

Classification	Item No.
Open	

Body:	Employment Panel
Date:	26 th January 2022
Title of report:	Revisions to Section 6 of the Local Conditions of Service: Traveling, Subsistence & Housing
Report by:	Cllr. Tahir Rafiq; Cabinet Member for Corporate Affairs & HR
Decision Type:	Non Key Decision
Ward(s) to which report relates	All

Executive Summary:

Section 6 of the Council's Local Conditions of Service sets out contractual arrangements in relation staff travel, subsistence and relocation expenses. Following a review of staff travel arrangements, and specifically the Council's policy in relation to car usage, a number of amendments are proposed for approval by the Employment Panel.

These changes seek to align the Council's arrangements for staff travel with the Agile Working approach and the authority's carbon reduction aspirations by refining and clarifying the circumstances under which travel by car would be appropriate and hence reimbursed.

The changes proposed do not fundamentally change the nature of the Council's policy position on car use. However, through clarifying and tightening expectations and through the continued use of new technology and agile working, this is expected to assure the delivery of £300K in budget savings from staff travel budgets in support of the Council's overall budget savings requirements.

Recommendation(s)

The Employment Panel is asked to approve the proposed revisions to Section 6 of the Local Conditions of Service as set out below.

Key considerations

1. Reviewing the Council's Policy Position on Staff Travel

1.1 The Council has, for some time, recognised the need to review and modernise arrangements for car user allowance. Over recent months work has been undertaken to consider the best approach to this work taking account of a range of drivers for action:

- Bury has a long-established annual review process for priority car users, based on individual mileage and circumstances. Unlike some Local Authorities, the Council can be reasonably assured that there are not vast numbers of individuals receiving lump sum payments without justification or alignment with policy. – There is an opportunity to utilise this model to further tighten arrangements within the general terms of the current contractual scheme and designations.
- Through the period of agile working mileage claims have reduced significantly and it is highly likely that the number of designated Priority users will also fall. The Council has made a long-term commitment to agile working and so there is a clear opportunity to take advantage of this change to reduce spend and the associated budgets. Actual spend against mileage and lump sum budgets showed a significant underspend in 2020/21 and is, again, projected to show a similar level of underspend in 2021/22.
- In October 2021 the Council agreed a new Climate Action Strategy and Action Plan. The Strategy notes the reduction in car travel facilitated by Covid-19 and the opportunity to build upon these lifestyle changes and 'reinvent how we move around Bury with a greater focus on public and active travel.'. – It is important that the Council leads by example in encouraging a reduction in work related car travel wherever possible.
- An audit of the Council's approach to Car Allowance in July 2021 provided a Moderate audit opinion in relation to the systems and controls in place for the authorisation and payment of car allowances across the Council. Work to address the areas for action in the Audit is well underway and includes clarification and refinements to the Council's policy wording and guidance.
- It remains important that the Council retains a mechanism to reimburse staff for the use of a car, where necessary in the delivery of their role and that, where access to a motor vehicle is a requirement of the role, an appropriate allowance is paid. – In general terms, this is a requirement of the National Conditions of Service for Local Authority staff.

1.2 Taking account of the above a number of revisions to the current policy position are proposed and appended below. These changes predominately seek to do three things:

2. Tighten the Council's position on when mileage should be claimed and will be paid as only in those circumstances when:
 - (i) The journey is essential in order to undertake Council business, and
 - (ii) Where alternative options are not viable (i.e. an online meeting) and where
 - (iii) Car travel represents the cheapest or only viable option.

An additional essential criterion for Priority User Status has also been added:
'That the use of a car, and the journeys undertaken, are absolutely essential to the delivery of the individual's role'

3. To address a number of areas which have been identified as potentially ambiguous or unclear through the internal audit review.
 4. To revise and simplify the detail of mileage claims in response to feedback from the Trade Unions. Specifically, to move from the position where all mileage must be claimed from an individuals' administrative base to one aligned with agile working where the actual miles undertaken are claimed. Specifically, by confirming:
 - (i) Employees should normally travel by the shortest possible route (unless there are specific circumstances justifying an alternative).
 - (ii) No payments shall be made in relation to travel from home (or other non- work location) into an individual's normal or contractual base of work or from the normal or contractual base to their home (or other non-work location).
 - (iii) The method of calculating mileage for all authorised journeys shall be such that the travelling expenses of an employee shall be paid in respect of the actual journey made
 - (iv) Where an employees' journey begins or ends at home (or other non-work related location) outside the borough of Bury, only those miles travelled from the borough's border will be claimable
- 1.3 The proposed changes were shared with the Trade Unions on 5th January and their comments taken into account in the detailed amendments appended which they are supportive of and in agreement to in principle. Subject to Employment Panel's approval, the changes will be presented to the Joint Consultative Committee (JCC) on 10th February to seek JCC's formal endorsement and support to implement as a variation to the Council's Local Conditions of Service. The intention would be to launch these changes thereafter with a formal implementation date of 1st March 2022.
- 1.4 Alongside the revisions to the Local Conditions of Service the more detailed guidance document for staff on this area is also being updated, in partnership with Trade Union colleagues, and will be made available to staff alongside the revised policy subject to its agreement.

- 1.5 The proposed changes and any impact on both the cost of staff travel and service delivery will be closely monitored over the coming months. Officers are working on a comprehensive review of the Council's full employee policy framework and any further required amends will, in the first instance, be progressed as part of this work which will be presented to the Employment Panel in the coming months.
- 1.6 At present the other elements of the Section 6 of the Local Conditions of Service (i.e. those related to subsistence and relocation) have not been reviewed. These will be considered as part of the wider policy review programme highlighted above.

Community impact/links with Community Strategy

The policy revisions support the objectives of the Council's Climate Action Strategy whilst also ensuring that clear and effective arrangements are in place to enable business delivery across frontline services.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis
A Equality Assessment of the proposed amendments has been undertaken and no negative impacts identified.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
The end of restrictions related to Covid result in a sharp increase in business mileage	<p>The proposed revisions will mitigate this by being clear on the circumstances in which business travel by car is appropriate.</p> <p>Robust management and close monitoring of data on mileage claims will enable any issues to be identified early.</p>

Consultation:

The proposed changes were shared with the Trade Unions on 5th January and their comments taken into account in the detailed amendments appended which they are supportive of and in agreement to in principle. Subject to Employment Panel's approval, the changes will be presented to the Joint Consultative Committee (JCC) on 10th February to seek JCC's formal endorsement and support to implement as a variation to the Council's Local Conditions of Service.

The changes have been shared with and agreed by the Council's Executive Team.

Legal Implications:

Legally a collective agreement is not needed however our Bury toolkit does state in these circumstances a 90 day consultation is required. It is set out in the body of the report that this matter has been the subject of ongoing dialogue with the Trade Union who have indicated their agreement to the proposal. It is proposed that a formal endorsement is obtained from JCC prior to proceeding, if this is obtained this significantly reduces any challenge to this proposal.

Financial Implications:

This proposal is in line with the Council's climate action strategy and agile working policy. It reflects the current pattern of usage and also delivers savings to the council, expected to be circa £300k, when the authority is looking to all areas to deliver savings in order to produce a balanced budget. As a consequence of the pandemic staff travel has significantly reduced and budgets are currently showing underspends against pre pandemic values, this proposal builds upon that change in behaviour and new ways of working.

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Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
JCC	Joint Constitutive Committee

SECTION SIX

TRAVELLING, SUBSISTENCE AND HOUSING

1. Expenses of Candidates for Appointment

- (a) All candidates for interview shall be informed that they may claim expenses as follows:-
 - (i) **Travelling**

Travel expenses covering the cost of the journey via the cheapest method (bus, train or car) will be paid on production of a receipt where appropriate. If a car is used candidates may claim the non designated car user mileage rate determined by the Council from time to time.
 - (ii) **Subsistence**

Subsistence reimbursements can be made for breakfast, lunch and evening meal at the current rates in the financial provisions table. These are maximum reimbursement amounts and are subject to a valid receipt being submitted.
- (b) Claims for expenses, as outlined in (a) above, shall normally be paid into a bank account, details to be provided by the candidate.
- (c) Should the candidate withdraw from the interview process or refuse an offer of employment then no expenses will be paid.

2. Travelling Expenses (NJC for LGS Part 2.13)

- (a) An employee, who in the performance of ~~his/her~~ **their** duties, has necessarily to undertake journeys and has incurred additional expense, shall be reimbursed as follows:-
 - (i) **Railway and 'bus Fares'**

Normally only the cost of journeys either from the administrative centre and back or for the actual journey made, whichever is less, shall be reimbursed on production of a receipt. Employees shall normally be reimbursed at standard rates. If, however, an employee wishes to use a car as an alternative to travel by public transport, ~~he/she~~ **they** should seek authorisation to do so from their manager to claim the appropriate car mileage rate, as determined by the Council from time to time. **Travel by car will not be authorised where public transport is a viable and cost effective option.**
 - (ii) **Parking Meter and Car Parking Charges**

An employee shall be permitted to claim any parking meter and car parking charges necessarily incurred in the performance of ~~his/her~~ **their** duties. (Excluding existing car park permit arrangements within the Borough)

(iii) **Taxi and Car Hire Charges**

An employee shall be permitted to claim any taxi and/or car hire charges (including gratuities and/or V.A.T.) necessarily incurred in the performance of ~~his/her~~ **their** duties.

- (b) Reimbursement will only be made where a claim is submitted within 3 months of the date the additional expense was incurred.

3. Subsistence Payments (NJC for LGS Part 2.13)

- (a) Subsistence reimbursements are available for:

- Breakfast;
- Lunch;
- Evening meal / Networking

Please refer to the financial provisions table for the current rates.

The rates will be reviewed at 1st April every year, based on the Retail Price Index for food.

Payments are applicable when an employee has occurred additional expense when they were required to travel out of the Borough in the course of their duties.

The amounts are maximum reimbursement amounts and are subject to a valid receipt being submitted.

Employees may not claim reimbursement for alcoholic beverages either through subsistence or petty cash claims.

- (b) Overnight Accommodation:

Employees necessarily incurring additional expense in the course of their work in respect of overnight accommodation will be reimbursed approved accommodation expenses, subject to appropriate evidence of expenditure being produced. (Meal costs will be reimbursed on the above basis).

- (c) Travel with Elected Members

Where an employee is required to travel to a conference, seminar or other authorised meeting in the company of an Elected Member ~~he/she~~ **they** shall be allowed to claim the same travel, subsistence and overnight allowance as the Elected Member.

(d) Reimbursement

Reimbursement will be made where a claim is submitted within 3 months of the date additional expense was incurred.

4. Use of Car as an alternative to Travel by Rail

If, under agreed circumstances, a car is used as an alternative to travel by rail, the car mileage rate shall be in accordance with the non designated car user mileage rate (lowest rate). **Travel by car will only be agreed where rail travel is more costly and / or not a viable option given the nature of the journey.**

5. Relocation – Excess Travel Expenses (NJC for LGS Part 2.13)

If an employee is relocated, they can claim excess travel expenses for their journey from and to their new place of work.

- (a) Being relocated means that their place of work is permanently changed by the Council, or by another circumstance beyond their control. Their old place of work is stated on their Statement of Particulars.
- (b) They can claim the difference between the cost of travelling both ways if this is more than a stated amount per week* (refer to financial table for latest figure):-
 - The cost of their journey from home to their old place of work; and
 - The cost of that journey from home to their new place of work

*This is based on 5 days travel. If they work less than five days a week, this amount will be reduced in proportion.

- (c) Excess travel expenses will be paid for a period of:-
 - (i) 2 years where the employee is graded scp 6 or below, ie up to the maximum of Grade 6; and
 - (ii) 1 year where the employee is graded scp 7 or above, ie Grade 7 or above
- (d) Payment is from the date the change of location took place. If they are promoted or change job voluntarily during this protection period their excess travel will stop.
- (e) Excess travel is paid for days that they are at work and not for days that they are sick or on annual leave or absent for other reasons.
- (f) The expenses will be based on standard class train and/or bus fares, or the agreed mileage rate if they use a car to get to work.

- (g) If they are a designated approved or priority car user, they will be paid at the appropriate rate, otherwise the lowest rate will apply (refer to financial table for latest figure).
- (h) They will be entitled to claim after four weeks at their new location, but the claim will be backdated to the day they started.

6. Removal Expenses

- (a) The Council will pay removal expenses (refer to financial table for latest figure) to employees joining the Council if the new employee moves from outside a radius of 10 miles to within a 10 mile radius of their new workplace.
- (b) The amount is towards the cost of the following: -
 - (i) The full cost or a contribution to the transport and insurance in transit of their household furniture or property. They must produce three competitive quotes for the cost of the transport and insurance. The nature and quantity of the items being transported must also be reasonable. The Council will pay an amount the same as the lowest quote produced. Normally the Council will pay the expenses after the removal has taken place. However, in some circumstances the Council can pay in advance if the employee confirms in writing, to the Chief Executive that they will repay the expenses if the removal does not take place.
 - (ii) A disturbance allowance to cover or contribute to any of the following: -
 - (i) The cost of storing furniture and property for a period no greater than eleven months from the date of appointment, promotion or transfer. The employee must produce two competitive quotes for the cost of the storage and we will pay the amount of the lowest quote. The Six Town Housing Contractor should be used where possible for storage.
 - (ii) Travelling expenses or subsistence allowances for the employee and dependants from their old home. This will be paid at either:
 - The cost of the journey on public transport (subject to receipts – rail fares at standard rates) or
 - The lowest mileage rate (see financial table for latest figure).

This will be paid when the employee is searching for accommodation or for moving into their new residence.

If agreed with the appropriate Chief Officer the employee may be allowed to travel from their former residence to their new workplace/administrative centre instead of

lodging. In this case, they will be paid travelling expenses as above instead of lodging. The payments made must not be greater than if they had entered into lodgings.

- (iii) A weekly lodging allowance for five days including bed, breakfast and dinner (see financial table for latest figure). This allowance will be paid for up to three months if they are unable to find accommodation immediately. In agreement with the Chief Executive this period may be extended to a maximum of 6 months. Travelling expenses, paid as above, if they are in temporary accommodation and have to travel to their previous home.
- (iv) Other expenses connected to moving house (for example, replacement of curtains, fixtures and fittings and installation of electrical appliances etc).

NOTE: To claim any disturbance allowances they must demonstrate the expenses actually incurred, e.g. by producing receipts.

- (c) A contribution towards any legal costs, estate agent's costs and mortgage redemption fees during purchasing the house
- (d) The employee can take up to two days paid special leave to move home. This can be taken to move into temporary accommodation, their new home or a service tenancy.
- (e) The expenses described above can only be paid within 12 months of the appointment.
 - (i) If the employee leaves Bury's employment within 2 years of the date of appointment they will be required to repay any removal expenses paid to them. This will be on a graduated scale reducing one twenty-fourth of every month's service since the date of the appointment.
 - (ii) If the appropriate chief officer considers that there are grounds for not recovering the expenses they should submit a report to the Chief Executive who will then make a decision based on the report.

7. Authorised Use of a Motor Car

- (a) A Chief Officer may authorise an employee, who must be insured for business purposes and who has not been designated by the Council as either an approved or priority car user, to use ~~his/her~~ **their** motor car for ~~official~~ **official** journeys **only in circumstances where:**
 - (v) **The journey is essential in order to undertake Council business and**

- (vi) Where alternative options are not viable (e.g. online meetings, the use of online mapping and street views) and
 - (vii) Car travel represents the cheapest or only viable option.
-
- ~~(i) Official equipment etc. has had to be carried and it was not possible or convenient for such equipment etc to be carried on public transport.~~
 - ~~(ii) An official passenger has had to be carried and it was not appropriate for the passenger to travel on public transport.~~
 - ~~(iii) Public transport was not available or was inadequate because of a restricted or inconvenient service; and~~
 - ~~(iv) The use of a private car as opposed to public transport could be shown to result in a net financial saving to the Council and/or a saving in staff time;~~
-
- (b) Under the circumstances outlined in (a) above, the employee concerned shall be paid ~~a rate which is aligned to the threshold set by HM Revenue & Customs~~ (at the non-designated user car mileage rate (lowest rate) – refer to financial table for latest figure.
 - (c) Any employee who is authorised to use ~~his/her~~ **their** motor car under ~~any of~~ the circumstances outlined in (a) above, shall maintain a record ~~, in the approved logbook according to the instructions laid down by the chief financial services officer (Head of Human Resources) from time to time,~~ of all ~~official~~ journeys undertaken, showing full particulars of the appropriate reason(s) for the journey and the places visited (including starting and finishing points) ~~and the names of any official passengers carried;~~ such record shall ~~normally be kept in his/her motor car and shall~~ be available for inspection, on request by their Manager, HR or Internal Audit.

8. Calculation of ~~Official~~ Mileage

An employee, who has either been authorised to use ~~his/her~~ **their** car for ~~official~~ journeys or has been designated by the Council as either an approved or priority car user, shall calculate the mileage ~~he/she~~ **they** have actually travelled as follows:-

- (a) Normal Office Hours
 - (i) Employees should normally travel by the shortest possible route (unless there are specific circumstances justifying an alternative).

- (ii) No payments shall be made in relation to travel from home (or other non-work location) into an individual's normal or contractual base of work or from the normal or contractual base to their home (or other non-work location).
- (iii) The method of calculating ~~official~~ mileage for all authorised journeys shall be such that the travelling expenses of an employee shall be paid in respect of ~~journeys either from his/her administrative centre and back or for~~ the actual journey made ~~whichever is the lesser;~~
- (iii) Where an employees' journey begins ~~or~~ ends at a home (or other non-work related location) outside the borough of Bury, only those miles travelled from the borough's border will be claimable (i.e. when traveling to a location in Bury from a location outside of the borough).

~~(ii) — accordingly, if a journey is made during office hours from the administrative centre to one or more points and back to the administrative centre, the cost of the actual mileage travelled may be claimed, as appropriate, in accordance with the Scheme of Conditions of Service;~~

~~(iii) — if, however, the journey is:—~~

~~EITHER~~

- ~~• from home to one or more points and back to home; OR~~
- ~~• from home to one or more points on the way to the administrative centre; OR~~
- ~~• from the administrative centre to one or more points on the way home;~~

~~the mileage should be calculated as if the journey has been made by the shortest route from the administrative centre and back. The cost of that mileage may be claimed if it is less than the actual mileage from home to home; otherwise, the cost of the actual mileage is to be claimed, as appropriate, in accordance with the Scheme.~~

~~Advice on the calculation of official mileage is available on request from HR teams.~~

(b) Outside Normal Office Hours

- (i) when an employee, outside ~~his/her~~ **their** normal hours of work, necessarily travels from ~~his/her~~ **their** home to carry out duties other than at ~~his/her~~ **their** administrative centre, ~~he/she-they~~ may claim the cost of the actual mileage travelled, as appropriate, in accordance with the Scheme of Conditions of

Service, in such circumstances where travel by car is essential and public transport is not a viable alternative

- (ii) if authorised journeys are made by an employee, outside ~~his/her~~ their normal hours of work, to carry out duties at ~~his/her~~ their administrative centre (for example an employee on call), ~~he/she~~ they may claim the cost of actual mileage from home to administrative centre back to home, as appropriate, in accordance with the Scheme of Conditions of Service , in such circumstances where travel by car is essential and public transport is not a viable alternative

~~(iv) —should an employee's duties not finish until after 11.30 p.m. he/she shall be reimbursed the actual cost of the journey from his/her administrative centre to home.~~

9. Motor Car Allowances (NJC for LGS Part 3.6)

The following general conditions relating to the use of cars by officers shall apply locally:-

- (a) Employees whose posts are changed from an priority car user allowance to an approved car user allowance shall be 'cushioned' as follows:-
 - (i) payment of three months of priority car user lump sum allowance plus mileage at priority car user rate;
 - (ii) payment for three months of one half of priority car user lump sum allowance plus mileage at priority car user rate; and
 - (iii) payment thereafter for mileage at approved user rate;
- (b) An employee, who undertakes ~~official~~ journeys by car, shall carry any ~~official~~ passengers without any additional payment;
- (c) Any employee, who has either been designated as a priority or approved car user shall ensure that ~~his/her~~ their motor insurance covers ~~him/her~~ them for accidents caused to and/or by passengers during ~~official~~ journeys. Employees not so designated shall not be authorised to use ~~his/her~~ their private motor car for ~~official~~ journeys unless ~~his/her~~ their policy of insurance provides such cover;
- (d) The Chief Executive shall be authorised to calculate and recalculate break-even points in respect of mileage levels for vehicles of all cubic capacities;
- (e) Designations are subject to ~~annual~~ review and may change;
- (f) If an employee is a priority car user and uses a vehicle with a cubic capacity in excess of 1199cc, ~~he/she~~ they shall receive the priority car user rate for vehicles with a cubic capacity of 1000-1199cc, as determined from time to time;

- (g) Any employee who is designated by the Council as either a priority or an approved car user shall maintain a record, ~~in the approved logbook, according to the instruction laid down by the Head of Human Resources from time to time,~~ of all ~~official~~ journeys undertaken, showing full particulars of the purpose of the journey, the places visited (including starting and finishing points) and the names of any ~~official~~ passengers carried; such record ~~shall normally be kept in his/her motor car and~~ shall be available for inspection on request, by either ~~his/her their Chief Officer-Manager, Head of Human Resources~~HR or Internal Audit.
- (h) A lump sum payment shall not be made to a designated priority car user who does not provide a private motor car; in other circumstances the provisions of Paragraph 6.3 of the NA on P&CS shall apply; and
- (i) Any employee shall submit a claim for reimbursement of mileage allowances by a date not later than six months after the first of the ~~official~~ journeys, in respect of which the claim is submitted, was undertaken.

10. Assisted Car Purchase Scheme (NJC for LGS Part 3.6)

The Council operates an assisted car purchase scheme through Customer Accounts based at Whittaker Street. Details and application forms are available from departmental HR Teams.

11. Bicycle Allowance

An allowance (refer to financial table for latest figure) per annum shall be paid to an officer who uses a bicycle in the performance of their ~~official~~ duties.

12. Motor Cycle Allowances

An officer, who if under agreed circumstances uses a motor cycle in the performance of ~~his/her their official~~ duties, shall be paid the appropriate allowances as determined (refer to financial table for latest figure).