

A Review

of

Allowances

**for Parish and Town Councils
within Stroud District Council**

Including

**Travelling and Subsistence
Allowances**

A Report by the

**Parish
Remuneration
Panel**

March 2005

Foreword

The Independent Parish Remuneration Panel has produced this report for Stroud District Council on allowances for Parish and Town Councillors within Stroud District Council area.

The Panel was originally established in spring 2002 to make recommendations to Stroud District Council on the range and levels of remuneration for the Authority's Members. It was done as part of the wider modernisation agenda that was being undertaken by all local authorities in England after the implementation of the Local Government Act 2000. In particular, Stroud District Council, as all other principal Councils was required to implement new structures and new roles for Members. A further report was produced in April 2003 to make recommendations on allowances in light of experience of the new roles and structures.

Subsequently, Stroud District Council was required (as were all local authorities) under the new *Local Authorities (Members' Allowance) (England) Regulations 2003*¹ and subsequent amendments to reconvene its Panel to make recommendations on certain associated allowances, including travel and subsistence, for Councillors (see third report – November 2003, for details) before 31 December 2003. At that time the Panel produced a set of generic recommendations for Parish and Town Councils within the district of Stroud.

However, Stroud District Council reconvened its Panel in February 2005 to consider *inter alia* the implications of the Licensing Act 2003 upon the workload carried by those Members responsible for hearing licensing appeals. A report was duly produced in February 2005. While Stroud District Council convened its Allowances Panel, a number of Parish and Town Councils within Stroud District asked the Panel for further clarification and recommendations regarding allowances for first tier councils in light of some specific evidence that was presented to the Panel. Thus, the Panel has been asked to make recommendations in regard to how Parish and Town Councils may exercise their right of local discretion in relation to paying the Parish Basic Allowance and travelling and subsistence allowances. This report contains the Panel's recommendations on these issues. Some Parishes have confirmed that they wished to receive a report from the Panel on this subject.

It has not been the Panel's function to consider the performance of Parish and Town Councillors and Councils within Stroud District Council's area either individually or collectively. Its job has been to assess the applicability of certain allowances and how they might be delivered, if applicable.

Dr Declan Hall
Chair of the Parish Remuneration Panel
15 March 2005

¹ See Statutory Instruments 2003 Nos. 1021 and 1692 for further details.

**Parish Remuneration Panel:
Review of Parish and Town Council Allowances
For
Parish and Town Councils
Within
Stroud District Council**

Introduction: The Regulatory Context

1. The following is a synopsis of the proceedings and recommendations made by the Independent Parish Remuneration Panel appointed by Stroud District Council to consider recommendations for a Parish and Town Council Allowances scheme. In particular, to advise the Parish and Town Councils within the boundaries of Stroud District Council on how they might exercise their right of local discretion in the payment of a Parish Basic Allowance and their travel and subsistence allowances schemes.
2. The Panel was convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) and subsequent amendments, to the regulations (SI 2003/1692). These regulations apply to Parish and Town Councils and require such Councils to seek and pay regard to advice from their Independent Allowances Panel, namely the Panel appointed by Stroud District Council before they consider making changes to their allowances scheme.
3. The allowances that apply to Parish and Town Councils under the 2003 Regulations are as follows:
 - The appropriateness of a Parish Basic Allowance (PBA) and whether this should apply to just the Chairman or all Parish or Town Councillors, and at what levels they should be paid.
 - Travelling and Subsistence Allowances for Parish and Town Councillors
 - Provision for suspension of allowances under certain circumstances
 - Suitability of an index for allowances and what that index may be
4. No Parish or Town Council within the Stroud District Council area have requested a review regarding the appropriateness of a Parish Basic Allowance, as they have the right to do. However, the Independent Allowances Panel has taken the opportunity to make the recommendations on the range and levels of the allowances that are available to Parish and Town Councillors so they have a set of recommendations if their future situation alters and it is also a cost-effective means of providing the Town and Parish Councils with further clarification and guidance.

The Panel

5. Stroud District Council reconvened the members of its Independent Remuneration Panel; who by Regulation 27(2) of the local Authorities (Members' Allowances) (England) Regulations 2003 also form the Parish Remuneration Panel - namely:
- Jill Brearley, Human Resource Manager at ABB and Chair of Gloucestershire IPP Assessment Panel,
 - Dr. Declan L. G. Hall, (Institute of Local Government, School of Public Policy, The University of Birmingham), an academic specialising in the field of Members' allowances.
 - John Parker, Chief Executive of the Stroud and Swindon Building Society, Deputy Chair of the Building Society Association and local Council Taxpayer.
6. The Panel was supported and serviced throughout by Jenni Gardner, Democratic Services, Stroud District Council. Jenni carried the prime responsibility of organising the Panel and ensuring the work of the Panel was adequately supported and conducted in an efficient and effective fashion by facilitating its requests for information, liaising with interested Parish and Town Councils and ensuring that the whole process operated smoothly. The Chair of the Panel accepts all responsibility for the operation of the Panel.

Terms of Reference

7. The Panel's specific terms of reference were to make recommendations for Parish and Town Councils in Stroud:
- On their right to pay an allowance under the 2003 Regulations that will recompense the cost of reimbursed expenses incurred by Parish and Town Councillors in carrying out their duties as elected Members.
 - In regard to the right of Parish and Town Councils to pay Travel and Subsistence Allowances, and to provide clarification, guidelines and general policy on the terms and conditions under which these allowances may be claimed.

The Current Practice and the Regulatory Context

8. The Panel asked for confirmation of the current practice regarding the payment of allowances that applies to Parish and Town Councils within Stroud. The Panel also invited all Parish and Town Councils in Stroud to submit their views on allowances to the Panel. The information that was obtained is presented below.

Current Practice Paying Allowances: Town & Parish Councils 2004/05

	Pay PBA	T&S Allowances Paid	Chairman's Allowance
Cam PC	No	Outside PC only – NALC rates	£200 per annum
Coaley PC	No	Outside PC only – No Information	£75 per annum
Dursley TC	No	Outside TC only – NALC rates	No
Painswick PC	No	Outside PC only – No Information	£100 per annum

Stroud TC	No	Inside & Outside TC - < NALC rates ²	£2000 per annum
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The Parish Basic Allowance (PBA) and the Chairman’s Basic Allowance (CBA)

9. As can be seen from the above table no Parish or Town Council that submitted written evidence to the Panel currently pay a Parish Basic Allowance (PBA) despite their right to do since 2004 under the 2003 Regulations. This is a common pattern across Parish and Town Councils in England; many have not elected to pay a Parish Basic Allowance, although it is not unknown, particularly in some of the larger and more active Parish and Town Councils, such as those that have sought Quality status.

10. Further, the Panel noted the statutory guidance on allowances for Members of Parish and Town Councils, which states:

Parish councils may choose to pay their members an allowance, known as ‘parish basic allowance’, to recognise the time and effort they put into their parish duties. There is no obligation on parish councils to pay such allowances. Each parish council may make an allowance to its chair only, or to each of its members. Where all members receive an allowance, the amount payable to the chair may be different to that paid to other members, but otherwise the amount paid to each member must be the same. Parish basic allowance is a discretionary allowance.³

11. Thus, the Panel noted that if it recommends a PBA it must be paid as an equal sum for each Member, similar to the practice in principal councils. It can also recommend a ‘Chairman’s Parish Basic Allowance’ (CPBA) – this allowance can be paid to the Chairman only, or if all Members of the Council are in receipt of a PBA, the CPBA can be paid at a differential rate.⁴ This is the sole post on Parish and Town Councils that can be paid a differential allowance; in effect, a SRA by another name. Based on the information that the Panel received no Parish or Town Council in Stroud pay a Chairman’s Parish Basic Allowance. However, they do pay a Chairman’s Allowance – see below.

The Chairman’s Allowance – 1972 Local Government Act, Section 15(5)

12. It is noted that four of the five Parish and Town Councils that submitted information to the Panel paid a Chairman’s Allowance that ranges from £75 per annum in Coaley PC to £2,000 per annum in Stroud Town Council, which is being decreased to £1,500 in 2005/06. This allowance is paid under *Section 15(5) Local Government Act 1972* and is designed to assist Chairs of Parish and Town Councils to meet the expenses associated with the Office. **This Allowance is not within the remit of this Panel and the relevant section of the Local Government Act 1972 is still in force.** This Allowance can be paid at whatever levels a Parish or Town Council wishes without reference to the

² It should be further noted that Stroud Town Council only pays subsistence allowances for Members attending approved duties outside of the Parish.

³ *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, ODPM/Inland Revenue, London, July 2003, paragraph 91.

⁴ *Local Authorities (Members’ Allowances) (England) Regulations 2003* (SI 1021), paragraphs 25. (1)-(2) and 28. (1).

Panel. The Panel further notes that this allowance is completely separate from the Chairman's Parish Basic Allowance in purpose and in custom.

Travel and Subsistence Allowances

13. All the Parish and Town Councils that submitted information pay a Travel and Subsistence Allowance to meet cost of attending meetings outside of their respective Council area. This practice was always permissible prior to the application of the 2003 Regulations. It is common for Parish and Town Councils to pay such an allowance, to pay out of pocket expenses to pay for attendance at seminars, conferences, and so on. Stroud Town Council is the only council that pays for travel and subsistence within the council area. This less usual even under the 2003 Regulations as many Parish and Town Councillors do not have significant travel and subsistence costs associated with attending meetings within their council area.
14. There was limited information on the rates that the Parish and Town Councils for travel and subsistence allowances. Historically the NALC recommended each year the appropriate rates and conditions, which substantially followed the same rates and conditions that were issued by the Secretary of State for Members of County and District Councils. However, as all Councils now have local discretion over their travel and subsistence allowances and the conditions that apply this advice is no longer issued, the practice ceased in 2003. Thus those councils that still reimburse travel and subsistence at NALC rates are paying at a lower rate than Members of Stroud District than claim.
15. However, the Panel does not that know if all Parish and Town Councils pay the same rates that apply to Stroud District Council, e.g., Stroud Town Council pays a flat 37 pence per mile for Members who use their own private motor vehicle when attending approved duties. Even under the previous allowances regime, they were able to pay up 48 pence per mile for vehicles exceeding 1199cc if they so wished.⁵

The Recommendations of the Panel

Parish Basic Allowance (PBA) – The Evidence Considered

16. The Panel noted that in its review of November 2003 (paragraph 44) it produced a set of recommendations for Parish and Town Councils in Stroud vis-à-vis the Parish Basic Allowance. It recommended a two-tier PBA which

.... will be for particular parish and town councils to decide upon. Parish and Town Councils that feel they have extensive Member involvement and, for instance, have achieved quality status should be able to pay a parish basic allowance of £500 per annum. Those Parish and Town Councils that feel they

⁵ It must be pointed out that Stroud Town Council, which has opted to pay 37 pence per mile flat rate, is the lowest mileage claim rate that applies to Stroud District Council. Members (and Officers where applicable) receive this casual user rate for use of private motor vehicle for attending approved duties where their automobile cylinder capacity is under 999cc. In effect, Stroud Town Council are following practice in Stroud District Council at the lowest mileage rate payable for use of motor vehicles.

have a lesser Member involvement should pay a parish basic allowance of £250 per annum.

17. The Panel noted that no Parish or Town Council in Stroud had taken advantage of its previous recommendations and was in fact being asked for further clarification and guidance. However, the Panel first reviewed the submissions received from the Parish and Town Councils, which are set out below.

Cam Parish Council

18. Cam Parish Council is not seeking to pay allowances that should be perceived as “remuneration” *per se*, rather is seeking to pay an allowance “as a means to ensure that no individual is excluded from being able to serve his/her community because of financial considerations.”⁶ As such, Cam Parish Council would like to be able to pay a nominal Allowance to cover the costs incurred by Members, such as stationery, telephone calls, IT peripherals and travel. Cam Parish Council would also wish to pay differing rates to Members to “meet different circumstances.”

Coaley Parish Council

19. Coaley Parish Council is not seeking to introduce a Parish or Chairman’s Parish Basic Allowance at this stage and has not asked the to Panel to consider such an allowance for its Members.

Dursley Town Council

20. Dursley Town Council is not seeking to introduce a Parish or Chairman’s Parish Basic Allowance at this stage and has not asked the to Panel to consider such an allowance for its Members.

Painswick Parish Council

21. Painswick Parish Council is interested in seeking the views of the Panel on the setting of allowances. In particular, it wishes to consider allowances for the following:

- Chairman of Parish Council: £300 (currently £100)
- Chairman of Planning Committee: £200
- Other Members of Parish Council: £100

Stroud Town Council

22. Stroud Town Council is not seeking to introduce a Parish or Chairman’s Parish Basic Allowance at this stage and has not asked the to Panel to consider such an allowance for its Members.

⁶ Letter to Jenni Gardner, Democratic Services Manager, Stroud District Council, from Sue Hanman, Parish Clerk, Cam Parish Council, 9 February 2005.

Setting a Parish Basic Allowance

23. The Panel does not take a contrary view to the one it expressed in November 2003 regarding allowances for Parish and Town Councillors; namely their Councils should be able to make the relevant allowances available if a particular Council decides it appropriate. The Panel takes this view on the ground that to do otherwise it could maintain barriers to public service on Parish and Town Councils. Thus, the guiding principles of the Panel in setting out a level of allowances are the following:
- Members should not be out of pocket by elected service
 - Members are entitled to be recompensed for time and effort as long as that recompense is proportionate with time required and responsibility held
24. **Consequently, the Panel supports the payment of a Parish Basic Allowance where a Parish or Town Council seeks to introduce it and it meets one of the principals set out by the Panel above.**
25. **The Panel recommends a three tier Parish Basic Allowance based on the following bands, criteria and maximum levels:**
- **Band A - The Reimbursement of Expenses PBA**
 - Up to £100 per annum, or approximately 2.5% of recommended Stroud Basic Allowance (£3,957 + application of index) for 2005/06.⁷
 - **Band B – The Lesser PBA**
 - Up to £250 per annum, or approximately 6.3% of recommended Stroud Basic Allowance (£3,957 + application of index) for 2005/06.
 - **Band C – The Greater PBA**
 - Up to £500 per annum, or approximately 12.6% of recommended Stroud Basic Allowance (£3,957 + application of index) for 2005/06.
26. The Panel suggests that payment of a PBA up Band A should be adopted for those Parish and Town Councils that seek to reimburse their Members for out of pocket expenses only, such as postage, stationery, IT peripherals and telephone calls. From the Panel’s point of view, the maximum sum recommended for Band A is nominal, and therefore is designed to meet out of pocket expenses rather than recognise time and commitment on the part of Members. The Panel **cannot accommodate the request of Cam PC and recommend a differential PBA** to meet such expenses of ordinary Members, it must be paid equally to all Members (bar the Chairman) or not at all.

⁷ The 2003 Regulations require that Panels express its recommended PBA as a monetary sum and “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.” (Part 4, Section 2). In this case, the Panel has reaffirmed the 2004/05 Basic Allowance (£3,957) payable + indexation for Stroud District Council in a parallel review of allowances for 2005/06.

27. Bands Two and Three are replications of the Panel's recommendations in November 2003. The Panel took the view that the payment of a PBA up to the maximum set out in these Bands would only be appropriate for Members of Parish and Town Councils whereby it was deemed they were putting in a time and effort that was such it went beyond the level normally associated with a hobby or interest. **However, as per previous recommendations, the Panel feels it is not in a situation to judge which particular recommended PBA band would apply to an individual Parish or Town Council. The Panel feels that if a Parish or Town Council is minded to avail itself of the Panel's recommendations on the PBA it is a judgement each of the Parish and Town Councils must make on the particular band that applies to them.** However, to assist the Parish and Town Councils the Panel suggests a number of criteria they may wish to consider:

- **Population Size**, e.g., less than 5,000 (Band A), over 5,000 and up to 10,000 (Band B) and over 10,000 (Band C).
- **Quality Status**, not attained (Band A), attained (Band B or C),
- **Annual Precept Levied (2005/06)**, less than £50,000 (Band A), over £50,000 but less than £100,000 (Band B), and over £100,000 (Band C)
- **Number of Council/Committee Meeting per annum**: less than 50 (Band A), over 50 but less than 100 (Band B), over a 100 full Council and Committee meetings per annum (Band C).
- **Payment of Travel and Subsistence Allowances**: where paid for attendance within and outside authority (Band A), where paid for attending meetings outside of authority only (Band B), not paid at all, (Band C).

28. **The also Panel makes the following points of information:**

- The PBA is a discretionary allowance and therefore no Parish or Town Council is obligated to pay it.
- If a Parish or Town Council is minded to pay a PBA it must be paid equally to all Members (with exception of the Chairman where decided).
- The levels recommended above are the maximum amounts that the Panel is comfortable with. Each Council is free to pay less if they feel it suits their circumstances.
- The criteria for differentiating between the three recommended bands are for illustrative purposes only. It is up to each Parish and Town Council to decide where to pitch their own PBA if they decide it is appropriate and on what criteria they decide is important.⁸
- The Panel has attempted to provide clarification and guidance for the Parish and Town Councils rather than authoritative recommendations – that could only come after an individual Parish or Town Council commissioned a review specific to that Council.⁹

⁸ The Panel suggests that if a Parish or Town Council were minded to pay a PBA then it should make public the reasons why it has done so and on what grounds it pitched the PBA at the level it settled upon. This is supplementary to the mandatory publicly requirements – see below.

⁹ Each Parish or Town Council, or group of Councils, has the right to convene the Panel to make recommendations to that Council[s]. Undoubtedly, in such a scenario, the Panel would seek and receive a greater range and depth of evidence and could make more confident and tailored recommendations accordingly. However, it would be for the Parish or Town Councils to fund this review, the trade off in

The Chairman's Parish Basic Allowance

29. The Regulations provide for the payment of Parish Basic Allowance to the Chairman only or for a differential payment for the Chairman. The Panel received no representations that such an allowance was appropriate for Parish And Town Councils in Stroud but the Panel has made the following recommendations primarily for enabling purposes. In other words, if Parish And Town Councils wish to pay such an allowance over the next four years,¹⁰ as long as they pay regard to the recommendations of this Panel, then they will have complied with the regulatory framework and do not have to seek a further review.
30. The Panel could see no reason why a Parish or Town Council should not avail itself of the option to elect to pay a Chairman's PBA where a Council felt it was merited. The reasons to pay a Chairman's PBA could include:
- The Chairman has time commitment significantly beyond that of other Members.
 - The Chairman carries a level of responsibility significantly beyond that of other Members.
 - The Chairman does not receive a Chairman's Allowance under the 1972 Local Government Act to assist in meeting the expenses of Office.

Chairman's PBA Only

31. **Where a Parish or Town Council elects to pay a Parish Basic Allowance for the Chairman only, the sum should be based on the recommended Bands A-C for the PBA. In other words, up to £100, £250 or £500 per annum. It is for each Parish And Town Councils to decide what level is appropriate.**
32. For example, Parish and Town Councils that feel they have extensive leadership and involvement by their Chairman and have achieved quality status might elect to pay a Chairman's Parish Basic Allowance of £500 per annum. Those Parish and Town Councils that feel they have a lesser involvement by their Chairman might decide to pay a Chairman's Parish Basic Allowance of £250 per annum.
33. Those Parish And Town Councils that do not pay their Chairman a Chairman's Allowance under the 1972 Local Government Act and have no wish to do so might want to pay a Chairman's PBA at Band A, up to £100 per annum to help assist defray the expenses of the cost of Office. Alternatively, where travel and subsistence allowances are not paid to a Chairman then this allowance could be utilised as an administratively cost-efficient means of reimbursing such costs.

having a more 'generic' set of recommendations is in having Stroud District Council meet the marginal extra cost of asking its Panel to consider allowances for the first tier authorities while it is meeting in any case to consider a number of specific issues for itself.

¹⁰ The Panel further suggests that the recommendations of this report have a shelf life of 4 years, as per recommendations for principal councils.

A Differential Chairman's PBA

34. If a Parish or Town Council wants to pay a differential Parish Basic Allowance for their Chairman from that of their ordinary Members then they should pay **up to** double the Parish Basic Allowance that is payable for that financial year. **In other words, those Town and Parish Councils that decide to pay a Parish Basic Allowance of £250 for ordinary Members may elect to pay a Chairman's Parish Basic Allowance up to £500. Where a Town and Parish Councils decide to pay a Parish Basic Allowance of £500 for ordinary Members they may elect to pay a Chairman's Parish Basic Allowance up to £1,000.**
35. The Panel further points out the following to assist Parish and Town Councils considering the Panels' recommendations:
- It is up to individual Parish And Town Councils to decide whether they wish to pay a differential PBA for their Chairman and what criteria they use in reaching such a decision, but they may wish to consider the following, but by no means exhaustive, suggestions and guidelines –
 - The Panel would only expect a higher Chairman's PBA to be paid where there was a clear and demonstrable case to do so, such as a high public profile and chairing of multiple and active sub-committees of the Council.
 - Where the Chairman's PBA is paid alongside the PBA the Panel would not expect the former to be more than double the latter; although it does not necessarily think a 2:1 ratio is always appropriate, it is seen as a maximum rather than minimum. In other words, a Chairman's PBA could be only marginally above the PBA, if at all.
 - Where the PBA is operative but travel and subsistence allowances are not and the Chairman is expected to represent the Council on outside bodies then a higher Chairman's PBA may be appropriate to help defray some of the costs associated with the post.
 - **The Panel further points out, that no other post in a Parish or Town Council is able to receive an exclusive or differential PBA.**

Chairman's Allowance – Section 15(5) Local Government Act 1972

36. It is worth noting that section 15(5) of the *Local Government Act 1972* has not been repealed by the new regulations. It can still be used to make a payment to meet the costs associated with the position of Chairman. This means that this option can be used rather than applying to the Parish Remuneration Panel for guidance on a Parish Basic Allowance for the Chairman.

Travel and Subsistence Allowances

37. It is in the area of travel, and to a lesser extent, subsistence allowances that the Parish And Town Councils, which submitted written evidence to the Panel,

have requested specific clarification and guidance on appropriate rates and conditions in the payment and application of these allowances.

38. **The Panel feels that Parish and Town Councils within the boundaries of Stroud District Council should continue to pay travel and subsistence allowances for their Councillors where it is deemed appropriate.** For instance, when there is no PBA in place or there are clear travel and subsistence costs associated with being an elected Member of a particular Council.
39. **The Panel further recommends that Parish and Town Councils in the payment of Travel and Subsistence Allowances substantially follow the practice and levels of reimbursement that are paid to Members in Stroud District Council.** These are set out later in the report in Appendix A. The Panel could see no reason to differential between Members of different Councils, all Members, respective of which type of Council they are elected to, incur travel and subsistence expenses that are similar in terms of unit cost, if not absolute cost.
40. For ease of reference the relevant section of the main 2003 Regulations (SI No 1021) are set out as Appendix B.

Duties for which Travel and Subsistence Allowances May Paid

41. The 2003 Regulations, 26(1) (a to e) sets out the possible categories of duties which a Parish and Town Council can decide to include as eligible for Parish travelling and subsistence allowance. These are:

“...the performance of any duty within one or more of the following categories:

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at a meeting of any association of authorities of which the authority is a member;
- (c) the performance of any duty in pursuance of any standing order made under S135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (d) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
- (e) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.”

42. **The Panel decided not to make recommendations as to which categories should be eligible for the payment of travelling and subsistence**

allowances. It decided that this was a matter for each Parish and Town Council to consider, having regard to its own circumstances. The Parish should approve a list of eligible approved duties that are within the categories listed in Regulation 26 (1) (a to e). That list may cover only some of the types of duties, or particular meetings rather than all meetings, if the Parish so wishes.

Travel and Subsistence Allowances: Within and Outside the Council Area

43. The Panel is aware that under the old system the practice was to only pay travelling and subsistence allowances when the approved duty was undertaken outside the Parish or Town Council's own administrative area. The 2003 Regulations allow payments when the duty is undertaken in the Parish or Town Council's area, which is the current practice for travel allowances in Stroud Town Council. **Whether a Parish And Town Councils makes available a travel or subsistence allowance for attending meetings in and outside the Council area is a matter for each Parish or Town Council to consider. The Panel decided not to recommend a particular approach on this topic – but to leave the matter to the discretion of individual Parishes.** As a guideline the Panel suggests that Parish And Town Councils may consider the following criteria:

- The number of meetings of full Council and committees Members are expected to attend each year.
- The geographical size of the authority.
- Whether subsistence is provided at Council meetings
- Whether Members are in receipt of a PBA.

44. **As a general principle the Panel would not expect a Member to be out of pocket by attending approved duties.**

Travel and Subsistence Allowances Indexation

45. The Panel further recommends that Parish and Town Councils, should they opt to provide travel or subsistence allowances, should index their appropriate allowances to that paid by Stroud District Council. This provision should apply even where Parish And Town Councils elect to pay rates less than that paid in Stroud District Council. In other words, the percentage increases to Stroud Members' travel and allowances scheme that are applied each year¹¹ should also be applied to the travel and subsistence allowances that are in operation for each Parish And Town Councils regardless of the actual rates payable.

Public Transport – All Journeys

46. **The Panel recommends that where Members use public transport to travel to approved duties that it should be claimed at standard rates and**

¹¹ These rates are in turn linked to the rates and conditions paid to Officers as set out by the National Joint Committee each year.

with receipts. However, if there are exceptional circumstances when it is difficult to utilise public transport at standard rates or otherwise then a Member must get prior agreement from the Parish or Town Clerk to use other forms of transport, such as taxis.

Car Parking

47. The Panel recommends that actual costs should be reimbursed, with receipt where practicable.

Cost-effective Travel

48. The Panel would also expect Members travelling out of the authority on approved duties that they would travel by the most cost-effective methods that meet the needs of their travel requirements.

Accommodation and Subsistence – Out of Authority

49. The Panel recommends the following in relation to accommodation and subsistence for meetings out of the Authority:
- That wherever possible the Member organises their meals and accommodation through their Parish or Town Council, which should pre-book and pre-pays in advance.
 - Or, that they conform to the current rates set out in Appendix A (which are indexed to the same increase in the Stroud District Council Travel and Subsistence rates each year). The rates are seen as a maximum guideline for reimbursement of actual expenses rather than an entitlement. If, for instance, subsistence costs are less than the maximum rates set out in Appendix A, then a Member should only be reimbursed for the actual cost on the production of appropriate receipts.
 - For meals that cannot be pre-booked and paid for and are in excess of maximum rates recommended, that reasonable costs are reimbursed on production of receipts with prior agreement of the Parish or Town Clerk.

Confirmation of Implementation and Indexing

50. **The Panel recommends that the recommendations contained within this report (with any amendments) be implemented from the start of municipal year 2005/06, or the first day of the month immediately after the date the Parish or Town Council meets to consider and approve this report (with any subsequent amendments where applicable).**
51. **The Panel further recommends that as per regulations the indexation recommended by the Panel be utilised for four years, or until a Parish or Town Council requires a further review.** Stroud District Council will notify the effect of the changes in the relevant indices each year in the same manner as applies under its Members' Allowances Scheme.

Publicity in respect of Reports of Parish Remuneration Panels

28. Regulation 30 in Appendix B sets out the procedure for consideration of the Panel's Report by the Parish Council. A notice informing the public of their rights to inspection has to be published locally for at least 14 days. Although the regulation does not specifically say so, this should be before the meeting. The notice outlines the main details of the report and advises of the public rights of inspection and to obtain copies at a reasonable cost.

Records of Parish and Town Council Allowances

29. Regulation 31 of the 2003 Regulations indicates the records that have to be kept by the Clerk for public inspection. A public notice also has to be published on local notice board(s) at the end of the year stating how much has been paid to each member.

Forgoing Allowances

30. Regulation 32 indicates that a member may elect in writing to forgo any entitlement to allowances.

Withdrawal of Allowances

31. A Parish or Town Council may require that where a Member is suspended or partially suspended from their duties, all or part of any allowances may be withheld. It may also require that any allowances already paid in respect of a period for which a Member is suspended must be repaid.

Ending of Financial Loss and Attendance Allowances

32. The Panel points out that from 31 December 2003 the provisions in the Local Government Act 1972 which allowed the payment of financial loss and attendance allowances has been repealed and it is no longer possible to pay such allowances.

Tax and National Insurance Implications

33. When paying Parish Basic Allowances or a Chairman's Parish Basic Allowance the Council will be subject to the law requiring the deduction of income tax and national insurance contributions. There may also be similar considerations in relation to travelling and subsistence allowances in certain circumstances. Parishes are advised to contact the Gloucestershire Association of Parish and Town Councils who provide guidance notes and training sessions on this topic.

The Dependent Carers' Allowance

34. Interestingly, Stroud Town Council has implemented a Dependent Carers' Allowance, on the principle "that Members need not be out of pocket for

attending meetings in pursuit of their role as town councillor.”¹² The 2003 Regulations do not specifically provide for such a payment to Members nor do they specifically prohibit it. Stroud Town Council received advice from NALC that it could make such an allowance available to Members if it was paid directly to the person providing the service.

35. The Panel has no express power to approve a Dependent Carers’ Allowance under the 2003 Regulations, nor does it seek to exercise such powers. However, the Panel points out the example of Stroud Town Council and suggests that other Parish And Town Councils in Stroud area consider paying such an allowance. The Panel makes this suggestion for the following reasons:
- It maintains parity with District Councillors
 - It removes a potential barrier to public service
 - It is not an allowance that can be paid to the Councillor

Review of Scheme

36. Any Parish or Town Council may ask that the Parish Remuneration Panel should meet to consider either Parish Basic Allowances or travelling and subsistence allowances at any time. However, the law requires the Parishes involved have to meet the costs of such a process. For this reason it is recommended that informal discussions take place with the District Council Solicitor at Stroud so that the Panel is timed to be held at the same time as other reviews so as to keep costs down.

Action Required by the Parish Council

37. The following steps need to be taken
1. To give publicity to receipt of the Panel’s report in accordance with Regulation 30 before the report is considered by the Council – See Appendix 2.
 2. To decide whether to pay travelling and subsistence allowances in accordance with the Panel’s recommendations and if so:
 - (a) To determine whether any travelling or subsistence allowance should be paid for approved duties within the Parish boundary or whether such allowances should only be payable for approved duties outside the Parish boundary.
 - (b) To decide whether approved duties should be any activity undertaken within the statutory definition contained in Regulation 26(1) or whether the Parish wants to approve its own specific list that comes within the definition, but is more restrictive in scope eg Attendance at Council and some committees (but not all Committees?); attendance at specific named outside bodies and meetings (but not all meetings?). The Council may also reserve to itself (or a committee) power to approve a specific duty, not on its current list, as being eligible.

¹² Stroud Town Council, Members’ Allowances Scheme, 2004/05, preamble.

- (c) The Council should then approve the Panel's report, as amended by any decisions above, as its travelling and subsistence scheme. This is because it is important that the provisions relating to indexation for future years, suspension/withdrawal of allowances and the detailed conditions relating to the payment of allowances are also approved by the Council.

- (d) If the Council decides that it wants to operate a travelling and subsistence scheme then it has to pay £10 to the District Council towards the costs of the Panel in producing this report.

APPENDIX A

Stroud District Council Travel and Subsistence Scheme 2005/06

STROUD DISTRICT COUNCIL

MEMBERS' ALLOWANCES SCHEME

Stroud District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2001 hereby makes the following scheme:

1. This scheme may be cited as the Stroud District Council Members' Allowances Scheme.
2. The scheme is based upon the recommendations contained in the report of the Independent Remuneration Panel. In this scheme,

"Councillor" means a Member of Stroud District Council who is a Councillor;

"year" means the 12 months ending on 31 March.

Basic Allowance

3. Subject to paragraph 6, for each year a basic allowance of £3957 shall be paid to each Councillor.

Special Responsibility Allowances

4. (a) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in schedule 1 to this scheme.

(b) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

(c) Each Member, except the Leader of Council, may only receive one special responsibility allowance.

Co-optees Allowance

5. Co-optees on the Standards Committee shall be entitled to receive an allowance of £411 per annum.

Payment for the Care of Councillors' Dependants

6. (a) Councillors shall be reimbursed, up to a specified maximum limit, for costs actually incurred in providing care for any of the following who are at the time part of the claimant's household living with him/her and who would normally be looked after by him/her, whilst the claimant is undertaking an "approved duty":-
 - children under the age of 14
 - elderly persons (aged 60 and over)

-
- people with disabilities
 - people with learning difficulties
- (b) In addition to living as part of the claimant's household the dependant must be unable to be left unsupervised by the carer.
- (c) The carer must not be someone who also ordinarily lives with the claimant as part of the household.
- (d) For the purposes of (a) above:-
- Amended
14.10.03
- (i) "approved duty" would be a duty under the Council's scheme as shown in the Schedule 2 to this scheme.
 - (ii) Cost incurred will be reimbursed subject to receipts being submitted.
- (e) The claimant must register they have a dependent child with them under the age of 14. The claimant must produce a receipt for payments he/she has made to the carer (this may be a family Member not normally resident at the Member's home address) and must sign a certificate which, amongst other things, will state that the costs were properly and necessarily incurred in the course of, or to permit, him/her undertaking his/her duties as a Councillor.

Renunciation

7. A Councillor may by notice in writing given to the Proper Officer elect to forego any part of his entitlement to an allowance under this scheme.

Part-year Entitlements

8. (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowance where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
- (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (c) If an amendment to this scheme changes the duties specified in schedule 2 to this scheme the entitlement shall be to the payment of the amount of the allowance under

the scheme as it has effect when the duty is carried out.

- (d) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (e) Where this scheme is amended as mentioned in sub-paragraph 7(b), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (f) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims

- 9. (a) A claim under this scheme shall be made in writing and submitted to the Democratic Services Manager within two months of the date of the meeting in respect of which the entitlement arises.
- (b) A claim shall include, or be accompanied by, a statement by the Councillor making the claim that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme, and appropriate receipts shall be provided.

Payments

- 10. (a) Payments shall be made
 - (i) in respect of basic and special responsibility allowances, in monthly instalments on the fifteenth day of each month.-
 - (ii) in respect of other payments (travelling and subsistence) on the fifteenth day of each month in respect of claims received up to the 27th day of the previous month, or if that is a non-working day, by the next working day thereafter.
- (b) Where a payment of one-tenth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor

receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Proper Officer

11. The Proper Officer for all purposes in connection with this scheme shall be Chief Executive. In the absence of the Chief Executive the Head of Legal Services shall be the Proper Officer.

Administration of the Scheme

12. Authority to administer this scheme at any time shall be delegated to the Chief Executive or the Head of Legal Services.

Publicity

13. (a) The Council is required to make arrangements for the publication of its scheme within its area. To this end a copy of the current scheme is available for inspection by Members of the public.
- (b) The Council is also required to publish details, as soon as practicable after the end of a financial year, of the total payments made in that year to each Member by way of basic allowance and special responsibility allowance.

<u>Schedule 1</u>	£
<u>Payments to Chair and Vice-Chair of Council</u>	
Chair of Council	6,414
Vice-Chair of Council	2,139

Special Responsibility Allowances

The following are specified as the Special responsibilities in respect of which special responsibility allowances are payable:-

Leader of the Council	14,694
Deputy Leader of the Council	9,711
Cabinet Member	8,838
Chair of Scrutiny Committee	4,215
Vice-Chair of Scrutiny Committee	822
Chair of Development Control Committee	4,215
Vice-Chair of Development Control Committee	822
Chair of Housing Forum	2,415
Vice-Chair of Housing Forum	462
Chair of Licensing and Regulation Committee	1,800
Vice-Chair of Licensing and Regulation Committee	360
Group Leader (per group Member)	108

NOTE:- Each sum shown above is an annual figure and where appropriate this will be apportioned on a daily basis.

Schedule 2

Travelling and Subsistence Approved Duties

1. The following are specified as "Approved Duties" under this scheme:-
 - (a) Attendance, by right of membership, at formal properly convened meetings of bodies which are part of the Council's Committee structure to include:-
 - (i) Meetings which are part of the civic timetable (including programmed Members' Training and Development);
 - (ii) Extraordinary or special meetings of any of those bodies;
 - (iii) Meetings of the following:-
 - Chief Executive and Chief Officers Terms/Conditions of Service Panel
 - Community Safety Panel
 - Council Probity Working Group
 - Dursley Town Centre Partnership
 - Employer's Side of the Staff Joint Consultative and Negotiating Committee
 - Green Spaces Advisory Panel
 - Joint Safety Committee
 - Members' Development Working Group
 - Policy Panels
 - Refreshment Working Group
 - Social Housing Advisory Panel
 - Stroud Town Centre Partnership
 - Textile History Collections Working Party
 - Tender Evaluation Panel
 - (b) Attendance as an approved representative at:-
 - (i) Appraisal meetings for Senior Council staff;
 - (ii) Meetings of Local Authority Associations;
 - (iii) Conferences;
 - (iv) Other particular attendances of a similar nature where prior approval has been given by the Chief Executive or the Head of Legal Services.
(This last category is intended to cover full day events which council expects Members to attend.)
 - (c) Other attendances as follows:-
 - (i) Attendance at briefing meetings preceding formally convened meetings of the Council, Cabinet, Committees, Panels and Working Groups;
 - (ii) Attendance as part of the formal selection process for the Chief Executive and Directors' posts or as the Member(s) involved in the formal selection processes for Managers at Section Head level.

-
- (iii) Attendance at a gathering of Members to which candidates are asked to make presentations where this has been approved in advance by the Chief Executive or the Head of Legal Services.
 - (iv) Attendance as an appointed Council representative at formal meetings convened by other local authorities. Each new attendance under this provision must be approved by the Chief Executive or the Head of Legal Services prior to the first attendance.
 - (v) Annual visits by Members of the Housing Forum to the Council's Sheltered Housing Schemes.
2. Any other duty approved by the Council for the purposes of, or in connection with, the discharge of the functions of the Council, Cabinet, Committees, Panels or Working Groups.

This includes:-

- (a) Attendance at Council premises or on site on the authority of the Council, Cabinet, Committees, Panels or Working Groups, or at the request of an Officer of the Council.
- (b) Attendance at meetings of outside bodies where the Member is appointed or nominated by the Council.

Members will qualify where they necessarily incur expenditure on travelling and subsistence for the purpose of enabling them to perform an "approved duty", as defined above.

Rates of travelling and subsistence allowances are decided by Council upon recommendation of the Independent Remuneration Panel and have been linked to annual increases to Officers until 2007, when they will be reviewed again.

One claim form is provided for Members on which they may claim travelling and subsistence allowances.

Schedule 3

Travelling and Subsistence Allowances

- (a) Public Transport
- (i) First Class rail fare
(Please contact Democratic Services to obtain a Rail Warrant.)
- (ii) Plus the actual cost of seat or sleeping reservations but subject to the reduction by one-third of any subsistence payable for that night.
- (b) Taxi
- Where no public transport is available the actual fare and any reasonable gratuity.
- (c) Member's own solo motor cycle, or one provided for his/her use (From 1 April 1999)
- (i) cylinder capacity not exceeding 150 cc 8.5p per mile
- (ii) cylinder capacity exceeding 150 cc but not exceeding 500 cc 12.3p per mile
- (iii) cylinder capacity exceeding 500 cc 16.5p per mile
- (d) Member's own private motor vehicle, or one belonging to a Member of his/her family or otherwise provided for his/her use, other than a solo motor cycle (From 1 April 2004)
- (i) cylinder capacity not exceeding 999 cc 37p per mile
- (ii) cylinder capacity exceeding 999 cc but not exceeding 1199 cc 40.4p per mile
- (iii) cylinder capacity exceeding 1199 cc 50.5p per mile
- (iv) if passengers are carried who would be entitled to travelling allowances the additional amount payable for each passenger (up to a maximum of 4) 1.0p per mile
- (e) Cycle (From 30 June 1995)
- Journeys on Council business 14.0p per mile.
- (f) Subsistence (From 1 April 2004)
- (i) Breakfast allowance, where a Member is away from his/her normal place of residence for more than 4 hours before 11:00 am. £5.10

Updated
September 2003
August 2004

(ii)	Lunch allowance, where a Member is away from his/her normal place of residence for more than 4 hours including the period between 12 noon and 2:00 pm.	£6.95
(iii)	Tea allowance, where a Member is away from his/her normal place of residence for more than 4 hours including the period 3:00 pm to 6:00 pm.	£2.75
(iv)	Evening meal allowance, where a Member is away from his/her normal place of residence for more than 4 hours ending after 7:00 pm.	£8.80

The rates of subsistence specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Council or by any other body in respect of the meal or period to which the allowance relates.

When out of authority meetings are attended, where possible, meals and accommodation, if necessary, should be pre-booked and paid for in advance, via Democratic Services. Where this is not possible and costs are in excess of current rates, reasonable costs will be reimbursed, but only up to a maximum of £26.38 per day.

(g) Revision of Rates

Separate notification will be given from time to time of revisions of the allowances payable.

APPENDIX B

Extract from Statutory Instrument 2003 No. 1021
The Local Authorities (Members' Allowances) (England) Regulations 2003

PART 5
PARISH COUNCILS

Application of this Part

24. Any reference in this Part -

- (a) to an authority is, unless otherwise specified, a reference to a parish council;
- (b) to a member is, unless otherwise specified, a reference to an elected member of a parish council;
- (c) to a responsible authority is, in relation to a parish council, a reference to the district council or unitary county council -
 - (i) where the parish council is the council for one parish, in whose area the parish council is situated; or
 - (ii) where the parish council is the council for a group of parishes^[24], in whose area all the parishes in the group are situated or, where that is not the case, in whose area the greatest number of local government electors for the parishes in the group is situated; and
- (d) to an establishing authority is, in relation to a parish remuneration panel, a reference to the responsible authority that established that parish remuneration panel.

Parish basic allowance

25. - (1) An authority may pay an allowance for each year ("parish basic allowance") -

- (a) to its chairman^[25] only; or
- (b) to each of its members,

and the amount of that allowance payable to its chairman may differ from that payable to each other member of the authority, but otherwise that amount shall be the same for each such member.

(2) Where an authority proposes to pay parish basic allowance, whether to its chairman only or to each of its members, 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 in accordance with regulation 28.

(3) Subject to paragraph (4), where an authority proposes to pay parish basic allowance in any year to its members and the term of office of any member begins or ends otherwise than at the beginning or end of a year, that member's entitlement shall be to payment of such part of the parish basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where an authority proposes to pay parish basic allowance in any year -

(a) to its chairman only; or

(b) to all its members but at a higher level to the chairman,

and the term of office of the chairman as chairman begins or ends otherwise than at the beginning or end of a year, his entitlement for the period during which he holds the office of chairman shall be to payment of such part of the parish basic allowance to which he is entitled as chairman as bears to the whole the same proportion as the number of days during which his term of office as chairman subsists bears to the number of days in that year.

(5) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of the parish basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

(6) An authority shall, as soon as reasonably practical after setting the levels at which any parish basic allowance is to be paid and to whom, arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice or notices containing the following information -

(a) any recommendation in respect of parish basic allowance made by the parish remuneration panel;

(b) the level or levels at which the authority has decided to pay parish basic allowance and to which members it is to be paid; and

(c) a statement that in reaching the decision on the matters referred to in sub-paragraph (b) the authority has had regard to the recommendation of the parish remuneration panel.

(7) An authority shall ensure that it keeps a copy of the information referred to in paragraph (6) available for inspection by members of the public on reasonable notice.

(8) An authority may require that where payment of parish basic allowance has already been made in respect of any period during which the member concerned is -

(a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period,

such part of the allowance as relates to any such period shall be repaid to the authority.

(9) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to 30th September 2003 if payment is made, in respect of any duties carried out by the member during that same period, under any of the provisions referred to in regulation 34(1).

Parish travelling and subsistence allowance

26. - (1) An authority may pay to its members allowances in respect of travelling and subsistence ("parish travelling and subsistence allowance"), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken or incurred

in connection with the performance of any duty within one or more of the following categories -

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (c) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
 - (d) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
 - (e) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.
- (2) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any parish travelling and subsistence allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.
- (3) An authority may require that where payment of travelling and subsistence allowance has already been made in respect of any period during which the member concerned is -
- (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a member of the authority; or
 - (c) is in any other way not entitled to receive the allowance in respect of that period,
- such part of the allowance as relates to any such period shall be repaid to the authority.
- (4) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to 30th September 2003 if payment is made, in respect of any travelling and subsistence expenses incurred by the member during that same period, under any of the provisions referred to in regulation 34(1).

Parish remuneration panels

27. - (1) A parish remuneration panel may be established -

- (a) by a responsible authority and shall make recommendations in respect of the authorities for which the establishing authority is the responsible authority; or
- (b) jointly by any responsible authorities and shall make recommendations in respect of

the authorities for which the establishing authorities are the responsible authorities.

(2) Subject to paragraph (3), a parish remuneration panel shall consist of those persons who are also members of the independent remuneration panel which exercises functions in respect of the establishing authority or authorities.

(3) A parish remuneration panel shall not include any member who is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority.

(4) The authorities in respect of which a parish remuneration panel established under paragraph (1) makes recommendations shall each pay to the parish remuneration panel an equal share of the amount of the expenses incurred by that panel in carrying out that panel's functions.

Recommendations of parish remuneration panels

28. - (1) A parish remuneration panel shall produce a report in relation to the members of the authorities in respect of which it was established, making recommendations, in accordance with the provisions of regulation 29, as to -

(a) the amount of parish basic allowance 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.

(2) A copy of a report made under paragraph (1) shall be sent to each authority in respect of which recommendations have been made.

Levels of allowances

29. - (1) A parish remuneration panel may, in making its recommendations in accordance with regulations 27 and 28, either -

(a) apply the same recommended levels of parish basic allowance and parish travelling and subsistence allowance to all the authorities in respect of which it was established; or

(b) make different recommendations for different authorities.

(2) 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.

(3) The percentage referred to in paragraph (2) may be one hundred per cent.

(4) A parish remuneration panel shall also express its recommendation as to the level of parish basic allowance as a monetary sum being a monetary sum equivalent to the percentage expressed in accordance with paragraphs (2) and (3).

Publicity in respect of reports of parish remuneration panels

30. - (1) Once an authority receives a copy of a report made to it by a parish remuneration panel in accordance with regulation 28, it shall, as soon as reasonably practicable -

(a) ensure that copies of that report are available for inspection by members of the public on reasonable notice; and

(b) arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice which -

(i) states that it has received recommendations from a parish remuneration panel in respect of allowances;

(ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority; and

(iii) states that copies of the panel's report are available for inspection on reasonable notice and gives details of the manner in which notice should be given of an intention to inspect the report.

(2) An authority shall supply a copy of a report made by a parish remuneration panel in accordance with regulation 28 to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Records of parish allowances

31. - (1) An authority shall keep a record of the payments made by it in respect of -

(a) parish basic allowance; and

(b) parish travelling and subsistence allowance.

(2) Such a record shall -

(a) specify the name of the recipient and the amount and nature of each payment;

(b) be available for inspection on reasonable notice and at no charge, by any local government elector for the area of that authority; and

(c) be supplied in copy to any person who is entitled to inspect a record under paragraph (b) and who requests a copy and pays to the authority such reasonable fee as it may determine.

(3) As soon as reasonably practicable after the end of a year, an authority shall arrange for the publication, for a period of at least 14 days, of a notice in a conspicuous place or places in the area of the authority stating the total sum paid by it in the year to each member in respect of each of the following -

(a) parish basic allowance; and

(b) parish travelling and subsistence allowance.

Elections to forgo parish allowances

32. A member may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.