



12 March 2023

Agenda Item: 7

**REPORT OF THE CHAIRMAN OF THE PLACE SELECT COMMITTEE
OUTCOMES OF THE SCRUTINY REVIEW OF CONCESSIONARY
TRAVEL**

Purpose of the Report

1. To share with the Place Select Committee the findings that have arisen from the task and finish review of Concessionary Travel.
2. To seek the endorsement of the committee for the recommendations from the scrutiny task and finish review of Concessionary Travel to be submitted to the Cabinet Member for Transport and Environment for their consideration.

Information

Background

3. At the meeting of the Place Select Committee held on 12 October 2022 members received a report that provided an overview on the Council's role in the provision of buses and other public transport. As part of that report information was provided on the Council's Concessionary Travel Scheme where it was noted that there were currently 143,000 older persons concessionary pass holders, 11,000 disabled concessionary pass holders and 3,500 companion pass holders in Nottinghamshire. It was noted further that there were plans to look at the possibilities for an under-22's scheme and a job seekers scheme as part of the Bus Service Improvement Plan.

Minute extract from Place Select Committee 12 October 2022

"A review of concessionary fares was requested that would look at valid times for travel and the financial impact that that they had. Concerns were raised that isolated, elderly, or vulnerable citizens may choose not to travel using the current scheme due to bus reliability, further isolating them. There were also queries around the potential for NHS staff and Care Workers to receive concessionary passes which would support additional busses by encouraging more people to use the routes."

As a result of the discussion that took place it was agreed that:

“That a member-led review be carried out on the Council’s Concessionary Travel Scheme by members of the Place Select Committee”.

Scoping the Review

3. Subsequently work was carried out to “scope” the review. This work was carried out by the Chairman of the Place Select Committee, in consultation with the Interim Corporate Director – Place, the Head of Highways and Transport and other officers. This work identified the key objectives for review as well as setting out the strategic context in which the issues involved would be considered.
4. As a result of the scoping work that was carried out the key objectives that would guide the review were identified as being:
 - To gain an understanding of the Council’s concessionary fares scheme.
 - To examine what the Council’s Concessionary Fare scheme could look like in the future taking into consideration factors including:
 - the financial sustainability of the scheme for the Council.
 - the decline in the number of concessionary pass holders using public transport in comparison to before the pandemic.
 - the current discretionary elements of the scheme and the options / issues surrounding any potential changes to these.
 - the impact of concessionary travel on the sustainability of bus services.

In the context of the review, it was noted that there were a series of statutory obligations and discretionary elements to the concessionary fare scheme, and that whilst the Council could liaise with commercial bus operators the Council did not have the powers to enforce any changes to their policies.

Link to Council Priorities

5. The work of the Council’s scrutiny function should always be focussed on supporting delivery of the Council’s strategic priorities, which will in turn support the delivery of the best possible services to the residents of Nottinghamshire. The work that was carried out in scoping the review identified that a review of Concessionary Travel supported a wide range of strategic priorities, as well as the strategies and policies that underpinned them.

The Nottinghamshire Plan 2021 - 2031

6. The Nottinghamshire Plan 2021 -2031 is an ambitious plan for the County Council that sets out the Council’s strategic vision for the future of Nottinghamshire and the local authority. The activity in the Nottinghamshire Plan is built around achieving a bold 10-year vision for a ‘healthy, prosperous and greener future for everyone’. This vision is supported by nine ambitions which will act as a framework for all County Council activity. The scoping of the review identified would support the following ambitions that support the overall vision of the Plan.
 - Helping our people live healthier and more independent lives

- Making Nottinghamshire somewhere people love to live, work and visit.
- Protecting the environment and reducing our carbon footprint
- Improving transport and digital connections
- Supporting communities and families

The Review process

7. The members of the review group were:

- Councillor Nigel Moxon (Chairman)
- Councillor Penny Gowland
- Councillor Mike Introna

8. The review was carried out using a variety of different methods, including informal meetings, and the consideration of written evidence. The different stages of the review are detailed below.

9. The first meeting of the review group took place on Wednesday 18 January. At this meeting members received a presentation that provided detailed information on:

- the legislation that was in place that set out how concessionary travel schemes were provided, including:
 - Section 93 of the 1985 Transport Act
 - the 2000 Transport Act
 - the 2007 Concessionary Travel Act (that had introduced free bus travel nationwide for pass holders)
- the 2022 Concessions Guidance from the Department for Transport that was underpinned by the “No better, no worse off” principles that had been designed to ensure that the financial implications for bus operators of providing concessionary fares were revenue neutral. It was noted that the “No better, no worse off” principles were currently suspended whilst enhanced support from the Government to support public transport recover from the pandemic was in place until April 2024.
- the statutory requirement to provide a concessionary pass based on age and disability and the concessions that this pass provided. Information was also provided on the number of age-related and disability concessionary pass holders in Nottinghamshire.
- the discretionary elements of the disabled scheme that had been agreed locally with transport providers that included the provision of concessionary passes to the companions of people with defined disabilities categories.
- that Nottinghamshire had above national average take up on age grounds with 84% of those entitled having a pass compared to 73% nationally.

- the work that was being carried out around enhancements to the discretionary elements scheme that would look to provide concessionary travel to under-22's and those residents on jobseeker's allowance. Information was also provided about work that was being carried out regarding the implementation of multi-operator ticketing.
- the cost to the Council of delivering both the statutory and discretionary elements of the concessionary travel scheme. (£9.32million for the statutory elements and £0.14million for the discretionary elements).
- that whilst the number of all journeys on buses was currently at between 80% and 90% of the levels seen pre-pandemic, that concessionary pass holders had returned to using buses at a much lower rate with the number of concessionary pass holder journeys at significantly lower levels than those seen before the pandemic.
- how payments were made to transport providers for the concessionary journeys that they had provided. It was noted that each transport operator had individual arrangements negotiated with the Council on how they were reimbursed based on Department for Transport Guidance.
- how any further discretionary concessions around the time of use or eligibility for concessionary travel outside of the statutory scheme would need to be negotiated with each transport provider on an individual basis.
- how officers were not aware of any local authority that had discretionary elements of their scheme that provided concessionary travel to armed forces veterans or NHS staff. There is however some pre-0930 travel allowed across England.
- the issues that would need consideration around any potential expansion of the times that concessionary journeys could be made (currently after 9:30 weekdays and at any time at weekends).
- the issues that would need consideration around any potential expansion the eligibility for a concessionary travel to pass to other groups including armed forces veterans and NHS staff.

After receiving the information members of the review group took the opportunity to ask questions of Gary Wood, Head of Highways and Transport, and Pete Mathieson, Team Manager – Development and Partnerships on the information that had been provided and to discuss the issues that had been raised.

10. The second meeting of the review group took place on Thursday 2 February. At this meeting members received a presentation that provided detailed information on:

- The requirement for the Council to approve and publish a scheme notice on an annual basis that details the discretionary elements of the concessionary travel scheme and the reimbursement arrangements for 2023/24. It was noted that this decision would be taken by the Cabinet Member for Transport and Environment.
- The financial sustainability of the Council's Concessionary Travel Scheme noting that:

- The scheme was a statutory scheme and had to be funded by the County Council
- That any future changes to the concessions that were included in the scheme could put additional pressure on Council budgets.

11. At this meeting information was also provided in response to questions raised by members at the first meeting. These included:

- **The impact of concessionary travel on the sustainability of bus services.**

Members were advised that the operation of a concessionary travel scheme meant that a transport operator should be no better or no worse off than if the scheme was not in place, and as such transport providers would not benefit financially from an increase in concessionary pass holder journeys. It was also noted that the payment guidance for transport providers that was in place reflected modern travel patterns and that any extension of concessions would create additional costs for the Council.

- **The issues around extending the time window in which the disabled permit could be used from 09:30 to 09:00.**

It was noted that there were approximately 11,000 disabled pass holders in Nottinghamshire. Members were advised that there were numerous and complex issues that would have to be taken into consideration if the time window was to be extended that included provider capacity and the Peak Vehicle Requirement as well as issues around cost, times, area of operation, the level of discount applied at different times, additional administration, and operator acceptance, many of which were out of the Council's direct control.

- **The issues around providing care leavers with concessionary travel on the NET Trams**

Members were advised that there was a budget within the Children and Families department to support care leavers up to the age of 25 with transport costs. It was noted that this support was managed on a discretionary basis to provide care leavers with access to the most appropriate form of support for their travel needs and as such could provide financial support for tram travel.

12. At the conclusion of this meeting members discussed and reviewed the information and discussions that had taken place over the previous meetings in order to formulate and agree their recommendations.

Review activity and recommendations

13. Nottinghamshire County Council operates within the England National Concessionary Travel Scheme (ENCTS) that provides a statutory concession for free off-peak local bus travel to eligible older and disabled people anywhere in England. Bus operators providing eligible services must provide free travel during the core off-peak times of 09:30 until 23:00 Monday to Friday, and all-day Saturday, Sunday and bank holidays.

14. An eligible resident for concessionary travel is a resident of Nottinghamshire who qualifies because of their age (currently over 66 years but rising to 67 from 2026) or because they have a specified disability. The eligibility criteria are set by central government, the Council have no ability to change these. For those Nottinghamshire residents who are not yet eligible because of their age, but who have a qualifying disability, a Disabled Person's Pass is available. The entitlement to travel is currently the same with both passes.
15. In addition to the statutory concessions that are required to be provided by the ENCTS, in Nottinghamshire there are also some additional discretionary benefits that have been agreed by the Council with each transport operator to provide an enhanced service to pass holders. These are:
- Concessionary travel for the companions of the those with defined disabilities (those who are blind or have a severe walking or severe learning disability) and discounted travel on Section 19 services.
16. Members of the review group endorsed the inclusion of the discretionary elements of the scheme and how they enhanced the travel options for all pass holders. Members also noted how the companion pass available for severely disabled people enabled these pass holders to travel freely and with confidence by being able to take a companion with them. Members agreed that the provision of these discretionary elements, due to the direct action of the Council, showed the Council's commitment to providing a fair and accessible concessionary scheme to pass holders. Members also noted the additional work and negotiation with transport operators, as well as the additional costs to the Council, that the provision of these discretionary elements created.

Recommendation One

That members of the review group note with approval:

- a) the effective delivery of the statutory concessionary scheme by the Council.**
- b) the provision of the additional discretionary elements of the concessionary travel scheme.**

17. As part of the review process members examined the issues around the possibility of extending the discretionary elements of the concessionary scheme to other groups of residents, including armed forces veterans and members of the NHS. Members were advised that the Council was not aware of any other area in England that provided concessionary travel to these groups, although some Hospitals may fund some local travel schemes. It was however noted that some areas did offer discretionary concessionary travel to older and disabled people outside of the times set by the ENCTS.
18. Members were advised that the introduction of any additional discretionary elements to the concessionary travel scheme would however be dependent on numerous factors such the cost of providing the additional concession and whether the transport operators would be willing to provide this additional concession on their services. Members were also advised that the provision of all discretionary elements of the concessionary travel scheme were also subject to individual negotiations with each travel operator, and as such could be lengthy and

complex. Members also noted the Peak Vehicle Requirement (PVR) and how this impacted on travel providers. The PVR is the calculation used by operators to establish the number of vehicles required to operate a service. Members were advised that the availability of vehicles and drivers, especially at the current time where transport providers were also experiencing challenges in this area would also need to be a key consideration when considering the possibility of extending the availability of concessionary permits.

19. Members of the review group were in agreement that extending any discretionary element of the concessionary travel scheme would be very complex and difficult, especially at a time when Government support provided during the pandemic to transport providers was coming to an end and the uncertainty that this was creating for transport providers. Members also noted that the financial challenges currently being faced by the Council.
20. Members of the review group were however in agreement that the concessionary travel scheme should aim to meet the needs of its users and felt that concessionary pass holders should have the opportunity to provide feedback on how they used the scheme and on how they might like to see it work in the future. Members noted that this feedback could then be used to formulate any work and activity on the options and viability of any potential changes to the scheme.

Recommendation Two

That consultation and engagement activity be carried out with both older persons and disabled persons permit holders to gather further information on how they currently use their travel pass and how potentially they would like to be able to use their pass in the future to meet their travel needs.

and

that the results of this consultation and engagement activity be used to inform the focus of further considerations by the Cabinet Member for Transport and Environment on any future potential amendments to the discretionary elements of the concessionary travel scheme.

21. As the impact of the Covid-19 pandemic has shown the way in which residents travel and use public transport changes and evolves over time. The lifestyles, needs and expectations of residents may also change over time as these different generations gain access to concessionary travel.

Recommendation Three

That consultation and engagement activity be carried out with concessionary permit holders at suitable intervals in the future to ensure that the concessionary travel scheme in Nottinghamshire continues to meet the needs of its users.

22. As part of the review process members considered the issues around enabling concessionary pass holders to use their concessionary permits from the earlier time of 09:00 as a discretionary element of the concessionary travel scheme offered by the Council. It was noted that whilst not widespread, that this additional discretionary concession was offered by some other Travel Concession Authorities (TCA's).

23. Members expressed concern that in some areas of Nottinghamshire, especially in many rural areas where bus services were less frequent, that concessionary permit holders were sometimes unable to access medical appointments or other local community facilities using their concessionary travel permit due to limited bus services having journeys commencing after 09:30 . Members also noted wider concerns around concessionary permit holders across Nottinghamshire having to pay full fares in order use buses before 9:30 when having to travel to access medical appointments.
24. Members also noted the factors that would need to be taken into consideration into introducing concessionary travel before 09:30, as detailed at paragraph 18.

Recommendation Four

That the Cabinet Member for Transport and Environment gives consideration to a feasibility study being carried out to fully examine the issues and costs around extending the time window in which the older persons and disabled permit could be used from 09:30 to 09:00.

25. The Government published its Bus Back Better, National Bus Strategy for England in March 2021. Within this document there was a requirement for local authorities within England to prepare and publish Bus Service Improvement Plans (BSIPs) by 31 October 2021 that covered such issues as bus priority infrastructure and other infrastructure, bus fares, bus service support, marketing and zero emission buses. There are two different plans in Nottinghamshire, which are the BSIP for the Greater Nottingham (Robin Hood) area and the BSIP for Nottinghamshire. The plan for the Greater Nottingham (Robin Hood) area has been developed in partnership with Nottingham City Council and covers the Nottingham Conurbation, while the Bus Improvement Plan for Nottinghamshire covers the rest of the county outside of the Greater Nottinghamshire area. In April 2022 it was announced that there had been £11.4million of Government funding made available for the delivery of the Greater Nottingham BSIP and £18.7million for the delivery of the Nottinghamshire BSIP.
26. During the review process members learnt how the BSIP's that were in place contained the key objective of providing a network which was affordable and delivered good value for money. This objective would be delivered in part by the universal delivery of the Government's scheme for concessionary travel for jobseekers and the delivery of a scheme that provided reduced fares for young people.
27. Members of the review group agreed that the introduction of these schemes would have a positive impact on these new groups of residents in accessing education and employment. Throughout the review process members of the review group had learnt about the complex range of issues that were involved in the delivery of concessionary travel schemes, including negotiations with travel operators, and as such were pleased to learn that despite these complexities that preparations for the launch of both these schemes were progressing well, with the objective being to launch both schemes across Nottinghamshire by September 2023.

Recommendation Five

That the current activity being carried out as part of the Bus Service Improvement Plan around the expansion of concessionary travel to residents aged 22 and under and to residents in receipt of job seekers allowance, be commended.

28. As already noted, whilst the requirements of the ENCTS must be provided by the Council as the local TCA as part of its concessionary travel scheme, the Council does not receive any specific funding from Government to cover the costs of providing the scheme. Members of the review group were advised that the cost of providing the statutory elements of the concessionary travel scheme was approximately £9.32million.
29. As part of the review process members were advised that the Government was currently reviewing the ENCTS reimbursement guidance and that the results of this review would be made public during 2023.
30. Members noted their concern that if the requirements of the statutory concessionary travel scheme in place in England were expanded by the Government with no additional funding being put in place, then this could place an additional financial burden on the Council at a time when the Council's budget was already under significant pressure. Members also expressed their concern that any unfunded expansion of the statutory scheme could also reduce the ability of the Council to provide the discretionary elements of the scheme already in place in Nottinghamshire. Members of the review group agreed that any expansion of the statutory elements of the national scheme should be supported by an appropriate level of Government funding.

Recommendation Six

That if at a time that the requirements of the statutory concessionary travel scheme are expanded by the Government that appropriate lobbying should take place to request that this expansion is supported with the appropriate level of funding being made to local authorities.

32. Summary of recommendations

	Recommendation	Cabinet Member response
1.	That members of the review group note with approval: a) the effective delivery of the statutory concessionary scheme by the Council. b) the provision of the additional discretionary elements of the concessionary travel scheme.	
2.	That consultation and engagement activity be carried out with both older persons and disabled persons permit holders to gather further information on how they currently use their travel pass	

	<p>and how potentially they would like to be able to use their pass in the future to meet their travel needs.</p> <p>and</p> <p>that the results of this consultation and engagement activity be used to inform the focus of further considerations by the Cabinet Member for Transport and Environment on any future potential amendments to the discretionary elements of the concessionary travel scheme.</p>	
3.	That consultation and engagement activity be carried out with concessionary permit holders at suitable intervals in the future to ensure that the concessionary travel scheme in Nottinghamshire continues to meet the needs of its users.	
4.	That the Cabinet Member for Transport and Environment gives consideration to a feasibility study being carried out to fully examine the issues and costs around extending the time window in which the older persons and disabled permit could be used from 09:30 to 09:00.	
5.	That the current activity being carried out as part of the Bus Service Improvement Plan around the expansion of concessionary travel to residents aged 22 and under and to residents in receipt of job seekers allowance, be commended.	
6.	That if at a time that the requirements of the statutory concessionary travel scheme are expanded by the Government that appropriate lobbying should take place to request that this expansion is supported with the appropriate level of funding being made to local authorities.	

Acknowledgments

33. The Chairman and members of the review group would like to express their thanks for the invaluable support provided during review process to, Derek Higton, Interim Corporate Director – Place, Gary Wood, Head of Highways and Transport and Pete Mathieson, Team Manager – Development and Partnerships.

Other Options Considered

34. None. The recommendations of the review, if approved and to comply with the requirements of the Constitution are required to be submitted to the Cabinet Member for Transport and Environment for their consideration.

Reason/s for Recommendation/s

35. To comply with the requirements of the Constitution that the findings of a scrutiny review are submitted to the Cabinet Member for Transport and Environment for their consideration.

Statutory and Policy Implications

36. 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

37. There are no direct financial implications relating to the recommendation of the report.

RECOMMENDATION

- 1) That the recommendations from the scrutiny review of Concessionary Travel, as detailed in the report, be endorsed and referred to the Cabinet Member for Transport and Environment for their consideration.

Councillor Nigel Moxon
Chairman, Place Select Committee

**For any enquiries about this report please contact: Martin Elliott, Senior Scrutiny Officer,
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Constitutional Comments (LPW 27.02.2023)

38. The recommendations fall within the remit of the Place Select Committee by virtue of its terms of reference.

Financial Comments (SES 22/02/2023)

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

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.

Public Transport and Local Bus Review – Report to Place Select Committee 12 October 2022

Minutes of the Place Select Committee 12 October 2022

Electoral Division(s) and Member(s) Affected

- All