

A REVIEW OF PARISH COUNCIL MEMBERS' ALLOWANCES FOR
HAWKHURST PARISH COUNCIL.

31.07. 2017

Joint Independent Remuneration Panel for Sevenoaks District Council, Tonbridge &
Malling Borough Council, Tunbridge Wells Borough Council.

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1. INTRODUCTION

In July 2017 Hawkhurst Parish Council requested that the Remuneration Panel consider the remuneration of Hawkhurst Parish Councillors. Hawkhurst is a village of about 2000 homes and 5000 inhabitants including children. Hawkhurst is a parish within the area of Tunbridge Wells Borough Council which has a population in excess of 105,000 people. The Parish is responsible for two sets of allotments, two parish halls, recreation fields, the cemetery and childrens playgrounds. The Parish Council reviews planning applications in the area of which there are in the order of 125 a year and has been especially active in the past year on working in consultation with TWBC on the Neighbourhood Plan.

As is common with parish councils they are often the first port of call by local residents and in many ways operate as the gateway to other local services and play an important role in issues as diverse as roads, scams, neighbourhood watch, development etc. Much time is spent by Hawkhurst councillors in meeting with developers and others and trying to influence their actions for the benefit of the community.

Hawkhurst Parish Council has a variety of powers and duties which impact directly on the community and which play an important role in the quality of life for residents in the area. The Council plays an important role in communication and is in a position to influence which is often more important than its statutory duties and obligations.

Hawkhurst has few statutory duties unlike councillors of Borough or County Councils who are required to deliver education, housing, planning, social services etc. A parish council has greater freedom to choose what actions should be taken and Hawkhurst has shown by its actions that it has seized these opportunities.

The panel is aware of the huge amount of time and effort that most parish councillors put into their role of serving their community often with little thanks and with no remuneration. The role of a parish councillor involves much more than attendance at a parish meeting. The parish chair has advised us that she spends in excess of 30 hours a week on parish business and it is apparent that other councillors allocate considerable time to their duties. The panel wishes parish councillors to be aware of how highly it regards the commitment to public service which is demonstrated by parish councillors in Hawkhurst and has striven to reflect a recognition of this in our recommendations.

2. THE REMUNERATION PANEL

The Panel has reported this year on Borough Council remuneration in Sevenoaks, Tonbridge and Tunbridge Wells. The reports are all available on line.

The panel initially comprised four people. The chairman resigned, Chris Oliver has now moved well outside of the area and is not available, Gary Allen has diary issues at the moment and it was agreed with the parish clerk of Hawkhurst that a one person sub committee could undertake the work in respect of Hawkhurst. The person who has undertaken the report is Max Lewis, a Tunbridge Wells resident who is currently chair of the panel. He has discussed the issues involved with the other two Panel members who agree with the methodology and have commented on a draft of this report.

3. LEGISLATION

The relevant legislation is Local Authorities (Members' Allowances) England Regulation 2003. No 1021. Section 5.

The parish clerk has a copy of the regulations.

To summarise the regulations in respect of remuneration.

- A parish council may pay an allowance to each member but the allowance must be the same for each member. An additional allowance may be paid to the chairman.
- No basic allowance may be paid to a co-opted member however a co-opted member is entitled to any travel or subsistence allowance on the same basis as other parish councillors.
- Any allowance must be “conspicuously” advertised throughout the parish for at least 14 days in the manner required (para 25 subsection 6).
- A parish may pay an allowance for travel and subsistence to attend a relevant meeting (para 26 subsection 1)
- An independent remuneration panel shall produce a report with recommendations as to the basic allowance for parish members and travel and subsistence allowances. The panel may make the same allowance for all parishes within its area or different allowances if it wishes.

- Any allowance must be expressed as a percentage of the basic allowance of the “establishing authority” which in this case is Tunbridge Wells Borough Council. (para 29).
- The panel’s recommendation must be published “conspicuously” throughout the parish (para 30)
- The actual payments made for both the basic allowance and any travel and subsistence allowance must be “conspicuously” advertised throughout the parish

It is to be noted that no allowances under the 2003 regulations can be given for carers.

The same basic allowance must be awarded for each parish councillor. Whilst an individual parish councillor can choose not to accept a basic allowance or travel and subsistence allowances the panel and the parish cannot “means test” individual councillors or determine that only councillors who have certain criteria are entitled to a basic allowance.

4. SUMMARY OF RECOMMENDATIONS

The panel recommends

- The allowance for Hawkhurst Parish Council should be 6% of the basic allowance for Tunbridge Wells Councillors. The current award for Tunbridge Wells Councillors is £5500 so that the award is therefore £330pa. The panel notes that the current award to TW councillors is higher than the award the panel recommended.
- That no additional chairman allowance should be paid.
- That travel expenses should be paid at the same rate as paid to Tunbridge Wells Councillors and officers of the Council which is at the HMRC approved rate. Travel within the Hawkhurst Parish shall not be remunerated.
- That no allowances are paid for subsistence except if parish councillors are required to attend meetings outside the Tunbridge Wells area when subsistence allowances shall be on the same basis as that awarded to Tunbridge Wells Councillors.
- Any remuneration is well advertised in the Parish as required by the legislation.

- That councillors are mindful of the fact that it is very unusual for parish councillors to receive remuneration and that the Panel can find no instances of remuneration taken in Kent. The work of a parish councillor is regarded by most councillors and the community as a volunteer role.
- That the Council recognises that the volunteer ethos in the community for many community leaders other than parish councillors is a well established tradition throughout the Tunbridge Wells area and indeed elsewhere in England.
- Additional resources are provided in Hawkhurst to allow parish councillors to be more efficient and have less of a drain on their personal resources.
- That diversity of parish councillors should be addressed by parish leaders directly approaching members of the community to stand for election. The Panel is of the view that awarding modest levels of remuneration would be of little assistance with resolving the issues identified in the report but would probably help to retain councillors. The Panel is of the view that in a small village most residents will know a parish councillor and be able to “bend their ear” at the school gate, in shops and at local functions.
- That the parish clerk should consider whether she is able to recompense parish councillors for receipted expenses in respect of expenses directly incurred “wholly, necessarily and exclusively” (HMRC definition for expenses for employees) in undertaking their role as parish councillor. This would not be for carers neither would it be for fixed charges for broadband or provision of computers but for printer cartridges or stationery. (There is a presumption that parish councillors have access in their homes to computers and telephones).

The Panel is not allowed to recommend children or dependent person allowances. The panel considers this a significant fault in the 2003 legislation. Had it been possible to recommend children or dependent person allowances the panel would have recommended that this was paid at the same rate as that for Borough council members. Had a children or dependent allowance been permitted the panel would have considered awarding a basic allowance of nil as they are of the view that despite the regulations the practice, custom and expectation throughout Kent is that parish councillors are volunteers.

It is up to the Parish Council whether they wish to accept these recommendations in whole or part. If the recommendation of a basic allowance or travel allowance is accepted it is up to individual Parish Councillors whether they wish to accept or not accept any basic allowance.

5. APPROACH AND METHODOLOGY

The panel has spoken with

- the CFOs or FDs or Monitoring Officers of Tonbridge, Tunbridge Wells, Horsham and Sevenoaks Council to establish if there is any information on typical parish councillor remuneration.
- Six Hawkhurst parish councillors and the Parish Clerk in Hawkhurst.
- Googled all instances that we can find which mentions parish council remuneration.
- Kent Association of Parish Councils.
- Linda Larter the town clerk at Sevenoaks.
- The parish clerks at Southwater and Billingham.
- Valerie Cart of the Horsham Parish Council Association.
- Chris Woodley of Matfield Parish Council and Brenchley.
- Chris Powell of the Kent Association of Local Councils.

The Panel has also reviewed the 2007 report produced by Horsham District Council which included responses to questionnaires for all parishes in the Horsham district and from over 200 individual parish councillors.

It is apparent that no parish councillors in the Tunbridge Wells area are currently receiving remuneration other than sometimes a very small honorarium for chairman or mayors. Parish Clerks have a separate remuneration scale. It is unusual for parish councillors in areas adjoining Tunbridge Wells to be entitled to remuneration and where they are entitled to remuneration such as Horsham there seems to be a general policy of not claiming it.

The Horsham report which was produced after responses to a questionnaire from 200 parish councillors concluded that there was almost unanimity that parish councillors should not be rewarded or remunerated. A number (unstated in the report) of councillors were of the view that parish councillors should not however be out of pocket.

No national or local data base on parish remuneration exists that we can find. The Panel's researches have come up with remuneration in only the following areas.

- Sevenoaks £275pa. This is designed "to cover the costs of being a councillor not to be a wage". Sevenoaks has a population of 20,000, owns and operates significant assets and has significant responsibilities
- South Kirkby and Moorthorpe. £300. This is a town council
- Launceston Town Council £180
- Lewes Town Council £330. This is a town council
- Leamington Spa £582. This is a town council
- Great Aycliffe £1059
- Southwater Parish Council. £250. The population of the area is 12000 and Southwater has many assets and responsibilities. The panel determined that £457 should be the rate but the parish council has reduced this to £250.
- Billingham £457 but none of the Councillors take the remuneration.
- Knutford Parish council where at least one councillor receives £12 a month to defray additional internet and stationery costs.

Horsham Independent panel reported in 2003 that the accepted rate for parish council remuneration in the Horsham area can be a maximum of £250 which at the time was 9.4% of the basic allowance of a Horsham Borough Councillor. In 2007 Horsham recognised that the allowance for Borough Councils has increased and stated in their report that the maximum remuneration should be 9.4% of a Borough Councillors allowance. The Horsham basic allowance for Borough Councillors is now £4870 which suggests that the maximum allowance is £457 however other than mentioned above no Parish Council that we can find takes this remuneration. We have been advised that there are strong views amongst parish councillors in the area that a basic allowance for parish councillors is not appropriate and that the work should be entirely voluntary.

One parish council in Horsham was considering awarding allowances to parish councillors but asking the councillors to donate any allowance to the Mayor's charity fund. The panel considers any form of "encouragement" to councillors to donate their allowances is unacceptable as is any pressure to take or not to take allowances. It is a matter for individual parish councillors whether they wish to claim a basic allowance or travel allowances.

Parish Councillors in Hawkhurst do not represent the community in terms of diversity especially in respect of age and occupation. This is not untypical of parish and Borough Councils in the area. The reason why parish and borough councillor allowances were introduced was to reduce financial barriers to standing as a councillor however the amount that can in practice be awarded for budgetary and political reasons is very low. The panel is of the view that even if they doubled their award it would make little difference to volunteers wanting to stand as parish councillors.

Councillor guidance given to all parish councillors starts with the sentence "*You are a volunteer...*". Most councillors consider that they are volunteers and are doing parish council work pro bono. It is not therefore in the panels view appropriate to look at the very many hours the parish councillor spends during parish work or the typical remuneration per hour in the area. In speaking to several parish councillors in Hawkhurst it is apparent that some councillors spend as much as three days a week on parish affairs. The Panel is of the view that this is their choice.

The award we are recommending is designed to compensate councillors in part for their out of pocket expenses and their child minding and other expenses in undertaking the work. The panel is of the view that remuneration for a small parish such as Hawkhurst should be 6% of that paid to a Borough Councillor. If the Panel was asked (they have not been asked) to consider a large parish with in excess of 12000 people or a significant town council in the area of their remit they would consider that an award of 9% of Borough Councillor remuneration is appropriate. If the panel were asked (they have not been) to consider basic allowances for a parish of less than 12000 in the area of their responsibility they would recommend an award of 6% of a Borough Councillors award in the area where they are based. Any remuneration is declarable and taxable under HMRC rules.

The panel is aware that this is very small recompense for the substantial work that is undertaken by parish councillors and in many cases will not compensate for out of pocket expenses but are mindful that a great number of other people in the community put in a great number of hours on a voluntary basis or with no expectation of award. For example, school governors, chairman and coaches of local sports clubs and leagues, choir masters, magistrates, chairman of local societies, local charity workers and many others. Hawkhurst should be aware that these volunteers may not take kindly to parish councillors being remunerated by a basic allowance or in receipt of travel or other expenses when they are not for their efforts which are also crucial to the community. Any award needs to be “conspicuously” advertised as required by the regulations and the parish council should be aware of a possible “backlash”.

It is apparent that several councillors in Hawkhurst will choose not to accept any basic allowance however such remuneration needs to be available for those who want or need to have their out of pocket and care costs compensated.

The panel has been made aware of the number of phone calls and documents that need to be printed as a parish councillor and read perhaps in Council offices. Hopefully the parish clerk or the parish chair can assist newer councillors in advising how best to manage their workload and accessing documents. Also by allowing lengthy documents to be taken out the office overnight and at weekend it would reduce the need for a carer to be employed.

The panel recommends that a phone, on site pc, copier and printer is made available to parish councillors in the parish office such that they can print out documents also stationery, binders, envelopes etc. such that the personal expense of being a parish councillor can be reduced. The panel is of the view that authorised and receipted receipts for expenses directly and wholly, necessarily and exclusively incurred on behalf of the parish such as additional telephone costs and stationery costs incurred as a result of parish council duties can be reimbursed by the parish. This does not include provision of computers or fixed charges for broadband and phone as there is a presumption that parish councillors have access to computers and telephones in their homes.

6. CARERS ALLOWANCE

The panel is not permitted to award carers allowances for parish councillors and is of the view that this is a fault in the 2003 legislation. The panel can and does make awards to Borough Councillors for carers allowances. The award to Borough Councillors recommended for Child Allowances is at the maximum of the Minimum Wage and the Dependent Carers Allowance is payable at the actual amount charged subject to a maximum of £16 per hour.

The Panel is aware that any carers or a child or children allowance is rarely claimed in Tunbridge Wells by borough councillors but are of the view that it is important that such an allowance is available so that parents of young child or those who are dependent carers can become parish councillors and attend meetings without significant financial distress.

The panel has spoken with two Hawkhurst parish councillors who if they were Borough councillors would be entitled to child minding help to attend meetings and a parish councillor who would be entitled to a dependent relative allowance if he was a Borough Councillor. Child minding costs in the area are typically £7.50 to £10 an hour and the cost of an adult carer about £10 an hour. The panel estimates that the out of pocket cost to a parish councillors with young children or for a councillor who needs a carer to attend meetings would be £300 and £1000 a year dependent on personal circumstances and the timing of meetings and recognises that an award of 6% of a borough councillors allowance is not full compensation.

The panel would have awarded child and dependent person allowances in Hawkhurst had they been permitted to award such allowances rather than a basic allowance. The panel would probably have awarded a zero basic allowance if they had been able to award a children and dependent person allowances. This reflects that despite the regulations the practice and custom in the area is that being a parish councillor is a job for a volunteer.

The panel will copy this report to the Tunbridge Wells monitoring officer so that in the event that the 2003 legislation is ever redrafted representations can be made. It is requested that the parish clerk copies this report and the decision that the Parish Council makes to the Kent Association of Parish Councils. The panel would welcome receiving the minutes of the Parish Council subsequent to their consideration of this report. The Panel is available to attend a meeting in Hawkhurst should Parish Councillors wish to discuss this report further.

7. ACKNOWLEDGEMENT

The panel is appreciative of the assistance of the Parish Clerk, parish councillors and others in the community who have helped the panel compile this report.

M. Lewis
July 31 2017