

7 February 2019**Agenda Item:7****REPORT OF SERVICE DIRECTOR, PLACE & COMMUNITIES****NOTTINGHAMSHIRE CONCESSIONARY TRAVEL SCHEME 2019 / 2020****Purpose of the Report**

1. To seek approval for the Nottinghamshire Concessionary Travel Scheme for 2019 / 2020, publication of the final scheme statutory notice on 3 March 2019 and the proposed funding (subject to Full Council budget approval on the 28th February 2019).
2. To seek approval to continue with the County Council's additional discretionary elements of the scheme which are estimated to cost £1.079m in 2019 / 2020.
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 2019 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 for women and is currently 65 years of age rising to 66 by 2020. At present there are approximately 155,100 Nottinghamshire pass holders.

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 minibus services in the county. It is anticipated that these discretionary elements will cost approximately £1.079m during the 2019/20 financial year.
9. Holders of Nottinghamshire concessionary travel passes are 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 11, 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. 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.

Financial Reimbursement

11. 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 scheme by 1 December 2018 and must issue a final scheme notice by 3 March 2019 to enable the scheme to commence on 1 April 2019. The final notice must detail scheme entitlements and reimbursement arrangements.
12. 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.

13. 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.
14. The County Council has negotiated fixed reimbursement arrangements with 84% of the operators which have helped to maintain network stability and service provision, whilst giving financial security to all parties, during the current challenging economic climate. The current two and three year arrangements extend to March 2020 or March 2021. There are 23 transport operators currently participating in the Nottinghamshire scheme of which 17 are bus operators, 1 tram operator and 5 community transport schemes.
15. Negotiations with the transport operators not covered by a fixed reimbursement arrangement are underway with robust variable reimbursement arrangements anticipated to be agreed as in previous years. Several factors impact on the type of arrangement applicable for each operator including network stability and competition. The agreements for the fixed reimbursement operators are constantly monitored against the review clauses upon receipt of actual patronage data and any service registrations submitted.
16. The actual costs of the scheme will be determined through historic passenger data, the final reimbursement agreements with the operators and the subsequent demand for travel. The County Council makes total reimbursement of approximately £10.61m (2018 / 2019 figures) to transport operators for approximately 11 million passenger journeys per annum.

Other Options Considered

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

Reasons for Recommendations

19. 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 2019.

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.

Equal opportunities Implications

21. 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

22. The cost of reimbursement to transport operators (for statutory and discretionary entitlements) and scheme management is budgeted to be £10,909,000 in 2019 / 2020. As detailed in paragraph 16 the final costs will be subject to agreements with transport operators and the subsequent demand for travel during 2019/20. Detailed monitoring of the patronage data will be undertaken on a regular basis and any variation to predicted costs will be reported.

RECOMMENDATION/S

- 1) Committee approves the Nottinghamshire Concessionary Travel Scheme and proposed funding for 2019 / 2020 and publication of the final scheme notice on 3 March 2019, subject to recommendation 3 and Full Council budget approval on the 28th February 2019.
- 2) Committee approves to continue with the County Council's additional discretionary elements of the scheme which are estimated to cost £1.079m in 2019 / 2020.
- 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 2019 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, Development and Partnerships, Tel: 0115 9774270

Constitutional Comments [KK 20/12/2018]

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

Financial Comments [RWK 20/12/2018]

24. The financial implications are set out in paragraph 22 of the report.

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 2018
Department for Transport Reimbursement Guidance **September 2017**

Electoral Divisions and Members Affected

All