



SENIOR TRAFFIC COMMISSIONER

Administrative Policy Guidance

2012 No.02

ADVICE OF THE SENIOR TRAFFIC COMMISSIONER ON TRAVEL AND SUBSISTENCE CLAIMS

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Issued: February 2012		

Beverley Bell

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Acting Senior Traffic Commissioner
16th February 2012

1. Introduction

1.1 Traffic Commissioners are public appointees and so it is accepted that at all times when claiming for travel and subsistence we should act properly and accountably. This advice is given to guide traffic commissioners on what makes for an appropriate claim and what procedures should be followed. Traffic commissioners should at all time have regard to their own safety when travelling away from base and to the integrity and safety of their possessions including business papers and equipment.

1.2 Traffic commissioners are subject to terms of appointment that allow them to claim travel, subsistence and other expenses necessarily incurred on business (including levies by professional bodies). The varying terms of appointment for current commissioners imply that traffic commissioners should be treated in the same way for many matters as officials employed in the Senior Civil Service and DfT. The varying terms of appointment for existing commissioners refer, inter alia, to the former Department of the Environment Staff Handbook and the Department for Transport Staff Handbook. It is acknowledged by the Department for Transport that it is not able to provide current commissioners with a copy of the handbook that was in existence at the time of their appointments.

1.3 Traffic commissioners' terms and conditions state that they shall be entitled to travel, subsistence and other expenses necessarily incurred on business in accordance with DfT travel and subsistence arrangements applying to senior staff of the Department. Payment of these claims to traffic commissioners has been made since at least 1985 on the basis of reimbursement of the actual costs incurred.

1.4 In view of all of the above it is desirable for there to be clarity and transparency regarding travel, subsistence and related claims and accompanying payments by traffic commissioners.

1.5 The guidance does not alter terms and conditions of appointment but it does recognise that there may be instances where additional help for traffic commissioners would be useful in deciding what is reasonable to claim under established working practices. Consequently the guidance relies on a combination of the advice given to other members of the judiciary and civil servants. It also recognises that traffic commissioners are expected to initially meet expenses from their own pockets.

1.6 In very recent times, the Cabinet Office has indicated to all within the public service including appointees who are not civil servants that there is a need to reduce discretionary public expenditure. This is supported by traffic commissioners.

1.7 The following is merely guidance to help new and existing traffic commissioners and to help in our drive for greater consistency. Where the guidance refers to traffic commissioners it is intended to also serve as guidance for deputy traffic commissioners.

2. Travelling and subsistence allowances

2.1 The following paragraphs offer advice on the allowances that might be claimed by traffic commissioners applicable to travel on official business.

2.2 As traffic commissioners are aware the payments, which VOSA administers to traffic commissioners, must be strictly accounted for. Thus it is incumbent on all traffic commissioners to make timely and fully vouched claims on the official forms provided. Prompt submission of claims makes it easier for administrative staff to check. VOSA currently asks that claims are made weekly for the preceding week and endeavours to make payment within three working days.

2.3 The general principle adopted by a traffic commissioner is that nothing may be reimbursed beyond expenditure actually incurred on the necessary business of the Crown.

2.4 Traffic commissioners will normally only claim for:

- expenses when they travel on official business within the UK away from the normal workplace;
- expenses on the very rare occasions when they are authorised to travel on official business overseas;
- expenses arising from a permanent transfer;
- the reimbursement of excess fares arising from a permanent transfer or work on detached duty.

3. Travel

3.1 Official travel

3.1.1 Official travel is any travel required away from the normal workplace on official business or to discharge official functions. It includes:

- journeys to and from full time training courses, and attendance at part time courses;
- attendance at development opportunities, seminars and courses;
- journeys made on recall from annual leave;
- attendance at courts as part of official duties;
- daily travel to a detached duty office;
- emergency call out to the permanent office;
- additional attendance outside normal working hours;
- public transport disruption;
- attendance at related events including industry presentations.

3.2 Method of travel

3.2.1 Traffic commissioners are aware that they should only travel if it is necessary and will use other methods such as telephone or video conferencing where appropriate. Traffic commissioners are encouraged to use the most cost effective method(s) of transport that will enable them to reach the required destination safely, in good time and in reasonable comfort. They will weigh up all the relevant factors, such as taking into account the cost of travel, the official time involved and any associated costs as well as the demands on their own time and their conditioned hours. Traffic commissioners are aware that buying air or rail tickets in advance can be cheaper and will do so wherever practical.

3.2.2 The expectation of the Guidance on reducing discretionary spending is that first class travel will be the exception. The use of premium classes of travel should be avoided, however if used the use needs to be justified by the commissioner when making the claim.

3.3 Use of motor vehicle

3.3.1 If it is not possible, or if it is inefficient (in terms of cost or time), to use public transport, traffic commissioners may use a hire car or privately owned vehicle. Traffic commissioners are aware of the Secretary of State's commitment to environmental issues and initiatives such as car sharing.

3.4 Travel receipts

3.4.1 Wherever possible receipts for all expenditure should be obtained and retained to support a claim. Where it was not possible to provide receipts or travel tickets - for instance when using a vending machine or when the travel ticket is retained by the operator, traffic commissioners should make a note of the reason why the travel ticket or receipt is not available.

3.5 Travel Gratuities

3.5.1 There may be limited circumstances where it is reasonable for traffic commissioners to be reimbursed for reasonable and low value non-receipted travel gratuities where they have received help with luggage or equipment. Any gratuity claimed should not normally exceed

10% of the cost of the journey. Special care should be taken in submitting any claim that includes a gratuity; this is especially so in view of the financial constraints facing the public sector.

3.6 Travel by private car

3.6.1 Traffic commissioners will only use privately owned motor vehicles for UK travel if they satisfy the following guidance. Appendix A sets out guidance as to the rates that might be claimed.

3.7 Motor mileage allowance

3.7.1 The standard rate of mileage allowance comprises a single category for all cars, irrespective of engine size. Within that category there are two tiers which relate to the mileage travelled. A higher rate applies up to the first 10,000 miles, and a lower rate for each mile thereafter. Records of cumulative mileage should be available. No limit is placed on the mileage which traffic commissioners who prefer to use their cars rather than public transport for travel to a tribunal centre or centres may claim. Appendix A explains when traffic commissioners might claim at a public transport rate (PTR) or at standard mileage rate (SMR). Traffic commissioners have adopted a limit of 10,000 miles per annum at the higher SMR rate in line with civil service arrangements, pending resolution of their terms and conditions.

3.7.2 Traffic commissioners are entitled to be reimbursed at SMR provided they satisfy the vehicle ownership, insurance and documentation requirements and:

- it is not practicable to use public transport for the journey; or
- the security of the individual traffic commissioner requires it, or
- the total costs of the journey (including subsistence costs) are less than public transport because the journey is shared with colleagues; or
- there is a need to carry sensitive briefing papers, equipment and/or luggage; or
- the person is pregnant or has a temporary or permanent disability or medical condition which makes the use of public transport difficult.

3.7.3 The rates of motor mileage payable are set at a level approved by the HM Revenue & Customs as involving no profit element and do not therefore give rise to any tax liability.

3.7.4 Where traffic commissioners claim the motor mileage allowance or motor cycle mileage allowance they understand that they should ensure that their claim clearly shows the mileage claimed and claim at the appropriate lower, public transport rate shown in Appendix A when 10,000 miles has been exceeded in that financial year.

3.8 Ownership

3.8.1 Traffic commissioners using privately owned vehicles should ensure that either:

- they or a member of their immediate family or their partner own the vehicle or it has been purchased by them on credit terms and is registered in their name, that of their partner or member of their immediate family;
- has been hired by them for their private use; or
- if it is not registered in their name it is in their lawful possession and is used with permission from the owner and has adequate insurance cover.

3.9 Insurance of motor vehicles used on Crown business

3.9.1 Traffic commissioners who claim mileage allowances should have fully comprehensive

insurance cover. A person using a privately owned motor vehicle in connection with his/her business is legally required to have in his/her insurance policy a clause covering such use by the policy holder in person.

3.10 Reimbursement of parking fees and certain other charges

3.10.1 VOSA aims, wherever possible, to provide parking spaces for traffic commissioners but these are not guaranteed for exclusive use by traffic commissioners. Where these are available traffic commissioners should be allowed use thereof free of charge. Where no such parking facilities exist, traffic commissioners are entitled to claim for any expense incurred as a result of that office holder having to attend an office or other premises other than his/her principal place of work.. Parking expenses incurred at the principal place of work may be reimbursed however where, after attendance there, the traffic commissioner is obliged to travel on to a meeting etc at another centre. The cost of garaging and parking fees, tolls, congestion charges and ferry charges incurred in the course of official business for which the standard rate of mileage allowance is payable may also be reimbursed. Traffic commissioners are also entitled to be reimbursed for the costs of any congestion charges incurred whilst on official business.

3.11 Hire cars

3.11.1 If the traffic commissioner considers it to be more cost effective, weighing up all the relevant factors: taking into account the cost of travel, the official time involved and any associated costs as well as the demands on their own time and their conditioned hours, they might chose to use a hire car. Traffic commissioners can claim to be reimbursed all the costs associated with the hire of the vehicle. VOSA has arrangements in place for the hire of vehicles.

3.12 Motor cycles

3.12.1 Traffic commissioners have adopted the mileage allowances at Appendix A as guidance for use of a motor cycle for official travel.

3.13 Travel by public transport

3.13.1 It is for the traffic commissioner who prefers to travel by public transport to meet the cost of travelling between his/her home and their principal place of work (as the location agreed with the Department for Transport).

3.13.2 This guidance recognises the pressures on budgets and that it may not be possible to arrange cover when travelling. In order to ensure that traffic commissioners have every opportunity to work wherever appropriate and to ensure additional security, a traffic commissioner who travels by train on official business to a place other than his/her principal place of work may claim the first class rail fare for the journey but there should be justification noted on the claim form for travelling first class rather than standard class, unless a first class discount fare is cheaper. The expectation of the Guidance on reducing discretionary spending is that first class travel will be the exception.

3.13.3 Traffic commissioners are aware of the budgetary pressures to avoid using deputy traffic commissioners in view of the cost involved. Accordingly when making decisions as to whether to travel first or standard class traffic commissioners should be aware of the net effect on the public purse. Consideration should include the ability to carry out work on the train for the duration of the journey, the time and cost saving benefits of undertaking the work, and the potential avoidance of the use of a deputy traffic commissioner as well as the requirement to obtain a seat on anything other than short journeys. Where such factors lead the traffic commissioner to conclude that it is cheaper for the public purse to travel first class the traffic commissioner may (but does not have to) travel first class but all relevant claim forms must be fully annotated to show why, on limited instances, first class travel is claimed.

3.13.4 Traffic commissioners have also noted the helpful guidance that has been issued by the Lord Chief Justice to all judicial office-holders. The guidance is as follows:

“The current financial crisis has led each member of the Judicial Executive Board to apply the following self denying ordinance.

When we travel by train we shall normally claim the refunding of our expenses on the basis of the cheapest available standard fare. I hope you will do likewise.”

Igor Judge

Guidance

“There will be limited occasions when it will be appropriate to claim the first class fare, for example,

- Where it is necessary to work on judicial matters during the journey, and the work can only be undertaken within the greater space or with the privacy necessary to ensure confidentiality which is more readily available in a first class compartment*
- Where there are no standard class facilities to accommodate those with disabilities or other special needs*
- Where there are security concerns*

Some practical considerations

- Open ‘anytime’ tickets are the most expensive to purchase. The further ahead ‘advance’ tickets are purchased, the cheaper they will be.*
- Please use a railcard if you have one (MoJ is able to pay for railcards, although this will be taxed as a benefit).*
- Mix and match ticket types. If you are certain of your departure time on an outward journey, you can buy a timed ticket. The timing of return journeys can be less certain. Where it is possible that you would return earlier, you should generally still obtain a timed ticket – it can be exchanged at the station for a small (reimbursable) fee. Where it is possible that you will be returning later, an ‘anytime’ ticket for the return journey will be appropriate.*
- Is the travel necessary? Would video or telephone conferencing be an appropriate solution?”*

3.14 Travel by air

3.14.1 Traffic commissioners may seek to travel by air if it would be cheaper and quicker than making the journey by other modes or if air travel would avoid the need for an overnight stay. In such circumstances and having regard to the guidance on discretionary spend only economy class travel will be used though additional payment can be made where it is necessary to secure flexibility of travel time.

3.15 Travel by bus and coach

3.15.1 The costs of bus and coach fares used for official travel can also be reimbursed.

3.16 Seat reservation

3.16.1 Traffic commissioners are entitled to seek reimbursement for the costs of reserving a seat.

3.17 Use of taxis

3.17.1 Traffic commissioners may also claim the cost of a taxi at either end of a journey where this is reasonably incurred. Traffic commissioners will have regard to whether other

public transport is available; the transportation of heavy official papers, other baggage or equipment; the need to ensure personal safety and security e.g. late at night; the best use of a traffic commissioner's time with reference to conditioned hours; what is cost effective when travelling in a group. The expectation of the Guidance on discretionary spend is that taxis will not be used unless there is no alternative or having regard to factors such as the foregoing. This includes the rare occasions when staying late at work is required and where for reasons of personal safety or lack of availability of public transport, the use of a taxi can be claimed.

3.18 Travel by sea

3.18.1 If traffic commissioners are required to travel within the UK by sea they may claim the first class fare for the journey. Traffic commissioners must use their discretion as to when this is required. If they need to travel overnight they are entitled to be reimbursed the cost of a sleeping berth.

4. Subsistence

4.1.1 UK subsistence is intended to meet the costs (for instance meals and accommodation) that traffic commissioners necessarily incur when away from their normal workplace in the UK on official duties. This applies to any period spent working at a place other than their permanent place of work and includes visits for meetings, training or other connected activities. As per the terms of appointment, traffic commissioners' allowances are based on actual expenditure. Traffic commissioners are expected to provide receipts for any subsistence claimed.

4.2 Detached duty - UK subsistence

4.2.1 The amounts that civil servants are entitled to be reimbursed are subject to indicative ceilings based on days away. Civil servants who are temporarily on official business away from their normal place of work are treated as being on detached duty. However traffic commissioners will be assisted in deciding what is reasonable by reference to the separate day subsistence guidance which allows civil servants to claim as follows:

- five to 10 hours (to cover the costs of one meal)
- 10 to 12 hours (to cover the costs of two meals) and
- over 12 hours (to cover the costs of three meals without an overnight stay)

4.2.2 In all cases incidental costs of refreshments such as water and soft drinks can also be claimed by traffic commissioners. Traffic commissioners can claim for the cost of a main meal (that is, breakfast, lunch, and evening meal, excluding alcoholic beverages). Care is needed in submitting claims that include gratuities in view of public sector financial constraints.

4.3 Overnight stays at your normal workplace

4.3.1 If, for example because of public transport disruption or other emergency traffic commissioners are exceptionally required to stay in the area near to their normal place of work then they might wish to claim the costs of subsistence and overnight accommodation.

4.4 Overnight stays elsewhere

4.4.1 Accommodation costs should only be claimed if a traffic commissioner stays away from home overnight on official business. Traffic commissioners are entitled to an appropriate standard of accommodation. Appendix C sets out some minimum standards but a general rule might be that you should not be more uncomfortable than your own home. What is reasonable to spend will depend on a number of factors. It has been the experience of traffic commissioners in the past that urban areas tend to be more expensive. In the absence of any other agreed terms and conditions traffic commissioners should try and secure accommodation between the DfT senior civil service indicative rates of £90 outside London and no more than £130 per night in London (being aware that the indicative rates differ between DfT and the Tribunal rate) in order to ensure the safeguards set out below.

4.4.2 Traffic commissioners will often need to work in their room and, accordingly, the standard of room to meet the minimum standards of safety, comfort and particularly security set out in Appendix C might not always fall within the indicative figures provided to civil servants. Where a higher room rate is attracted the claim form should set out in full why this was necessary. Traffic commissioners will usually avoid periods where events might cause accommodation prices to rise but this is not always possible where other factors outside their control dictate the meeting date.

4.4.3 If a traffic commissioner necessarily incurs abnormally high expenses on accommodation and meals (for example, because of an unusually heavy local demand for

hotel accommodation due to other events in the area) then the traffic commissioner should be able to demonstrate that these exceptional circumstances necessitated the level of claim.

4.5 Overnight stays other than in hotels

4.5.1 Traffic commissioners who are on official duties away from their normal place of work may wish to stay with relatives or friends if they are reasonably local to the location to be visited. It is open to traffic commissioners to claim the amount available to civil servants in equivalent circumstances – see Appendix B for guidance.

4.6 Attendance at other functions

4.6.1 As part of their core duties, traffic commissioners attend industry events such as trade association meetings, seminars and on occasion formal events. In those circumstances they will claim re-imbursement of necessary travel and accommodation costs in line with this guidance. Traffic commissioners will make hospitality register entries for those events where the commissioner is a guest and incurs no cost for meals, travel or accommodation, those expenses having been met by the hosts.

4.7 Committees of inquiry, Commissions etc.

4.7.1 Traffic commissioners, like other judicial office holders, may be asked from time to time to give evidence to Commissions or Committees. If this involves travelling, they will claim re-imbursement of necessary travel and accommodation costs in line with this guidance.

4.8 Medical boards

4.8.1 Attendance at a medical board or appointment related assessment arising from their appointment is official business and traffic commissioners can claim travel and subsistence expenses accordingly.

4.9 Training courses, conferences and seminars

4.9.1 If it is necessary for traffic commissioners to attend a training course, conference or seminar which necessitates an overnight stay and accommodation and meals are provided they would not normally claim for any subsistence except incidental expenses. If they attend training courses, conferences or seminars which do not include the cost of meals or overnight stays, they may claim actual costs in accordance with the above guidance.

4.10 Additional caring expenses

4.10.1 Traffic commissioners can be assisted by the guidance to civil servants which allow them to claim for additional caring expenses incurred as a result of an exceptional change to their normal working routine.

4.11 Visits home

4.11.1 During any period of detached duty civil servants are entitled to be reimbursed for the cost of concessionary travel back to their permanent home each weekend, for periods of leave or in exceptional circumstances. Accordingly traffic commissioners will follow those guidelines.

5. Expenses Claims

5.1.1 The expenses for which traffic commissioners can claim are, unless otherwise stated, those actually and necessarily incurred and should be supported by receipts. The commissioner will take all necessary steps to ensure that all claims contain true and accurate information. However where a traffic commissioner becomes aware of an overpayment he/she must refund any overpaid amount as soon as is practicable together with an explanation as to how the overpayment occurred.

5.1.2 Expenses claims should be completed and provided to the relevant personal secretary to copy (including receipts) and then submit. Claims should be submitted regularly and if possible weekly and in any event no greater than monthly and supporting vouchers, receipts etc. for expenses should be attached to the claim, whenever possible. Members of staff who process payment of claims for travel and subsistence are not permitted to correct, amend or complete claims by, for example, entering totals and mileage rates. Traffic commissioners are therefore advised to ensure that all claim forms are properly completed as erroneous or improperly completed claims may be returned unpaid.

5.1.3 Traffic commissioners are entitled to redact any receipts on the basis that further disclosure might impact on their personal security and may wish to remove items which are not the subject of a claim from public funds. However any redaction must not be such as to prevent the proper scrutiny or audit of the claim having regard to the over-riding protection of public funds.

Advice agreed by the following Commissioners on 16 February 2012:

Joan Aitken	Commissioner for Scotland
Beverley Bell	Commissioner for the North West Traffic Area
	Acting Commissioner for the North East Traffic Area
Sarah Bell	Commissioner for the Western Traffic Area
Nick Jones	Comisiynydd Traffig dros Ardal Drafnidiaeth Cymru
	Commissioner for Wales
	Commissioner for the West Midland Traffic Area
Richard Turfitt	Commissioner for the Eastern Traffic Area
	Acting Commissioner for the South Eastern and Metropolitan Traffic Area

Appendix A - Advised UK travel rates as at February 2012

Motor mileage rates – motor vehicles

- **Standard mileage rate**

Higher (up to 10,000 miles) = 40p per mile

Lower (over 10,000 miles) = 25p per mile

- Public Transport rate = 25p per mile

Passenger supplement

- First passenger = 5p per mile
- Second and subsequent passengers = 5p per mile

Equipment supplement

- The equipment supplement is 2p per mile

Motor cycles and motor cycle combinations

- Motor cycles and motor cycle combinations = 24p per mile

Pedal cycle allowance

- The pedal cycle allowance is 20p per mile

Appendix B - Advised UK family & friends rates

Lodging allowance:

For London, the indicative ceiling is £42 per night

For outside London, the indicative ceiling is £31 per night

Appendix C - Accommodation standards

A sufficiently sized room for single occupancy with:

en suite facilities (WC, shower or bath)

bed

TV

tea/coffee making facilities

telephone

access to ironing facilities

access to the internet

2. There should be adequate space and facilities (e.g. chair, writing and computer surface for working in the room, wheelchair access).

3. The location of the hotel must ensure degree of personal safety and you should feel safe staying there.

4. There should be reasonable security arrangements within the hotel (e.g. secure car parking, door locks, adequate lighting).

5. The surrounding areas should be reasonable with recognition as to the need to have minimum noise during the quiet hours.

6. The restaurant facilities should be available offering table d'hôte menu at a reasonable price of three courses with coffee. Special requirements to meet religious and dietary needs should be met.