

6 September 2023

Agenda Item: 6

REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

MEMBERS' TRAVEL AND SUBSISTENCE SCHEME

Purpose of the Report

1. In line with the committee's request, the report provides an opportunity for members to consider the members' travel scheme. It asks members to consider whether they would endorse a review of the processes associated with the scheme by the Council's Internal Audit function.

Information

2. At its meeting on 14 June 2023, members of the Governance and Ethics Committee raised questions about the Members' travel scheme and the types of duties for which travel expenses can be claimed.
3. The travel scheme for members sits in Section 10 of the Council's Constitution alongside the Councillors' allowances scheme (Appendix A). Part D of Section 10 sets out provisions for travelling and subsistence. It also states that all travel arrangements must be in accordance with the County Council's Travel and Accommodation Policy which is appended to the relevant section of the Constitution.

Travel allowances

4. Section 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 sets out that a scheme for travel and subsistence allowance should, in addition to travelling by car, include travel by bicycle or any other non-motorised form of transport. The duties for which allowances are paid are specified within the scheme and must fit within one or more of the following categories, which are set out in the Regulation (summarised below):
 - a. A meeting of the authority, any committee or sub-committee of the authority, of any body to which the Council makes an appointment (or any committee or sub-committee thereof)
 - b. Any meeting authorised by the authority (or a committee or sub-committee), or a joint committee where either two or more political groups have been invited, or if the authority is not divided into political groups, at least two members are invited

- c. A meeting of any association of authorities of which the authority is a member
 - d. A meeting of the executive or any of its committees
 - e. Where a standing order requires a member(s) to be present when tender documents are opened
 - f. Performing any duty where the authority is empowered or required to inspect or authorise the inspection of premise
 - g. Performing any duty in connections with arrangements made by the authority for the attendance of pupils at any school
 - h. Any other duty approved by the authority for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees
5. Schedule 2 sets out duties for which travelling allowances may be paid. The Nottinghamshire scheme provides for payment of travel expenses for duties that meet the criteria listed above. It also sets out arrangements and exceptions regarding:
- Training and learning events, including conferences and seminars
 - Political group meetings
 - Travel outside Nottinghamshire
6. Included within the scheme are two general duties:
7. **Duty 3:** *“[Travel] Anywhere in the County area, in connection with the functions of the County Council and related to your role as an elected representative.”* Where a Councillor makes a claim for activity under duty 3 of the scheme, they must clearly state the purpose of the visit on their travel claim form.
- Duty 7:** *“Travel expenses may be payable for events not covered...[in duties 1 to 6] but this will be with approval of the Monitoring Officer in consultation with the Chair of the governance and Ethics Committee.”*
8. Duty 3 provides scope for members to claim travel expenses under duties e to g as set out in the Regulations. Both duties 3 and 7 of the Nottinghamshire scheme also provide the local arrangements and requirements around clause h of the duties set out in the Regulations.
9. Duty 3 allows members to claim travel expenses for, amongst other things, casework and attending parish council meetings within their Division. The combination of duties 3 and 7 also provide scope for dealing with unexpected events and activities related to them. This could cover supporting constituents during localised incidents like flooding, or more widely during the pandemic to help meet the Council’s statutory duty to promote the wellbeing of adults with needs for care and support.
10. The list of approved duties within the Nottinghamshire scheme was agreed by Council on 13 July 2017 and forms part of the scheme of members allowances approved in both 2021 after the last main County elections and 2022 after the change in Council governance arrangements.

11. The arrangements for Councillors align with County Council employees' terms and conditions. In addition to Councillors, these arrangements also apply to statutory co-optees, members of education appeals panels, Independent Persons and other co-opted members.
12. The scheme provides for members to claim travel allowances when using their own vehicle, including a bicycle, or public transport. It also sets out the circumstances under which claims can be made for journeys by taxi.
13. Each year, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council must publish payments made to each Councillor under the Members' allowance scheme, including travelling and subsistence allowance.
14. Over the last four years, the total cost of travel and the average cost of travel per member are set out in the table below:

	Total mileage costs		Average cost per Cllr	
2019/20	£	56,666.52	£	858.58
2020/21	£	7,730.90	£	117.13
2021/22	£	32,249.15	£	488.62
2022/23	£	44,265.85	£	670.69

Formulation and review of a scheme for Members' travel and subsistence

15. Any scheme for travel and subsistence is made following receipt of recommendations from the Council's Independent Remuneration Panel (IRP). Whilst the Council is not required to follow the Panel's recommendations, it must take them into consideration. Similarly, any changes to the scheme must proceed following receipt of recommendations from the IRP. This is a time-consuming process as it would involve convening the Panel, collection and analysis of benchmarking data from those Council's considered by CIPFA to be most similar to Nottinghamshire County Council, and collecting evidence from members. There would also be an internal resource impact as well as a direct financial cost associated with calling a meeting of the IRP.
16. The implementation and application of the scheme is reviewed periodically by the Council's Internal Audit function. The last audit of travel allowances was undertaken in April 2015, before the list of approved duties was updated. Given the time since the last audit and the fact that no audit has been undertaken since the policy has been updated, it would not be unreasonable to request an audit to provide assurance over processes associated with the Members' allowance scheme. The benefit of this approach is that it would involve reviewing the operational application of the scheme rather than reviewing the terms and scope of the scheme itself.

Other Options Considered

17. Members could request a review of the scheme by the IRP; as noted above, this would be time consuming. It would also incur costs which have not been included in the service's budget as well as demand officer resource for researching and supporting the Panel.

Reason/s for Recommendation/s

18. The report has been produced for Committee at the request of Members.
19. Commissioning a review through Internal Audit would provide assurance to members around the scheme. Where Internal Audit identifies any areas for improvement, it would make recommendations, which should give assurance to members about the scheme and how it is being used.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

21. Any review by Internal Audit would need to be factored into the Internal Audit plan and the hours available. If the work is undertaken as an addition to its work programme, there will be an additional cost that would need to be absorbed through the Council's internal audit arrangements.

Human Resources Implications

22. The current travel and subsistence arrangements are consistent with those in place for County Council employees.

Implications for Residents

23. When the Members' Allowance Scheme was reviewed in July 2017, Members agreed to increased flexibility to support Councillors conducting casework and supporting their constituents.

Implications for Sustainability and the Environment

24. When supporting residents and carrying out their duties as Councillors, Members will need to consider the most appropriate method for doing this. Members' travel choices are a contributory factor to the Council's commitment for its activities to be carbon neutral by 2030 and achieving a net zero Nottinghamshire by 2050.
25. Councillors may seek to engage with residents in different ways that support sustainability and have less impact on the environment but each Member would need to determine what was appropriate on a case-by-case basis. Members can choose to take advantage of technology where it is appropriate to do so, and the Council can support this by providing training and support on the tools available.

26. Further work could be done to identify alternative drop-in points for Councillors that might assist them in managing mileage.

RECOMMENDATIONS

- 1) That the contents of the report be noted.
- 2) That members consider whether to recommend an internal audit is carried out to provide assurance over the processes associated with Members' travel claims.

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Constitutional Comments (HD – 15/8/2023)

27. In addition to its general remit for issues relating to governance, Governance and Ethics Committee has the authority to resolve any issues arising from the Members Allowances Scheme within its terms of reference and therefore has the authority to determine the recommendations within the report.

Financial Comments (SES 16/08/2023)

28. There are no specific financial implications arising directly from this report.

29. Any review by Internal Audit would need to be factored into the Internal Audit plan and the hours available. If the work is undertaken as an addition to its work programme, there will be an additional cost that would need to be absorbed through the Council's internal audit arrangements.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)
- Agenda and minutes of Nottinghamshire County Council meeting on 13 July 2017

Electoral Division(s) and Member(s) Affected

- All