

**EAST AYRSHIRE COUNCIL****MEMBERS SERVICES SUB COMMITTEE OF THE POLICY AND RESOURCES  
COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 26 MARCH 1996 AT 1135 HOURS  
IN THE MEETING ROOM, LONDON ROAD CENTRE, KILMARNOCK**

**PRESENT:** Councillors David Sneller, Drew McIntyre, Wilma Doyle and Kathleen Hall.

**ATTENDING:** David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Gordon Clark, Director of Finance; Barbara Haughan, Director of Support Services; Helen Dick, Depute Director of Finance; Douglas Campbell, Head of Public Relations and Marketing and James Lally (Support Unit).

**APOLOGY:** Councillor Tommy Farrell.

**CHAIR:** In the absence of the Chair, the Sub-Committee agreed that Councillor David Sneller should take the Chair.

**FINANCE****1.1 Members' Travel and Subsistence Allowances**

There was submitted a report dated 18 March 1996 (circulated) by the Director of Finance which sought to establish a scheme for the payment of Members' expenses.

It was agreed to recommend to the Council that the scheme of Members' travel and subsistence allowances as detailed in Appendix 1 to these Minutes be adopted, by East Ayrshire Council subject to the undernoted amendments:-

- (i) that section 3.1.1 remain within the scheme as detailed with the exception that the last sentence be amended to read "The exception to this is the case of overnight travel by train which is covered separately in section 3.1.2 below";
- (ii) that section 3.6.2 remain within the scheme as detailed;
- (iii) that section 3.7.1 remain within the scheme as detailed; and
- (iv) that any reference to the Chief Executive or the Chief Executive's Department in Section 4.3.4 be changed to the Director of Support Services or Department of Support Services as appropriate.

## 1.2 Rates of Travelling and Subsistence Allowances

There was submitted a report dated 18 March 1996 (circulated) by the Director of Finance advising of the revised rates of travelling, day and night subsistence allowances and recommending adoption thereof.

It was agreed to recommend to the Council:

- (i) implementation of the revised rates of travelling and subsistence allowances as detailed in Appendix 2 of these Minutes with immediate effect; and
- (ii) that the revised rates should not be backdated in respect of all claims submitted from 1 April 1995.

## 1.3 Members' Allowances

There was submitted a report dated 18 March 1996 (circulated) by the Director of Finance seeking to establish the payments to be made to Members in respect of Basic and Special Responsibility Allowances (SRA's) for the financial year 1996/97.

It was agreed to recommend to the Council:

- (i) adoption of the scheme of Members' allowances as detailed in Appendix 3 of these Minutes;
- (ii) that the basic allowance should be £5500 per Councillor for financial year 1996/97;
- (iii) that the Leader of the Council receive a Special Responsibility allowance of £14,000 for the financial year 1996/97; and
- (iii) that payment of other Special Responsibility Allowances for the financial year 1996/97 be calculated in accordance with the percentages contained within the scheme of Members' allowances agreed above.

### **COUNCILLORS' SURGERIES - ARRANGEMENTS**

2. There was submitted a report dated 18 March 1996 (circulated) by the Director of Support Services requesting consideration of arrangements for booking and publicising Councillors' surgeries from 1 April 1996.

It was agreed to recommend to the Council:

- (i) approval of the booking arrangements detailed below;

- (a) that arrangements for booking accommodation and publicising surgeries should lie with the Department of Support Services;
  - (b) that Members' Services Section should be responsible for confirming proposed arrangements with Councillors and then booking accommodation for surgeries;
  - (c) that wherever possible accommodation which is within the ownership or control of East Ayrshire Council should be favoured;
  - (d) that thereafter, responsibility for publicising surgeries should lie with the Public Relations and Marketing Section;
  - (e) that Councillors should provide at least one months notice of proposed surgery dates to the Members' Services Section in order to ensure that the most cost-effective publicity arrangements could be achieved, and to give adequate notice of surgery arrangements to the public.
- (ii) confirmation that the maximum number of days per month that Councillors could hold surgeries funded by the Council would be set at two unless special local circumstances were deemed to apply by this Sub-Committee;
  - (iii) that the Head of Publications and Marketing should be responsible for publicising surgeries by producing posters, by placing specific adverts in the proposed Council newspaper and via general advertising in the local press through the publication of a free phone telephone number to contact for further information on Councillors' surgeries; and
  - (iv) that the above arrangements and proposals for publicising surgeries should be reviewed over the first six months of operation and that a report thereon by the Director of Support Services be submitted for consideration of this Sub-Committee.

## **CONFERENCES**

### **3.1 Devolution? Good for Business?**

There was submitted a report dated 18 March 1996 (circulated) by the Director of Development Services recommending attendance at the above conference to be held in Edinburgh on 22 April 1996.

It was agreed to authorise attendance by two Members from the Administration, one Member from the Opposition and one Officer whose names should be notified to the Chief Executive as soon as possible.

### **3.2 Institute of Wastes Management Conference and Exhibition**

There was submitted a report dated 8 March 1996 (circulated) by the Director of Community Services recommending attendance at the above conference to be held from 10-14 June 1996 in Torbay.

It was agreed to authorise attendance by one Member from the Administration and one Officer whose names should be notified to the Chief Executive as soon as possible.

### **3.3 Association of Directors of Social Work Annual Conference**

There was submitted report (circulated) by the Director of Social Work recommending attendance at the above conference to be held from 14-17 May 1996 in Aviemore.

It was agreed:-

- (i) to authorise attendance by two Members from the Administration and one Member from the Opposition;
- (ii) that a decision on Officer representation at the conference be remitted to the Chief Executive in consultation with the Chair of this Sub-Committee; and
- (iii) that names of Members and Officers attending should be submitted to the Chief Executive as soon as possible.

The meeting terminated at 1205 hours.

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**APPENDIX 1**

**SCHEME OF MEMBERS'  
TRAVEL AND SUBSISTENCE  
ALLOWANCES**

**EAST AYRSHIRE COUNCIL  
SCHEME OF MEMBERS' TRAVEL  
AND SUBSISTENCE ALLOWANCES**

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## **SECTION 1 - INTRODUCTION**

### **1. PURPOSE**

The purpose of the Scheme is to advise Members of their responsibilities and entitlement to allowances and expenses payable in respect of the performance of their duties.

### **2. STATUTORY AUTHORITY**

The Secretary of State, in exercise of the powers conferred on him by Section 46 of the Local Government (Scotland) Act, 1973, specifies rates of travelling, day and night subsistence allowances which may be paid to members of local authorities and other bodies within Part III of the Act, in performance of approved duties undertaken by them. Amendments to these conditions are conveyed to Local Authorities from time to time in the form of a Scottish Office Circular.

### **3. REVISIONS**

The Director of Finance will update Members with a summary of the revised current rates together with a 'ready reckoner' for the assistance of Members, within fourteen days of any revisions being received from the Scottish Office. Reference to the Scottish Office Circular" throughout the scheme indicates to Members that referral should be made to the summary statement issued by the Director of Finance. Members who wish a copy of the full circular, may obtain this from the appropriate Finance Department official - See Section 43 Paragraph 3.2.

### **4. OTHER STATUTORY INFLUENCES**

4.1 In terms of the Local Authorities etc. (Allowances) (Scotland) Regulations 1995 and sections 45 to 49A of the Local Government (Scotland) Act 1973 every local authority must keep a record of the payments made by it in accordance with any scheme made pursuant to the Regulations.

4.2 In terms of these Regulations, such a record must be published at be available at all reasonable times for government elector for the area of the least annually, and must inspection by any local authority.

## **SECTION 2- APPROVED DUTIES**

The following lists the approved duties for Members in relation to the payment of allowances and expenses:

### **1. COUNCIL MEETINGS**

Attendance at a meeting of the Council or any of its Committees or Sub-Committees or other meetings approved by the Council.

### **2. DUTIES IN CONNECTION WITH COUNCIL FUNCTIONS**

Undertaking a duty in connection with the Council's functions. Such duties shall have been approved in advance by the appropriate Committee of the Council. In the case of an emergency situation arising, approval shall be obtained from the Chief Executive in consultation with the Chair of the appropriate Committee and subsequently reported to the next meeting of that Committee.

### **3. CONFERENCES, SEMINARS, ETC**

Attendance as a representative of the Council at conferences, seminars and similar functions, such attendance having been approved by the appropriate Committee.

### **4. 4. NOMINEE TO OTHER BODIES**

Performance of a duty similar to those detailed in 1, 2 and 3 above, as a member of some other body to which he/she has been appointed as a nominee of the Council or Committee of the Council. The activities of such other body shall be for the purpose or in connection with the discharge of the functions of the Council. Such other bodies are as contained within the list approved for that purpose by the Council. where payment is made by the other body, then no additional claim should be made to the Council.

### **5. COUNCIL FUNCTIONS**

Attendance as a representative of the Council at any function of the Council to which a formal invitation has been extended by the Council or by a Committee of the Council.

**SECTION 2- APPROVED DUTIES****6. OTHER MEETINGS AND FUNCTIONS**

Attendance as an approved representative of the Council or Committee of the Council, at any meeting or function to which a formal invitation has been extended by a Council, Government Department or other relevant source in connection with the discharge of the functions of the Council.

**7. GROUP MEETINGS**

Attendance at or administration of Party Group and Party Group Executive meetings in connection with the functions of the Council and Committee meetings thereof.

**8. DUTIES UNDERTAKEN BY CHAIRS OR VICE CHAIRS**

The discharge by a Member of duties required to be undertaken in the capacity as Chair of such Committee or Sub-Committee of the Council. With regard to duties undertaken in relation to Sub-Committees of the Council, claims should not exceed that of one day per week.

**9. DUTIES UNDERTAKEN BY LEADER, DEPUTE LEADER, CONVENER OR VICE CONVENER**

The discharge by the Leader, Depute Leader, Convener, Vice-Convener, or other Member deputising at any time for the foregoing, of duties required to be undertaken by virtue of holding that office.

**10. MEMBERS' SURGERIES**

Attendance at Members' Surgeries provided that public intimation of the Surgeries are given and that claims shall not exceed that of 24 days in any one year except in special circumstances with the approval of the appropriate Committee.

**11. CONSTITUENCY DAYS**

Undertaking all work relative to a Councillor's constituency interests or to the interests of Committees or Sub-Committees of which he/she is a member.



### **SECTION 3 - TRAVEL AND SUBSISTENCE ALLOWANCES**

#### **1. RATE OF TRAVEL**

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##### **1.1 Class of Fare**

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The rate of travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare, and where more than one class of fare is available, the rate shall be determined by reference to second class fares. The exception to this is the case of travel by ship which shall be first class fares.

Option - Line 3- first class fares may be substituted.

##### **1.2 Supplementary Allowances**

Supplementary allowances, not exceeding expenditure actually incurred, are payable in respect of;-

- (i) travel on Pullman Car or similar supplements, reservations of seats and deposit or portorage of luggage; and
- (ii) on sleeping accommodation for an overnight journey. whenever overnight travel by train is undertaken, the subsistence allowance payable i.e. the standard rate - will be reduced by one-third.

#### **2. MOTOR/MOTORCYCLE MILEAGE**

The rates to be paid for travel shall be the maximum amount payable as per the Scottish Office Circular, in respect of a Member's own private motor vehicle, solo motor cycle, or a motor vehicle belonging to a member of his/her family, or otherwise provided for his/her use.

#### **3. PASSENGER SUPPLEMENT**

The rates specified within the Scottish Office Circular for car and motorcycle mileage will be increased:

- (i) in respect of the carriage of each passenger, not exceeding 4, to whom a travelling allowance would otherwise be payable under any enactment. The rate will be as determined within the Scottish Office Circular; and
- (ii) by the amount of any expenditure incurred on tolls, ferries pr parking

fees.

For the purpose of selecting the appropriate mileage rate, the cylinder capacity shall be that entered in the vehicle registration book or document under the Vehicles (Excise) Act 1971.

### SECTION 3 - TRAVEL AND SUBSISTENCE ALLOWANCES

#### 4. TRAVEL BY TAXI ETC

The rate for travel by taxi or private hire car shall not exceed:-

- (i) in the case of urgency or where no public transport is reasonably available, the amount of actual fare and any reasonable gratuity paid; and
- (ii) in any other case, the amount of the fare for travel by appropriate public transport.

#### 5. TRAVEL BY OTHER HIRED MOTOR VEHICLE

The rate for travel by a hired motor vehicle other than a taxi or private hire car shall not exceed the rate which would have been applicable had the vehicle belonged to the member who hired it. In exceptional circumstances, the actual cost of hire may be paid with the approval of the Chief Executive.

#### 6. TRAVEL BY AIR

6.1 The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport, together with an allowance equivalent to the amount of any saving to subsistence allowance consequent on travel by air.

6.2 where the saving in time is so substantial as to justify payment of the fare for travel by air, the Chief Executive may approve:-

- (i) the ordinary fare or any available cheap fare for travel by regular air service; or
- (ii) where no such service is available or in case of urgency, the fare actually paid by the Member.

**Option - Remove Paragraph 6.2 from the scheme**

#### 7. DAY SUBSISTENCE RATES

7.1 Day subsistence rates and qualifying periods will be set at the maximum levels determined by the Scottish Office Circular (i.e. four

hours away from place of residence).

**Option - Paragraph 7.1 - qualifying periods may be reduced**

### **SECTION 3 - TRAVEL AND SUBSISTENCE ALLOWANCES**

**7.2** The day subsistence rates specified by the Secretary of State shall be reduced by £4 in respect of any meal provided free of charge by an authority or body during the period to which the allowance relates. In the case of "snack meals" a reduction of £1.50 shall be made. These deductions will be made whether or not the meal provided is taken.

#### **8. NIGHT SUBSISTENCE**

Maximum rates will be paid as specified in the Scottish Office Circular and shall be deemed to cover a continuous period of absence of 24 hours.

#### **9. MEALS ON TRAINS**

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified in the Scottish Office Circular. In such circumstances, reimbursement for the cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

#### **10. MEETINGS/CONFERENCES OUTSIDE OF THE UNITED KINGDOM**

The rate for approved attendance in connection with meetings or conferences held outside of the United Kingdom is 2.5 times the London overnight rate as determined by the Secretary of State.

#### **11. TOWN/TWINNING**

**11.1** The rate for approved attendance on Town Twinning visits outside of the United Kingdom is £35 gross per day.

#### **12. TELEPHONE ACCOUNTS**

Payment of telephone accounts will be made for the following:-

- (i) The basic cost of a British Telecom line rental.
- (ii) 75% of calls up to a maximum of £52 per quarter.
- (iii) Reimbursement in full of telephone costs incurred on Council business

away from home.

## **SECTION 4- ADMINISTRATION AND OTHER ISSUES**

### **1. CLAIMS FOR EXPENSES**

- 1.1 A copy of sample documentation used for the preparation and payment of expenses is shown in Appendix A For payment to be made, the appropriate claim form must be produced for all claims in respect of travelling and subsistence.
- 1.2 The appropriate documentation will require to be signed by the Member and should be submitted to the Payments Manager within the Exchequer and Payments Section of the Finance Department at intervals of no less than one week and no more than four weeks.
- 1.3 Members are responsible for the completion of the claim form, ensuring that full explanation is given with regard to all amounts claimed and that appropriate distinction is made between taxable and non-taxable subsistence claims.

### **2. PAYMENT OF DEBTOR ACCOUNTS**

Members may arrange for the payment of any outstanding debtor accounts by offsetting such payments against expenses payments. Arrangements should be made with the Finance department. It should be noted that costs cannot be offset against future claims.

### **3. OTHER ISSUES**

#### **3.1 Returns**

Returns will be made by the Finance Department detailing collection of Income Tax and National Insurance payments. Returns (P35) showing Member name, allowances paid, tax and national insurance deductions for each year to 5 April, will be made to the Inland Revenue and Members issued with COP40 and P60 Certificates.

#### **3.2 Members' Information**

3.2.1 As a direct contact within the Finance Department for information and advice on any aspect of Members' expenses and allowances, Members are referred to the Payments Manager within the Exchequer and Payments Section.

3.2.2 The Finance Department will also supply information to Members as and when requested on various financial matters, (eg

previous income, applications for housing benefit, loans, DSS enquiries, etc).

## **SECTION 4 - ADMINISTRATION AND OTHER ISSUES**

### **3.3 Conferences**

- 3.3.1 Members may receive payment of entitlement to travel and subsistence allowances prior to attendance at an authorised conference on submission of an approved claim form. It is the duty of each Member upon return to notify the Finance Department of any amendment to the original claim. This should be done at the earliest opportunity by submitting a revised approved claim form in order that the appropriate adjustments can be made.
- 3.3.2 Conference fees will be paid by the Finance department on production of the necessary documentation, duly certified by the appropriate official.

### **3.4 Accommodation and Travel Arrangements**

- 3.4.1 Arrangement for accommodation may be made through the Chief Executive Department or Members may make their own arrangements with full reimbursement of subsistence at the agreed rates.
- 3.4.2 Where the Chief Executive arranges the accommodation or in the event of an all inclusive conference/accommodation fee, then the actual cost of accommodation will be deducted from the Member's subsistence allowance. If the cost of the accommodation exceeds this allowance then the actual cost will be paid by the Council.
- 3.4.3 Travel arrangements can be made through the Chief Executive's Department.

**LOCAL GOVERNMENT (SCOTLAND) ETC ACT 1994  
APPLICATION FOR TRAVELLING AND/OR SUBSISTENCE ALLOWANCES  
MADE BY COUNCILLOR**

1	2	3	4	5	6	7		8	9	10	11	
Date	Place & Time of Departure	Place & Time of Return	Description of Approved Duties	Mode & Class of Travel	Fares & Other Authority Payments	Private Vehicles	Miles	Rates	Tolls, Ferries, Parking & Garaging	Travelling Allowance Claimed	Non-taxable Subsistence Allowances Claimed	Taxable Subsistences Claimed
Particulars of amounts received or claimed by way of travelling or subsistence allowance from any other authority or body												
MAKE AND MODEL: .....REG NO: ..... ENGINE CC: ..... Total Amount Now Claimed										£		
<p>DECLARATION: I declare that:-</p> <p>A I have necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform approved duties as a member of East Ayrshire Council.</p> <p>B I have actually paid the fares and made the other payments shown in column 6 and paid the fees shown in column 8 above.</p> <p>C The amounts claimed are strictly in accordance with the rates determined by East Ayrshire Council.</p>												
I DECLARE that the statements above are correct. Except as shown above, I have not made, and will not make, any claim under any enactment for travelling or subsistence expenses or allowances in connection with the duties indicated above.				Date				Signature of Member				

**EAST AYRSHIRE COUNCIL****MEMBERS ALLOWANCES/EXPENSES - TAXATION****NOTES FOR GUIDANCE**

- **Allowances and Subsistence**

Payments to Members for basic and special responsibility allowances and day subsistence for attendance at the place where meetings are normally held, are subject to PAYE and National Insurance at the appropriate rates. Attendance at meetings outwith the normal place for these to be held, are not subject to Income Tax or National Insurance and claims should be detailed accordingly:-

- **Conference/Overnight Allowances**

Conference and overnight allowances are not taxable, except in the case of payments for attendance at meetings/conferences held outside of the United Kingdom

- **Place of Work**

It is accepted that Members have two places of work, and they should state where they consider to be their normal place for meetings to take place. If they undertake work at home, then any travelling allowances paid between their home and the Council Offices are not taxable

- **Car Mileage**

Provided that Members travel less than' -

8,500 miles in a car up to 999 cc

11,500 miles in a car between 1000 cc and 1199 cc

18,500 miles in a car more than 1199 cc

in the performance of their duties, there will be no taxable assessment of car mileage profit.

- **Telephones**

Reimbursement for telephone line rental charges are subject to income tax and national insurance. Call charges up to £4 per week (£52 per quarter) are not taxable, and do not require supporting itemised accounts of calls. Any amount in excess of this figure is subject to PAYE and National Insurance.

The above is a brief outline and any further information or assistance may be obtained from the Payments Manager, Exchequer and Payments Section, Finance Department.

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APPENDIX 2

TRAVEL AND SUBSISTENCE ALLOWANCES

CHANGES TO LEVEL OF ALLOWANCES - From 1 April 1995

	Revised Rate From 1/4/95	Previous Rate	Increase/ (Decrease)	Note
	Pence per mile	Pence per mile	Pence per mile	
Motor Mileage				
500-999cc	30.6	30.7	(0.1)	
1000-1199cc	34.3	35.0	(0.7)	
Over 1199cc	42.7	42.1	0.6	
Motor Cycle Mileage Over 500cc	14.5	0.0	14.5	New Rate
Day Subsistence				
Breakfast Allowance	4.14	3.98	0.16	
Lunch Allowance	5.70	5.48	0.22	
Tea Allowance	2.25	2.16	0.09	
Dinner Allowance	7.06	6.79	0.27	

# SCHEME OF MEMBERS'

# ALLOWANCES

**EAST AYRSHIRE COUNCIL  
SCHEME OF MEMBERS' ALLOWANCES**

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## SECTION 1 - INTRODUCTION

### 1. PURPOSE

The purpose of the Scheme is to advise Members of their responsibilities and entitlement to basic, special responsibility and discretionary attendance allowances payable in respect of the performance of their duties.

### 2. STATUTORY AUTHORITY

The provisions for Members' allowances are detailed in the Local Authorities Etc. (Allowances) (Scotland) Regulations, 1995 which came into force on 6 April 1995 for Members of Shadow and Island Authorities and all Local Authorities from 1 April, 1996.

### 3. REVISIONS

Any amendments to the allowances shall be notified to Members in a report submitted by the Director of Finance following receipt of notification of any such amendments.

### 4. OTHER STATUTORY INFLUENCES

**4.1** In terms of the Local Authorities etc. (Allowances) (Scotland) Regulations 1995 and sections 45 to 49A of the Local Government (Scotland) Act 1973 every local authority must keep a record of the payments made by it in accordance with any scheme made pursuant to the Regulations.

**4.2** In terms of these Regulations, such a record must be published at least annually, and must be available at all reasonable times for inspection by any local government elector for the area of the authority.

## SECTION 2- MEMBERS' ALLOWANCES

### 1. BASIC ALLOWANCES

#### 1.1 Standard Maximum

All payments for basic and discretionary attendance allowances must be met from the standard maximum specified by the Secretary of State i.e. the relevant amount for the authority multiplied by the number of councillors. This will cover the payment of basic allowances and discretionary attendance allowance of up to 25% of that maximum.

#### 1.2 Level of Payments

Payments are made at the maximum for the size of authority for Basic Allowances with no payment being made for discretionary attendance allowances.

### 2. SPECIAL RESPONSIBILITY ALLOWANCES

#### 2.1 Determination of Allowances

Allowances are paid on the basis of COSLA recommendations, made following discussions with the Scottish Office.

#### 2.2 Rates of Allowances

On the basis of the Leader allowance, the following are the percentages to be paid for special responsibilities:-

Depute Leader	75% of Leader allowance
Chairs	75% of Leader allowance
Vice Chairs	50% of Leader allowance
Chair of Decentralisation Committee	50% of Leader allowance
Chairs of Local Committees	20% of Leader allowance
Opposition Leader	40% of Leader allowance
Convener	75% of Leader allowance
Vice Convener	50% of Leader allowance

## SECTION 2- MEMBERS' ALLOWANCES

### 3. PAYMENTS

#### 3.1 Variations

Any Member who joins or leaves the authority part way through the financial year, or who takes up or relinquishes special responsibilities in the course of the year, should receive the appropriate proportion of the full year entitlement. If the scheme is amended in the course of the financial year, Members' entitlement for basic and any responsibility allowances, should also be the appropriate proportion of the full year entitlement for the periods before and after the amendment comes into effect.

#### 3.2 Notification of Change

A Member may by notice in writing given to the Director of Finance, elect to forego any part of his/her entitlement to an allowance under the scheme.

#### 3.3 Number of Payments

Members will receive only one Special Responsibility Allowance payment in any financial year

#### 3.4 Timing of Payments

Payments will be made by arrangement with the Director of Finance for both Basic and Special Responsibility Allowances.