amended as follows.

(2) The existing text of regulation 4 (accounts to be made up and balanced) becomes paragraph (1), and after paragraph (1) insert—

“(2) The accounts referred to in paragraph (1) are to contain a Remuneration Report for the financial year to which those accounts relate.

(a) 1973 c.65; section 105(1) was amended by section 10(2) of the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31). 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) S.I. 1985/267, as amended by S.I. 1997/1980.

- (3) That Report is to contain the information set out in the Schedule.”.
- (3) At the end insert the Schedule set out in the Schedule to these Regulations.

St Andrew's House,
Edinburgh
3rd February 2011

JOHN SWINNEY
A member of the Scottish Executive

SCHEDULE

Regulation 3(3)

“SCHEDULE

Regulation 4(3)

Content of Remuneration Report

Definitions

1. In this Schedule—

“annual remuneration” is to be calculated—

- (i) in respect of a person who is employed or serves on a part time basis, with the salary element of remuneration increased to what it would have been had the person been paid for usual full time hours at the same hourly rate;
- (ii) in respect of a person who is employed or serves for less than the full relevant financial year, with the salary element of remuneration increased to what it would have been had the person been employed for the whole year, at the same rate as applied to their period of employment or service; or
- (iii) in respect of a person who falls within both of sub-paragraphs (i) and (ii), with the salary element of remuneration increased as required by sub-paragraph (i) and then further increased as required by sub-paragraph (ii);

“local authority subsidiary body” means any entity, including an unincorporated entity, that is controlled by a local authority;

“relevant person”, in relation to a Remuneration Report for a financial year, means—

- (i) a senior councillor, senior employee or senior police officer employed by the local authority or holding office with that authority, whether on a permanent or temporary basis, in the financial year to which that Remuneration Report relates; and
- (ii) a person whose name is shown in a Remuneration Report for that financial year by virtue of paragraph 5 (persons employed by local authority subsidiary bodies);

“remuneration” means salary, fees and bonuses, whether paid to or receivable by a person, by or from a local authority or local authority subsidiary body, and includes sums paid or due by way of expenses allowance (so far as those sums are chargeable to United Kingdom income tax) and the estimated monetary value of any other benefits received by a person otherwise than in cash, and—

- (i) includes any sum paid as compensation for loss of employment or termination of a contract for provision of services; but
- (ii) excludes any sum that has been paid by the local authority or local authority subsidiary body as a contribution to the person’s pension;

“senior councillor” means a Leader of the Council, a Civic Head or a Senior Councillor, all as defined by regulation 2 of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007(a);

“senior employee” means any local authority employee—

- (i) who has responsibility for management of the local authority to the extent that the person has power to direct or control the major activities of the authority

(a) S.S.I. 2007/183.

(including activities involving the expenditure of money), during the year to which the Report relates, whether solely or collectively with other persons;

- (ii) who holds a post that is politically restricted by reason of section 2(1)(a), (b) or (c) of the Local Government and Housing Act 1989^(a); or
- (iii) whose annual remuneration, including any annual remuneration from a local authority subsidiary body, is £150,000 or more; and

“senior police officer” means a member of a police force who is a chief constable, a deputy chief constable or an assistant police constable, and also any other member of a police force whose annual remuneration is £150,000 or more.

Remuneration arrangements

2. A Remuneration Report is to provide details of the local authority’s remuneration policy for senior employees and senior councillors, and details of any role the local authority has in determining the remuneration policy for any local authority subsidiary body.

3. A Remuneration Report is to describe the role, and state the membership of, the local authority’s committee that deals with remuneration arrangements or, where the authority does not have such a committee, state how remuneration arrangements are managed within the authority.

General disclosure by pay band.

4. A Remuneration Report is to give the number of employees of, or police officers with, the local authority in the financial year to which it relates whose remuneration from that authority fell into each bracket of a scale in multiples of £5,000, starting with £50,000, along with the number of employees in each band in the preceding financial year.

Disclosure - local authority subsidiary bodies

5. A Remuneration Report is to give, for any local authority subsidiary body, the name of that body, together with—

- (a) the full post title and name of the chief executive (or, if there is no chief executive, the post held and name of the most senior manager in that body);
- (b) the name of each councillor to which that body paid remuneration in that financial year; and
- (c) the full post title and name of each director or employee of the body whose annual remuneration in that year, including any annual remuneration from a local authority, was £150,000 or more.

Disclosure of remuneration for relevant persons

6. The Remuneration Report for each financial year is to show, in tabular form, against the post held and name of each relevant person the total amounts (before tax and other deductions), whether received or receivable, by each relevant person from the local authority or, as the case may be, local authority subsidiary body—

- (a) listed individually and rounded to the nearest whole pound;
- (b) under each of the categories listed in paragraph 8; and
- (c) for the financial year to which the Report relates, except for the total amount required by paragraph 8(h).

(a) 1989 c.42.

- 7.** The Remuneration Report must show in separate tables—
- (a) remuneration from the local authority to relevant persons who are senior employees or senior police officers;
 - (b) remuneration from the local authority to relevant persons who are senior councillors; and
 - (c) remuneration from the local authority subsidiary body to relevant persons who are included in a Remuneration Report for that financial year by virtue of paragraph 5.
- 8.** The categories are—
- (a) the total amount of salary, fees or allowances due to the person, whether paid or not;
 - (b) the total amount of bonuses so paid or receivable;
 - (c) the total amount of sums paid by way of expenses allowance that are chargeable to United Kingdom income tax and were paid to or receivable by the person;
 - (d) the total amount of any compensation for loss of employment paid to or receivable by the person, and any other payments made to or receivable by the person in connection with the termination of their employment, or, in the case of a councillor or police officer, the total of any payment made to that person in connection with their ceasing to hold office before the end of a fixed term appointment;
 - (e) the total estimated value of any benefits received by the person otherwise than in cash that do not fall within sub-paragraphs (a) to (d), are emoluments of the person, and are received by the person in respect of their employment or in their capacity as a councillor or police officer, with a footnote describing the nature of any such benefits;
 - (f) the total amount of any payments made by the local authority and local authority subsidiary body by way of remuneration to or in respect of the person that do not otherwise fall within this paragraph, other than payments relating to pensions;
 - (g) the amount that is the total of the sums shown in categories (a) to (f); and
 - (h) the amount that is the total of the payments that were made by way of remuneration to or in respect of the person under categories (a) to (f) in the financial year preceding that to which the Remuneration Report relates.

Pension rights - disclosure of information and calculation of value

9. The Remuneration Report must show, in tabular form, against the post held and name of each relevant person the value of pension rights held and acquired by that person, as required by paragraphs 11 and 12.

- 10.** The Remuneration Report must group in separate tables—
- (a) relevant persons who are senior employees or senior police officers;
 - (b) relevant persons who are senior councillors; and
 - (c) relevant persons who do not fall within sub-paragraphs (a) or (b) and who are included in a Remuneration Report for that financial year by virtue of paragraph 5.

11.—(1) Where a relevant person included in a Remuneration Report under paragraph 9 has rights under a pension scheme which will provide defined benefits (within the meaning of section 99 of the Pensions Act 2008^(a)), the information to be provided in respect of the person is—

- (a) the value of the person’s accrued pension benefits under the scheme as at 31st March in the financial year to which the Remuneration Report relates, rounded to the nearest £1,000;
- (b) the difference between that value and the equivalent value (so rounded) as at the previous 31st March; and
- (c) the amount, rounded to the nearest whole pound, of any pension contributions made to that scheme by the local authority producing the Remuneration Report, or a local authority subsidiary body named in that Report, during the financial year to which that Report relates, including any contributions which that local authority, or a local authority subsidiary body named in that Report, has agreed to pay in respect of the relevant person at a later date.

(2) In sub-paragraph (1)(a) and (b) the value of accrued pension benefits is to be calculated—

- (a) on the basis of the age at which the person will first become entitled to receive a full pension on retirement without reduction on account of its payment at that age, disregarding any entitlement to payment upon retirement on the grounds of illness, incapacity or redundancy;
- (b) assuming that the person left the related employment or service as at 31st March in the year to which the value relates without exercising any option to commute pension entitlement into a lump sum;
- (c) including any contributions that the relevant person is required to make in terms of the scheme rules, but disregarding any voluntary contributions made by the relevant person; and
- (d) without any adjustment for the effects of future inflation.

12.—(1) Where a relevant person included in a Remuneration Report under paragraph 9 has rights under a pension scheme which is a money purchase scheme (within the meaning of sub-paragraph (2)), the information to be provided in respect of the person is the amount, rounded to the nearest whole pound, of any pension contributions made to that scheme by the local authority producing that Report, or a local authority subsidiary body named in that Report, during the financial year to which that Report relates, including any contributions which that local authority, or a local authority subsidiary body named in that Report, has agreed to pay in respect of the relevant person at a later date.

(2) A “money purchase scheme” means a scheme under which all the benefits that may become payable to or in respect of a person are retirement benefits, the rate or amount of which is calculated by reference to payments made, or treated as made, by the person (or by any other person in respect of that person) and which are not average salary benefits.”

(a) 2008 c.30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authority Accounts (Scotland) Regulations 1985 to require a local authority to prepare as part of its annual accounts a Remuneration Report.

Regulation 2 provides that this duty arises in respect of the 2010/11 accounts onwards, with saving provision for cases where there are contractual issues about disclosure in respect of the year in which the Regulations come into force.

Regulation 3 sets out the detail that is to be included in such a Report, by reference to a Schedule inserted into the 1985 Regulations.

Paragraphs 2 to 4 of that Schedule require such a Report to provide relevant general information. Paragraph 5 provides that details must be provided in respect of subsidiary bodies, in addition to the local authority itself.

Paragraphs 6, 7, 9 and 10 of that Schedule make further provision as to the structure of the Remuneration Report.

Paragraph 8 of that Schedule describes the categories in respect of which information must be shown in a Remuneration Report, and paragraphs 11 and 12 describe what is to be included in respect of pension values and contributions.

The accounts of each local authority require to be audited by virtue of section 96(4) of the Local Government (Scotland) Act 1973. These Regulations do not make any other change to the need for an audit of those accounts, or alter the timescales within which such accounts require to be submitted for audit.

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