

## Lancashire County Council

### Employment Committee

Monday 7th June 2021 at 2.00 pm in Committee Room A - The Tudor Room,  
County Hall, Preston

#### Agenda

Part I (Open to Press and Public)

No.	Item	
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1.	<b>Apologies</b>	
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2.	<b>Disclosure of Pecuniary and Non-Pecuniary Interests</b>	
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Members are asked to consider any pecuniary and non-pecuniary interests they may have to disclose to the meeting in relation to matters under consideration on the agenda.

3.	<b>Constitution, Membership and Terms of Reference</b>	(Pages 1 - 8)
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4.	<b>Minutes of the Meeting held on 12 April 2021</b>	(Pages 9 - 12)
	To be confirmed and signed by the Chair.	

5.	<b>Revised Travel &amp; Expenses Policy and Procedure</b>	(Pages 13 - 28)
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6.	<b>Urgent Business</b>	
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any member's intention to raise a matter under this heading.

7.	<b>Date of Next Meeting</b>	
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The next meeting of the committee will be held on Monday 5 July 2021 at 2.00pm at County Hall, Preston.

**8. Exclusion of Press and Public**

The committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

**Part II (Not Open to Press and Public)**

**9. Lancashire Renewables Ltd Annual Pay Review and Update to Employee Terms and Conditions** (Pages 29 - 36)

(Not for Publication – Exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

L Sales  
Director of Corporate Services

County Hall  
Preston

## Employment Committee

Meeting to be held on Monday, 7 June 2021

Electoral Division affected: None;
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## Constitution, Membership and Terms of Reference

(Appendix A refers)

Contact for further information:

Hannah Race, Democratic Services Officer, Tel: 01772 530655,

Hannah.Race@lancashire.gov.uk

### Executive Summary

This report sets out the membership, Chair and Deputy Chair, and the Terms of Reference of the Employment Committee for the remainder of the municipal year 2021/22.

### Recommendation

The Employment Committee is asked to note:

- i) The appointment of County Councillor P Williamson as Chair and County Councillor A Vincent as Deputy Chair of the Employment Committee for the 2021/22 municipal year;
- ii) The membership of the committee, following the county council's annual meeting on 27 May 2021; and
- iii) The Employment Committee Terms of Reference, as presented.

### Background and Advice

The county council at its annual meeting on 27 May 2021 agreed that the Employment Committee shall comprise eight county councillors (on the basis of five Conservative members and three Labour members).

The following councillors have subsequently been nominated to service on the Employment Committee for the following year:

#### County Councillors:

A Ali	L Beavers
P Buckley	J Mein
D O'Toole	A Riggott
A Vincent	P Williamson

The Full Council appointed County Councillors P Williamson and A Vincent as Chair and Deputy Chair respectively of the Employment Committee for the 2021/22 municipal year.

A copy of the committee's Terms of Reference are attached at Appendix A.

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

No significant risks have been identified.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

### Employment Committee

The Committee comprises 8 County Councillors, chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

The Committee shall discharge the following functions.

#### **A. Appointment and Dismissal of "Senior Officers" and Other Statutory Officers**

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (s.151 Officer), collectively referred to as "Senior Officers".
  - 1.1 The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory responsibilities:
    - Children's Services;
    - Adult Services; and
    - Public Health.
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
  - (a) Draw up a job description and person specification;
  - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising;
  - (c) Make arrangements to interview such applicants for the post as they may determine.

4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.
5. In the case of paragraphs 1 and 1.1 above no offer of appointment (including by way of an appointment pursuant to paragraph 2) and, in the case of paragraph 1, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
  - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
  - (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
  - (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

### **Conditions of Service**

6. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
7. The appraisal of Senior Officers and other statutory officers listed at paragraph 1.1 shall be carried out by the Chief Executive.

### **Disciplinary Action**

8. The Committee may take any disciplinary action (including suspension) against the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
9. The Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.

10. If an exceptional situation arises whereby allegations of misconduct by the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that his/her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within 7 days of the decision).
11. A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be taken by the Full Council having taken into account:
  - Any views submitted under paragraph 5;
  - Any advice, views or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 (d) for the purposes of advising the Council on matters relating to the dismissal of the named officers;
  - The conclusions of any investigation into the proposed dismissal; and
  - Any representations from the relevant officer.
12. A decision to suspend an Executive Director shall be taken by the Chief Executive.
13. Subject to paragraphs 8, 9 and 10 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate Council's Disciplinary Procedure.
14. Subject to paragraphs 8, 9 and 10 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult cabinet members in accordance with paragraph 5 above or to seek approval from the Full Council.
15. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
16. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

## **Capability and Dismissal Procedures**

17. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the Council's Disciplinary and Capability Procedures.
18. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

## **Appointment, Dismissal and Disciplinary Action**

19. Subject to paragraphs 1-18 above, the functions of appointment, dismissal, and taking disciplinary action against any other employee must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
20. Subject to paragraphs 1-18 above, the Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all cabinet members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

## **B. All Other Staff**

### **Terms and Conditions of Employment**

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
  - The Council's pay and grading structure;
  - Any fees, allowances or payments made to employees, including any relating to termination of employment;
  - Any policies, procedures and practices relating to employment including recruitment and selection;  
(Any minor changes to these policies, procedures and practices to reflect legislative changes and improve working practices can be approved by the Head of Service for Human Resources under the Council's Scheme of Delegation arrangements);
  - Any collective agreements relating to the above;
  - To determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required.



2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.
3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

### **C. Lancashire Renewables Limited**

#### Terms and Conditions of Employment

The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same.

This shall include, but not be limited to the following:

1. approving the Company's pay and grading structure.
2. approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based.
3. ensuring that all employees of the Company are paid a minimum of the living wage.
4. approving the Company's employment policies, procedures and practices.
5. determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.

In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the County Council in comparable positions.

## **D. Lancashire Coroners**

The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

## **E. Local Pensions Partnership Ltd**

### **(LPPL): Approval of LPPL's Remuneration**

#### **Policy**

1. To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors.

#### **Changes to Directors' Remuneration Policy**

2. To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

#### **Proposed redundancies of any Group employees**

3. To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

#### **Proposed re-location of any LPPL employees**

4. To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

#### **Chief Executive**

5. To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.

## Lancashire County Council

### Employment Committee

Minutes of the Meeting held on Monday 12th April 2021 at 2.00 pm

### Teams Virtual Meeting

#### Present:

County Councillor Geoff Driver CBE (Chair)

#### County Councillors

A Atkinson  
K Iddon  
T Martin

D O'Toole  
A Vincent

The Chairman welcomed everyone to the meeting and a minute's silence was held to reflect on the lifelong public service of His Royal Highness The Prince Philip, Duke of Edinburgh.

#### 1. Apologies

Apologies were received from County Councillor A Ali.

#### 2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

#### 3. Minutes of the Meeting held on 8th March 2021

**Resolved:** That the minutes of the meeting held on 8th March 2021 be confirmed as an accurate record and signed by the Chairman.

#### 4. Urgent Business

None.

#### 5. Date of Next Meeting

It was noted that the next meeting of the committee would be held on 7th June 2021 at 2.00pm at County Hall, Preston.

#### 6. Exclusion of Press and Public

**Resolved:** That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the

appropriate paragraph of Part I of Schedule 12A to the Local Government Act 1972.

It was considered that in all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **7. Local Pensions Partnership - Pay Proposals**

(Not for Publication – Exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information.)

The committee considered a private and confidential report presented by Michelle King, Interim Head of Pension Fund, which updated members on the decisions approved by the Employment Committee Chairman, in accordance with the recommendations of the committee at its meeting on 8 March 2021, regarding the Local Pensions Partnership report on roles attracting remuneration at £100k or over.

The committee noted the additional background information and assurances given on future similar reports to ensure engagement with the committee and transparency in how proposals are formulated.

The committee thanked the Interim Head of Pension Fund, Lancashire County Council for her thorough work.

**Resolved:** That

- i) The decisions approved by the Employment Committee Chairman, in consultation with the Director of Corporate Services and Interim Head of Pension Fund, Lancashire County Council and in accordance with the recommendations of the Employment Committee at its meeting on 8 March 2021, be noted;
- ii) Sufficient supporting background information from the Boards of Local Pensions Partnership Investment, Local Pensions Partnership Administration, and the Local Pensions Partnership Group be included in future reports to the Employment Committee where appropriate, in order to provide context to the report under consideration; and
- i) The proposal for Local Pensions Partnership Investment, Local Pensions Partnership Administration, and the Local Pensions Partnership Group to consult with the Employment Committee as relevant stakeholders on materially significant matters, prior to agreement by their respective Boards, be approved.

L Sales  
Director of Corporate Services

County Hall  
Preston



## Employment Committee

Meeting to be held on Monday, 7 June 2021

Electoral Division affected: N/A;
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## Revised Travel & Expenses Policy and Procedure

(Appendix 'A' refers)

Contact for further information:

Deborah Barrow, Tel: (01772) 535805, Head of Service Human Resources,

Deborah.Barrow@lancashire.gov.uk

### Executive Summary

The council's Travel & Expenses Policies and Procedures have been reviewed and consolidated as part of the Human Resources policy review programme. A revised draft has been produced, which is modernised, streamlined, continues to be legally compliant and aligns with the council's improvement journey, culture, and values.

### Recommendation

The Employment Committee is asked to approve the revised Travel & Expenses Policy and Procedure, as set out at Appendix A.

### Background and Advice

In July 2020, a report was presented to the Corporate Management Team to provide an update on the Human Resources policy review programme, its principles, and priorities. A clear set of principles were established, to ensure that our Human Resources policies going forward are:

- Modernised – that they align to the values and priorities of the council.
- Straightforward – in terms of the tone and language used, and that clear steps and processes are set out within them.
- Take account of best practice – that through our networks and research they are benchmarked against those of other high performing organisations.
- Take account of fairness and accountability – that they set expectations to both employees and managers.
- Legally compliant – that they comply with current employment regulations, along with ACAS (Advisory, Conciliation and Arbitration Service) Codes of Practice and national conditions of service, where applicable.

- Embedded and impactful – that our policies and procedures are understood by all, applied where appropriate, and that managers are equipped to make judgements and decisions. Successful delivery of this will also support the development of the council's performance management culture.

The priorities for the Human Resources policy review programme cover three proposed groups, the first of which form what are considered to be the council's core Human Resources policies and procedures that are most used by our employees and managers. These core policies and procedures have clear impacts on overall performance management, productivity and behaviours within the workplace and have therefore been categorised within the first group of policies to be reviewed. Travel & Expenses is one of these core policies and procedures.

### Revised Travel & Expenses Policy and Procedure

The Travel & Expenses policy review is predominantly a consolidation of the existing policies and schemes.

In line with our core policy reviews, we want to bring our cultural principles to the forefront to:

- Ensure employees are fairly and properly reimbursed for business expenses incurred in the performance of their duties;
- Provide reasonable standards of facilities, comfort, convenience, and safety without incurring unnecessary costs;
- Be environmentally friendly and explore environmental solutions – such as encouraging use of technology to allow remote meetings, use of public transport/cycling/walking; and
- Simplify mileage claims.

The proposed changes to the policy are set out below:

- **Mileage claim criteria** – the current method for calculating mileage is complicated and difficult to understand. It is proposed that the criteria be simplified to remove the current five-mile radius criteria and align to HM Revenue and Customs rules around tax relief. It has also been clarified that employees who are required to travel outside of the county boundary for business purposes are able to claim for this mileage.
- **Employee accountability for claims** – the updated policy aims to ensure all employees are aware of their responsibilities only to submit claims in accordance with the policy. Managers have ultimate responsibility for approving claims but the responsibility for verifying these sits with the employee who has submitted them.



- **The telephone installation and rental changes scheme** – it is proposed that this is removed as a review of claims has shown that this is no longer used. Employees can still claim for calls if they are unable to access the Microsoft Teams telephony system, a council landline or work's mobile.
- **Dinner allowance** – it is proposed that employees are able to claim for a dinner allowance if they are required to stay overnight on business.
- **Callout mileage claims** – we are required to remove the option to claim for mileage where this is due to callout to a permanent workplace, as HM Revenue and Customs guidance expressly states that this is considered to be a commute and therefore does not attract tax relief.

## **Consultations**

The revised draft Travel & Expenses Policy and Procedure has been shared with the recognised trade unions, through the Joint Negotiating and Consultative Forum, who have noted the proposed changes. They believe the revised policy is clear and well-constructed, but they do not support the removal of claims for a callout to the workplace, albeit recognising this is in line with HM Revenue and Customs tax relief criteria.

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

The council is legally required to ensure that its Travel & Expenses Policy and Procedure complies with HM Revenue and Customs tax relief criteria in respect of mileage claims. Ensuring that the language and tone is clear, straightforward, and understandable should enable employees and managers to understand what is and is not claimable in line with HM Revenue and Customs criteria.

## **Financial**

It is difficult to predict if the change to the mileage claims criteria will have a financial impact. Expense claim and audit data has been used to consider the potential financial impact of the proposed policy changes. However, once the revised policy is implemented this will be regularly monitored as part of the budget monitoring process, with the most significant variances reported to Cabinet on a quarterly basis.

Having consulted Finance and Audit teams, they are of the view that it would be very difficult to accurately predict any financial impact, primarily due to the following factors:

- The expense claim dataset lacks the required detail to establish whether the mileage claimed fell within the five-mile radius to understand if there would have been a change in the amount claimed based on the new policy criteria.
- Stakeholder input and audit reports have shown that the current mileage claim policy criteria are not currently applied consistently in line with policy, which again creates challenges in forecasting.
- The new ways of working are likely to attract less mileage claims than the pre-pandemic ways of working.
- The existing policy allows individuals to claim for travel from home to temporary workplaces and there is no change in respect of this. Whilst we have removed the five-mile radius rule, there is still an added proviso to deduct the usual commute in certain circumstances.

### **Local Government (Access to Information) Act 1985**

#### **List of Background Papers**

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

# Travel & Expenses

## Policy and Procedure

### Policy Statement

This policy sets out Lancashire County Council's rules on business travel and aims to ensure that employees are properly reimbursed for legitimate business expenses that are incurred by them in the performance of their duties. In addition, we want to ensure that we provide reasonable standards of facilities, comfort, convenience, and safety for those who need to travel on council business.

### Scope

This policy applies to all council employees on Lancashire County Council terms and conditions, excluding teaching and non-teaching staff employed by schools and employees who transferred to the council in accordance with TUPE regulations and who remain on their previous terms and conditions of employment. For clarity, all employees are eligible to claim expenses, however for employees who have TUPE transferred, you may be eligible to receive the rates applicable to your previous terms and conditions of employment.

The Travel & Expenses Policy supersedes the former policies and procedures relating to business travel, car categorisation, driving licences and motor insurance of privately owned vehicles, travel outside of Great Britain, expenses over three months old, overnight allowance, payment for travel outside normal working hours, requirements to qualify for meal allowances and telephone allowances – these documents are now incorporated into the scope of this policy.

### Definitions

The following definitions apply for the purpose of this policy:

#### **Business travel expenses include:**

- Public transport costs (including air travel, travel by ferry or taxi, in limited and exceptional circumstances);
- Reimbursement of business mileage for cars, motorcycles, and bicycles; and
- Reimbursement of car parking fees (where incurred).

#### **Business travel expenses do not include:**

- The costs of any normal commuting. Normal commuting costs will not be reimbursed.
- The cost of any travel undertaken for non-business reasons. These expenses will not be reimbursed.
- Any fines or penalties incurred whilst on council business for whatever reason, including penalties for not paying for a rail ticket in advance of boarding a train and penalties or fines associated with motor offences, including speeding and parking fines, clamping or vehicle recovery charges. Fines or penalties incurred whilst on council business will not be reimbursed.
- Travel costs associated with the undertaking of any work related, or qualification, training is claimable in line with the business mileage criteria below, however you should refer to the training mileage rates in the [Allowances and Expenses Table](#) as the rate you can claim differs to the business mileage rate.
- Excess travel costs incurred as a result of the relocation of the workplace of employees. The arrangements concerning excess travel are set out under the council's [Compensation Payments Policy](#).
- Relocation costs, as set out under the council's [Relocation Allowance Scheme](#), incurred as a result of employees relocating their place of residence as a direct result of taking up their appointment with the council.

### Principles

We are committed to having a responsible travel and expenses policy which is fair and reasonable for all staff.

Business travel has a substantial impact on both costs to the council and the environment, so it is important as a collective that we always consider whether travel is absolutely essential to undertake our duties. In considering

whether there is an essential requirement to travel, you should look at whether the work, meeting or visit could be carried out remotely in order to avoid any unnecessary travel.

This policy should be used to determine what you can and cannot claim. If you can make arrangements to avoid expenditure, we would encourage you to do so.

The overriding philosophy of this policy is that you can claim for a contribution where you have been prevented from following your normal travel/meal/accommodation arrangements as a result of an operational need, and therefore have incurred additional expense as a result.

It is ultimately your responsibility to ensure that all expenses that you submit are done so in accordance with this policy.

## Business Travel & Allowances

### Is My Travel Necessary?

We can all help to reduce costs and our impact on the environment by questioning if your journey is needed. Before arranging travel consider:

- Could you use MS Teams or other teleconferencing systems instead?
- Have you limited those travelling to only who is necessary?
- Could you organise your travel in such a way that you reduce the need to return at a later date or cover more appointments in that geographical area?
- Could you consider an alternative location which reduces travel for participants?
- Will there be a negative impact on the customer/service user if you do not see them face to face?

Seek clarity and approval from your manager where appropriate.

### Alternative Options to Commuting

Consider if you could walk or cycle, this is excellent for the environment, and with limited parking facilities at some of our workplaces, it will allow us to prioritise business needs and those with specific requirements. Walking and cycling is also really beneficial for your health and wellbeing. The council has access to a [Cycle to Work Scheme](#). Further to this you could consider the use of public transport – a number of our workplaces have excellent public transport links for rail or bus. This also reduces our carbon footprint and allows us to do our bit for the community by reducing congestion and environmental impact.

### Business Mileage

Business mileage is the number of miles travelled in connection with an essential business journey.

If you use your own vehicle to undertake a business journey in connection with the performance of your work duties as set out below, you will have the business mileage you have incurred reimbursed in accordance with the HMRC approved mileage rates set out within the council's [Allowances and Expenses Table](#) for the type of vehicle you have used.

Business mileage can be claimed for travel that incurs an additional cost to you when undertaking your duties in accordance with HMRC criteria. Any travel which is considered a commute to your permanent workplace, or any personal travel that is not connected with work, **is not claimable**. In the event you live outside of the county boundary, you can only claim mileage from the point you enter the Lancashire boundary. For clarity, the boroughs of Blackburn with Darwen and Blackpool will be regarded as within the county boundary. Google maps can be used to view the county boundary and should be used in conjunction with a reputable route finder such as AA or RAC to establish what you can or cannot claim. In the event you are required to travel outside of the county boundary for operational/business purposes, you are able to claim for the full journey. You are expected to take the most direct route and plan your journeys ahead wherever possible to limit the distance of travel.

In the event you claim for mileage which is considered a commute or personal travel by HMRC this could result in you personally being liable for any tax that should have been paid – so it is really important you make an assessment as to what is and isn't claimable using the information below.

### What journeys can I claim mileage allowance for?

In principle you can claim the additional cost of travel incurred on all journeys carried out for the purposes of your role – **apart from your normal commute to and from your permanent workplace** – as defined under the criteria, as set out below:

- Travel to a temporary workplace - full mileage can be claimed from either your home or from your permanent workplace, to the temporary workplace (and return journey). Please refer to the paragraph below regarding 'what is a temporary workplace'.
  - NOTE - If you live outside of the county boundary, your claim can only begin once you reach the Lancashire boundary, unless you are required to travel outside of the boundary for business purposes.
- In the event you need to visit a temporary workplace on the way to your permanent workplace (or travel past your permanent workplace on the way to a temporary workplace), you can claim your actual mileage for the journey, **less** your normal commuting mileage.

You can only claim mileage for your actual travel in line with the above.

You can claim for travel costs associated with the undertaking of any work related, or qualification, training. Please refer to the training mileage rates in the [Allowances and Expenses Table](#) as the rate differs to the business mileage rate.

### What is a commute?

In simple terms, a commute is any travel between a permanent workplace and your home (or other locations in the event you travel from elsewhere – for example if you stayed with a relative or friend and travelled to work from that location). This is not claimable.

### What is personal travel?

Personal travel is a journey between your home and any other place you do not have to be for work purposes, or any two places you do not have to be for work purposes. This is not claimable.

### What is a permanent workplace?

Normally you will be able to easily identify your permanent workplace as this is somewhere that you travel to on a regular basis to undertake your role, or it may be outlined in your contract of employment. Your manager will be able to confirm your permanent workplace. You can also refer to the criteria below.

A workplace is considered a permanent workplace if you attend it regularly for the performance of your duties. To clarify further, regular attendance would be in the event your attendance to the workplace:

- is frequent
- follows a pattern
- is for all (or almost all) of the period you are employed
- is anticipated to be consistently for more than 40% of your working time

In the event you apply and are successful for a secondment in a different location for a fixed period of time, the new location will be considered your permanent workplace.

In the event you are relocated due to a restructure you may be eligible to claim excess mileage in line with the [Compensation Payments Policy](#).

The work undertaken at this location would be directly related to your role and long term/ongoing duties, as opposed to a time limited one-off task (for example a meeting, to perform repairs or to conduct a survey). You may have more than one permanent workplace. In the event you travel between two permanent workplaces, you can claim for travel between the two, but any travel from home to the permanent workplace would be considered a commute.

Your permanent workplace would include locations where you are routinely allocated tasks (such as a depot) even if tasks are performed elsewhere.

It is important to note that you will still be considered to have a permanent workplace if the organisation has provided facilities for you to work in to carry out your role and you **choose** to work from home (or are required to work from home due to pandemic restrictions for example).

### What is a temporary workplace?

A temporary workplace is somewhere you would go only to perform a task of limited and short duration, for a particular reason/task or for a temporary purpose. For example, it may be a meeting with colleagues, or with service users, or to conduct repairs, but it would be self-contained to that purpose.

More information on HMRC rules around business mileage can be found [here](#). Examples of what is and isn't claimable is available at appendix one of this policy.

Mileage costs will be reimbursed at the rates set out within the [Allowances and Expenses Table](#).

### Overtime Working & Callout

In the event you work overtime or are called out due to an emergency, the normal business mileage rules apply, and you cannot claim for any commute to your permanent workplace or any personal travel.

Please see [Payable Enhancements](#) for further information about call out overtime rates/time off in lieu arrangements.

### Driving at Work E-learning

The [Driving at Work e-learning](#) course is a mandatory course that all employees who drive to and from work, or drive as part of their work duties, are required to undertake. Your manager will not be able to authorise claims for business mileage until the course has been successfully completed.

### Journeys by Public Transport

All public transport journeys must be made by the cheapest fare/ticket option that is available taking account of travel requirements.

It is expected that where there is the facility for travel tickets to be booked in advance that requisitions are made as soon as travel arrangements are confirmed via the Oracle Financials system. There will be people in your service area who are able to place orders and book travel on Oracle on your behalf. Oracle Requisitioners can book travel for Lancashire County Council staff via the link on the iProcurement home page, selecting 'Travel and Accommodation'. If you're unsure who your Oracle requisitioner is, please speak to your line manager. This is to ensure that the most cost-effective travel option can be used, and the costs are charged to a service budget code avoiding the need for you to incur costs.

Second or standard class travel options should generally be used but first or business class travel may be used in cases where the ticket cost is less than that of a standard class ticket (e.g. in the case of any promotions that rail operators are running where tickets are booked in advance). Open tickets should be avoided as they are often more expensive, however flexible tickets can be used for journeys where travel plans are not confirmed, or an off-peak ticket is not feasible. In exceptional circumstances travel by first or business class can be approved by the relevant Director or Head of Service. Please take advantage of any offers which reduce the cost of travel.

Taxis are generally a costly method of travel and should only be booked in exceptional circumstances – for example due to disability requirements, or where personal safety is a concern (early morning/late evening travel). Taxis should be pre-booked wherever possible and only used for short journeys (for example to travel from home to a railway station to catch a train).

Generally speaking, you should look for the most cost-effective option wherever possible, balancing the convenience and time/duration of the journey.

### Travel outside of Great Britain

The following arrangements apply in the event you are required to travel outside of Great Britain in connection with your official duties. You should seek approval from your line manager before making any travel arrangements of this nature.

For these purposes travel to Northern Ireland, the Isle of Man and the Channel Islands qualifies for payment of the allowance as they are considered outside of the United Kingdom of Great Britain. This provision does not apply to other offshore islands e.g. Isle of Wight, Anglesey, Hebrides, etc., which are part of the UK National and Local Government system.

The following expenses can be claimed:

- Accommodation – bed and breakfast only. There is no upper limit, but this is on the basis that the standard of accommodation is that normally arranged by Business Travel Organisations and is booked through the Oracle Financials system;
- Travel to and from this country to the destination by the most economical means; and
- Hospitality for visitors and guests (receipts to be produced wherever practical) if pre-approved by management.

For all other expenses, including travel whilst abroad (e.g. taxis, public transport, use of own car, etc.) and subsistence expenses, a flat rate per day should be claimed (see [Allowances and Expenses Table](#)) and invoices/receipts need not be produced. It is expected that you would not claim expenses if you were in receipt of hospitality which did not incur a cost. This allowance will be reviewed annually in line with RPI rates.

## Car Parking

You are able to claim car parking fees that are incurred as a result of travelling on council business, except where the fees are incurred as a result of you attending your permanent workplace, or any other location that you are using as a substitute work base on any given day.

## Overnight Allowance

These allowances are linked to the Members' Allowance Scheme agreed by the council and will be updated annually in line with that scheme.

Wherever possible overnight accommodation will be booked and paid for by the council. There will be people in your service area who are able to place orders and book travel on Oracle on your behalf. If you're unsure who your Oracle requisitioner is, please speak to your line manager. Normal subsistence allowance arrangements will apply in relation to any meals not provided. In exceptional circumstances where it is not possible for the council to make a direct booking the actual **receipted cost** of accommodation, including breakfast, will be reimbursed subject to the following maximum limits set out in the [Allowances and Expenses Table](#).

There are no separate allowances for attendance at authorised conferences. No entitlement exists where accommodation and all meals are provided at no cost to you.

## Subsistence Allowances

It is generally expected that you will make arrangements for meals when undertaking the course of your duties. Meal allowances will be available however to you in the event you are prevented by your official duties from arranging/taking a meal at your home or permanent workplace, where you normally take your meals. You should retain and provide receipts for any expenses incurred. These allowances will only be payable when you travel outside the boundaries of Lancashire. (For this purpose, the boroughs of Blackburn with Darwen and Blackpool will be regarded as being within the Lancashire boundary).

Meal	Allowance Requirements
<b>Breakfast</b>	You must have left your home or permanent workplace you normally take your meals at least two hours before you would normally start work.
<b>Lunch</b>	You must be away from your home or permanent workplace where you normally take your meals during the normal lunch period, which for the purpose of qualifying for a meal allowance is 12 noon to 2.00pm.
<b>Dinner</b>	Claims for dinner can be made where you are required to work after 8:30pm, or if you are required to have an overnight stay outside of the boundaries of Lancashire due to your official duties. You are permitted to take a dinner break at times that are operationally convenient.

**Note:** The payment of these allowances is, of course, dependant on additional expenditure having been incurred.

## Telephone Call Claims

In exceptional circumstances where you do not have access to a company mobile phone, office phone or MS Teams number and you are required to make business calls that incur a cost to you personally, you can claim for the cost of the call as an incidental expense. You must provide evidence of the business calls made and the

resulting charges from your phone provider. You should discuss any difficulties with your manager in order to resolve any technical issues or to arrange access to the required telephony equipment as soon as possible under these circumstances.

## How to Claim Expenses

You must ensure that regular monthly claims are submitted for expenses via the Oracle HR & Payroll System. All claims must be submitted within a three-month period of the expense being incurred. Any claims that fall outside of this period will only be authorised for payment where you have been prevented from submitting the claim sooner. Full details of the journey, including the date, reason for journey, and route details should be shown on your claim. Business miles to be claimed must be entered and the amount claimed should be shown as appropriate. You are encouraged to keep evidence of your travel in case of any audit requirements. This can be done by logging appointments on your Outlook calendar or by keeping a separate document. Claims for all expenses must be supported by receipts (where appropriate).

Please refer to the [Allowances and Expenses Guide](#) for more advice on how to make an expense claim.

## Car Categorisation

If you are in a post that is designated by the council as an "essential car user", you are required to provide a motor vehicle that is insured by you for business purposes in connection with your duties.

Although the expectation is that post holders in essential car user posts have a motor vehicle readily available on a daily basis, if there are no planned journeys on a particular day and the duties are such that they will not be required to make a journey at short notice they may leave their vehicle at home.

All other posts are designated as "occasional car users" and these post holders are not required to provide a motor vehicle for use by them for business purposes.

## Driving Licences and Motor Insurance of Privately Owned Vehicles

If you drive in the course of your work, it is your responsibility to ensure that you hold a valid driving licence, a roadworthy vehicle, MOT and motor insurance that covers you for business use in order to use a motor vehicle, whether owned by yourself or not, on council business. A valid MOT certificate must be available for all vehicles over 3 years old and this should be available for inspection on request. Drivers must always ensure that their car is in a good state of repair and is roadworthy before undertaking any journey to reduce the likelihood of accidents or breakdowns.

### Motor Insurance Requirements

The use of motor vehicles is subject to compulsory third party insurance cover under the Road Traffic Acts and, if you use a private motor vehicle (whether owned by you or not) on council business, it is your responsibility to ensure that you have a current insurance policy in place providing cover against third party liability during such use. Whenever you drive a privately owned vehicle on council business, you are required to ensure that such use is covered by a Motor Insurance policy which would meet your legal liability towards third parties.

In no circumstances must you carry passengers on a motorcycle whilst on council business.

Should you require any further information on Motor Insurance Requirements, please visit [this link](#) for more information.

### Checking of Driving Licences and Motor Insurance

The procedure below details the arrangements for checking driving licences and the insurance of private motor vehicles used for business purposes.

**NOTE:** The paper counterpart to the photo card driving licence is no longer valid and is no longer issued by DVLA. Paper driving licences issued before the photo card was introduced in 1998 will remain valid. This means that since 8 June 2015 neither the photo card driving licence, nor the paper licence provides an accurate account of any driving endorsements. Instead, this information is held on DVLA's driver record, and can be accessed by post, by phone or online on the GOV.UK website. Managers should use the Check Driving Licence service to check the licence for any endorsements or penalty points using a 'check code' provided by the driver.

1. If you are a photo card driving licence holder you are required to renew the photo card licence before it expires, and licences must be checked by your manager annually and when they have been renewed.



## Appendix A

2. Your driving licence must be checked by your manager on appointment, if you are employed as a driver of council vehicles or employed in a post that is designated as an "essential car user" post using the [GOV.uk website](#). The licence will be checked to ensure that it is valid, the name and address on the licence is correct, that you are not currently disqualified from driving and are able to drive the appropriate category of vehicle. Mileage expense claims cannot be submitted until this check has been completed.
3. Appropriate records will be kept to enable the council to demonstrate to our motor insurers that we are taking reasonable measures to comply with the policy requirements.
4. If you are an essential car user, you must present your vehicle insurance certificate on appointment, which must clearly indicate that the vehicle is insured for business purposes in accordance with the principles above, to your manager. Your manager must validate the insurance details on Oracle Expenses. Mileage expense claims cannot be submitted until this process has been completed.
5. Insurance details need to be re-authorized annually in accordance with insurance renewal dates and it is your responsibility to provide evidence of this to your manager. Oracle Expenses will not accept further claims for mileage expenses without this information.
6. If you are an occasional car user, you must also have business insurance cover for the vehicle you use before you undertake any mileage. This includes training mileage. Your driving licence and vehicle insurance certificate will also be checked before you undertake any mileage and before you can submit any mileage claims.
7. If you are employed as a driver or designated as an essential car user, it is your responsibility to inform your manager of any criminal offences, investigation, cautions and/or convictions that have taken place during or outside of work, including any motoring offences whilst undertaking council duties, which may impact on your employment. In the event you are either prevented or disqualified from driving, you must notify your manager of this immediately. Failure to do so may result in action being taken under the council's [Disciplinary Procedure](#). It is important that if you need to drive you are fit and well to do so and you must keep your manager informed of any medical conditions that may impact on your ability to drive. If you have a medical condition and are unsure whether this may affect you whilst driving a vehicle, you should seek advice from your GP. More information is also available on the Gov.uk site linked [here](#),

### Council Fleet

Please note, if you are **only** required to drive vehicles owned by the council (and part of the council fleet), you will not be required to provide insurance or MOT documentation. You may also be subject to more regular licence checks and required to complete a medical declaration in line with departmental standards.

## Documents & Useful Links

- [Relocation Allowance](#)
- [Compensation Payments Policy](#)
- [Allowances and expenses guide](#)
- [Allowance and Expenses Table](#)
- [Cycle to Work Scheme](#)

## Appendices:

- **Appendix 1 – Business Mileage Scenarios & Examples**

## Policy Version Control

Version	Date	Change
1	##/##/20	<ul style="list-style-type: none"><li>• Removed section relating to telephone installation, rental charges as there is no evidence that this is being claimed.</li><li>• Mileage claim criteria updated in line with HMRC guidance. Removed five-mile radius from mileage claim criteria. Added ability to claim outside of the county boundary if it is required for business purposes.</li><li>• Included ability to claim for dinner allowance if an overnight stay</li><li>• Ability to claim for mileage for callout to designated base now removed to ensure compliance with HMRC tax relief.</li><li>• The requirement to provide a V5 certificate for personal vehicles used for business purposes has been removed.</li><li>• Driving licences now need to be checked annually by managers in conjunction with motor insurance.</li></ul>

## Appendix 1 – Business Mileage Scenarios & Examples

Some examples of what is and is not claimable are as below:

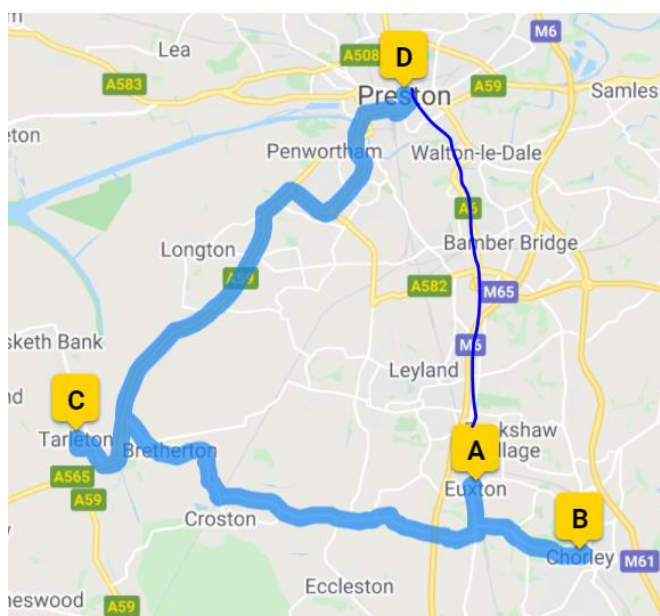
### Scenario 1 - Catering Manager – Travelling to temporary workplaces, to their permanent workplace, and then to their home.

A catering manager is required to travel to multiple school establishments to undertake their role, on each occasion visiting each establishment for a temporary purpose (for example, 1:1's or management meetings). Their designated workplace is County Hall in Preston and they live in Euxton.

In this case, the catering manager is required to travel from home (A) to a school in Chorley (B), then to a school in Tarleton (C), and onto County Hall for a meeting before travelling home at the end of the day.

- The catering manager is travelling from home (A) to the schools in Chorley (B) and Tarleton (C) for a temporary purpose – therefore the travel from home (A) to Chorley (B), and to Tarleton (C) is claimable.
- The travel from Tarleton (C) back to County Hall (D) is considered a return journey from a temporary workplace and therefore this travel is claimable.
- Their travel from County Hall (D) to home (A) however is considered a commute and would therefore not be claimable.

It is worthwhile noting the catering manager organised their day to ensure they were taking the most direct route to the locations they needed to visit that day. In the event they travelled from Euxton to Tarleton and then to Chorley, this may incur excessive mileage and should be queried to understand why this was necessary.



### Scenario 2 – L&D Consultant – Visiting a temporary workplace on their way to their permanent workplace

An L&D Consultant who lives in Ormskirk (A) is required to travel to Tarleton (B) to deliver some training for an hour that morning, they then travel onto their permanent workplace at County Hall in Preston (C) to deliver some remote training for the rest of the day before returning home at the end of the day.

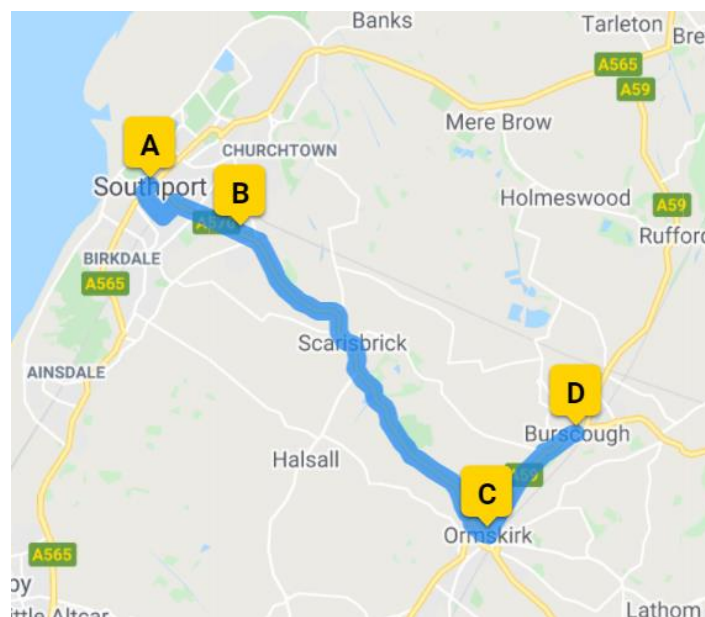
As their travel takes them on their usual route to their permanent workplace, this would be considered to be a visit to a temporary workplace **on the way** to their permanent workplace. They would therefore only be able to claim their actual mileage for the journey, less their normal commuting mileage (if this incurred any additional mileage). If they did not incur any additional cost, they would not have any mileage to claim. Employees are expected to take a sensible approach to travel, taking the most direct route wherever possible.



**Scenario 3 – Estates Manager – Lives outside of county boundary**

An Estates Manager who lives in Southport is required to travel to a meeting in Ormskirk, and then onto Burscough to conduct a building assessment before returning home. Their permanent workplace is County Hall in Preston. As they are required to attend work at these locations for a temporary purpose the travel would be claimable – but only once they reach the county boundary.

- Their travel from their home in Southport (A) to the county boundary on Southport Road (B) would not be claimable as it is outside of the county boundary.
- Their travel from the county boundary (B) to Ormskirk (C), and onto Burscough (D) would be claimable as they are visiting those workplaces for a temporary purpose.
- Their travel from Burscough (D) to the county boundary (B) would be claimable as it is a return journey from a temporary workplace.
- Their travel from the county boundary (B) to Southport (A) would not be claimable as it is outside of the county boundary.



### Scenario 4 – Registered Care Manager – Lives outside the county boundary and is required to visit a temporary workplace that is also outside of the county boundary

A Registered Care Manager who lives in Bolton is asked to provide support to a care home in Bury which sits outside of the county boundary.

Whilst the Registered Care Manager lives outside of the county boundary, as their travel takes them to a temporary workplace which also sits outside of the county boundary, they are eligible to claim for the full mileage.

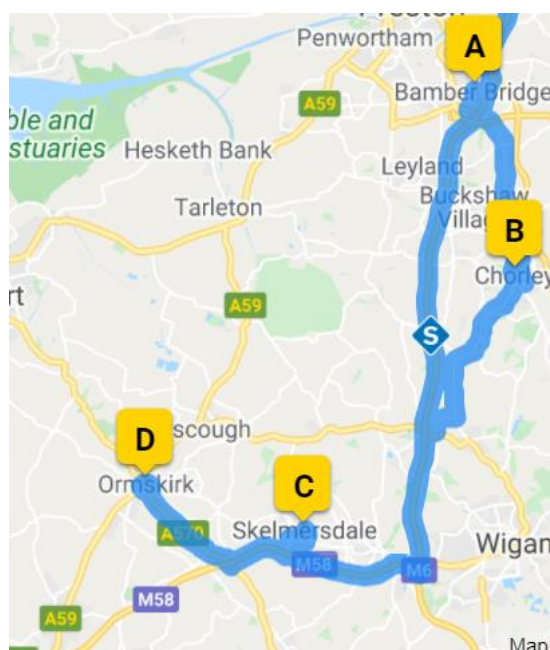
### Scenario 5 – Deducting normal commuting

Jane travels from her home direct to a temporary workplace. The journey requires her to travel past and beyond her permanent place of work. After completing her duty at the temporary workplace, she then returns to her permanent workplace. Jane claims the distance from home to the temporary workplace and return to permanent place of work whilst deducting her normal commute into her permanent place of work.

### Scenario 6 – Facilities Management Operative - Travel only to temporary workplaces

A Facilities Management operative is required to travel from their home in Bamber Bridge (A), to Chorley (B), to Skelmersdale (C) and finally to Ormskirk (D) before returning home at the end of the day to Bamber Bridge (A). Their permanent workplace is County Hall in Preston. Their visits at all locations listed are for a temporary purpose.

As the operative is travelling to all of the locations for a temporary purpose, and does not pass or visit their permanent workplace, mileage for all of their journeys is therefore claimable.



## HMRC Examples

### Example 1 – Normal commuting

- James works 5 days a week at County Hall which is his permanent workplace. From Monday to Thursday he travels to County Hall in Preston from his home. This journey is ordinary commuting. However, on a Thursday he always goes out for the evening with friends and often stays at a friend's house overnight from where he travels directly into work in the morning. His journey from his friend's house to his permanent workplace is also ordinary commuting as it's travel to a permanent workplace from a place which is not a workplace.

### Example 2 – Temporary Workplace

- Fred is a safety officer at County Hall. He visits the Ormskirk depot every week to carry out a particular safety check. His responsibility for that depot has been a duty of his employment for a period already spanning 20 years (so it's not of limited duration). However, the tasks he performs on each visit are self-

contained and the purpose of each visit, considered alone, is temporary. Fred is entitled to claim for the full cost of his travel from home to the Ormskirk depot.

### **Example 3 – Not a Temporary Workplace**

- Guy is an administrator. He has a permanent workplace in Leyland. At certain times of the year he has work to do over the weekend. Generally, he takes it with him to his holiday cottage in the Lake District where he goes with his family most weekends. Working in the Lake District does not make his holiday cottage a temporary workplace. His journey there is private travel and therefore would not be claimable.

### **Example 4 – Not Travel for Work Purposes**

- As part of her duties as a supervisor for a number of social workers at different locations, Hannah has to visit different offices. She gets tax relief for her travel. However, in addition Hannah is usually invited to the Christmas parties held at these offices. She cannot claim for this travel because it's not for work purposes.

More information on HMRC rules around business mileage can be found [here](#).

# Agenda Item 9

(NOT FOR PUBLICATION: By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

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