#### **BRISTOL CITY COUNCIL**

#### **HUMAN RESOURCES COMMITTEE**

#### For Resolution

#### 18th November 2010

**Report of:** Service Director: HR & WF

Title: Mileage Allowances Review

Officer Presenting Report: Mark Williams, Corporate HR Manager

**Contact Telephone Number: 0117 92 24838** 

#### RECOMMENDATION

The committee is asked to:

- 1) Note the changes to VAT which will come into effect in January 2011.
- 2) It is recommended that the mileage allowances for Bristol City Council employees remain unchanged in light of the current financial pressures on the authority.
- 3) Consider whether the VAT increase should be passed onto employees, as per Option B below.

## **Summary**

Bristol City Council's current mileage allowance was introduced with effect from 1<sup>st</sup> October 2008. The VAT rate on fuel will increase from 17.5% to 20% in January 2011 and given the length of time since the current policy was last reviewed the committee is asked to review the authority's mileage allowance policy at this time.

## The significant issues in the report are:

Bristol City Council's mileage allowance rates differ from the NJC rates in several respects. Whereas the NJC mileage allowances pay different rates for cars depending upon the size of the engine (with those who have cars with larger engines receiving a higher allowance) Bristol City Council pays the same rate irrespective of the car engine size.

Bristol City Council also pays a mileage allowance of 40p/mile to those who cycle rather than drive, and an allowance of 25p/mile for those travelling by motorcycle. The NJC for Local Government Services does not produce allowance rates for bicycles and motorcycles.

## 1. Policy

1.1 Bristol City Council's current mileage expenses rates are:

#### Cars & Vans:

First 10,000 miles p.a. = 42.9p / mile\* Over 10,000 miles p.a. = 25p/mile\*

Motor cycles: 24p/mile\*

Bicycles: 40p / mile

\*Note that the rates paid for cars, vans & motorcycles are applicable to all engine capacities.

- 1.2 The NJC mileage allowance rates are shown in appendix A.
- 1.3 Her Majesty's Revenue and Custom's (HMRC) approved mileage rates are shown in Appendix B. Bristol City Council's current mileage rates are above the rate approved by HMRC, therefore claimants are liable to taxation and NIC for a "benefit in kind" in relation to the payment above the HMRC approved rate. Any such payments are declared to HMRC via the payroll.

#### 2. Consultation

#### 2.1 Internal

The options outlined in this report were discussed with the Trade

Unions at the TU Policy meeting on Friday the 22<sup>nd</sup> of October 2010. The trade unions requested an increase in the milage rate so that BCC passed on the impact of the increase to VAT. BCC can reclaim some VAT and the trade unions did not feel that it was reasonable for the employer to keep the mileage rate the same when the amount of VAT the employer could reclaim would increase.

#### 2.2 External

Not applicable.

#### 3. Context

The NJC mileage rates have received a small across the board increase in their recommended mileage allowances. However, there are other influences impacting on the payment of travel expenses which need to be considered. These are, for example:

- (1) Bristol City Council's current policy was designed to encourage the move to greener travel. Specifically this "greener" system of mileage allowances does not pay a higher allowance to larger vehicles with larger engines, and a 40p/mile bicycle allowance is also paid by BCC when this is absent from the NJC scheme of allowances. This is in line with the Council's sustainability agenda;
- (2) Bristol City Council continually examines the use of new ways of working such as: formalised home working and flexible working arrangements for employees, in order to reduce costs and the impact of car usage.
- (3) There are considerable financial pressures on the authority at this time. Increasing travel allowances may mean that the authority would need to make further reductions in (staffing) budgets, in order to pay for this.

## 4. Proposal

## 4.1 **Option A.**

The mileage allowances for Bristol City Council employees remain unchanged in light of the current financial pressures on the authority.

## 4.2 **Option B.**

Pass on to employees the additional VAT which BCC will be able to claim after 4<sup>th</sup> January 2011.

Only part of the travel allowance for cars, vans & motor cycles relates to the cost of fuel. HMRC only allow VAT recovery based upon the national fuel advisory rates, so BCC currently claims back 1.98 pence per mile from the 42.9 pence per mile car & van travel allowances. From the 4th of January BCC will be able to claim back 2.21 pence per mile due to the increase in VAT. The difference is marginal (0.23 pence per mile) however one option would be to adjust the rates in accordance with the extra VAT that BCC will be able to claim from January 2011 onwards. This would be a very marginal change but would pass on the increase in VAT recovery, which BCC will be able to claim from January onwards, to our employees.

- 4.3 The disabled employees group has requested the following changes to the travel expenses policy as part of the consultation on the equalities impact assessment for this report. Specifically they have requested:
  - i) A change to allow for employees with mobility scooters to claim the same rate as car mileage.
  - ii) To consider whether there should be another mileage rate for drivers with adapted cars and scooters.
- 4.4 HR plans to consult further with the disabled employees group in relation to their concerns and it is recommend that these issues are considered at either the December 2010 or January 2011 HR committee meeting.

## 5. Other Options Considered

- 5.1 On of the options open to the Council would be to revert to the HMRC approved rate of 40p per mile. However, although this option was considered it is not supported by the Service Director: HR. Reducing the mileage allowance could have an impact upon the willingness of employees to use their car for work. It is also anticipated that any move to reduce these allowances would have a disproportionate effect upon lower paid employees.
- 5.2 In the longer term it may be appropriate to introduce a 'sliding scale' scheme, which rewards employees to use more carbon efficient

- vehicles. However this is not considered appropriate to review this at present given other HR priorities and strategic option reviews.
- 5.3 Adopting the NJC travel rates in place of Bristol City Council's locally determined policy on travel allowances was also considered. However this would not be in-line with our sustainability agenda and the council's efforts to encourage more sustainable forms of transport. It should also be noted that the Local Government Employers organisation has recently stated that the formula used to calculate the NJC travel allowances is no-longer fit for purpose and that a major review of the rates for NJC travel allowances is long overdue. Any review of the NJC travel rates would be dealt with nationally.
- 5.4 Increasing the BCC travel allowances (other than passing on an increase due to VAT changes, as outlined in option B above) is not recommended in light of the current financial pressures on the authority.
- 5.5 Employees are taxed on the 2.9p per mile only through PAYE. The core 40p is non-taxable, as per HRMC.

#### 6. Risk Assessment

6.1 If the mileage allowances do not reflect the costs of travel this may have an impact upon the willingness of employees to use their car / van or motorcycle for work.

## 7. Equalities Impact Assessment

7.1 See Appendices C and D.

## **Legal and Resource Implications**

## Legal

There are no direct legal implications arising from this Report. It it for the Human Resources Committee to decide the mileage allowance payable to employees. The Council's policy on Expenses, Benefits and Travel confirms the current rates as set out within this Report."

Advice from Husinara Jones for Head of Legal Services

#### **Financial**

#### (a) Revenue:

It is estimated that the saving to the Council in not increasing the current mileage allowance in line with the change in VAT rate is £8k per annum.

It is estimated that the cost to the Council of a penny increase per mile in car allowances is £33k.

No extra VAT recovery is available to the Council if it increases its mileage rates above 42.9p as the Council already pays in excess of Customs' approved mileage rates.

**(b) Capital**: Not applicable.

(Advice from Steve Skinner, Finance Business Partner (Resources, Transformation & DCX)

#### Land

Not applicable.

#### **Personnel**

As set out in paragraph 3, 4 and 5 above.

## **Appendices**

Appendix A: Revised NJC mileage rates - LGE circular

Appendix B: Her Majesty's Revenue and Custom's (HMRC) approved

mileage rates

Appendix C: Equalities impact assessment - part 1
Appendix D: Equalities impact assessment - part 2

# LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:

None



To: Chief Executives in England, Wales and N Ireland (additional copies for HR Director and Finance Director)
Members of the National Employers' Organisation
Regional Directors
Secretaries of the Local Government Associations

14July 2010

Dear Chief Executive,

#### NJC CAR ALLOWANCES 2010/11 CHANGE TO VAT: 4 JANUARY 2011

The Chancellor of the Exchequer announced in the Budget that VAT is to be increased from 17.5% to 20% with effect from 4 January 2011.

As a result, the amount of VAT per mile in the petrol element of the NJC Car Allowances will change. The new figures – applicable to the current NJC mileage rates until 31 March 2011 - are shown below, underlined in bold type.

	451 - 999сс	1000 - 1199сс	1200 - 1450сс
<b>Essential Users</b>			
Lump sum per annum	£846	£963	£1,239
per mile first 8,500	36.9p	40.9p	50.5p
per mile after 8,500	13.7p	14.4p	16.4p
Petrol Element	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	<u>1.567p</u>	<u>1.727p</u>	<u>1.881p</u>
Casual Users			
per mile first 8,500	46.9p	52.2p	65.0p
per mile after 8,500	13.7p	14.4p	16.4p
Petrol Element	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	<u>1.567p</u>	<u>1.727p</u>	<u>1.881p</u>

Yours sincerely,

Sarah Messenger Employers' Secretary

# Appendix (6) B

## HM Revenue & Customs Rates & Allowances – Travel

	Approved Mileage Rates		
From 2002/03	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year	
Cars and vans	40p	25p	
Motor cycles	24p	24p	
Bicycles	20p	20p	

# BRISTOL CITY COUNCIL Equality Impact Assessment – Part One - Screening

Part one of an EqIA – the screening – should be carried out at the planning and development stage of a policy, project, service, contract or strategy. This form should be used in conjunction with the guidance and as the first part of a full EqIA.

Name of policy, project, service, contract or strategy being assessed	Review of BCC milage allowances
Directorate and Service	Human Resources & HR Strategy, Resources Directorate
Names and roles of officers completing the assessment	Tom Wallen (Pensions & Pay Policy officer)
Main contact telephone number	0117 92 23489
Date	12 <sup>th</sup> October 2010

## 1. Identify the aims of the policy, project, service, contract or strategy and how it is implemented

	Key Questions	Notes / Answers	Any actions needed? By whom?
1.1	Is this a new policy, project, service, contract or strategy or a review of an existing one?	Review of existing policy	Further review by Strategic HR during 2011/12
1.2	What is the main purpose of the policy, project, service, contract or strategy?	Milage allowances can be claimed by employees who travel from one location to another while working for BCC, using their own Car, Van, Motorbike or Bicycle.	
1.3	What are the main activities of the policy, project, service, contract or strategy?	Milage allowances can be claimed by employees who travel from one location to another while working for BCC, using their own Car, Van, Motorbike or Bicycle.	
1.4	Who are the main beneficiaries? Whose needs is it designed to meet?	Employees of Bristol City Council.	
1.5	Which staff carry out the policy, project, service, contract or strategy?	Human Resources process travel expenses claims.	
1.6	Are there areas of the policy or function that could be governed by an officer's judgement? eg. home visits "where appropriate".	Travel expenses are paid in relation to the milage recorded via our electronic claims system. These are based upon distances calculated by the relevant	

	If so, is there guidance on how to exercise this to prevent any possible bias/prejudice creeping in?	software based upon the post codes of the locations in question. Should an employee travel via a longer route (for example because road works prevent them from taking the most direct route) they can input the distance travelled manually. The line manager approves travel expenses claims and authorises any manual adjustments to distances entered into the system.	
1.7	Is the Council working in Partnership with other organisations to implement this policy or function? Should this be taken into consideration? eg. Agree equalities monitoring categories Should the partnership arrangements have an EqIA?	No.	
1.8	Taking the six strands of equalities, do you have any initial thoughts that any of the six equalities strands have particular needs relevant to the policy or function?  Or is there anything in the policy, project, service, contract or strategy that you can think of at this stage that could discriminate	Disabled employees may arrange their travel differently as a result of their disability. However the expenses paid are based upon the milage claimed by the employee, therefore it is not anticipated that the policy will effect any of the equalities groups disproportionately.	

	or disadvantage any groups of people? ie.		
	Gender (include Transgender) Disability Age Race Sexual Orientation Faith/Belief Do any other specific groups have particular needs relevant to the policy, project, service, contract or strategy?		
1.9	Did you use any data to inform your initial thoughts above? What data do you already have?	No quantitative data is available at this time.	
1.10	Are there gaps in the data that require you to do further work? What are these gaps?	A report of the equalities profile of those claiming travel expenses could be requested from the STS Systems Team.	BCC employment statistics - published quarterly.

If the result of the screening process is that there is the potential for a significant impact on any equality group or if any equality group has significantly different needs, then a full equality impact assessment must be carried out. If you are unsure please seek advice from a directorate or corporate equalities officer.

Signed
Service Manager
Date

Signed
Directorate Equalities Adviser/Officer or Equalities Contact
Date

#### **BRISTOL CITY COUNCIL**

## **Equality Impact Assessment (EqIA) - Part Two - Full Assessment**

This form has been developed to use as a guide when conducting a full equalities impact assessment (EqIA) on a policy, project, service, contract or strategy. It is the second part of the EqIA form. Part One - Screening should be completed first, but both forms should be viewed as a continuous process. This form includes questions to be answered by the person/team conducting the EqIA and suggested questions to be asked of key stakeholders during consultation.

It is important to consider all available information when assessing the impact of a new or changed policy or function and whether it meets the particular needs of different equalities groups. Please attach examples of any monitoring information, research and consultation reports that you have used to assess the potential impact on the seven equalities strands and any other identified groups to your record of this EqIA process.

**NB** - Only fill in the sections that are relevant

2. Consideration of available data, research and information

	Are actions needed? By whom?
	How is it going to be done?
2.1 What further quantitative (numbers) data do you already have (eg census, employee data, customer data etc) about those who use or will be affected by the policy, project, service, contract or strategy?  What gaps are there in the data? What else do you need?  It would have been possible to obtain a detailed quantitative breakdown of those who have made travel expenses claims, so that further quantitative data was produced to show the proportion of claimants which fell into each of the equalities groups. However it is not thought that such a detailed breakdown would alter the issues highlighted below. It is accepted that the council employs a higher proportion of women than are likely to be affected by the milage rate paid by BCC.	

	Key questions	Notes	Are actions needed? By whom? How is it going to be done?
2.2	What further qualitative (how people feel) data do you already have (eg customer satisfaction surveys, previous consultations, staff surveys etc) about those who use or who will be affected by the policy, project, service, contract or strategy? What gaps are there in the data? What else do you need?	The self organised groups & the trade unions were consulted on the draft policy proposals.	

3. Formal consultation (include within this section any consultation you are planning along with the results of any consultation you undertake)

	Key questions	Notes	Are actions needed? By whom? How is it going to be done?
3.1	Who do you need to consult with? Do you have a plan for how to find the right people?  You need to consider how you will consult with service users and/or communities widely but also how you will reach consultees who may	The self organised groups & the trade unions were consulted on the draft policy proposals.	

	Key questions	Notes	Are actions needed? By whom? How is it going to be done?
	not respond to or be able to access your main consultation activities. This will mean targeted consultation.		
	Also consider the benefits and challenges of bringing consultees together who may have very different or even opposing views of the policy in question. This could present challenges but could also encourage different groups to consider each others' points of views and experiences and might build understanding prior to the policy being implemented.		
3.2	What method / form of consultation can be used? What is your plan and timetable for this? This will need to be done before progressing to 3.3.	Meeting with the trade unions on the 22 <sup>nd</sup> of October 2010 and consultation with the self organised groups via the BCC equalities team.	Consideration by the Joint Employee Relations Board in future years, could be considered (say) annually.

	Key questions	Notes	Are actions needed? By whom? How is it going to be done?
3.3	What consultation has actually been carried out as part of this EqIA and with which groups? What did you do?	Meeting with the trade unions on the 22nd of October 2010 and consultation with the self organised groups via the BCC equalities team.	
3.4	Were there any main issues arising from the consultation? You may want to progress straight to 4.1 and answer under specific equality strands	Please see section 4.1 of this document, below.	

## 4. Assessment of impact/Final Report

Based on the data you have analysed, and the results of consultation or research, list below how the policy will or does work for each equalities group. Identify any differential impact and consider whether the policy/function meets any particular needs of each of the seven equalities groups.

If you do identify any adverse impact you must:

- a) Seek legal advice as to whether it is or is potentially discriminatory, and
- b) Identify steps to mitigate any adverse impact

Include any examples of how the policy or service helps to promote race, disability, gender and lesbian, gay and bisexual equality.

		Impact or potential impact/Helps to promote equality
4.1	Gender (incl. Transgender) – identify the impact/potential impact of the policy on women, men and transgender people	Bristol City Council employs a larger number of women than men.  During the consultation process Unison stated that:
	Proposed measures to mitigate any adverse impacts	"There may be an Equalities issue here as it may be easier for some staff to make this choice than others and it could be that for example Social Workers are affected more than others and possibly most social workers are women so there would be a disproportionate outcome there."
		It is the case that Bristol City Council employs a larger number of women than men, therefore more women are likely to be affected by the mileage allowances rate paid to BCC employees. However each employee, whether male or female can claim the same mileage rate.
4.2	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including visual and hearing impairments, mobility impairments, learning disability etc)	Comments from the disabled employees group:  There is no rate for those who use a mobility scooter or wheelchair (or electric cycle, for impairment-related reasons) to get around. The wear and tear on these vehicles is substantially more than
	Proposed measures to mitigate any adverse impacts	that on cycles (vastly more expensive tyres, batteries, servicing, parts etc) and has the further cost of the daily re-charging of the batteries.

# Impact or potential impact/Helps to promote equality There is no provision for the addition cost to Disabled motorists of purchasing and maintaining the adaptations require[d] to [drive] the car they use; The real point is that the cost of running a car is not reflected truly in these mileage rates. Remember that we are not asking for reimbursement for getting to and from work, just for legitimate mileage and wear & tear/ maintenance for using them in work time. This saves the council money. If disabled drivers did not use cars they would need to use taxis as public transport and cycling are not an option Possible actions / things to consider To change policy to allow for employees with mobility scooters to claim the same rate as car mileage. Consider whether there should be another mileage rate for drivers with adapted cars and scooters Other issues raised as part of the consultation process with the SOGS but not directly part of the policy. The following issues relate to the implementation of the existing policy and the process for making expenses claims via the ENVOY computer system: 1) Arrange for an accessibility check on ENVOY but arranging for a user log-in for the member of the DEG. - This has been arranged by STS HR

Impact or potential impact/Helps to promote equality
2) To amend ENVOY to make it easier for disabled staff to amend their mileage Any accessibility issues regarding the use of the computer system will be highlighted as part of the accessibility check on the ENVOY system so that they can be investigated & resolved.
3) There was a request from the SOGS to "Tag the user ID of disabled staff and remove the need to include a reason for amending journeys". However this is not considered to be a reasonable adjustment. Allowing employees to amend the mileage claimed for journeys in this way would remove the financial safeguard which is provided when managers have to authorise such amendments. If a particular journey has taken longer than the route calculated by the ENVOY system then employees can amend the mileage claim, but must continue to explain their reasons for doing so.
4) It is not easy to amend the mileage on ENVOY. For every change made, you have to give a 'good' reason. The employee receives no feedback as to whether the reason has been accepted and mileage changed Feedback is provided for rejected claims. Therefore if you have not received a message stating that the claim has been rejected by your manager they have not rejected your claim.

## Impact or potential impact/Helps to promote equality

5) ENVOY works by postcode and does not recognise one way etc systems. Staff in one office estimate ENVOY records mileage at 10% lower than actual mileage. - Employees are able amend the milage calculated by the ENVOY computer system if they provide a reason for doing so via the electronic system. Managers must authorise any travel expenses claims.

ENVOY is difficult to use. It takes a long time to load mileage onto the screen and does not accept changes to milage without shutting down. - Any accessibility issues regarding the use of the computer system will be highlighted as part of the accessibility check on the ENVOY system so that they can be investigated & resolved.

Some roles require travelling around an area putting up posters. ENVOY only expects an A-B journey. Do not know if ENVOY has accepted a mileage claim for working around and area. - Employees are able amend the milage calculated by the ENVOY computer system if they provide a reason for doing so via the electronic system. Therefore claims for milage incurred while travelling around an area for a legitimate work related task can be entered manually. Managers must authorise any travel expenses claims.

Staff may use back routes as quicker than sitting in traffic. Do not know if ENVOY will accept this as a good reason for amending the set mileage. Staff are trying to use their time well but ENVOY

# Impact or potential impact/Helps to promote equality means staff are out of pocket in doing so. Hard to remember the reason for each diversion when inputting to ENVOY the reason for mileage being different for each journey. The more travelling staff do – the more out of pocket they are. - Employees are able amend the milage calculated by the ENVOY computer system if they provide a reason for doing so via the electronic system. Managers authorise any travel expenses claims. I get lost when trying to find a new area because I am dyslexic and ENVOY does not allow me to claim mileage for these additional journeys. - Employees are able amend the milage calculated by the ENVOY computer system if they provide a reason for doing so via the electronic system. Managers authorise or reject travel expenses claims based upon the facts of the expenses claim in question. Would increasing the mileage above £0.429 mean staff would have to pay income tax. - Bristol City Council's current car mileage rate of £0.429 p/mile is already above the rate approved by HMRC, therefore claimants are liable to taxation and NIC for a "benefit in kind" in relation to the payment above the HMRC approved rate. Any such payments are declared to HMRC via the payroll.

4.3	Age – identify the impact/potential impact of the policy on different age groups  Proposed measures to mitigate any adverse impacts	Impact or potential impact/Helps to promote equality  The self organised groups (SOGs) did not anticipate any additional impact upon younger employees as a result of this policy.	
4.4	Race – identify the impact/potential impact on different ethnic/racial groups.  Proposed measures to mitigate any adverse impacts.	The self organised groups (SOGs) did not anticipate any additional impact upon BME employees as a result of this policy.	
4.5	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay men, bisexual and heterosexual people  Proposed measures to mitigate any adverse impacts	The self organised groups (SOGs) did not anticipate any additional impact upon LGBT employees as a result of this policy.	
4.6	Faith/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no faith.  Proposed measures to mitigate any adverse impacts	The self organised groups (SOGs) did not anticipate any additional impact upon people of different religious / faith groups as a result of this policy.	

4.7	Any other groups? eg. Children leaving care, Carers etc	Impact or potential impact/Helps to promote equality  No additional issues for other groups have been highlighted during the consultation process.
4.8	Are there additional measures that could be adopted to further equality of opportunity in the context of this policy/service/function and to meet the particular needs of equalities groups that you have identified?	The following issues were raised as part of the consultation process with the SOGS but not directly part of the policy. The following issues relate to the implementation of the existing policy and the process for making expenses claims via the ENVOY computer system:  1) Arrange for an accessibility check on ENVOY but arranging for a user log-in for the member of the DEG This has been arranged by STS HR  2) To amend ENVOY to make it easier for disabled staff to amend their mileage Any accessibility issues regarding the use of the computer system will be highlighted as part of the accessibility check on the ENVOY system so that they can be investigated & resolved.
4.9	Community cohesion	
	Is there a potential impact on community relations that could result from the	We do not anticipate an adverse effect upon community cohesion as a result of the the level of allowances paid in respect of the

	Impact or potential impact/Helps to promote equality
implementation of this policy? Could the policy have implications for community tensions and how different groups perceive and respond to each other? Detail how you will mitigate any risk to community cohesion e.g. by addressing	travel expenses of Bristol City Council employees.
people's perceptions of the fairness of the policy, by bringing people together to understand the policy, through your communications plan etc.	

It is essential that you now complete your action plan and impact assessment register. They are a vital component of your equalities impact assessment.

Include all of the measures that you will take to improve the service/function for equalities communities, eg. staff training, positive action, revisions to the policy, monitoring of your action plan etc.

Once you have completed the forms, please keep a copy as a record of the processes you have been through in carrying out the EqIA. Please sign and date, keep one copy of both and send one to the Corporate Equalities Team.

## **Action Plan**

Recommendation	Key activity	Progress milestones	Officer Responsible	Progress
An accessibility check of the ENVOY computer system has been arranged with a member of the DEG	This has been arranged by STS HR		Andy Elvin	
The mileage allowances paid by Bristol City Council should be reviewed in future when necessary	Future reviews of the mileage allowances to be undertaken in response to changing circumstances as and when necessary.		Mark Williams	

Signed Lead Officer Date Signed
Directorate Equalities Adviser/Officer or Equalities Contact
Date