

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

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NATIONAL SECRETARY'S OFFICE

3 June 2020

BB CIRCULAR – 004-2020

To: All Branch Board Chairs & Secretaries
Cc: National Board and Branch Council Admin

Dear Colleague,

Motor Vehicle Allowance and Mileage – Memorandum of Understanding

The purpose of this circular is to inform you of a recent agreement that has been reached at the Police Consultative Forum (PCF) with regards to mileage payments in respect of motor vehicle allowance.

A memorandum of understanding (MOU) has been agreed and signed by PFEW, PSA, CPOSA and the NPCC. It is attached to this circular and came into effect on 1 June 2020.

The MOU sets out that:

- When calculating any allowance, it has been common practice for police forces to deduct the commuting distance between home and work from the total mileage claimed for work related duties. As of 1 June 2020, this method of calculation will cease and there will be no deduction for commuting distance, save where the journey

Represent · Influence · Negotiate

is substantially the same as the daily commute and the distance travelled is less than ten miles longer in any one direction.

- Motor Vehicle Allowance is detailed in Police Regulations 203, Annex U. A copy of which is attached to the MOU at Appendix A.
- A list of various examples showing when the 'home to work deduction' will not be made is attached at Appendix B.
- The NPCC have agreed not to seek any alteration to Annex U for six years from the date of this agreement and the staff associations have agreed not to fund any claims from individual members for shortfalls in the travel allowance (MVA) they have been paid to date.

The MOU has been sent to all chief officers by NPCC. There will be no changes made to Police Regulations and determinations 2003, Annex U.

If you have any questions regarding the contents of this circular, please contact Elaine&Karen@polfed.org

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Duncan', with a stylized flourish at the end.

ALEX DUNCAN
National Secretary

POLICE CONSULTATIVE FORUM

MEMORANDUM OF UNDERSTANDING

PAYMENT OF MOTOR VEHICLE TRAVEL ALLOWANCE

The Secretary of State has determined the entitlement of members of police forces to a travel allowance when they drive their own vehicles for the purposes of their duties. The determination is contained in Annex U to Regulation 34 of the Police Regulations 2003. A copy of the annex is attached to this memorandum as Appendix A, together with a list of various examples showing when the travel allowance is payable at Appendix B.

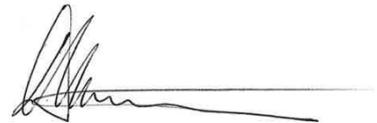
When calculating any allowance, it has been common practice for police forces to deduct the commuting distance between home and work from the total mileage claimed for work related duties. As of 1 June 2020 this method of calculation will cease and there will be no deduction for commuting distance, save where the journey is substantially the same as the daily commute and the distance travelled is less than ten miles longer in any one direction. Example 4 in Appendix B covers this situation.

In consideration of the NPCC agreeing not to seek any alteration to Annex U for six years from the date of this agreement, the police staff associations set out below agree not to fund any claims from individual members for shortfalls in the travel allowance they have been paid to date.



Signed

National Police Chiefs Council



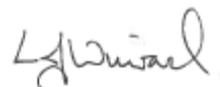
Signed.....

Police Superintendents' Association



Signed

Police Federation of England and Wales



Signed.....

Chief Police Officers' Staff Association

ALLOWANCES

1) MOTOR VEHICLE ALLOWANCES

- a) Where the chief officer is of opinion that the duties normally performed by a member of a police force are of such a nature that it is-

- i) essential, or
- ii) desirable,

that the member in question should, at all material times, have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject to the following provisions of this determination, in respect of such use the member shall be paid a motor vehicle allowance. Use of a motor vehicle during travelling time which is treated as duty in accordance with a determination under regulation 22(1)(e) shall be treated as use for the purposes of duties performed by the member.

- b) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the chief officer, in relation to the use in question, for the purposes thereof.
- c) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members of a police force, by those members.
- d) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable-
 - i) where the chief officer of police is of the opinion mentioned in subparagraph (a)(i), at the essential user's rate;
 - ii) where the chief officer of police is of the opinion mentioned in subparagraph (a)(ii), at the casual user's rate,

as provided in sub-paragraphs (e) and (f).

Provided that where the member concerned holds a rank above that of chief superintendent he may instead be paid a flat-rate motor vehicle allowance at such annual rate as is determined by the chief officer on such basis as is approved by the Secretary of State.

e)

i) Subject to the following provisions of this determination, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (ii) and (iii).

ii) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question at the annual rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question.

iii) The mileage element shall be calculated in relation to authorised use at the rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question, and for that purpose sub-paragraph (g) so specifies:

(1) a basic rate, in relation to authorised use not exceeding the mileage specified in sub-paragraph (g) ("the basic mileage"), and

(2) a reduced rate in relation to authorised use in excess of the basic mileage.

f) A motor vehicle allowance in respect of the authorised use of-

i) a motor car of a cylinder capacity not exceeding 500 c.c., or

ii) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.

g) Rate, with effect from 1 September 2016

	451-999cc	1000-1199cc	1200 -1450cc
<u>Essential users</u>			
Lump sum per annum	£846	£963	£1,239
Per mile – prevailing HMRC rates for business mileage			
<u>Casual users</u>			
Per mile – Prevailing HMRC rates for business mileage			

h) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the chief officer may determine; but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.

i) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the chief officer, with the

approval of the Secretary of State, determines as being appropriate in all the circumstances.

- j) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (e)(iii) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.
- k) The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate specified in sub-paragraph (g) by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with sub-paragraph (e).
- l) The amount of a motor vehicle allowance payable to a member of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief officer of police has determined appropriate for use for the purposes of the duties normally performed by the member concerned.
- m) This determination shall have effect—
 - i) in its application to a chief officer of police, as if every power conferred on the chief officer; and
 - ii) in its application to any other officer of the City of London Police Force, as if the powers conferred on the chief officer by virtue of paragraph (1)(b), the proviso to paragraph (1)(d), paragraph (1)(h), paragraph (1)(i) and paragraph (1)(n),

were conferred on the local policing body instead.
- n) For the purposes of this determination-

“authorised use” means the use, authorised under sub-paragraph (a), of a motor vehicle owned by the member of a police force concerned for the purposes of his duties as a member of that force or, where he has been statutorily transferred from one force to another force, as a member of either of those forces, and “period of authorised use” means the period during which such use is authorised;

“cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

“motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

“year” means a period of twelve months beginning on such date as may be determined by the chief officer;

and a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by him.

APPENDIX B

1. Normal Commute

I live ten miles from Force HQ, which is my permanent place of work. On a normal working day, I drive 10 miles in my own car to get to and from work. This is my normal daily commute.

Entitlement: I am not entitled to claim any motor vehicle allowance.

2. Travel from home to a meeting at an alternative place of work then return trip to normal place of work

I live ten miles from Force HQ, which is my permanent place of work. Today I am going directly from home to a meeting in Cadetsville, which is 20 miles from my home address and which does not take me past Force HQ. I will go on to Force Headquarters from my meeting, which is another 22 miles.

Entitlement: The officer can claim a motor vehicle allowance for the full 42 miles.

3. Travel from normal place of work to a meeting at an alternative place of work and from there back home

I live ten miles from Force HQ, which is my permanent place of work. Today I have a meeting at Sergeantown which is 15 miles away from the Force HQ. I will go directly home from Sergeantown, which is a further 19 miles.

Entitlement: The officer can claim a motor vehicle allowance for the full 34 miles unless there is a possible route home that takes the officer via HQ then only the 30 miles can be claimed.

4. Travel from home to a meeting and back home (short extension of normal route to work – less than 10 miles)

I live ten miles from Force HQ, which is my permanent place of work. Today I am going directly from home to an all-day meeting at Warrant Station, which is fourteen miles from my home address. I will go home directly from Warrant station. The route I will take to get to Warrant Station and then home is substantially the same as my normal route to work, but my mileage will be slightly further.

Entitlement: The officer will be unable to claim in these circumstances.

5. Travel from home to a meeting and back home (extension of normal route to work – more than 10 miles)

I live ten miles from Force HQ, which is my permanent place of work. Today I am going directly from home to an all-day meeting at Superstowe, which is twenty-two miles from my home address. I will go home directly from Superstowe. The route I will take to get to Superstowe is substantially the same as my normal route to work, but my mileage will be more than 10 miles further for each leg of my commute.

Entitlement: The officer cannot claim for the portion of the journey that takes him past his usual place of work but can claim for the balance of the journey – 24 miles (12 miles for each leg of the additional commute).

6. Travel from Home to a meeting and back home (not a short extension of normal route to work)

I live ten miles from Force HQ, which is my permanent place of work. Today I am going directly from home to an all-day meeting at Handcuffstead, which is forty miles from my home address. I will go home directly from Handcuffstead. The route I will take to get to Handcuffstead is not the same as my normal journey to work.

Entitlement: The officer can claim a motor vehicle allowance for the full 80 miles.

7. Travel from normal place of work to a meeting and back to normal place of work

My permanent place of duty is Force HQ. Today, I have a meeting at Chiefland, which is 15 miles from Force HQ. I will be going from Force HQ to my meeting and then back to Force HQ.

Entitlement: The officer can claim a motor vehicle allowance for the full 30 miles.

8. Reallocated rest day

I live ten miles from Force HQ, which is my permanent place of work. Today, I would normally have a rest day, but I have been asked to cover a shift for another team member who is off sick. My rest day has been reallocated. I travel to my normal place of work and back to complete my duty.

Entitlement: The officer cannot claim a motor vehicle allowance as the journey is their normal commute.