

AUGUST 2019

LTN 33 | COUNCILLORS' ALLOWANCES

Introduction

1. This Note will consider the payment of allowances to local council chairmen and the different types of allowances that can be paid to councillors generally. The relevant law for England is set out in the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") and for Wales in the Local Government (Wales) Measure 2011 ("the 2011 Measure"). Unless otherwise stated statutory references are to the 2003 Regulations.

The Parish Basic Allowance

2. A local council is able to pay a parish basic allowance ("PBA") for each year to its chairman only or to each of its *elected* members (Regulation 25). The amount payable to the chairman may differ from that of other members but otherwise the sum shall be the same for each member.
3. The PBA is not a salary. It is a figure, which is calculated to cover the expenses that are normally associated with the basic duties of being a local councillor. The purpose is also not to reimburse individual councillors for specific expenses. Travelling and subsistence allowances are treated separately (see paragraph 7 below). There is no set figure and amounts may differ according to local factors.
4. Regulation 25 (6) provides that as soon as reasonably practical after setting the levels at which the PBA is to be paid and to whom, the council must arrange for the publication in a conspicuous place for a period of at least 14 days within the area of the council, a notice containing the following information –
 - a. any recommendation in respect of PBA made by the parish remuneration panel (see below);
 - b. the level or levels at which the authority has decided to pay PBA and to which members it is to be paid; and
 - c. a statement that in reaching the decision, regard was had to the recommendation of the parish remuneration panel.

5. The council must keep a copy of the information referred to in the notice available for public inspection on reasonable notice (Regulation 25 (7)).
6. The 2003 Regulations also require a notice to be published when the report of the parish remuneration panel is made to the council (Regulation 30). It may be possible for the two separate requirements to be satisfied by the publication of one notice with the proviso that it contains all of the required information and timescales allow it to be dealt with in this manner.

Parish Travelling and Subsistence Allowance

7. Regulation 26 permits a local council to pay to both elected and co-opted members allowances in respect of travelling and subsistence. This includes an allowance in respect of travel by bicycle or other non-motorised form of transport undertaken or incurred in connection with the performance of any duty within the following categories -
 - a) the attendance at a meeting of the council or of any committee or sub-committee of the council, or of any body to which the council 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 council is a member;
 - c) the performance of duties in connection with a tender process;
 - d) the performance of any duty which requires the inspection of any premises;
 - e) the carrying out of any other duty approved by the council, or any duty of a class so approved, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

Recommendations

8. Regulation 25 (2) and Regulation 28 provide that where a local council proposes to pay the PBA, it must have regard to the recommendations which have been made in respect of it by the parish remuneration panel in setting the level of that allowance. The same requirement is not specified within Regulation 26 and so on face value it would appear that the council can set the level of travelling and subsistence allowance without reference to the panel. However in NALC's view it would be

appropriate for councils to also take the view of the parish remuneration panel into account.

Parish Remuneration Panel

9. Regulation 27 states that a parish remuneration panel may be established by a responsible authority (which is defined as a district or unitary county council). In some areas panels will not be set up as there is no duty to do so. The implication is that the panel is established when a request to do so is made by an appropriate local council. The process of making such a request is not specified within the 2003 Regulations and how this is achieved in practice will differ around the country.
10. The expenses of the parish panel are to be met equally by those local councils in respect of which recommendations are made (Regulation 27(4)). Although the 2003 Regulations are not specific, it may be assumed that the cost is spread between those local councils that actually make a request.
11. Regulation 28 provides that when convened, a parish remuneration panel will produce a report making recommendations as to -
 - a) the amount of PBA payable to members of the local council (the council must take this into account in setting the agreed level);
 - b) the amount of travelling and subsistence allowance payable (see above comments on taking this into account) ;
 - c) whether the PBA should be payable only to the chairman of the council or to all of the elected members;
 - d) if the PBA is to be paid to all members whether the level to be paid to the chairman should be higher and if so, what that higher figure should be;
 - e) the responsibilities or duties in respect of which members should receive the travelling and subsistence allowance.
12. A copy of this report is sent to each council about which recommendations have been made.

Levels of Allowances

13. Regulation 29 enables the parish remuneration panel in making its recommendations, to apply the same level to all the local councils for

which it was established or else recommend different levels for different councils.

14. The parish remuneration panel shall express its recommendations as to the level of PBA both as a percentage of the sum that an independent remuneration panel has recommended for principal authorities (this figure can be 100%) and as a monetary figure.

What to do after receiving the recommendation?

15. Regulations 30 and 31 provide that as soon as is reasonably practicable after receiving the report from the parish remuneration panel, the council must -
 - a) ensure that copies are available for public inspection on reasonable notice;
 - b) publish a notice in a conspicuous place for a period of at least 14 days which:
 1. states that it has received the recommendation
 2. describes the main recommendations and specifies the recommended amounts of each allowance and
 3. states that copies of the panel's report are available for inspection upon giving reasonable notice and give details of how a request to inspect should be given.
16. A reasonable fee can be charged for the provision of a copy of the report.
17. The council is required to maintain records of payments made in respect of the allowances specifying the name of the recipient and the nature of the allowance. These records can be inspected by any local government elector for the parish without payment of a fee upon giving reasonable notice. Copies must be provided if so requested and a reasonable fee can be charged.
18. At the end of a year (which means any period of 12 months ending on 31 March in any year), the council must publish a notice in a conspicuous place for a period of at least 14 days stating the total amount that it has paid in the year to each councillor in respect of the PBA and for the parish travelling and subsistence allowance.

Election to Forgo an Allowance

19. Regulation 32 enables a member to elect in writing to the proper officer that he or she wishes to forgo all or any part of their entitlement to the above allowances.

Recovery of Payments Made

20. Regulation 25 (8) provides for the recovery of allowances already paid to a member. An authority may require that where payment of PBA has already been made in respect of any period during which the member concerned ceases to be a member of the authority or is in any other way not entitled to receive the allowance in respect of that period,

Chairman's Allowance

21. S.15 (5) of the Local Government Act 1972 (s.34 (5) for Wales) remain in force. This enables a local council to pay its chairman for the purpose of enabling him/ her to meet the expenses of his/ her office such allowance as the council thinks reasonable. This means that councils can make this payment without the need to refer to the parish remuneration panel.

Dependants' Carer's Allowance

22. In England local councillors are not entitled to claim this allowance under the 2003 Regulations.

Tax Implications

23. When paying parish basic allowances to elected members, local councils are obliged to deduct income tax. HM Revenue & Customs ("HMRC") treats all councillors equally so local councillors will be subject to tax provisions in the same way as principal authority councillors. There may also be similar considerations with regard to travel and subsistence allowance in certain circumstances. Councils are advised to consult HMRC for guidance on the tax treatment of allowances. Also advice can be requested from NALC's Accounts and Audit Advisor.

Councillors' allowances in Wales

24. Under the 2011 Measure, the Independent Remuneration Panel for Wales prescribes the maximums for community and town councillors' allowances in Wales. Details are published in the Panel's annual reports

and can be found on the Panel's website: <https://gov.wales/independent-remuneration-panel-wales>. Each community/ town council must formally decide to apply the determinations if they decide to pay allowances. If a council does adopt the determinations, members are currently entitled to:

- £150 a year to cover telephone, IT and other costs.
- Up to £1500 for additional duties if mayor, £500 if deputy-mayor or for other roles.
- Reimbursement of travel and subsistence costs when on official business
- A financial loss allowance
- Reimbursement of the costs of care for a dependent child or adult of up to £403 a month (including formal and informal carers, e.g. babysitters for council meetings when no one else is available to care for a councillor's child(ren).

Councils should consult HMRC for taxation questions.

Other Legal Topic Notes (LTNs) relevant to this subject:

| LTN | Title | Relevance |
|-----|---------------------------------|--|
| 11 | Celebrations and Similar Events | Sets out how chairmen may use their allowance in respect of celebratory events |

© NALC 2019

"20 is Plenty" Motion

Cranleigh Parish Council notes:

1. that United Nations have endorsed the setting of 30kph (20mph) maximum speed limits wherever pedestrians, cyclists or other vulnerable road users mix in a frequent manner with motor vehicles;
2. the growing demand locally for stricter speed limits both on grounds of safety and in order to facilitate active transport;
3. research from UK and abroad that has shown wide-area default speed limits of 20mph/30kph have:
 - reduced traffic speeds in the first year of operation, with the largest speed reductions on the fastest roads;
 - reduced road traffic collisions by up to 40% and town and village casualties by 20%;
 - increased journey times by just 10 seconds per mile;
 - made streets quieter - a 10mph reduction in speed halves traffic noise;
 - encouraged walking and cycling, especially for older people and young children;
 - benefited communities, with residents more likely to stop and talk on footpaths;
 - reduced vehicle emissions by 12% due to less acceleration and braking;
 - been popular, as 75% of residents and motorists feel that, after installation, 20mph limits have benefitted the local community;
4. that wide-area 20mph limits that make effective use of signage, road markings, technology, and public engagement provide significant budgetary benefits and are more popular with motorists and residents than engineered calming methods such as speed humps.

Cranleigh Parish Council believes that the implementation of a wide-area 20mph speed limit in Cranleigh, combined with a public information campaign, would have immediate beneficial impacts on road safety, air quality, active transport and community well-being in this location, and would support this Council's climate emergency objectives.

Cranleigh Parish Council therefore calls upon the Chairman of the Council to:

- (i) **request that Surrey County Council prioritise the establishment of a wide-area 20mph speed limit in Cranleigh, tasking SCC officers to work with this Council to draw up detailed plans on the scope, funding and implementation timetable of these schemes**
- (ii) **request Waverley Borough Council to task its officers to work in partnership with Cranleigh Parish Council and Surrey County Council in progressing a wide-area 20 mph speed limit in Cranleigh.**

Notes and References:

1. United Nations: 20splenty.org/un_says_20splenty
2. Speed reductions: eg Bristol: 20splenty.org/bristol_20mph_analysis
3. Reduction in collisions and casualties: 20splenty.org/20mph_casualty_reduction
4. Journey times: 20splenty.org/20mph_limits_save_time_and_improve_traffic_flow
5. Quieter streets: 20splenty.org/noise_and_speed
6. Increased walking and cycling: See Atkins 20mph Research Study https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757307/20mph-headline-report.pdf , also Bristol 20mph evaluation report (Active Travel) researchgate.net/publication/327107829_The_Bristol_Twenty_Miles_Per_Hour_Limit_Evaluation_B_RITE_Study_Project_Report
7. Benefits to communities: 20splenty.org/20sfriendly
8. Reduced vehicle emissions: 20splenty.org/20mph_limits_improve_air_quality
9. Post implementation satisfaction: Atkins 20mph Research Study 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757307/20mph-headline-report.pdf
10. Improved cost efficiency of non-engineered calming: 20splenty.org/20mph_limits_vs_isolated_20mph_zones

Clerk

From: Highways/EAI/SCC <highways@surreycc.gov.uk>
Sent: 18 March 2022 13:01
To: David Harmer; Liz Townsend; Clerk; mary.foryszewski@waverley.gov.uk; Ruth Reed; philip.townsend@waverley.gov.uk; patricia.ellis@waverley.gov.uk; Louise.Norie; enquiries@waverley.gov.uk; yvette.ortel@surreycc.gov.uk
Subject: Reference: ME-1145701 - Surrey Highways: TRO - Various Roads in Cranleigh
Attachments: Cranleigh High Street 20mph Committee Plan.pdf

The Surrey County Council

Various Roads in Cranleigh

(20 Mph Speed Limit Zone) Order 202-

Surrey County Council Propose to make the above named Order, under Section 84 of the Road Traffic Regulation Act 1984 (as amended) and all other enabling powers, the effect of which will be to impose a 20 mph speed limit on the lengths of roads in Cranleigh specified in the Schedule to this Notice. The speed limit proposed by this Order shall not apply to vehicles used by special forces in accordance with the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011.

Copies of plans showing the lengths of roads to which the proposed Order relates and a Statement of the Council's reasons for proposing to make the Order, may be viewed on-line at www.surreycc.gov.uk/roads-and-transport/policies-plans-consultations/roads-and-transport-consultations (follow the link to Cranleigh 20mph Speed Limits proposal). These documents and a copy of the proposed Order may also be viewed at (1) Cranleigh Library, High Street, Cranleigh, Surrey GU6 8AE, during normal opening hours; and at (2) Reception, Surrey County Council, Hazel House, Merrow Lane, Guildford, Surrey, GU4 7BQ, by appointment. If you wish to object to, or make representations relating to, the proposed Order, you must send the grounds for your objection or representation (including any in support), by (1) using the online form via the webpage quoted above; or (2) in writing to the undersigned at Hazel House, Merrow Lane, Guildford, Surrey GU4 7BQ by 15 April 2022.

Schedule – (1) High Street (B2128) from the roundabout at its junction with Horseshoe Lane to its junction with Ewhurst Road (B2127); (2) St. James's Place (D918) the entire length; (3) Bank Buildings Road (D190) the entire length; (4) Rowland Road (D664) from its junction with High Street to its junction with Bank Buildings Road; (5) Post Office Service Road (D902) the entire length; (6) Village Way (D685) from its junction with High Street to the southernmost edge of the car park entrance; (7) Church Lane (D655) the entire length of the public highway between High Street and the southern building line of Bunbury House.

Date: 18 March 2022

Lucy Monie – Director – Infrastructure & Delivery
Environment, Transport & Infrastructure

Enquiries to: Traffic Regulation Orders Team, Hazel House, Merrow Lane, Guildford, Surrey, GU4 7BQ, Tel: 0300 200 1003

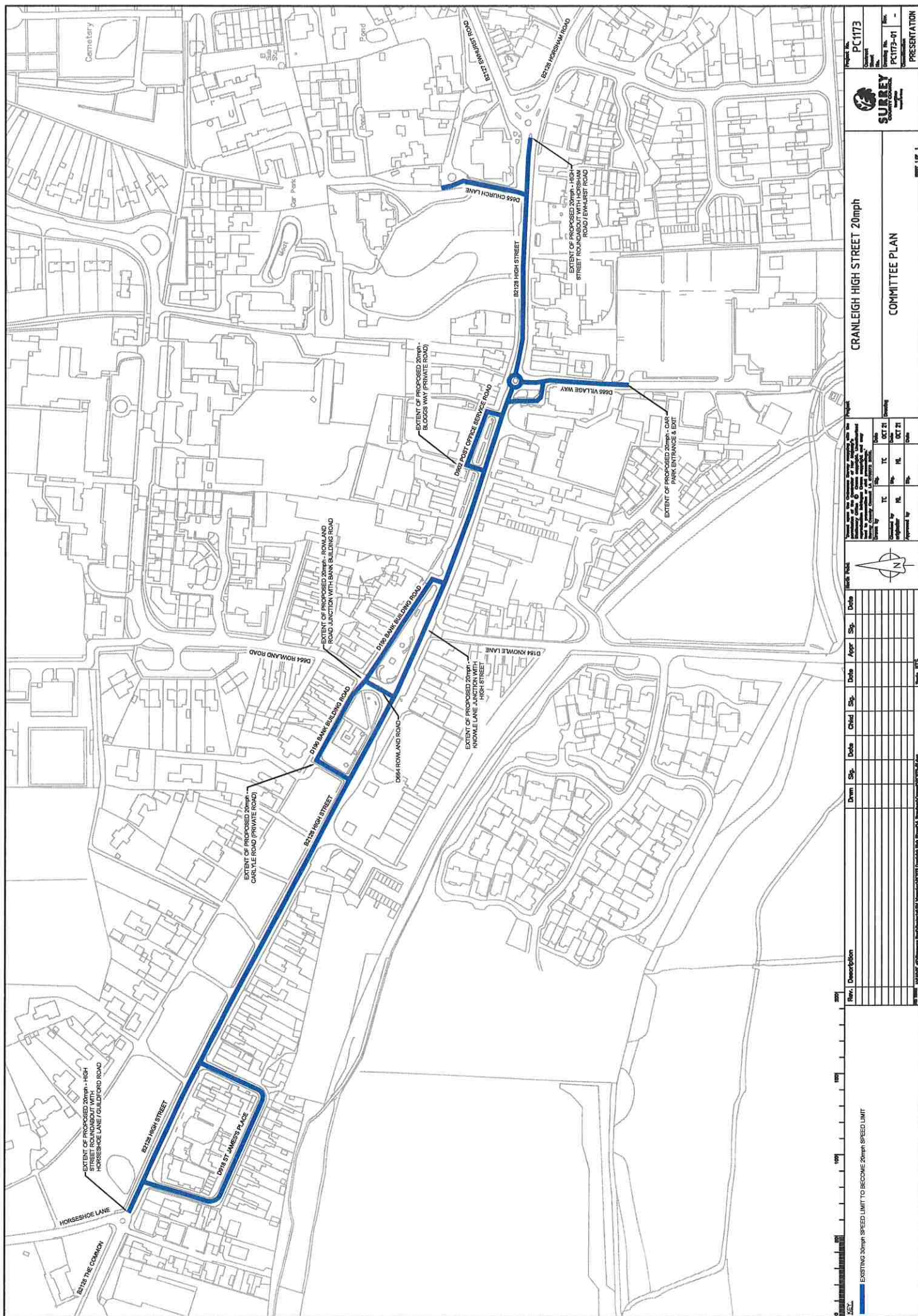
This email and any attachments with it are intended for the addressee only. It may be confidential and may be the subject of legal and/or professional privilege.

If you have received this email in error please notify the sender or postmaster@surreycc.gov.uk

The content may be personal or contain personal opinions and cannot be taken as an expression of the County Council's position.

Surrey County Council reserves the right to monitor all incoming and outgoing mail. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out any checks upon receipt.

[Visit the Surrey County Council website](#)



NMA/2022/00969 Penwerris, 51 Horsham Road, Cranleigh, GU6 8DT

WA/2018/0572 Please refer to covering letter:

Condition 2: Amendment to footpath route providing rear garden access Plot 14
Please refer to covering letter - we have issues with the current arrangement of the footpath linking Plot 14 to its rear garden poses an access issue.

NOTED

7. AMENDED PLANNING APPLICATIONS

WA/2021/02918 - Rye Farm Manor, Elmbridge Road, Cranleigh – No further comments

8. APPEALS

An appeal has been made to the Secretary of State for WA/2020/1853 – Lemans Barn Farm, Wykehurst Lane, Ewhurst, Cranleigh - Noted

9. SURREY HIGHWAYS

20mph Speed Limit Zone – Cranleigh High Street

Although Members understand the benefits of a lower speed limit, it was agreed that other traffic calming measures should be implemented, for example radar speed signs and additional pedestrian crossings between the roundabout at Stocklund Square and the roundabout for Elmbridge Road and Guildford Road.

Strong concerns were raised for the health and well being of the residents of the High Street properties in relation to increased vehicle emission levels and the negative impact this could have to the residents. Members request that an assessment is carried out and report provided to ensure that the lowering of the speed limit will not have a negative impact to the local community's health.

Members noted that because of the crossing points between the Stocklund Square roundabout and the obelisk along with the volume of traffic passing through the High Street the speed tend to be slower.

10. ENFORCEMENT

Members reviewed the letter to be sent to the Secretary of State following the granting of the footpath 70 diversion by SCC and agreed not to gain a legal opinion at this time.

11. ATTENDANCE AT AREA PLANNING COMMITTEE (EASTERN) AND JOINT PLANNING COMMITTEE

It was AGREED for Cllr R Tyler to speak on behalf of the Parish Council.

The Chairman closed the meeting at 7.51pm.

The next Planning Committee Meeting will be held on **Monday 25 April 2022**.

Signature.....

Date.....



CRANLEIGH PARISH COUNCIL

07 April 2022.

Traffic Regulation Orders Team
Hazel House
Merrow Lane
Guildford
Surrey
GU4 7BQ

Dear Sirs

Cranleigh 20 mph Speed Limits Proposal

Cranleigh Parish Council's Planning Committee considered these proposals and would like to make the following comments:

Although Members understand the benefits of a lower speed limit, it was agreed that other traffic calming measures should be implemented, for example radar speed signs and additional pedestrian crossings between the roundabout at Stocklund Square and the roundabout for Elmbridge Road and Guildford Road.

Strong concerns were raised for the health and wellbeing of the residents of the High Street properties in relation to increased vehicle emission levels and the negative impact this could have to the residents. Members request that an assessment is carried out and report provided to ensure that the lowering of the speed limit will not have a negative impact to the local community's health.

Members noted that because of the crossing points between the Stocklund Square roundabout and the Obelisk along with the volume of traffic passing through the High Street the speed tends to be slower.

Yours faithfully

CRANLEIGH PARISH COUNCIL

Beverley Bell FSLCC MIET IEng
PARISH CLERK

CC: Cllr Liz Townsend



04 May 2022

Traffic Regulation Orders Team,
Hazel House,
Merrow Lane,
Guildford
Surrey
GU4 7BQ

Dear Sirs,

Re Cranleigh High St 20 mph Speed Limit Proposal

Cranleigh Chamber of Commerce has actively been representing the local business community since 1948. We draw our members from all sectors of the business, industrial and trading community ranging from large companies to sole traders and retired individuals. Cranleigh Chamber is also an affiliated partner of the Surrey Chamber of Commerce.

Cranleigh Chamber supported the application to reduce the speed limit along the High Street to 20mph and were pleased when the Waverley Local Committee approved it for public consultation. Subsequently, however, we are very disappointed to learn that the Cranleigh Parish Council do not support such a proposal. We strongly believe this is foolhardy in terms of safety and economically.

Specifically:

Road Safety

The Chamber recognises that for periods of the day that it is difficult to travel much beyond 20mph because of the current traffic congestion along the High Street. The village is so spread out that vehicles need to reach schools, work, and car parks equally from all directions which naturally slows up traffic at those times. However, our principal concern is outside of the school and work rush congestion when the High Street is unfortunately open to vehicles speeding, indeed racing, along its length. In the case of 'boy racers' turning at the roundabouts and racing back which has been witnessed too often.

The Chamber had a very painful example of a speeding vehicle on Saturday 17th November 2018. The village had been packed with families at the xmas lights switch on event. The crowds dispersed around 7.00pm enabling residents to shop. However, at around 8pm a car travelled along the High Street at such a speed, that he hit a woman with her two children crossing at the island crossing outside Marks and Spencer's. The woman did not have time to see the oncoming vehicle and she was seriously injured and might well have lost her life.

The Chamber and the village were shocked that a woman, who had only an hour earlier enjoyed a fun evening out at the xmas event with her family should be injured when simply completing her shopping. The hit and run driver was later found and charged.

The Economy

Like all High Streets, Cranleigh's retailers have suffered during the pandemic and because of the move to online shopping. They are trying hard to pick themselves up and the Chamber is doing all it can to help them. Currently, we are leading a proposal to create a Business Improvement District which will bring in funding to enable a significant increase in street events as well as other activities.

Unlike other towns and villages, it is not possible to close the High Street during such events because it is the main thoroughfare. Already the very narrow pavement on the south side of the High Street is causing problems with pedestrians stepping onto the road to pass others by. This is specially exacerbated with social distancing which has become the norm now and indeed encouraged by government. I have done it myself many times particularly when older and less abled people, who are still very anxious post pandemic, approach me.

Cranleigh has grown substantially in the past few years due to the new housing developments and it is critical to the local economy that those retailers attract residents to shop, eat and relax locally. The High Street has a new vibrancy with residents enjoying the continental dining feel of Fountain Square and Stocklund Square. Already the monthly Surrey Hills Artisan Market has increased footfall as recorded by Waverley's footfall counter technology. However, stalls are on both sides of the road and pedestrians during these events tend to be more relaxed about how they cross the road and more likely to risk crossing without due attention.

If we want to attract visitors and residents to Cranleigh we would be able to market the village as a 'safe place' to enjoy, promoting the 20mph limit, mirroring the continent where vehicles expect to drive slowly in local High Streets.

We will never stop the reckless drivers, but we can at least discourage them especially through prosecution, and a 20-mph limit would help considerably in that message. Therefore we would encourage Surrey County Council to proceed with this proposal.

Kind regards,

Rosemary French OBE
Cranleigh Chamber of Commerce