

RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).

The form must be completed and passed to the Service Manager (Committee & Administrative Services) no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Service Manager (Committee & Administrative Services) has confirmed the decision has not been called in.

1. Description of decision

To approve the publication of the proposed amended Discretionary Concessionary Travel Scheme shown at **Appendix A** to the attached report for the purpose of public consultation.

2. Date of decision

28th July 2016

3. Reasons for decision

To enable the views of local residents, bus operators and other interested parties to be taken into consideration in determining the changes, if any, to be made to the Council's Discretionary Bus Travel Scheme.

4. Alternatives considered and rejected

The alternative of making amendments to the Discretionary Travel Scheme without undertaking public consultation was considered and rejected.

5. How decision is to be funded

Any costs incurred in undertaking the consultation will be met from existing budgets.

6. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).

The Mayor has been consulted on this decision

DSM

Signed M P Headley Date: 28 July 2016 Name of Decision Taker M P HEADLEY

This is a public document. A copy of it must be given to the Service Manager (Committee & Administrative Services) as soon as it is completed.

Date decision published: 29.7.16

Date decision can be implemented if not called in: 7.8.16

(Decision to be made exempt from call in.....NO)

Bedford Borough Council – Report to the Finance Portfolio Holder

July 2016

Report by the Assistant Chief Finance Officer

Subject: CONSULTATION ON PROPOSED CHANGES TO THE DISCRETIONARY CONCESSIONARY TRAVEL SCHEME

1. Executive Summary

The English National Concessionary Travel Scheme (ENCTS) allows ENCTS pass holders to travel free of charge on eligible local bus journeys where the journey commences between 9.30am and 11.00pm Monday to Friday or anytime on weekends or bank holidays. In addition to the statutory ENCTS entitlement, the Council also operates a discretionary travel scheme allowing Bedford Borough residents that are ENCTS pass holders to travel free of charge at any time on journeys wholly within the Bedford Borough Council geographical area. The Council is required to reimburse bus operators for fares foregone as a result of allowing persons to travel free of charge under either the statutory or discretionary scheme at a current cost to the Council in the region of **£2.7 million** per annum.

It is proposed to amend the discretionary travel scheme so that ENCTS pass holders travelling before 9.30am on weekdays pay a contribution of **£1.00** per journey toward the cost of their journey. It is anticipated that this will reduce the Council's costs by an estimated **£0.100 million** per year whilst providing significantly discounted fares for ENCTS pass holders who choose to travel outside the hours of operation of the statutory scheme. In order to enable the views of local residents, bus operators and other interested parties to be considered in determining a revised scheme, this report recommends that a proposed amended discretionary travel scheme as set out in **Appendix A** should be published for the purpose of public consultation.

2. Recommendation(s)

The Portfolio Holder is requested to approve the publication of the proposed amended discretionary concessionary travel scheme shown at Appendix A for the purpose of public consultation.

3. Reasons for Recommendations

To enable the views of local residents, bus operators and other interested parties to be taken into consideration in determining the changes, if any, to be made to the Council's discretionary bus travel scheme.

4. Key Issues

4.1 Legal Issues

The English National Concessionary Travel Scheme provides a statutory entitlement to free bus travel for qualifying persons between 9.30am and 11pm on weekdays and at any time on weekends and bank holidays. The Council is a Travel Concession Authority and is required to determine eligibility for ENCTS passes and to issue passes to residents who qualify. It is also responsible for reimbursing the bus operators for fares foregone under the Scheme for journeys commencing in its geographical area including journeys taken by holders of ENCTS passes issued by other authorities.

The Transport Act 1985 also enables the Council to establish a discretionary concessionary travel scheme. Any change in the eligibility criteria or entitlement under an existing concessionary travel scheme is subject to general public law principles requiring consultation with individuals and groups likely to be affected by any decision. Although the provision is discretionary, this does not remove the requirement to consider the impact of the decision on protected groups and the public sector equality duty referred to in paragraph 4.6 applies in respect of any decision made in connection with a discretionary scheme.

The Council is required by law to reimburse bus operators for fares foregone as a result of allowing persons to travel free of charge under either the statutory or discretionary scheme, on the basis that the bus operator should be no better off and no worse off by participating in the scheme.

4.2 Policy Issues

The Council has exercised its powers under section 93 of the Transport Act 1985 and has operated a discretionary concessionary travel scheme since the ENCTS was introduced in April 2008. Under the current Scheme Bedford Borough ENCTS pass holders are allowed to travel free of charge at any time of the day for journeys taken wholly within the Bedford Borough geographical area. Disabled persons requiring assistance to travel on bus services are also entitled to have one companion travel with them also free of charge and free travel is provided for pass holders using the 'Door to Door' service.

This report proposes changes to the existing policy as set out in the current discretionary travel scheme.

4.3 Resource Implications

The current combined cost to the Council of reimbursing bus operators for fares foregone under the combined statutory and discretionary schemes is in the region of **£2.7 million** per annum. It is estimated that in the region of 100,000 journeys would be made under the proposed discretionary scheme resulting in income to bus operators of **£0.100 million** and a corresponding reduction in the cost to the Council of reimbursing operators.

4.4 Risk Implications

It is very difficult to predict the number of journeys that would continue to be taken before 9.30am under a discretionary concessionary travel scheme that offered a discounted fare of £1.00 rather than free travel as there is no historic data with which to make comparisons. The eventual saving to the Council will be dependent upon the number of pass holders choosing to travel under the discretionary scheme rather than the statutory ENCTS.

However, it is considered that offering a low fare scheme will help to avoid significant changes in journey patterns.

In addition, the public consultation will allow the views of pass holders and bus operators to be taken into account in determining the final scheme and allow consideration to be given to any risks that may be identified through the consultation process.

4.5 Environmental Implications

No adverse environmental implications have been identified as arising from proposals set out in this report.

4.6 Equality Analysis

In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty as set out in Section 149(1) of the Equality Act 2010, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A relevance test has been completed which concluded that the proposed change to the discretionary concessionary travel scheme is relevant to the Council's Equality Duty. Therefore, an equality analysis will be conducted to inform the final decision regarding proposed changes following the conclusion of the public consultation,

5. Details

- 5.1 Under the English National Concessionary Travel Scheme (ENCTS) qualifying older persons and disabled persons are able to travel free of charge on any local bus service between 9.30am and 11.00pm Monday to Friday and at any time on Saturday, Sunday and Bank Holidays ('off peak travel'). To qualify for an ENCTS pass a person (male or female) must have reached the state pension age for women or meet the statutory criteria to be eligible at any age on the grounds of disability.
- 5.2 In addition to the statutory ENCTS, Travel Concession Authorities, including the Council, can offer additional concessions under discretionary powers conferred by section 93 of the Transport Act 1985. The Council currently uses these powers to provide free travel for Bedford Borough concessionary pass holders before 9.30am Monday to Friday (peak travel) for journeys taken wholly with the Bedford Borough geographical area. Free travel is also provided to a person accompanying a disabled person who has difficulty using bus services alone.
- 5.3 Whilst pass holders travel free of charge the Council is required to reimburse the bus operators for the fares it foregoes as a result of allowing free travel on journeys commencing in the Council's geographical area. This requirement applies to journeys under both the ENCTS and the Council's discretionary scheme. The intention is that through the reimbursement the bus operators should be no better off and no worse off as a result of participating in the scheme.
- 5.4 The Council is facing significant financial pressures and needs to significantly reduce costs in order to maintain a balanced budget over the medium term. Consequently, it is considered an appropriate time to review areas of discretionary expenditure. The provision of free peak time and companion travel is entirely discretionary and the Council could opt to withdraw these concessions entirely, subject to consultation and consideration of any equality issues. Whilst withdrawing the discretionary scheme would be likely to reduce the number of concessionary journeys at peak times there is likelihood that many pass holders would simply defer their journey until after 9.30am. This would potentially result in significant changes to morning travel patterns and result in additional capacity cost claims from bus operators eroding any savings achieved from reduce peak time concessionary journeys.
- 5.5 It is proposed, therefore, to offer a revised discretionary concessionary travel scheme that allows the ENCTS pass holder to travel outside the statutory hours of the ENCT Scheme for payment of a discounted fare of £1.00. It is anticipated that many pass holders would view this as a reasonable concession and, therefore, would continue to travel at the same time by paying a fare of £1.00. This option would reduce costs to the Council, ensure bus operators were no worse off, and would continue to provide a valuable concession to eligible local residents.

- 5.6 The Council is required to reimburse bus operators for the fares foregone as a result of allowing passengers to travel free, or at a discounted fare, under both statutory and concessionary travel schemes. This is to ensure operators are no better off and no worse off by participating in a scheme. The Council currently provides reimbursement to operators on the same basis for both statutory and discretionary concessionary journeys. Under the proposed Discretionary Scheme the Council would continue to calculate the reimbursement due to operators on the existing basis, however, where a fare of £1.00 is paid the operator would retain the fare and the reimbursement from the Council would be reduced by the same sum. This would ensure bus operators continued to be no better off and no worse off by participating in the revised scheme.
- 5.7 To ensure that disabled persons, who are unable to travel alone due to their disability are not unduly penalised, the proposed Scheme would continue to allow a companion to travel free of charge at any time. However, the pass holder would be required to pay the £1.00 charge where this applied.
- 5.8 It is proposed that certain 'premium' journeys should be excluded from the Discretionary Scheme as these are considered to offer a service over and above standard bus journeys, and it is considered reasonable that any pass holder wishing to travel on these services outside of the statutory scheme should pay the full fare. At present the only premium service identified is the Stagecoach X5 service.
- 5.9 It is recognised that some rural locations have very limited bus services that make it impractical for pass holders to defer a journey until after 9.30am. Therefore, where there is only one morning journey from a rural location which departs prior to 9.30am, it is proposed that pass holders should continue to travel free of charge on those journeys that are wholly within the Borough. However, where the destination is outside the Borough boundary, it is proposed the concessionary fare of £1.00 should be paid. It is intended to identify the relevant services through the public consultation.
- 5.10 The Finance Portfolio Holder is requested, therefore, to approve the publication of the proposed amended Discretionary Travel Scheme shown at **Appendix A** for the purpose of public consultation.

6. Summary of Consultations and Outcome

The following Council Units or Officers and/or other organisations have been consulted in preparing this report;

Management Team
Head of Passenger Transport

7. Ward Councillor Views

Not applicable for this report.

Report Contact Officer(s): Lee Phanco, Assistant Chief Finance Officer (01234) 718351
E-mail lee.phanco@bedford.gov.uk

Previous Relevant Minutes: None

Background Papers: None

Appendices A – Proposed Discretionary Concessionary Travel Scheme

BEDFORD BOROUGH COUNCIL

PROPOSED DISCRETIONARY CONCESSIONARY TRAVEL SCHEME

This Discretionary Concession Travel Scheme (referred to as “the Scheme”) is made in accordance with the powers conferred upon the Council by section 93 of the Transport Act 1985.

1. Summary of the Scheme

- a) The intention of the discretionary Scheme is to allow Bedford Borough residents who are English National Concessionary Travel Scheme (ENCTS) pass holders to travel on standard bus journeys wholly within Bedford Borough boundaries that begin outside the hours of the statutory free travel scheme for payment of a discounted fare.
- b) Premium services such as the X5 service will not qualify for the discounted fares.
- c) The Scheme will allow for free travel on certain rural transport services where it is not practicable for journeys to be taken on a later service because this would not allow for a return journey.
- d) One companion of a disabled person who is a Bedford Borough resident who is an (ENCTS) pass holders and who is unable to travel alone due to the nature of their disability will be allowed to travel free of charge at any time whilst accompanying the disabled person.
- e) Bus operators will continue to be reimbursed for the fares foregone under the Scheme on the same basis as their reimbursement under the ENCTS less the fares paid to them by the passenger. Therefore, bus operators will be no worse off and no better off by participating in the Scheme.

2. Duration of the Scheme

- 2.1 The Scheme shall commence on *[date to be inserted]* and shall remain effective until such time as the Council may amend or revoke the Scheme.

3. Persons Qualifying for Discounted Travel under the Scheme

3.1 This Scheme applies only to qualifying persons and qualifying companions.

“Qualifying person”	- for the purpose of this Scheme a “qualifying person” is a person who is resident in Bedford Borough and who holds a current ENCTS pass issued by Bedford Borough Council or a person specified under a reciprocal agreement with another travel concession authority;
“Qualifying companion”	- for the purpose of this Scheme a “qualifying companion” is a person travelling with a “disabled person requiring assistance” (only one person may be a qualifying companion in respect of each ENCTS pass holder on each journey but need not be the same companion on every journey);

3.2 For the purpose of this Scheme a **“disabled person requiring assistance”** is a person resident in Bedford Borough who holds an ENCTS pass issued by Bedford Borough Council on the grounds of disability and who, due to the nature of their disability is only able to access local bus services with the assistance of a travelling companion, or a person specified under a reciprocal agreement with another travel concession authority.

3.3 The Council shall determine whether a person is only able to access local bus services with the assistance of a travelling companion due to the nature of their disability. In making such a determination the Council may ask for information and evidence including evidence from practitioners providing the applicant’s medical care. Where, in the Council’s opinion, there is doubt as to whether or not a person is only able to access local bus services with the assistance of a travelling companion the Council may require the applicant to undertake an assessment conducted by an appropriately qualified physiotherapist, occupational therapist or other appropriate medical practitioner appointed by the Council.

4. Requirement to Prove Entitlement to the Concession

4.1 A qualifying person must show their valid current ENCTS pass issued by Bedford Borough Council to the driver of each bus on which they wish to travel in order to qualify for the “discretionary concessionary fare”.

4.2 For a companion to qualify for the “discretionary concessionary fare” the qualifying disabled person they are accompanying must show their valid ENCTS pass issued by Bedford Borough Council, which shows they are entitled to be accompanied by a companion, to the driver of each bus on which they wish to travel.

4.3 Where a reciprocal agreement is in place the corresponding ENTCS pass issued by the other authority must be shown.

5. Qualifying Bus Journeys

5.1 This Scheme applies only to qualifying discretionary bus journeys.

“Qualifying discretionary bus journey”	<p>- for purpose of the Scheme a “qualifying discretionary bus journey” is a bus journey other than a premium service that:</p> <ul style="list-style-type: none"> a) Is a journey wholly with the geographical boundaries of Bedford Borough where other than for the time at which the journey commences an ENCTS pass holder would be entitled to free travel under the ENCTS, or b) Is journey on a specified service, or c) Is a journey taken by a qualifying companion wholly with the geographical boundaries of Bedford Borough.
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5.2 The following services are **“premium services”** for the purpose of this Scheme;

- Stagecoach X5 service

5.3 The following services are **“specified services”** for the purpose of this Scheme. (The Council may take into account the passenger capacity and operating mileage of such vehicles for the purpose of this scheme).

Rural services	To be determined through consultation.
Community transport services	Any service operated by “Door to Door” Any additional services to be determined through consultation

Application of the Scheme to New Bus Services

5.4 This Scheme shall initially apply only to registered bus services that are currently operating at the time the Scheme commences. The Scheme may be extended to include new services at the Council's discretion.

6. Concessions under the Scheme

6.1 The persons shown in the table below travelling on a qualifying discretionary bus journey shall be entitled to travel upon payment of the “**concessionary fare**” or free of charge where the “**concessionary fare**” is nil.

6.2 The “**concessionary fare**” is;

For a qualifying companion.	Nil
For a qualifying person travelling on a specified service wholly within the Borough.	Nil
For a qualifying person travelling on any other qualify discretionary bus journey.	£1.00

Increases to the Concessionary Fare

6.3 Where the concessionary fare is not nil the fare will be reviewed annually with effect from 1 April 2018. Where the increase in average bus fares used in the calculation of reimbursement to the main operator in the area have increased by more than 10% since the concessionary fare was last increased the fare shall be increased in line with that increase. However, increases shall only be applied in increments of £0.10 and shall not exceed the cumulative increase in fares since Scheme commenced.

7. Changes to this Scheme

7.1 The Council may change any aspect of this Scheme at any time. Where significant changes are proposed the Council will consult with beneficiaries of the Scheme and bus operators and will publish the details at least 28 days before the changes commence.

8. Reimbursement of Bus Operators

- 8.1 Bus operators shall be reimbursed for fares foregone in respect of qualifying discretionary journeys on the same basis as the reimbursement agreed in respect of ENCTS journeys less the revenue received by the operator from passengers paying the “discretionary concessionary fare”.
- 8.2 Bus operators are required to maintain records of the numbers of persons taking “qualifying discretionary journeys” and of the “concessionary fares” received. This information must be provided with all requests for reimbursement.
- 8.3 Bus operators must allow the Council’s auditors access to their records on request in order to verify requests for reimbursement. Requests for access to records will be given a minimum of 14 days’ notice. Where access is provided to bus operators records the Council agrees to maintain the confidentiality of the information received, subject to any statutory obligations.

9. Reciprocal Agreements with other Travel Concession Authorities

- 9.1 The Council may, at its discretion, enter into a reciprocal agreement with one or more other Travel Concession Authorities (TCA) to allow holders of ENCTS passes issued by that authority to benefit from this Scheme where the other TCA offers similar benefits to Bedford Borough pas holders. Where the Council enters into such an arrangement it will provide at least 28 days’ notice to operators of the agreement.
- 9.2 There are no reciprocal agreements in place at the time of commencement of this Scheme.

10. Withdrawal of Entitlement to the Discretionary Concessionary Travel Scheme

- 10.1 The Council reserves the right to withdraw entitlement to concessions under the Discretionary Concessionary Travel Scheme to any person who deliberately abuses the Scheme. This includes, but is not limited to, the following abuses;
- failing to show a valid pass for the journey on request
 - seeking to obtain concessionary travel using a stolen, altered, counterfeit, fake or expired pass
 - refusing to pay the discretionary concessionary fare
 - Seeking to obtain concessionary travel using another person’s pass
 - being abusive to bus operator or Council staff