

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE and PROPERTY ADVISORY BOARD

29 September 2010

Joint Report of Central Services Director and Director of Finance

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 CONCESSIONARY FARES UPDATE

This report provides an update on the transfer of responsibility for the administration of concessionary fares to Kent County Council from April 2011 and considers the future of the discretionary rail concession option.

1.1 Introduction

1.1.1 Members will be aware that from April 2011 responsibility for the administration of concessionary travel (both the statutory minimum and discretionary concessions) will be transferred from shire and metropolitan districts to county councils and Passenger Transport Executives respectively.

1.1.2 Kent County Council has been planning how to manage the English National Concessionary Travel Scheme (ENCTS) and the following details have been provided of its intentions. Subject to the funding allocated to KCC from 2011 by Government, the scheme will be built on the following basis:

- Full administrative responsibility will be taken on by KCC, with face-to-face administration being handled primarily through the Kent Gateways and Contact Centre.
- All Entitled and Discretionary passes will be issued on a consistent basis across the county.
- For new passes issued post April 2011, eligibility criteria will be standardised across the county on the basis of Department for Transport guidance (Feb 2008).

1.1.3 With respect to discretionary concessions, subject to funding and the necessary approvals, KCC plans to offer the following:

- Extended Operating Hours - the KCC administered scheme will operate from 0900 until the last bus of the evening.

- Companion Passes.
- Park and Ride – validity of ENCTS passes on the Maidstone and Canterbury Park and Ride schemes will remain as it is currently.

1.1.4 KCC have indicated that no further discretionary concessions will be offered by the KCC scheme.

1.1.5 KCC will be working with the Borough Council to ensure that a high level of customer service is maintained throughout with a view to its service being in place from January 2011 in advance of the formal transition in order to begin processing any passes which are due to expire on 31 March 2011 and to issue new passes from that date.

1.2 Rail Concessions

1.2.1 The County Council's decision not to offer any discretions beyond those currently applying to the bus pass will have implications for those district councils that offer rail (or other) discretionary concessions.

1.2.2 As an alternative to the statutory free bus pass, the Borough Council currently offers a £10 voucher towards the purchase of the £26 Senior Railcard or the £25 Network Card or a reimbursement of £10 towards the £18 Disabled Persons Railcard. The number of rail concessions issued annually has been reducing since the period before the national free bus pass became available. In 2009/10 just over 890 rail concessions were issued, seven of which were for the Disabled Persons Railcard. There is a budget of £8,700 for rail concessions in this financial year.

1.2.3 Advice from the Department for Transport indicates that district authorities would not be precluded from offering alternative concessions to the bus pass by using their well-being powers under the Local Government Act 2000. However, they would no longer be able to finance the issue of such concessions by agreeing with eligible residents that they waive their right to a bus pass. Such an arrangement would need to be established by the county authority.

1.2.4 It is worth mentioning that if rail concessions were to be offered by a district council in the future and were not able to be offered as an 'alternative' to the free bus pass, there is the possibility that the numbers of applications could increase, and the Council's current budget could prove to be insufficient. In the current climate of financial cut-backs throughout the public sector, a cost-benefit analysis of this potential concession would need to be considered with the assistance of an Equality Impact Assessment (see paragraph 1.6).

1.3 Legal Implications

1.3.1 From 1 April 2011 the Council will have no specific power to provide a travel concession scheme as the current powers are being transferred to the County.

- 1.3.2 It will however have the ability, at its discretion, to use the well being powers in section 2 of the Local Government Act 2000 to either establish a concessionary travel scheme for some or all residents within its area or to provide financial payment to KCC to operate such a scheme. The requirement for the exercise of the well-being powers is that the Council believes that such a scheme will “promote or improve the social well being of the relevant area” and has considered its community strategy when deciding whether or not to exercise the well-being powers. Members should note that if it were decided that well-being powers should be exercised in this case, this would fall to the Full Council to determine.
- 1.3.3 In addition all public bodies must also consider their duties under the Disability Discrimination Act 1995 (“DDA”) when taking decisions which could affect disabled persons. The general equality duty in s49A of the DDA states:
- “(1) Every public authority shall in carrying out its functions have due regard to–*
- (a) the need to eliminate discrimination that is unlawful under this Act;*
- (b) the need to eliminate harassment of disabled persons that is related to their disabilities;*
- (c) the need to promote equality of opportunity between disabled persons and other persons;*
- (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;*
- (e) the need to promote positive attitudes towards disabled persons; and*
- (f) the need to encourage participation by disabled persons in public life”.*
- 1.3.4 The duty is “to have due regard” to the effect on disabled persons and not necessarily to provide a service if disabled persons are affected as cost will be an important consideration especially when another authority is primarily responsible for the provision of the service.
- 1.3.5 The information contained in the Equality Impact Assessment, once completed, will assist Members in considering their duties under the DDA when taking the decision whether or not to exercise the well-being powers to establish a travel concession scheme.

1.4 Financial and Value for Money Considerations

- 1.4.1 Members are aware from previous reports that in order to facilitate the move of the administrative function to county level, funding will be removed from districts and transferred to counties.
- 1.4.2 The whole funding issue is complicated, however. At present part of the concessionary fares grant is specific and part is included within the formula (revenue support) grant. As we have previously mentioned to Members, whilst it is easy to identify exactly how much the Council receives by way of specific grant for the concessionary fares function, it is not easy to identify exactly how much is contained within the formula grant.

1.4.3 When responsibility for concessionary fares switches to county authorities, it is understood that all of the grant support will be by way of formula grant. Elsewhere on this agenda is a report from the Director of Finance advising Members of a consultation regarding the options for grant distribution changes with the formula grant system. Within that consultation there is a specific section on concessionary fares and, rather than repeat the points here, we refer Members to the other report. The actual amount of grant to be switched between the tiers has yet to be decided as it will form part of the spending review and local government finance settlement.

1.4.4 As mentioned at paragraph 1.2.4, it will be important to consider the Borough Council's involvement in the provision of concessionary travel after the transfer of the function. An Equality Impact Assessment will be an essential tool in assisting that debate.

1.5 Risk Assessment

1.5.1 The transfer of the function to County in due course will need to be carefully managed to ensure both the security of data and the ongoing support and assistance to customers.

1.6 Equality Impact Assessment

1.6.1 An Equality Impact Assessment has commenced in relation to the provision of an option for eligible residents to apply for a discretionary rail concession as an alternative to the statutory bus pass. If the Council is minded to discontinue this facility it will be necessary to undertake appropriate consultation and complete the Equality Impact Assessment.

1.7 Recommendations

1.7.1 Members are **REQUESTED** to:

- **note** the position regarding transfer of responsibility for concessionary fares; and
- **note** that, at a later date if appropriate, the Council may need to consider the future provision of discretionary rail concessions and the associated impacts in the light of potential further consultation with service users and the completion of the Equality Impact Assessment.

Background papers:

Nil

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Screening for equality impacts:			
	Question	Answer	Explanation
a.	Has an equality impact assessment on the policy (to which the activity relates) already been carried out?	No	The equality impact assessment is scheduled for completion in 2010-11 and has commenced.
b.	Is the decision in line with the policy?	Yes	The decision options will be considered within the equality impact assessment.
Note: <i>If the answer is 'no' to either of the above questions, then the activity must be 'screened' for equality impacts using the questions below.</i>			
c.	Does the activity have potential to cause adverse impact or discriminate against different groups in the community?	Yes	The decision whether to continue offering rail concessions under the social wellbeing powers of the Local Government Act 2000 will impact upon older people and people with disabilities who currently use the service.
d.	Does the activity make a positive contribution to promoting equality?	Yes	Further consultation with service users is needed to determine usage of public transport by those with current rail concessions and what the potential impact of continuing / withdrawing the service would be taking financial considerations into account.
Note: <i>If the answer is 'yes' to any of the above questions, then a full equality impact assessment is required.</i>			

If this is an interim report seeking clarification or guidance, the section below should be deleted and details included in the main report; if a final report, then boxes e and f should be filled in.

When a full equality impact assessment is required:		
	Question	Answer
e.	Please provide a summary of the impacts	[Your answer] <i>i.e. your responses to questions 13 – 16 in the Equality Impact Assessment Template</i>
f.	What weight do the equality impacts have with regard to	[Your answer] <i>i.e. what reasonable adjustments can be</i>

When a full equality impact assessment is required:	
Question	Answer
other factors relating to the decision?	<i>made to address any impacts within other constraints e.g. budget?</i>