

Report
Of the
Parish Remuneration Panel
On
Members' Allowances
For
Members
Of
Stratford-upon-Avon
Town Council
In
Stratford-On-Avon District

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Dr Declan Hall (Chairman)

November 2018

Review of Allowances for Stratford-upon-Avon Town Council

By the

Town and Parish Remuneration Panel

November 2018

Introduction

- 1 This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the Panel) for Parish and Town Councils within Stratford-on-Avon District Council to advise Stratford-upon-Avon Town Council on a Members' Allowances scheme. The Independent Remuneration Panel for Town and Parish Councils was convened by Stratford-on-Avon District Council as the "responsible authority" under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 2 As Stratford-upon-Avon Town Council wished to consider paying its' Members a Parish Basic Allowance it first had to seek advice from the Panel. The 2003 Regulations [paragraph 25. (1)] states that where a Parish or Town Council proposes to pay a PBA "it must have regard, in setting the level or levels of such allowances, to the recommendations which have been made in respect of it by a parish remuneration panel...".

The Regulatory Context

- 3 The payment of any allowances that are recommended by the responsible Panel for Parish & Town Councils are governed by:
 - I. 2003/No 1021 The Local Authorities (Members' Allowances) (England) Regulations 2003, Part 5 regulations 24-32
 - II. 2004/No 2596 The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003
 - III. New Council Constitutions; Guidance on Regulation for Local Authority Allowances (May 2006 version) paragraphs 91-104
- 4 The main provisions of these Regulations/statutory Guidance require the Panel to make recommendations in regards to:
 - A. A Parish Basic Allowance (PBA) *may* be paid that is either
 - the same for all members or

- paid to the Chairman only or
- paid the same to all Members but where the Chairman gets a higher PBA (in effect a Chairman's SRA)
- a recommended PBAs must be expressed in monetary terms and as a percentage of the Stratford-on-Avon District Council Basic Allowance
- A PBA can only be paid to elected Members of Council; those that have been co-opted (i.e., not elected) onto Council **cannot receive a PBA**

B. Travel and Subsistence Allowances **may** be paid

- All full Members of a Parish or Town Council (elected and co-opted) may be paid travel and subsistence allowances where such provisions are in place.

C. Parish and Town Councils **cannot** pay:

- A carers' allowance
- A Co-optees' Allowance
- A differential PBA to a chair of a committee - only the Chairman of a Town Council can be paid a higher PBA, if at all
- Nor can allowances be indexed
- Likewise, the Panel is not able to make any recommendations in regards to other expenses, such as telephone and ITC provision as they are outside the 2003 Regulations

D. Miscellaneous Provisions:

- None of the above affects the right of a Parish or Town Council to pay a chairman's civic allowance under the 1972 Act - which is paid to assist with the expenses of holding public office rather than recognising responsibility.

5 The 2003 Regulations (paragraph 28.1) specify that a PRP when producing a report reviewing allowances for members of parish and town councils will in relation to the members of the authorities in respect of which it was established, make recommendations as to:

- (a) the amount of parish basic allowance (PBA) payable to members of such authorities
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairman of any such authority or to all of its members;
- (d) whether, if parish basic allowance should be payable to both the chairman and the other members of any such authority, the allowance payable to the chairman should be set at a level higher

than that payable to the other members and, if so, the higher amount so payable; and

- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

- 6 Stratford-upon-Avon Town Council is not obliged to adopt the recommendations of the Panel but it must "have regard to" them if it wants to adopt a new allowances scheme.

The Parish/Town Remuneration Panel and its work

- 7 The PRP met on 18th October 2018 at Stratford-on-Avon District Council offices in Elizabeth House, Stratford. The Panel members consisted of:

- Nigel Boswell: A retired quantity surveyor with significant experience as a Magistrate within the County
- Jeremy Gould: A specialist public sector consultant and non-executive director of a NHS Foundation Trust
- Dr Declan Hall (Chairman): A former lecturer at the Institute of Local Government, University of Birmingham; currently an independent consultant specialising in members' allowances and support

- 8 The PRP was supported by Phil Grafton, Head of Legal & Democratic Services and Monitoring Officer and David Dalby, Democratic Services Manager, both of Stratford-on-Avon District Council. The Panel records its gratitude to Stratford-on-Avon District Council for hosting the Parish Remuneration Panel.

- 9 The PRP reviewed a range of written information during the review of Stratford-upon-Avon Town Council - see appendix 1 for full list. It also had the benefit of meeting with the Chairman of the Council, Councillor J. Bicknell and the Town Clerk, Sarah Summers, to discuss issues of concern.

The Parish Basic Allowance (PBA)

- 10 Currently Stratford-upon-Avon Town Council does not pay a PBA (or any other allowances) under the Regulations/Statutory Guidance. Consequently, the first task for the Panel was to consider the merits of recommending whether a PBA should be payable to all Stratford-upon-Avon Town Council Members.

- 11 The 2003 Statutory Guidance (paragraph 91) states that the PBA is "to recognise the time and effort" Parish and Town Councillors "put into their parish duties". Stratford-upon-Avon Town Council is a comparatively active

Town Council, with monthly meetings, at least 16 Planning Consultative Committee meetings per year accompanied by planning site visits when required and on average between four-five meetings of the Finance and Scrutiny, Mayoral and Protocol and General Purposes Committees per year.

- 12 Members also have a role profile that sets out their duties and Stratford-upon-Avon Town Council is the only Town or Parish Council in Warwickshire to have achieved Quality status which recognises the standard of its work.
- 13 Moreover, at a Town Council meeting on 3 October 2017 a former Mayor advised that in his opinion "the lack of a Members' Allowance for Town Council members could be detrimental in attracting a cross section of candidates to stand for Council."¹ However, this view is to be tested in light of the recruitment drive by Stratford-on-Avon District Council to attract more district and town Councillors.
- 14 Nonetheless, the case for a PBA is strong on its own merits. The issue for the Panel was what level to set it at. Benchmarking provides a limited guide as the table below shows, namely that the range of a PBA payable in a selection of larger town councils looked at varies greatly.

Allowances paid in selected large Town Councils				
Town Council	PBA	Chairman's PBA	Travel	Subsistence
Aylesbury	£1,023	No	Yes - out of Council area only	Yes - out of Council area only
Bridlington	NA	NA	Yes - out of Council area only	Yes - out of Council area only
Dorchester	£978	No	Yes - including within Council area	Yes - including within Council area
Lewes	£331	No	Yes	Yes
Royal Leamington Spa	£582	No	Yes - including within Council area	Yes - including within Council area
Newport Pagnell	£728	No	No	No
Salisbury	£750	No	No	No
Tavistock	£552	No	Yes - including within Council area	Yes - including within Council area
Thame	£320	No	No	No
Totnes	£326	£652	Yes - out of Council area only	Yes - out of Council area only
Mean	£621			
Median	£582			

¹ Stratford Town Council meeting, Town Clerk's Open Report, 28 November 2017

- 15 Nonetheless, the Panel feels that the recommended PBA should be in the vicinity of the median PBA which is that paid in Royal Leamington Spa, with a PBA of £582.
- 16 The 2003 Regulations (paragraph 29.(10) specify that
- A parish remuneration panel shall express its recommendation as to the level of parish basic allowance, in respect of a parish or parishes, as a percentage of the sum that an independent remuneration panel has recommended as the level of basic allowance for the establishing authority which is the responsible authority for that parish or parishes.
- 17 In other words, the Panel has to express any recommended PBA not simply as a figure but as a percentage of the Basic Allowance recommended for Stratford-on-Avon District Council - in this case the recommended Basic Allowance (£5,254) in the October 2018 Review of Allowances that was undertaken concurrent with this review. **The recommended PBA for Stratford-upon-Avon Town Council is 10% (rounded down to the nearest £10) of the recommended Basic Allowance (£5,254 – 2018/19) for Stratford-on-Avon District Council, which equates to £520 per year.**
- 18 Expressed another way this is the equivalent of £10 per week. It is recognised that the recommended PBA does not fully recognise the time and effort put in by Town Councillors nor was there any representation to suggest it should do so. In effect it was set at a level that sought to compensate Stratford-upon-Avon Town Council Councillors for out of pocket expenses for which they are not otherwise able to claim reimbursement. The element of the PBA to recognise time and effort is no more than that; recognition or an honorarium.

A Chairman's PBA

- 19 There was no representation received proposing that a differential Chairman's PBA should be payable. Indeed, benchmarking shows that it is rare for such an allowance to be paid.
- 20 **The Panel does not recommend that a Chairman's PBA be paid.**

Travel and Subsistence Allowances

- 21 Currently Stratford-upon-Avon Town Council does not have a travel and subsistence scheme in place under the 2003 Regulations. The number of occasions it would be necessary for a Member to claim travel or subsistence is limited as most Members don't have far to travel to attend meetings within the council area and in the main meetings are short enough for Members to be home in good time to eat.

22 Nonetheless, in the representation received the point was made that the Council would like to have the option to formally pay travel and subsistence allowances under the 2013 Regulations for attending approved duties that occur outside the town boundaries. As such, **the Panel recommends that a formal travel and subsistence scheme is adopted for Stratford-upon-Avon Town Council for attending approved duties outside the town boundaries. The Panel has been guided by the scheme in place at Stratford-upon-Avon District Council and recommends a scheme as set out below**

Mileage	
All cars and vans	45p per mile (first 10,000 miles) 25p per mile (over 10,000 miles)
Additional mileage rate for carrying up to 4 other passengers	5p per mile per passenger
Motorbikes	24p per mile
Cycles	20p per mile
Public transport	Reimbursement of public transport fares 2nd class or economy only
Taxis, when strictly necessary as sanctioned by the Town Clerk	Actual fare and reasonable gratuity
Parking	Actual cost
Fuel, if using civic car	Actual cost
Subsistence *	
Breakfast before 11:00am (can be claimed for an overnight stay if breakfast is not included in the hotel package or if work commences before 6:00am)	£ 5.00
Lunch between noon and 2:00pm	£ 7.50
Tea (between 3:00pm and 6:00pm)	£ 3.50
Overnight absence (UK)	
Hotel bill	Hotel accommodation should be booked in advance at the best rate

<p>Conference allowance to cover out of pocket expenses (per 24 hours)</p> <p>*The subsistence rates quoted are for periods of four hours or more away from home and cannot be claimed where a meal has been provided free of charge by another authority or body.</p>	<p>£ 5.00</p>
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- 23 **The Panel further recommends that the approved duties and terms and conditions for claiming travel and subsistence allowances should be as follows**

Councillors' Travel & Subsistence – Policy and Procedure

The Town Council will reimburse Councillors for reasonable expenses wholly, necessarily and exclusively incurred in connection with its business **for attending approved duties outside the town boundary only**. The members of Stratford-upon-Avon Town Council should not be either financially disadvantaged or advantaged because of genuine Town Council expenses.

The following items are examples of allowable expenses for which travel and subsistence may be claimed. In all cases the expenses claimed must be substantiated by an account of the expense, and a valid receipt, when applicable:

- i. Attending meetings of outside bodies to which a Councillor has been appointed on behalf of the Town Council;
- ii. Carrying out any duty approved by the Council in the discharge of its functions;
- iii. Carrying out any duty on behalf of the Council in the discharge of any statutory function such as the inspection of premises;
- iv. Attending conferences;
- v. Attending training courses;
- vi. Attending meetings at Warwickshire County Council on Town Council related business;
- vii. Representing the Town Council at other events/meetings outside the parish boundary.

Breach of this policy is a serious offence. Deliberate falsification of a claim may result in a Code of Conduct enquiry. 'Falsification' includes the failure to pass on any discount obtained in the course of incurring an expense.

Members will be reimbursed for:

Mileage Rates

- All cars and vans;
- Additional mileage rate for carrying up to 4 other passengers;
- Motorbikes;
- Cycles;
- Public transport;
- Taxis, when strictly necessary as sanctioned by the Town Clerk;
- Parking;
- Fuel, if using civic car.

Subsistence Rates *

- Breakfast before 11:00am
(can be claimed for an overnight stay if breakfast is not included in the hotel package or if work commences before 6:00am);
- Lunch between noon and 2:00pm;
- Tea (between 3:00pm and 6:00pm).
- **Overnight absence (UK)**
- Hotel bill;
- Conference allowance to cover out of pocket expenses (per 24 hours).

*The subsistence rates quoted are for periods of four hours or more away from home and cannot be claimed where a meal has been provided free of charge by another authority or body.

Procedures for making an Expense Claim and Reimbursement

- Expenses claim forms are available from the Stratford-upon-Avon Town Council Finance & Facilities Officer (FFO). The Councillor should ensure that all receipts, invoices, or bills (originals only) are attached to the form which should also show the items numbered according to date to enable ease of identification.
- The Councillor must sign the form and submit to the FFO on a monthly basis.
- Expense claims will normally be paid in the following month's payment run, unless circumstances otherwise dictate.

A Dependants' Carers' Allowance (DCA)

24 The possibility of paying a Dependants' Carers' Allowance (DCA) was raised with the Panel. However, there is no express provision in the 2003

Regulations for Parish and Town Councils to pay such an allowance, therefore **the Panel cannot make a positive recommendation in this regard**. The Panel points out however that if it did adopt the recommended PBA it could be used as a contribution to the care of a Members' dependants.

Indexation of Allowances

- 25 Similarly the 2003 and 2004 Regulations as applicable to parish and town councils make no express provision for the indexation of allowances. **The Panel is unable to make a recommendation in this respect**. However, Stratford-upon-Avon Town Council could choose to undertake a mini-review periodically to agree a revision to the allowances with the aim of achieving index-linked increases.

Implementation

- 26 **The Panel recommends that the proposals contained in this report are implemented from the date that Stratford-upon-Avon Town Council considers this report and agrees its new scheme of allowances, or any time thereafter as agreed by Council over the next four years.**²

Publicity

- 27 The Panel draws the attention of Stratford-upon-Avon Town Council to paragraph 22 of the Local Authorities (Members' Allowances) (England) Regulations 2003 that set out clear requirements for giving publicity to allowances and the reports of parish remuneration panels. The Panel has asked the Stratford-on-Avon District Council Monitoring Officer to remind Stratford-upon-Avon Town Council of these requirements.

² Stratford District Council will be holding a major review in the Autumn of 2019 so if Stratford-upon-Avon Town Council hold off adopting a PBA until then or any subsequent year until end of the municipal year 2022/23 then the Panel still recommends that the PBA should be 10% of the Stratford District Council that is payable at the time.

Appendix One - Written information considered by the Panel

1. PRPs' terms of reference
2. New Council Constitutions: Guidance on Regulation for Local Authority Allowances, May 2003 (reissued May 2006 - Department of Communities and Local Government)
3. Consolidated statutory guidance on Members' Allowances, re-issued by Department for Communities and Local Government, May 2006
4. The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 2003/1021)
5. The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004 (SI 2004/2596)
6. Stratford-upon-Avon Town Council meeting, Town Clerk's Open Report, 28 November 2017
7. Role Definition for Stratford-upon-Avon Town Council Councillors
8. Stratford-upon-Avon Town Council meetings calendar 2018/19
9. Time analysis for Stratford-upon-Avon Town Council and Committee meetings since May 2017
10. Stratford-upon-Avon Town Council, Annual Report 2017/18