



Traffic Commissioners for Great Britain

Administrative Policy Guidance

ADVICE OF THE SENIOR TRAFFIC COMMISSIONER ON TRAVEL AND SUBSISTENCE CLAIMS

This policy has no statutory basis and is issued with and is subject to the agreement of the Traffic Commissioner Board.

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Introduction

1. Traffic Commissioners (TCs) are public appointees and so it is accepted that at all times when claiming for travel and subsistence we should act properly and accountably. This advice is given to guide TCs on what makes for an appropriate claim and what procedures should be followed. TCs must at all times have regard to their own safety when travelling away from base and to the integrity and safety of their possessions including business papers and equipment.
2. There are varying terms of appointment but all allow TCs to claim travel, subsistence and other expenses necessarily incurred on business (including levies by professional bodies).
3. TCs' terms and conditions state that they shall be entitled to travel, subsistence and other expenses necessarily incurred on business in accordance with DfT travel and subsistence arrangements applying to senior staff of the Department. Payment of these claims to TCs has been made since at least 1985 on the basis of re-imbusement of the actual costs incurred.
4. In view of all of the above it is desirable for there to be clarity and transparency regarding travel, subsistence and related claims and accompanying payments by TCs.
5. The guidance does not alter terms and conditions of appointment but it does recognise that there may be instances where additional help for TCs would be useful in deciding what is reasonable to claim under established working practices. This is particularly so for DTCs seeking approval to claim overnight subsistence for work undertaken at an office other than their designated 'home' office. Consequently, the guidance relies on a combination of the advice given to other members of the judiciary and civil servants.
6. The Cabinet Office has indicated to all within the public service including appointees who are not civil servants that there is a need to reduce discretionary public expenditure. This principle is supported by TCs and forms the basis of this guidance generally.
7. Where the guidance refers to TCs it is intended to also serve as guidance for deputy traffic commissioners (DTCs).

Travelling and Subsistence Allowances

8. The following paragraphs offer advice on the allowances that might be claimed by TCs for travel on official business.
9. TCs are aware the payments, which the DfT administers to TCs, must be strictly accounted for. It is incumbent on all TCs to make timely and fully vouched claims on either the electronic system or official forms provided. Prompt submission of claims makes it easier for administrative staff to verify and budget. Claims should be entered within one month of return travel.
10. The general principle adopted by a TC is that nothing may be reimbursed beyond expenditure actually incurred on the necessary business of the Crown.

11. TCs will normally only claim for:

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

Travel

Official travel

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

- journeys to and from full time training courses, and attendance at part time courses;
- attendance at development opportunities, seminars and courses;
- journeys made on recall from annual leave;
- attendance at courts as part of official duties;
- daily travel to a detached duty office;
- emergency call out to the permanent office;
- additional attendance outside normal working hours;
- public transport disruption;
- attendance at related events including stakeholder presentations;
- attendance at promotion or selection boards;
- attendance at a medical board to appeal against retirement or refusal to allow retirement on medical grounds;
- graduation ceremonies for official sponsored courses.

Method of travel

13. TCs only travel when it is necessary and use telephone or video conferencing where appropriate. TCs are encouraged to use the most cost effective method(s) of transport that will enable them to reach the required destination safely, in good time and in reasonable comfort. They weigh up all relevant factors, such as taking into account the type and cost of travel, the official time involved and any associated costs as well as the demands on their own time, their personal health, safety and security and their conditioned hours. TCs are aware that buying travel tickets in advance is often cheaper and therefore always do so wherever practical.

14. The expectation of the Guidance on reducing discretionary spending is that first class travel will be the exception. The use of premium classes of travel should be avoided, however if used the use needs to be justified by the TC when making the claim.¹

15. The use of first class travel by DTCs is not permitted except under the following circumstances:

¹ See below guidance on 'Travel by public transport'

- Temporary or permanent disability; a temporary disability might include things such as a broken leg or arm, or an injury of other condition that affects mobility. A permanent disability is as defined by the Equality Act 2010.
- Pregnancy related reasons.

Use of motor vehicle

16. If it is not possible, or if it is inefficient (in terms of cost or time), to use public transport, TCs may use a hire car or privately owned vehicle. In addition, TCs may use a hire car where they are concerned for their personal safety and security and in such cases the TC will keep a written note of the reason for the car hire. Subject to appropriate insurance arrangements, TCs shall use the DVSA car hire scheme. TCs are aware of the Secretary of State's commitment to environmental issues and initiatives such as car sharing.

Travel receipts

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

Travel Gratuities

18. As a general principle TCs will not claim for reimbursement of travel gratuities.

Travel by private car

19. TCs will only use privately owned motor vehicles for UK travel if they satisfy the following guidance. Annex A sets out guidance as to the rates that might be claimed.

Motor mileage allowance

20. The standard rate of mileage allowance comprises a single category for all cars, irrespective of engine size. Within that category there are two tiers which relate to the mileage travelled. A higher rate applies up to the first 10,000 miles, and a lower rate for each mile thereafter. Records of cumulative mileage should be available. No limit is placed on the mileage which TCs who use their cars rather than public transport for travel to a tribunal centre or centres may claim. Annex A explains when TCs might claim at a public transport rate (PTR) or at standard mileage rate (SMR). TCs have adopted a limit of 10,000 miles per annum at the higher SMR rate in line with civil service and HMRC arrangements.
21. TCs are entitled to be reimbursed at SMR provided they satisfy the vehicle ownership, insurance and documentation requirements and:
 - it is not practicable to use public transport for the journey; or
 - the security of the individual TC requires it; or
 - the total costs of the journey (including subsistence costs) are less than public transport because the journey is shared with colleagues; or

- there is a need to carry sensitive briefing papers, equipment and/or luggage; or
 - the TC is pregnant or has a temporary or permanent disability or medical condition which makes the use of public transport difficult.
22. The rates of motor mileage payable are set at a level approved by the HM Revenue & Customs as involving no profit element and do not therefore give rise to any tax liability.
23. Where TCs claim the motor mileage allowance or motor cycle mileage allowance they understand that they should ensure that their claim clearly shows the mileage claimed and claim at the appropriate lower, public transport rate shown in Annex A when 10,000 miles has been exceeded in that financial year.

Ownership

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

Insurance of motor vehicles used on Crown business

25. TCs who claim mileage allowances should have fully comprehensive insurance cover. A person using a privately owned motor vehicle in connection with his/her business is legally required to have in his/her insurance policy a clause covering such use by that person.

Reimbursement of parking fees and certain other charges

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

Hire cars

27. If the TC considers it to be more cost effective, weighing up all the relevant factors: taking into account the cost of travel, the official time involved and any associated costs as well as the demands on their own time and their conditioned hours, they might choose to use a hire car. TCs do not claim motor mileage allowance but can claim reimbursement for associated costs such as fuel.

Motor cycles

28. TCs have adopted the mileage allowances at Annex A as guidance for use of a motor cycle for official travel.

Travel by public transport

29. This guidance recognises the pressures on budgets and that it may not be possible for TCs to arrange DTC cover when travelling to venues other than their principal place of work. In order to ensure that TCs have every opportunity to work wherever appropriate and to ensure proper security, a TC who travels by train on official business to a place other than his/her principal place of work may claim the first class rail fare for the journey but there should be justification noted on the claim form for travelling first class rather than standard class, unless a first class discount fare is cheaper. The expectation of the Guidance on reducing discretionary spending is that first class travel will be the exception.
30. TCs are aware of the budgetary pressures to only employ DTCs when absolutely necessary in view of the cost involved. TCs' terms and conditions do allow them to travel first class on rail but in recent years TCs have not always done so save in limited cases as they have sought to limit expenditure and they have, of course, justified the claim with reasons. This approach will continue but it is also recognised that the length of the journey time, the type of journey and the ability to conduct work (including the provision of obtaining a seat) whilst travelling are major factors when deciding which class of travel to choose. Longer journey times by rail (and to a very limited degree by air) and the ability to conduct work for the duration of that journey may lead a TC to conclude that it is more efficient to travel first class and work during the entire journey rather than travel standard class and not work for any of the journey. Accordingly, when making decisions as to whether to travel first or standard class TCs will be aware of the net effect on the public purse. This includes the overall cost for instance where a DTC might be required to cover any absence. Where such factors lead the TC to conclude that it is cheaper for the public purse to travel first class the TC may (but does not have to) travel first class but all relevant claim forms must be fully annotated to show why, on limited instances, first class travel is claimed.
31. TCs have also noted the helpful guidance that was issued in 2010 by the then Lord Chief Justice, Lord Judge, to all judicial office-holders. The guidance is as follows:

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

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

Guidance

“There will be limited occasions when it will be appropriate to claim the first class fare, for example, where it is necessary to work on judicial matters during the journey, and the work can only be undertaken within the greater space or with the privacy necessary to ensure confidentiality which is more readily available in a first class compartment where there are no standard class facilities to

accommodate those with disabilities or other special needs where there are security concerns

Some practical considerations

Open 'anytime' tickets are the most expensive to purchase. The further ahead 'advance' tickets are purchased, the cheaper they will be.

Please use a railcard if you have one (MoJ is able to pay for railcards, although this will be taxed as a benefit).

Mix and match ticket types. If you are certain of your departure time on an outward journey, you can buy a timed ticket. The timing of return journeys can be less certain. Where it is possible that you would return earlier, you should generally still obtain a timed ticket – it can be exchanged at the station for a small (reimbursable) fee. Where it is possible that you will be returning later, an 'anytime' ticket for the return journey will be appropriate.

Is the travel necessary? Would video or telephone conferencing be an appropriate solution?"

Travel by air

32. TCs may travel by air if it would be cheaper and quicker than making the journey by other modes or if air travel would avoid the need for an overnight stay. In such circumstances and having regard to the guidance on discretionary spend all domestic and overseas journeys of less than 8 hours will be economy class and flights of over 8 hours will be economy, premium economy or business class subject to budgetary approval. In the event that the TC suffers from a temporary or permanent disability or there are pregnancy related or personal safety or security reasons the TC may choose to travel by premium economy or business class but full reasons must be recorded.

Travel by bus and coach

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

Seat reservation

34. TCs are entitled to seek reimbursement for the costs of reserving a seat.

Use of taxis

35. TCs may also claim the cost of a taxi at either end of a journey where this is reasonably incurred. As a starting point TCs might have regard to current DfT policy regarding the use of taxis. That indicates that civil servants will restrict use of taxis to the following circumstances:

- When no other method of public transport is available (e.g. when travelling late at night);
- When the other methods of public transport are inadequate (e.g. there is no direct transport link to the location you are travelling to or from or it will mean being late for or missing a meeting);
- When carrying heavy official papers, baggage or equipment;

- For reasons of personal safety and security;
- If they are unable to use public transport because of a temporary or permanent disability ;
- For pregnancy related reasons;
- Where it is more cost effective when travelling in a group.

Travel by sea

36. If TCs are required to travel within the UK by sea they should only claim the standard fare for the journey. If they need to travel overnight they are entitled to be reimbursed the cost of a sleeping berth.

Subsistence

37. UK subsistence is intended to meet the costs (for instance meals and accommodation) that TCs necessarily incur when away from their normal workplace in the UK on official duties. This applies to any period spent working at a place other than their permanent place of work and includes visits for meetings, training or other connected activities. As per their terms of appointment, TCs' allowances are based on actual expenditure. In accordance with the principle of self-certification TCs keep receipts for any subsistence claimed and the originals can be provided upon request.

Detached duty - UK subsistence

38. The amounts that civil servants are entitled to be reimbursed are subject to indicative ceilings based on days away. TCs will be assisted in deciding what is reasonable by reference to the separate day subsistence guidance which allows civil servants to claim as follows:

- 5 to 10 hours (to cover the cost of 1 meal)
- over 10 hours (to cover the cost of 2 meals) and
- over 12 hours (to cover the cost of 3 meals without an overnight stay)

39. In all cases incidental costs of refreshments such as water and soft drinks can also be claimed by TCs. TCs can claim for the cost of a main meal and any related service charges (that is, breakfast, lunch, and evening meal, excluding alcoholic beverages).

40. The UK subsistence indicative levels are shown in Annex B.

Overnight stays at your normal workplace

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

Overnight stays elsewhere

42. Accommodation costs should only be claimed if a TC stays away from home overnight on official business. TCs are entitled to an appropriate standard of accommodation. Annex C sets out some minimum standards but a general rule

might be that a TC should not be more uncomfortable than in their own home. What is reasonable to spend will depend on a number of factors. It has been the experience of TCs in the past that urban areas tend to be more expensive. Since TCs were appointed, they have always claimed (and been reimbursed accordingly) for the actual cost of accommodation. In doing so they have taken account of indicative rates used by the judiciary. Those were updated in November 2022 and again in September 2023 to reflect the difficulties in securing suitable accommodation within the previous rate. The Ministry of Justice sets rates at £150 per night for London and international bookings, £120 nationally, but also operates a “traffic light” system which provides added flexibility if a suitable hotel cannot be found within the stated rate. The traffic light system is broken down as follows: GREEN Booking within £150 in London/£120 nationally per night; AMBER Booking within £250 in London/£150 nationally per night; RED Booking made exceeds rates in AMBER. TCs should look to book within the Green rates in the first instance but it is recognised that it is not always possible to book accommodation within the indicative parameters. In such circumstances the TC will claim the actual cost of the accommodation and in doing so will keep a record of why a higher rate is claimed.

43. TCs often need to work in their room and, accordingly, the standard of room to meet the minimum standards of safety, comfort and particularly security set out in Annex C might not always fall within the indicative figures provided to civil servants. Where a higher room rate is incurred the claim form should set out in full why this was necessary. TCs will usually avoid periods where events might cause accommodation prices to rise but this is not always possible where external factors outside their control dictate the meeting date.
44. If a TC necessarily incurs abnormally high expenses on accommodation and meals (for example, because of an unusually heavy local demand for hotel accommodation due to other events in the area) then the TC should be able to demonstrate that these exceptional circumstances necessitated the level of claim.

Overnight stays other than in hotels

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

Attendance at other functions

46. As part of their core duties, TCs attend industry events such as trade association meetings, seminars and formal events. In those circumstances they will claim reimbursement of necessary travel and accommodation costs in line with this guidance. TCs also make hospitality and gift register entries for those events where the TC is a guest and incurs no cost for meals, travel or accommodation, those expenses having been met by the hosts or where they receive a gift in the course of their work.

Committees of inquiry, Commissions etc.

47. TCs, like other judicial office holders, may be asked from time to time to give evidence to Commissions or Committees. If this involves travelling, they will claim

re-imburement of necessary travel and accommodation costs in line with this guidance.

Medical boards

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

Training courses, conferences and seminars

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

Additional caring expenses

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

Visits home

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

Expenses Claims

52. The expenses for which TCs can claim are, unless otherwise stated, those actually and necessarily incurred and should be supported by receipts. The TC will take all necessary steps to ensure that all claims contain true and accurate information. However, where a TC becomes aware of an overpayment he/she must refund any overpaid amount as soon as is practicable together with an explanation as to how the overpayment occurred.
53. A TC should submit a claim for expenses using the electronic system provided and keep the original receipts available for seven years. Only if a TC does not have access to the electronic system should the official form be completed and provided to the relevant Senior Team Leader (with the receipts) for processing. Claims should be submitted regularly and as soon as possible after the cost is incurred, preferably weekly, and in any event, within a month of the journey. Members of staff who process payment of claims for travel and subsistence are not permitted to correct, amend or complete claims by, for example, entering totals and mileage rates. TCs are therefore advised to ensure that all claim forms are properly completed as erroneous or improperly completed claims may be returned unpaid.

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

ANNEX A - ADVISED UK TRAVEL RATES AS AT FEBRUARY 2017

Motor mileage rates – motor vehicles

Standard mileage rate

Higher (up to 10,000 miles) – 45p per mile

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

Public Transport rate – 25p per mile

Passenger supplement

First passenger – 5p per mile

Second and subsequent passengers – 5p per mile

Equipment supplement (taxable)

2p per mile

Motor cycles and motor cycle combinations

24p per mile

Pedal cycle allowance

20p per mile

ANNEX B - ADVISED UK SUBSISTENCE INDICATIVE LEVELS (ACTUALS SUPPORTED BY RECEIPTS)

Day subsistence

Breakfast indicative level (irregular start before 6am)	up to £7
1 meal indicative level (5-hour rate)	up to £7
2 meals indicative level (10-hour rate)	up to £14
Late evening meal indicative level (irregular late finishers only)	up to £20

Advised UK family & friends rates

Lodging allowance:

For London, the indicative ceiling is £42 per night

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

ANNEX C - ACCOMMODATION STANDARDS

- 1.** A sufficiently sized room for single occupancy with bed, en-suite facilities (WC, shower or bath), TV, tea/coffee making facilities, telephone, access to the internet and access to ironing facilities.
- 2.** There should be adequate space and facilities (e.g. chair, writing and computer surface for working in the room, wheelchair access).
- 3.** The location of the hotel must ensure a proper degree of personal safety and the TC must feel safe staying there.
- 4.** There must be reasonable security arrangements within the hotel (e.g. secure car parking, door locks, adequate lighting).
- 5.** The surrounding areas should be reasonable with recognition as to the need to have minimum noise during the quiet hours.
- 6.** The restaurant facilities should be available offering a menu at a reasonable price of three courses. Special requirements to meet religious and dietary needs should be met.