

DECISION-MAKER:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
SUBJECT:	CONCESSIONARY FARES SCHEME 2012		
DATE OF DECISION:	21 NOVEMBER 2011		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
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STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

The report seeks agreement on the Concessionary Fares Scheme 2012-13, subject to the publication of any revised guidance from the Department for Transport.

RECOMMENDATIONS:

- (i) To approve the scheme in appendix 1, including the method and payment arrangements for reimbursement subject to finalisation of the calculations in recommendation (ii) below.
- (ii) To reimburse bus operators at a percentage rate plus an amount per generated journey, in accordance with the guidance given by the Department for Transport using their reimbursement calculator;
- (iii) To delegate authority to the Executive Director of Economic Development, in consultation with the Executive Director of Corporate Services and the Head of Finance, following consultation with the Cabinet Members for Environment & Transport and Resources, to make any necessary variations or changes to the scheme arising from the outstanding appeal and any revised guidance issued by DfT and to take any action necessary to give effect to the recommendations including but not limited to the service of statutory Notices (including Variation and Participation Notices if required) and participation in and determination of any appeal against the proposed Concessionary Fares Scheme or reimbursement arrangements for 2012/13.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable the Council to comply with the statutory requirement to serve bus operators with a minimum 4 months notice of the Concessionary fares Scheme for 2012-13.

CONSULTATION

2. The Council has not consulted as there are no changes proposed to the scheme that applies in 2011-12 .

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. It is a statutory requirement that the Council has to publish details of its proposed scheme in advance of the scheme introduction on 1 April 2012. The only options that have been considered are to reduce the entitlement to the statutory minimum in terms of the hours of operation or the decision to make available a local bus pass for those disabled people who do not meet the criteria for a national pass. The Council will continue to make available these local enhancements.

DETAIL

4. The Cabinet Member made a decision November 2010 to confirm the concessionary fares scheme for 2011/12 would not be changed from the previous year which was no change from the scheme in 2009/10 in accordance with the requirements of the Transport Act 2000.
5. The Council is required by law to advise bus operators 4 months before the start of the scheme what scheme will operate. Final confirmation of additional local enhancements to statutory minimum must be given 56 days in advance and the reimbursement rates given 28 days in advance. Bus operators then have 56 days from the start of the scheme to appeal to the Secretary of State on the proposed reimbursement arrangements. In the 2011/12 year the Council received 1 appeal which has not been determined by the Secretary of state yet but the Council hopes this will be received by December 2011.
6. Appendix 1 shows the details of the proposed scheme for 2012/13.
7. Under the current scheme, the eligibility criteria are more generous than those required by the national scheme. The Council provides a discretionary local concession pass for those disabled people who do not meet the national concession criteria but who still have difficulty with travel; this pass allows travel within the City only.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

8. None

Revenue

9. It is estimated that the cost of the scheme will be £4,386,000 in 2011/12 (and broadly similar in 2012/13) but one operator has lodged an appeal with the Secretary of State (SoS) with the decision on the appeal and the final implications, if any, not yet known. The Council has also received significant claims for additional capacity costs from two operators, which are being worked through but the final outcome is also not yet known. Subject to consideration of revised guidance from the Department for Transport, it is anticipated that that the reimbursement rate will be broadly similar to the current rate of 47.6 p in the £. This is subject to confirmation 28 days prior to commencement. It is also proposed to delegate authority to the Director of Economic Development to make any necessary amendments arising from the outstanding appeal and revised guidance when it is issued.

Property

10. There are no property implications.

Other

11. There are no other implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

12. Concessionary fares are governed by the Transport Acts of 1985 and 2000, and the Concessionary Fares Act of 2007. If it is agreed that in the future, no enhancements over and above the statutory minimum will be offered, then the 1985 Act does not apply.

Other Legal Implications:

13. The provision of a concessionary travel scheme in accordance with the national minimum is a statutory duty. A discretionary power exists to provide a scheme that extends entitlement of services over and above the national minimum. Any scheme must be made having regard to the Human Rights Act 1998 (with which any national minimum scheme will be deemed to comply). Statutory notice of the amendments to the 2011 scheme must be given by 1 December 2011 and any representations received in accordance with this Notice considered and determined in accordance with the Act and Regulations.

POLICY FRAMEWORK IMPLICATIONS

14. The provision of concessionary travel accords with the policy direction of the City’s adopted Local Transport Plan 201 - 2017 by helping the Council meet its targets for increasing the use of sustainable transport modes (and bus travel in particular) and also increasing accessibility and promoting social inclusion.

SUPPORTING DOCUMENTATION

Appendices

1.	Details of scheme.
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Documents In Members’ Rooms

1.	None
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Background Documents

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: N/A

KEY DECISION? YES

WARDS/COMMUNITIES AFFECTED:	ALL
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