

**North Yorkshire County Council**

**Business and Environmental Services**

**Executive Members**

**18 February 2022**

**North Yorkshire and York English National Concessionary Travel Scheme**

**Report of the Assistant Director – Travel, Environmental and Countryside Services**

**This report contains information of the type defined in paragraph 3 of Schedule 12A of Part 1 of Schedule 12A Local Government Act 1972 (as amended).**

**1.0 Purpose Of Report**

- 1.1 To update the Corporate Director Business and Environmental Services (BES) and Councillor Don Mackenzie the Executive Member for Access (BES) on the proposals for a new North Yorkshire and York English National Concessionary Travel Scheme, including reimbursement to local bus service operators, to commence 1 April 2022 and operate for two years.
- 1.2 To seek authorisation from the Corporate Director Business and Environmental Services (BES) to introduce the new scheme, as set out in section 5 below.

**2.0 Background**

- 2.1 The English National Concessionary Travel Scheme is enshrined in primary legislation through the Greater London Authority Act 1999 and the Transport Act 2000 (as modified by the Concessionary Bus Travel Act 2007). The Department for Transport (DfT) is responsible for the national policy and provides guidance about the administration of the scheme.
- 2.2 Responsibility for administering concessionary travel was transferred from Shire Districts to Shire County Councils from 1 April 2011 and an administering council is known as a Travel Concession Authority (TCA).
- 2.3 The current scheme in North Yorkshire expires 31 March 2022 and is delivered jointly with City of York Council with North Yorkshire County Council acting as lead authority for the scheme. A new scheme is therefore required to commence from 1 April 2022.

**3.0 Existing Provision**

- 3.1 Outside London, the statutory concession currently consists of free off-peak travel for older and disabled people on all local buses anywhere in England from 09:30 until 23:00 on weekdays and all day at weekends and on Bank Holidays.
- 3.2 The following groups are eligible for the concession:
  - 3.2.1 Eligible older people are those specified in Regulation 2 of the 2010 Regulations as being “in the case of a woman, her pensionable age [and] in the case of a man, the pensionable age of a woman born on the same day”. Due to the policies of successive governments to raise the female state pension age and equalise it with that of men, this means that the eligible age for the statutory concession is also increasing.
  - 3.2.2 Eligible disabled people are those specified in section 146 of the 2000 Act, as amended:

- “disabled person” means a person who—
- is blind or partially sighted,
- is profoundly or severely deaf,
- is without speech,
- has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
- does not have arms or has long-term loss of the use of both arms,
- has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,
- Certain people are automatically ‘passported’ to free bus travel based on their eligibility for other schemes / welfare benefits. These include:
  - People in receipt of the higher rate Disability Living Allowance mobility component,
  - People receiving Personal Independence Payments (PIP) who have been awarded at least eight points against either the PIP “Moving around” and/or “Communicating verbally” activities, and
  - Recipients of the War Pensioner’s Mobility Supplement

3.3 In addition to the mandatory bus concession, TCAs are also able to make use of powers provided by the Greater London Authority Act 1999 and the Transport Act 1985 to introduce additional “discretionary” concessions, such as extending the time of availability or allowing carers of disabled resident’s free travel when they accompany them.

3.4 In North Yorkshire the following discretionary provisions are provided:

- Passes from 9.00am to 6.00am as opposed to the statutory requirement of 9.30am to 11.00pm.
- In addition to the above point concessions are accepted on certain 6.00am to 9.00am journeys. Such exemptions are considered on a case by case basis, on request only for specific and unique circumstances, for example where a passenger is not likely to reach their service centre, GP, hospital or similar before 11.00am on a direct service without the exemption. Current exempt journeys:
 

<u>Service</u>	<u>Time</u>	<u>Details</u>
34	8.53am	Middleton Tyas and all onward stops to Scorton
24	7.20am	Pateley Bridge and all onward stops to Harrogate
22	8.34am school day	Ripon and all onward stops to York
	8.13am school holidays	
30	8.30am	Reeth and all onward stops to Richmond
30	8.50am	Alne and all onward stops to York
31X	8.24am school days	Oswaldkirk and all onward stops to Helmsley
	8.34am school holidays	
80	7.52am	Hutton Rudby and all onward stops to Northallerton
89	8.33am	Northallerton and all onward stops to Stokesley
136	8.12am	Melmerby and all onward stops to Ripon
194	8.10am	Hovingham and all onward stops to Malton
23	7.41am	Kirby Hill and all onward stops to Ripon
18	8:45am	Stokesley and all onward stops to Guisborough
18	8:54am	Great Ayton and all onward stops to Guisborough
- We provide companion passes in certain circumstances.

- Generally the companion entitlement is only valid for journeys in the issuing authorities' area but a reciprocal arrangement exists between the Travel Concession Authorities below\* whereby each other's companion passes are accepted. The pass will only be accepted for the cross boundary part of the journey, and not for onward journeys.

3.5 It is proposed that no changes are made to these discretionary enhancements and they continue to be provided in the new scheme.

3.6 The Travel Concessions (Eligible Services) (Amendment) Order 2009 revised the definition of 'eligible services' to exclude services on which the majority of seats can be reserved in advance of travel; that do not run for a period of at least six consecutive weeks; that are operated primarily for their historical interest or for tourism; rail replacement services; and services where the fare charged by the operator has a special amenity element. In North Yorkshire the following services are considered exempt in that they meet the exclusions that they are operated for tourism and / or the fare charged by the operator has a special amenity element:

<u>Service Number</u>	<u>Route</u>
108 / 109	Scarborough Sea Front Tour buses
64 / 65	Scarborough Park and Ride Services
P1 / P2	Whitby Summer Seasonal Park and Ride
Grey/Yellow	Whitby Summer Tour Services
22	DalesBus: York – Grassington
825	Eastern DalesBus: York- Richmond
829	Eastern DalesBus: Richmond – Bedale
830	Northern DalesBus: Preston – Richmond
831	Northern DalesBus: Middlesbrough – Kirkby Lonsdale
881	Malham DalesBus: Lancaster - Malham
X99	Henry Hulley and Sons: Sheffield – Scarborough

\* East Riding of Yorkshire Council, West Yorkshire Combined Authority, Kingston Upon Hull City Council, South Yorkshire PTE, North Lincolnshire Council, North Yorkshire County Council, North East Lincolnshire Council and City of York Council

#### **4.0 Operator Reimbursement**

4.1 TCAs are required by law to reimburse bus operators for carrying concessionary passengers. In respect of the mandatory concession, TCAs must reimburse bus operators for all concessionary journeys starting within their boundaries, regardless of where the concessionary passholder making the journey is resident.

4.2 The DfT has issued guidance and supporting calculator to assist TCAs in the calculation of reimbursement with individual operators. These documents encompass the following elements of reimbursement:

- a) Revenue Reimbursement – payment at full fare for the proportion of trips which would have been made if the fare were charged, i.e. non-generated trips;
- b) Marginal Operating Costs – reimbursement for the marginal costs of carrying generated concessionary passengers within the existing capacity of the service; and
- c) Marginal Capacity Costs – the net costs incurred in operating additional capacity (e.g. more journeys or bigger buses) to cater for generated trips.

In addition, it is recognised that TCAs may be obliged to meet two other forms of additional cost incurred by operators:

- Administrative Costs – primarily in providing information to TCAs; and
  - PVR Costs – the costs associated with the requirement to run additional vehicles in the peak period due to generated concessionary travel.
- 4.3 The calculation itself is based on a number of factors including fares and ticket types, journey and route lengths, speed, vehicle occupancy. The overriding principal is to ensure that operators receive reimbursement that is 'no better, no worse' than if the scheme was not in existence.
- 4.4 A TCA is free to use their choice of methodology in calculating reimbursement, and the DfT acknowledge that in specific certain circumstances it may be appropriate to deviate from the guidance and calculator in order to give effect to the 'no better, no worse off' principle. This can include reaching fixed or capped agreements with operators. These options help provide budget stability for all parties concerned, as actual reimbursements can vary in accordance with numbers of concessionary pass holders carried.
- 4.5 However, if an operator is not satisfied with the reimbursement they can appeal to the Secretary of State (or decision makers appointed on his behalf) who will apply the law relating to the compensation of operators and will be guided by the DfT reimbursement guidance.
- 4.6 Calculations of revised reimbursement arrangements, based on the DfT guidance, have taken place and the details are provided in Annex 1. This Annex should be treated as exempt under in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, as it provides commercially sensitive information regarding reimbursements and agreements with specific operators. The information provided by operators to allow discussions to take place is commercially sensitive and has been provided to us on the understanding that it is exempt.

## **5.0 Partnership and New Scheme Arrangements**

- 5.1 It is proposed that a new scheme is established from 1 April 2022, to commence on expiry of the existing scheme and operates for 2 years. It is also proposed that a joint scheme is delivered with City of York Council, as in place already.
- 5.2 It is proposed that in addition to the statutory minimum requirements the new scheme includes the additional discretionary enhancements as detailed at section 3.4.
- 5.3 It is proposed that the leisure services detailed at section 3.6 will not be eligible services in the new scheme.
- 5.4 It is proposed to reimburse operators as set out in Annex 1.

## **6.0 Legal Implications**

- 6.1 Failing to reimburse operators under the Concessionary Travel Act 2007 would result in legal challenge, and decisions regarding reimbursements would be imposed upon the Authority, in addition to costs associated with the legal challenge

## **7.0 Financial Implications**

- 7.1 The financial implications associated with the recommendation of this report are detailed in Annex 1. This Annex should be treated as exempt under in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, as it provides commercially sensitive information regarding reimbursements and agreements with specific operators. The information provided by operators to allow discussions to take place is commercially sensitive and has been provided to us on the understanding that it is exempt.
- 7.2 The overall financial impact of the proposed changes is that forecast expenditure is expected to increase by £216k in 22/23 based on 2021/22 passenger numbers. If passenger numbers increase to pre-pandemic levels based on 2018/19 passenger numbers then expenditure could increase by up to £581k. The expected increases based on 2021/22 expenditure will be met by current concessionary fares budgets, however if passenger levels approach the higher end of the scale, an in year inflationary budget pressure could be a risk which would need further review during 23/24 budget setting.

## **8.0 Equalities Implications**

- 8.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. An Equalities Impact Assessment Screening Form is included as Annex 2 of this report.

## **9.0 Climate Change Implications**

- 9.1 Consideration has been given to the potential climate change implications. The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme. As such there is likely to be no impact on the environment. A Climate Change Impact Assessment is included as Annex 3 of this report.

## **10.0 Recommendations**

- 10.1 The Corporate Director Business and Environmental Services (BES) and the Executive Members (BES) note the proposals for a new North Yorkshire and York English National Concessionary Travel Scheme, including reimbursement to local bus service operators, to commence 1 April 2022 and operate for 2 years.
- 10.2 The Corporate Director Business and Environmental Services (BES) authorise the commencement of a new North Yorkshire and York English National Concessionary Travel Scheme, as set out in section 5 above.

MICHAEL LEAH

Assistant Director – Travel, Environmental and Countryside Services

Author of Report: Cathy Knight

Background documents: None

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<p><b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')</p> <p><b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b></p>	
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Integrated Passenger Transport
<b>Proposal being screened</b>	North Yorkshire and York English National Concessionary Travel Scheme
<b>Officer(s) carrying out screening</b>	Cathy Knight
<b>What are you proposing to do?</b>	<p>Introduce a new ENCTS scheme to replace the current scheme which expires 31/03/2022.</p> <p>This assessment screening form considers the impact of the new scheme, with particular references to the impact on people with protected characteristics.</p>
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>The council has a statutory obligation to issue ENCTS travel passes to people eligible for the concession that reside within the authority area. The council also has a statutory obligation to reimburse local bus service operators for carrying passengers as a result of the scheme.</p> <p>As with the existing scheme, the new scheme provides discretionary enhancements to the statutory minimum.</p> <p>The council will therefore be fulfilling its statutory obligations.</p>
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	<p>The total budget for 2021/22 for reimbursement to local bus service operators and administration is £6.5m, which includes income from and payments made on behalf of City Of York Council (as we manage payments to some of their bus operators).</p> <p>The new scheme is not expected to significantly vary existing budget expenditure.</p>
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>• To what extent is this service used by particular groups of people with protected characteristics?</li> <li>• Does the proposal relate to functions that previous consultation has identified as important?</li> <li>• Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>	

<p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		x	
Disability		x	
Sex (Gender)		x	
Race		x	
Sexual orientation		x	
Gender reassignment		x	
Religion or belief		x	
Pregnancy or maternity		x	
Marriage or civil partnership		x	
NYCC additional characteristic			
People in rural areas		x	
People on a low income		x	
Carer (unpaid family or friend)		x	
<p><b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.</p>	<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
<p><b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.</p>	<p>No. There are changes to the individual reimbursement arrangements to operators of local bus services, some negative. However, the council is using the DfT guidance for the reimbursement calculations. In addition if an operator is not satisfied with the reimbursement an appeal process is available to them.</p>		
<p><b>Decision (Please tick one option)</b></p>	EIA not relevant or proportionate:	x	Continue to full EIA:
<p><b>Reason for decision</b></p>	<p>Consideration has been given to the potential for any adverse equality impacts arising from the new scheme.</p> <p>There is no intention to make changes to the public facing elements as available under the existing scheme and no significant effect on how other organisations operate.</p>		
<p><b>Signed (Assistant Director or equivalent)</b></p>	Michael Leah		
<p><b>Date</b></p>	07 02 22		





## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	North Yorkshire and York English National Concessionary Travel Scheme
<b>Brief description of proposal</b>	To review in the context of the council's equalities duties whether further "discretionary" concessions, to include additional groups of people with disabilities, should be considered.
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Travel, Environmental and Countryside Services
<b>Lead officer</b>	Cathy Knight
<b>Names and roles of other people involved in carrying out the impact assessment</b>	None
<b>Date impact assessment started</b>	December 2021

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

None. The council has a statutory obligation to issue ENCTS travel passes to people eligible for the concession that reside within the authority area. The council also has a statutory obligation to reimburse local bus service operators for carrying passengers as a result of the scheme.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The total budget for 2021/22 for reimbursement to local bus service operators and administration is £6.5m, which includes income from and payments made on behalf of City Of York Council (as we manage payments to some of their bus operators).

The new scheme is not expected to significantly vary existing budget expenditure

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<b>Positive impact</b> (Place a X in the box below where	<b>No impact</b> (Place a X in the box below where	<b>Negative impact</b> (Place a X in the box below where	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		X	<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
	Emissions from construction		X			
	Emissions from running of buildings		X			
	Other		X			

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X				
<p>Reduce <b>water</b> consumption</p>		X				
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>		X		<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Enhance <b>conservation</b> and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		<p>X</p>				
<p>Other (please state below)</p>		<p>X</p>				

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

Not currently aware of any good practice environmental standards relating to this.

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme. As such there is likely to be no impact on the environment.

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	Cathy Knight
<b>Job title</b>	Commercial Sector Service Development Manager
<b>Service area</b>	Transport, Waste and Countryside Services
<b>Directorate</b>	Business and Environmental Services
<b>Signature</b>	Cathy Knight
<b>Completion date</b>	December 2021

**Authorised by relevant Assistant Director (signature):**

**Date:**