

North Yorkshire County Council

Business and Environmental Services

Executive Members

26 February 2021

North Yorkshire and York English National Concessionary Travel Scheme: Review of Eligible Concessions and Eligibility Criteria

Report of the Assistant Director - Transport, Waste and Countryside Services and Assistant Chief Executive Legal and Democratic Services

1.0 Purpose of Report

- 1.1. To inform the Corporate Director Business and Environmental Services (BES) and the Executive Member for Access of the:
- current statutory concessions
 - discretionary powers and concessions available to the Council as a Travel Concession Authority (TCA);
 - Council's public sector equalities duties in the context of the concessionary travel scheme; and
 - eligibility criteria to be considered in assessing if an individual is a 'disabled person' for the purpose of the concession scheme.
- 1.2 To review what scope there is for the Council to introduce further "discretionary" concessions or to consider new eligibility criteria for the purposes of determining if someone is a 'disabled person' having regard to legislation, guidance and the public sector equality duty.
- 1.3 To authorise the update of published NYCC guidance to provide more details where we do not have scope to issue passes and make it clearer how we undertake our public sector equalities duties when considering applications.

2.0 Background

- 2.1. The County Council was contacted in 2020 with concerns that our approach to concessionary travel was discriminatory because an individual had to be able to evidence a physical mobility disability or a learning disability in order to be eligible for concessionary travel. In particular the Council has been asked to extend the criteria for automatic eligibility for a travel pass to include any person able to demonstrate that they have mobility difficulties because they are unable to plan and follow a journey. The correspondence also queried whether our approach was consistent with the Council's public sector equality duty. The purpose of this report is to consider the issues raised and whether the Council should take any steps with the regard to clarifying guidance it provides.
- 2.2. The English National Concessionary Travel Scheme (ENCTS) 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 statutory guidance about the administration of the scheme. In addition to the statutory concession TCAs can also operate their own travel concession schemes pursuant to Section 93 of the Transport Act 1985.

- 2.3. 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.
- 2.4. The Council is a Travel Concession Authority (TCA) and is 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.
- 2.5. The following groups are eligible for the concession under the statutory requirements:
- 2.5.1. Eligible older people: Specified 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” in Regulation 2 of The Travel Concessions (Eligibility) (England) Order 2010.
- 2.5.2. Eligible disabled people: Specified in specified in section 146 of the Transport Act 2000 (as amended) and also included in the Transport Act 1985 Section 93:
- “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,
- 2.6. The categories of disabled person listed in both the 1985 and 2000 Transport Acts in relation to concessionary travel does not extend to the full range of disabilities covered by the Equalities Act (EA) 2010. For example autism spectrum conditions, severe personal care issues or hidden disabilities such as anxiety or other mental health conditions which could impact on an individual’s ability to travel are not expressly covered. Subject to the discretion of each TCA certain other 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 8 points against either the PIP “Moving around” and/or “Communicating verbally” activities, and
 - People in receipt of War Pensioner’s Mobility Supplement (WPMS).

3.0 Local Travel Concessions for North Yorkshire

- 3.1. TCA’s are able to make use of discretionary powers provided by the Transport Act 1985. This enables them to introduce “discretionary” concessions, such as extending the time of availability or allowing carers of disabled residents free travel when they accompany them. However this discretion does not extend to being able to vary the

3.2. classes of person eligible for the concession; only the Secretary of State has the power to do this by way of an order.

3.3. In North Yorkshire the local concessionary scheme includes the following discretionary provisions:

- Passes may be used from 9.00am to 6.00am as opposed to the statutory requirement of 9.30am to 11.00pm.
- In addition 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:

Service	Time	From	Destination
34	8.53am	Middleton Tyas	Scorton
24	7.20am	Pateley Bridge	Harrogate
22	8.34am school day 8.13am school holidays	Ripon	York
30	8.30am	Reeth	Richmond
30	8.50am	Alne	York
31X	8.24am school days 8.34am school holidays	Oswaldkirk	Helmsley
80	7.50am	Hutton Rudby	Northallerton
89	8.30am	Northallerton	Stokesley
136	8.12am	Melmerby	Ripon
194	8.10am	Hovingham	Malton
23	7.41am	Kirby Hill	Ripon
18	8:45am	Stokesley	Guisborough
18	8:54am	Great Ayton	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.

* East Riding of Yorkshire Council
West Yorkshire PTE
Kingston upon Hull City Council
South Yorkshire PTE
North Lincolnshire Council
North Yorkshire County Council
North East Lincolnshire Council
City of York Council

3.4. Residents who are not eligible for a pass, either under the national statutory requirements or North Yorkshire's local scheme, are not prevented from using local bus services and still have full access to the bus network though they will need to pay the appropriate fare.

4.0 Eligibility Criteria and Assessing if an Individual is a ‘disabled person’

- 4.1 The 2013 DfT Guidance (the guidance) on the ENCTS assists local authorities in assessing the eligibility of applicants with disabilities. In the context of the ENCTS the guidance is statutory so if an authority was to depart from the guidance they would need to be able to justify, if challenged, why they have done so. Guidance on eligibility states the ENCTS passes may only be issued to individuals with disabilities as assessed using the guidance. However, it is clear that it is for a local authority to determine whether someone is a ‘disabled person’. These points are confirmed and clarified in further DfT guidance in 2016.
- 4.2 It has been suggested that the Council can decide for itself who is a ‘disabled person’ by applying its own additional criteria and not restricting itself to automatic eligibility criteria, however the Transport Act 2000 defines who is a disabled person and so the discretion of the Council can only extend to considering if an individual falls within any of the categories of disabled person and what criteria might be relevant and appropriate for that purpose having regard to the guidance.
- 4.3 As a TCA the Council is constrained by the current statutory definitions of a disabled person and any eligibility criteria whether automatic or not needs to relate to those definitions. The wording in the DfT guidance indicating that Councils have discretion in this area may give rise to an expectation that we have a greater scope to decide who is a disabled person than is actually the case. The Council regularly receives enquiries about whether people with hidden disabilities such as autism spectrum conditions are eligible for concessionary passes, but unless they are a disabled person within the meaning within the Transport Acts they will not be eligible for the reason of these disabilities alone. It is only the Secretary of State who can extend the list of disabled persons eligible for concessionary travel. .

5.0 Equalities Act and Public Sector Equality Duty Implications

- 5.1 The other aspect raised with the Council relates to our Public Sector Equality Duty (PSED). The Equality Act 2010 (the Act) imposes a duty on the Council to pay due regard to equality in the exercise of its functions, in particular to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.2 The protected characteristics under the Act are age, disability, race, sex, sexual orientation, gender reassignment, marriage and civil partnerships, religion or belief, pregnancy and maternity. The Council has also chosen to pay due regard to additional characteristics – living in a rural area, living on a low income and being a carer.
- 5.3 The disabilities recognised pursuant to the Act are much wider than those included within the legislation on concessionary travel.
- 5.4 The issues raised with the Council concern how our concessionary scheme is consistent with our PSED; applying the PSED to the proposal for new eligibility criteria and how the Council addresses the aims of the PSED to advance equality. As part of our consideration of the matters raised a full Equalities Impact Assessment has been undertaken in relation to the concessionary schemes operating in North Yorkshire. The Assessment attached at Appendix 1 highlights, there are some

groups of disabled persons who may consider that they are adversely impacted. People with hidden disabilities such as autism spectrum condition, anxiety disorders and other mental health conditions are not expressly included within the statutory definition of disabled persons within the Transport Acts but also recognises that we are constrained by legislation from extending the categories of disabled person more widely. It is part of decision making at all levels within the Council to ensure that due regard is had to the PSED and where appropriate Equalities screening or full impact assessments are undertaken.

- 5.5 With regard to the proposed new criteria, had this been able to be progressed it would have been in accordance with the PSED, but as already indicated our scope to consider this is constrained by current legislation. However the Council has taken steps to advance equality by adopting the automatic passporting of certain state benefits as the basis for concessionary travel and having the local concessions such as companion passes. The Council also does make use of discretionary powers provided by the Transport Act 1985 and provides companion passes in certain circumstances, allowing carers of disabled residents free travel when they accompany them.

6.0 Legal Implications

- 6.1 The legal consideration and implications are as set out in the report and it is concluded that the way in which the Council operates its concessionary travel scheme is not discriminatory. The Council as TCA has regard to all relevant legislation, guidance and our PSED, but there is no scope to extend the categories of disabled people or to use the criteria proposed (namely that an individual should be automatically eligible for a disabled persons bus pass because they are unable to plan and follow a journey) as this of itself is not covered by groups of disabled persons as defined in the legislation.

7.0 Financial Implications

- 7.1 Each bus pass currently costs £1.55 to produce (excluding any council staff time). It should be noted that other Travel Concession Authorities can choose whether or not to accept non statutory usage within their scheme areas and that will include City of York Council.
- 7.2 As stated in paragraph 2.4, reimbursement must be paid to bus operators where they have waived their fare to a passenger who has produced a concessionary pass. In the current scheme during 2019/20 each pass cost approximately £55 reimbursement.
- 7.3 If legislation were to change in the future to extend the categories of disabled person it is unlikely that every eligible person within that group would apply for and use a concessionary bus pass, as there is not currently 100% take up within existing categories; an assumption of 75% take up has been made.
- 7.4 Sourcing data on people within the groups identified at paragraph 2.6 has proved difficult. Data has been sourced on the two below, which has enable estimated costs to be provided.

Group	Est North Yorkshire Numbers	Estimated % Update	Pass production costs	Usage Cost per Pass per Annum	Estimated Usage Cost per Annum
Autistic Spectrum disorders	3,417*	2,563	£4,973**	£55	£140,965

Severe personal care disability	3,309*	2,482	£3,847**	£55	£136,510
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* Only 18-64 years data available, actual will be higher when 5-17 years are included.

** Pass production costs will occur every 1 – 5 years dependent upon agreed pass validity period for each group.

7.5 We have not been able to source data for the following groups:

- People receiving Personal Independence Payments (PIP) who have been awarded at least 8 points against either the PIP “Moving around” and/or “Communicating verbally” activities
- People receiving any level of Personal Independence Payments (PIP)
- Alignment with ‘hidden disabilities’ criteria of the Blue Badge scheme (e.g. suffers anxiety or distress when moving from vehicle to destination).

7.6 When considering the data in the table above it is important to note:

- Some people may be eligible in one or more categories listed in the table above and / or be eligible in the existing categories available.
- Availability of granular level data is limited and as such a number of assumptions have been required in order to demonstrate estimated take up and costs.
- Operators may claim costs associated with the requirement to run additional vehicles in the peak period due to generated concessionary travel these are known as PVR costs. No PVR costs are included in the table above. Though it should be noted PVR costs can be significant.

7.7 At this point there are no financial implications associated with the recommendations of this report. However there could be financial implications if the legislation changes in future years.

8.0 Climate Change Implications

8.1 Consideration has been given to the potential for any adverse climate change implications. There is potential for a positive impact on emissions across certain areas of North Yorkshire should an individual with disabilities, chose to use the bus over the car. The same is applicable to pollution.

8.2 It is anticipated that there will be minimal, if any, impact on waste, water consumption, resilience, conservation and distinctive features and special qualities of North Yorkshire’s landscape. A Climate Change Impact Assessment is included an Appendix 1 of this report.

9.0 Summary

9.1 Equality and diversity is an important priority for the Council. Paying due regard to equality is not just a legal obligation, but good customer service. The council has given such consideration in the past in relation to additional “discretionary” concessions and currently provides the enhancements as detailed above. However, it is appropriate from time to time to review and reconsider policies and procedures in place.

9.2 The Council is able to make use of powers to introduce additional “discretionary” concessions, but this does not extend to a new category of disabled person or using criteria which would not fit with the current definitions of a disabled person. Any eligibility criteria has to relate to the existing categories of disabled person set out in the Transport Act 2000. The proposal that an individual should be automatically

eligible for a disabled persons bus pass because they are unable to plan and follow a journey is not a matter covered in the existing categories of a disabled person in the Transport Acts or a matter over which the Council can exercise discretion.

9.3 Residents who are not eligible for a pass are not prevented from using local bus services though they will need to pay the appropriate fare.

9.4 Bus operators have the right to decline to participate in any discretionary schemes.

10.0 Recommendation

10.1 The Corporate Director Business and Environmental Services (BES) in consultation with the Executive Member for Access, note the report and have regard to the Equalities Impact Assessment at Appendix 2.

10.2 Authorise the Assistant Director for Transport Waste and Countryside Service to advise the individual raising concerns regarding the outcome of the review of the scope for extending discretionary concessions.

10.3 To authorise the update of published NYCC guidance to provide more details where we do not have scope to issue passes and make it clearer how we undertake our public sector equalities duties when considering applications.

Ian Fielding Assistant Director - Transport, Waste and Countryside Services
Barry Khan Assistant Chief Executive Legal and Democratic Services

Authors of Report: Cathy Knight and Catriona Gatrell

Background Documents:

Transport Act 1985

Transport Act 2000

Guidance to local authorities on assessing eligibility of disabled people in England for Concessionary bus travel version 1.2 8 April 2013

DFT Explanatory Note 2016



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

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 for advice.

Title of proposal	North Yorkshire and York English National Concessionary Travel Scheme: Review of Eligible Concessions
Brief description of proposal	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.
Directorate	Business and Environmental Services
Service area	Transport, Waste and Countryside Services
Lead officer	Cathy Knight
Names and roles of other people involved in carrying out the impact assessment	None
Date impact assessment started	October 2020

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.

The council, in the context of its equalities duties, is reviewing whether further “discretionary” concessions, to include additional groups of people with disabilities, should be considered.

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.

There are no financial implications associated with the recommendations of the report. However there could be financial implications if the conclusion is that further enhancements should be made. If applicable, a further report will be presented containing financial implications information and a further Climate Change Impact Assessment will be completed.

APPENDIX 1

<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>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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 greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		X		<p>There is potential for a positive impact should further “discretionary” concessions, to include additional groups of people with disabilities, be considered.</p>		
	Emissions from construction		X				
	Emissions from running of buildings		X				
	Other		X				
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>			X				
<p>Reduce water consumption</p>			X				

APPENDIX 1

<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>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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 pollution (including air, land, water, light and noise)</p>		<p>X</p>		<p>There is potential for a positive impact should further “discretionary” concessions, to include additional groups of people with disabilities, be considered.</p>		
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>				
<p>Enhance conservation and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire’s landscape</p>		<p>X</p>				

APPENDIX 1

<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>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (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"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<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>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.

APPENDIX 1

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.

There is potential for a positive impact on emissions across certain areas of North Yorkshire should further “discretionary” concessions, to include additional groups of people with disabilities, be considered and if people chose to use the bus over the car. The same is applicable to pollution.

It is anticipated that there will be minimal, if any, impact on waste, water consumption, resilience, conservation and distinctive features and special qualities of North Yorkshire’s landscape.

Sign off section

This climate change impact assessment was completed by:

Name	Cathy Knight
Job title	Commercial Sector Service Development Manager
Service area	Transport, Waste and Countryside Services
Directorate	Business and Environmental Services
Signature	Cathy Knight
Completion date	27.10.2020

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

Date: 15/02/2021

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

North Yorkshire and York English National Concessionary Travel Scheme: Review of Eligible Concessions

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services Integrated Passenger Transport
Lead Officer and contact details	Cathy Knight cathy.knight@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	Catriona Gatrell Tony Law
How will you pay due regard? e.g. working group, individual officer	Officers will consider the council's equality duty and be mindful of the impact and potential effects of any proposed changes

	<p>in fees and charges to people with any of the protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics throughout the review and recommendation process. Due consideration will be given to reducing or removing any adverse effects.</p>
<p>When did the due regard process start?</p>	<p>When the current scheme was originally established and when individual decisions are made in the context of the scheme. It is considered appropriate to undertake a full EqIA as a result of concerns raised by an individual which has led to a review to be submitted to the Corporate Director and Executive Members.</p>

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Reviewing the current ENCTS and NYCC concessionary fares schemes operated by the Council as a Travel Concession Authority and in accordance with the council's Public Sector Equalities Duties.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

To ensure that the council is meeting its statutory duties and obligations.

Section 3. What will change? What will be different for customers and/or staff?

Considering the scope for the schemes to be expanded to widen the eligibility.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Not required unless there are changes to the current scheme.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

There will be no additional costs unless there are changes to the current scheme.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			No evidence of impact on the grounds of age.
Disability	x			<p>Certain groups of people with disabilities are already eligible for a travel concession pass under the existing scheme. The current groups of disabled person are defined in legislation and cannot be amended except by the Secretary of State.</p> <p>The ENCTS and the Council's current scheme are in line with current legislation and guidance, and the Council has adopted a number of discretionary measures where it can. No changes are proposed to the existing scheme which is why it is indicated as 'no impact', but there are some groups of disabled persons who may consider that they are adversely impacted. People with hidden disabilities such as autism spectrum condition, anxiety disorders and other mental health conditions are not expressly included within the statutory definition of disabled persons within the Transport Acts. In some cases their ability to travel and make a journey may be affected, but unless they fall within the statutory definition they will not be eligible for concessionary transport.</p> <p>Sourcing data on people with hidden disabilities for the review has proved difficult. As such it is not possible to quantify the number of people who will not benefit financially from existing schemes.</p>
Sex	x			No evidence of impact on grounds of sex.
Race	x			No evidence of impact on grounds of race.
Gender reassignment	x			No evidence of impact on grounds of gender reassignment.

APPENDIX 2

Sexual orientation	x			No evidence of impact on grounds of sexual orientation.
Religion or belief	x			No evidence of impact on grounds of religion or belief.
Pregnancy or maternity	x			No evidence of impact on grounds of pregnancy or maternity.
Marriage or civil partnership	x			No evidence of impact on grounds of marriage or civil partnership.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	x			<p>Accessing services can be problematic for people living in rural areas, for example lack of transport is often cited as a barrier to accessing employment by people living in rural areas.</p> <p>The proposed recommendation will have no change from the current scheme; however, they are not prevented from using local bus services and still have full access to the bus network though they will need to pay the appropriate fare. Sourcing data on people within the groups identified for the review has proved difficult. As such it is not possible to quantify the number of people who will not benefit financially.</p>
...have a low income?	x			<p>People on low income are less likely to have access to a car and are therefore likely to be more reliant on using buses.</p> <p>The proposed recommendation will have no change from the current scheme; however, and they are not prevented from using local bus services and still have full access to the bus network though they will need to pay the appropriate fare. Sourcing data on people within the groups identified within the review has proved difficult. As such,</p>

				it is not possible to quantify the number of people who will not benefit financially.
...are carers (unpaid family or friend)?	x			The proposed recommendation will have no change from the current scheme; and those carers who support someone with an eligible disability will still be eligible for a companion pass

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

<p>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</p> <ul style="list-style-type: none"> • Disabled people with non eligible disabilities with a low income living in rural areas • Women living in rural areas <p>These groups are generally more reliant on public transport, but will not necessarily qualify for concessionary transport</p>

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove	

these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
<p>The proposed recommendation as a result of the review of the current concessionary transport schemes is that the scheme remains as it is. Consequently the outcome of the review is that there is no adverse impact on any groups of people with protected characteristics. However, there are some groups of disabled persons who may consider that they are adversely impacted. People with hidden disabilities such as autism spectrum condition, anxiety disorders and other mental health conditions are not expressly included within the statutory definition of disabled persons within the Transport Acts. In some cases their ability to travel and make a journey may be affected, but unless they fall within the statutory definition they will not be eligible for concessionary transport. They are not prevented from using local bus services and still have full access to the bus network though they will need to pay the appropriate fare, which they would not have to do if they were eligible for a concessionary travel pass.</p>	

<p>Section 11. If the proposal is to be implemented, how will you find out how it is really affecting people? (How will you monitor and review the changes?)</p> <ul style="list-style-type: none"> • Continue with current schemes as they are • Make NYCC guidance on eligibility clearer • Monitor correspondence and complaints • Feedback from users, bus contractors, and other key stakeholders including schools and colleges
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<p>Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.</p>				
Action	Lead	By when	Progress	Monitoring arrangements
Monitor bus patronage usage	Operator/contract manager	Ongoing	Ongoing	Through normal business processes
Monitor ENCTS usage	Operator/contract manager	Ongoing	Ongoing	Through normal business processes

<p>Section 13. Summary Summarise the findings of your EIA, including impacts, 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.</p> <p>The proposed recommendation as a result of the review of the current concessionary transport schemes is that the scheme remains as it is. Consequently the outcome of the</p>
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review is that there is no adverse impact on any groups of people with protected characteristics. However, there are some groups of disabled persons who may consider that they are adversely impacted. People with hidden disabilities such as autism spectrum condition, anxiety disorders and other mental health conditions are not expressly included within the statutory definition of disabled persons within the Transport Acts. In some cases their ability to travel and make a journey may be affected, but unless they fall within the statutory definition they will not be eligible for concessionary transport. Sourcing data on people within the groups identified within the review has proved difficult. As such, it is not possible to quantify the number of people who will not benefit financially.

Section 14. Sign off section

This full EIA was completed by:

Name: Cathy Knight

Job title: Commercial Sector Service Development Manager

Directorate: Business and Environmental Services

Signature: *Cathy Knight*

Completion date: 07/12/2020

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

Date: 15/02/2021