

**4 February 2021**

**Agenda Item:8**

## **REPORT OF THE SERVICE DIRECTOR, PLACE & COMMUNITIES**

### **NOTTINGHAMSHIRE CONCESSIONARY TRAVEL SCHEME 2021 / 2022**

#### **Purpose of the Report**

1. To seek approval for the Nottinghamshire Concessionary Travel Scheme for 2021 / 2022, publication of the final scheme statutory notice on 3 March 2021 and the proposed funding (subject to Full Council budget approval in February 2021).
2. To seek approval to continue with the County Council's additional discretionary tram, companions and section 19 minibus elements of the scheme which are estimated to cost £1.035m in 2021 / 2022.
3. To seek Committee approval to grant delegated power for the Service Director for Place & Communities to agree the final reimbursement arrangements and associated financial commitments from 1 April 2021 in conjunction with the Chairman and Vice Chairman of the Communities & Place Committee and the Group Manager for Highways & Transport.

#### **Information**

4. Within the Council Plan and Place Plan, transport is highlighted as an important part of making "Nottinghamshire a great place to live, work, visit and relax."
  - a. To help realise this vision; the County Council provides Concessionary travel for Nottinghamshire's elderly and disabled residents enabling those residents to access work, training, health, shopping and leisure facilities.
5. The County Council has been a Travel Concession Authority (TCA) since April 2011 and has the duty to provide free travel on local bus services for the holder of a valid English National Concessionary Travel Pass (ENCTS). Free travel is available between 0930 and 2300 weekdays and all day at weekends and on bank holidays anywhere in England.
6. Concessionary travel passes are available to those who qualify on the grounds of age or disability. The age of entitlement is gradually being increased, for both men and women, in line with the rise in state pension age.

7. The eligibility criteria for a concessionary travel pass on grounds of disability are defined in legislation and summarised below as a person who:
  - a. Is blind or partially sighted
  - b. Is profoundly or severely deaf
  - c. Is without speech
  - d. Has a disability, or suffered an injury, which has a substantial and long-term adverse effect on their ability to walk
  - e. Does not have the use of both arms whether by the loss of limbs or otherwise.
  - f. Has a learning disability
  - g. Would have an application to drive a motor vehicle refused due to a disability (excluding those who would be refused because of alcohol or non-prescription drugs use).
8. TCA's can offer, and fund, additional travel entitlements using discretionary powers from Section 93 of the Transport Act 1985. The County Council currently offers three additional travel entitlements for Nottinghamshire residents which are discounted travel on the tram, a companion's travel facility attached to passes issued for certain severe disabilities, and discounted travel for disabled pass holders on Section 19 minibuses in the county.
9. Holders of Nottinghamshire concessionary travel passes are currently entitled to free travel on the tram at the same times as on local bus services detailed in paragraph 5. Unlike the reimbursement duty for the statutory bus concession detailed in paragraph 12, the County Council is responsible for reimbursing the tram operator for all travel by Nottinghamshire pass holders only. This travel entitlement covers the entire Nottingham tram network.
10. The County Council has a contractual arrangement with the tram operators to offer a concession to county residents. This contractual arrangement was negotiated as part of the settlement deed and runs until 31<sup>st</sup> March 2022.
11. Passes with the additional companions' entitlement are issued to people who are blind, have a severe walking disability or a severe learning disability and would have difficulty travelling alone. The pass allows one additional person to travel with the pass holder at the same discounted rate for all journeys commencing in Nottinghamshire.

## **Reimbursement**

12. The County Council is responsible for reimbursing transport operators for all statutory free concessionary travel whereby the holder of a valid ENCTS pass boarded a bus within the administrative boundary of Nottinghamshire irrespective of which English TCA issued the pass. The Council has met its duty to issue a draft notice of the proposed 2021/22 scheme by 1 December 2020 and must issue a final scheme notice by 3 March 2021 to enable the scheme to commence on 1 April 2021. The final notice must detail scheme entitlements and reimbursement arrangements for transport operators.
13. The transport operators have a duty to accept travel passes on the local bus services they operate. Travel is permitted under the terms of carriage of each operator.

14. Reimbursement is calculated to ensure that the transport operator is “no better or no worse off” as a result of carrying the concessionary passengers. The Department for Transport (DfT) has issued guidance to assist with these calculations. Although it is not mandatory to use this guidance it has been used as the basis of negotiations with transport operators to minimise the risk of any appeals against the level of reimbursement. A small number of services, mainly rural shopper, market day or infrequent services, do not fall within the scope of the guidance and a local methodology will be used to calculate reimbursement for these services.
15. The County Council has previously negotiated fixed reimbursement arrangements with a number of operators to maintain network stability and service provision, whilst giving financial security to all parties, during the current challenging economic climate. The current two-year arrangements extend to March 2022. There are 20 transport operators currently participating in the Nottinghamshire scheme of which 16 are bus operators, 1 tram operator and 3 community transport schemes.
16. The actual costs of the scheme, ordinarily, will be determined through historic passenger data, the final reimbursement agreements with the operators and the subsequent demand for travel.

### **Temporary Covid Arrangements**

17. During the height of the current pandemic the County Council has been asked to continue concessionary fare payments at Pre- Covid levels. Currently patronage levels are around 40% of pre-Covid levels due to the tightening restrictions and travel advice from the Government.
18. The Government has recently released further guidance for concessionary fares for 2021/22 and has asked Councils to continue concessionary payments at pre-Covid 2019/20 levels for the 21/22 financial year.
19. The Government also allows for Local Transport Authorities to reduce concessionary payments in line with reduced services levels due to the lockdown measures. The Council has therefore adjusted payments in line with this guidance.

### **Proposals for 2021/22**

20. It is proposed that we continue to make statutory concessions payments at 19/20 levels as currently requested by the Government.
21. It is proposed that the discretionary tram, Companion and section 19 elements of the current scheme continue in 2021/22.

### **Other Options Considered**

22. No other options are available for the national scheme as the provision of concessionary travel for elderly and disabled people is a statutory duty.
23. The County Council funds additional discretionary elements for Nottinghamshire pass holders as described in paragraphs 8, 9, 10 and 11 subject to committee approval each year.

## **Reasons for Recommendations**

24. The recommendations ensure that the County Council meets its statutory duty whilst continuing to provide a wide range of travel opportunities and choices for the residents of Nottinghamshire. The need for the delegated authority in recommendation 3 ensures that the County Council can issue the statutory notice for the scheme and agree reimbursement levels by the 3 March 2021.

## **Statutory and Policy Implications**

25. 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.

## **Equal Opportunities Implications**

26. The provision of the concessionary travel scheme and the additional discretionary elements ensures that elderly and disabled can access key services thus improving their quality of life and enhancing social inclusion.

## **Financial Implications**

27. The cost of reimbursement to transport operators (for statutory and discretionary entitlements) and scheme management is budgeted to be £11,275,000 2021 / 22. As detailed in paragraph 18 the final costs will be subject to agreements with transport operators and the subsequent demand for travel, which currently, is based on 2019/20 reimbursement levels. The level of reimbursement will be adjusted if needed when the Government changes its current advice on Concessions reimbursement.

## **RECOMMENDATIONS**

- 1) Committee approves the Nottinghamshire Concessionary Travel Scheme and proposed funding for 2021 / 2022 and publication of the final scheme notice on 3 March 2021, subject to recommendation 3 and Full Council budget approval.
- 2) Committee approves to continue with the County Council's additional discretionary elements of the scheme as outlined in paragraph 21.
- 3) Committee grants delegated power for the Service Director for Place & Communities to agree the final reimbursement arrangements and associated financial commitments from 1 April 2021 in conjunction with the Group Manager for Highways & Transport.

**Derek Higton**  
**Service Director, Place & Communities**

**For any enquiries about this report please contact:** Gary Wood, Group Manager, Highways & Transport or Pete Mathieson, Manager, Transport & Travel.

### **Constitutional Comments (KK 05/01/2021)**

28. The proposals in this report are within the remit of the Communities and Place Committee.

### **Financial Comments (SES 12/01/2021)**

29. The financial implications are set out in paragraph 27 of the report. The cost of reimbursement to transport operators (for statutory and discretionary entitlements) and scheme management is budgeted to be £11,275,000 in 2021 / 22.
30. As detailed in paragraph 18 the final costs will be subject to agreements with transport operators and the subsequent demand for travel, which currently, is based on 2019/20 reimbursement levels. The level of reimbursement will be adjusted if needed when the Government changes its current advice on Concessions reimbursement.

### **Background Papers**

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.

- Draft Nottinghamshire Concessionary Travel Scheme – December 2020
- Department for Transport Reimbursement Guidance - 20<sup>th</sup> November 2020
- Department for Transport supplemental Concessionary Travel re-imburement guidance 20<sup>th</sup> November 2020

### **Electoral Divisions and Members Affected**

- All