

## Response to the Deputation from David Smith of the *BusFair* Campaign

Date: 14 June 2024

Report of: Chief Officer of Highways and Transportation

Report to: Director of City Development

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

The purpose of this report is to provide a response to the deputation submitted to Full Council on January 17<sup>th</sup> 2024, by Cross Gates Good Neighbours, in the person of David Smith, and a campaign by the name of *BusFair*.

He was assisted in this at Full Council by Diana Al-Saadi from the Age Friendly Steering Group; Geraldine Montgomerie, Executive Producer at The Performance Ensemble; and Doctor Erik Thomasson from the Institute for Transport Studies at the University of Leeds.

In brief the Deputation would like the *Council to support free travel at all times for older and disabled people (with bus passes) in Leeds and West Yorkshire, and particularly before the current 0930 start time.*

### Recommendations

a) Note the 'Ask' of the Deputation:

*We would like Council to support free travel at all times for older and disabled people with bus passes in Leeds and West Yorkshire before 0930.*

b) Note the views expressed by the Deputation and note how many of the Council's existing policies and initiatives are aligned with the aspirations of the *BusFair* campaign.

c) Note that Leeds City Council is not directly responsible for the fare regime, in West Yorkshire it is the responsibility of the West Yorkshire Combined Authority (WYCA) who are the Travel Concession Authority (TCA). If there was an extension of the Concessionary Fares scheme in the way advocated by the *BusFair* campaign, there would be the potential additional cost to WYCA of £9M. This should be considered in light of the current financial situation within which WYCA are operating.

d) Continue to liaise with WYCA and investigate the potential costs of the 'Ask' of the Deputation, and of other options identified by the Report.

## What is this report about?

### Background

- 1 The English National Concessionary Travel Scheme (ENCTS) currently consists of guaranteed free travel for people over the state pension age and people with a qualifying disability on all eligible local bus services anywhere in England from 0930 until 2300 on weekdays and all day at weekends and on Bank Holidays. Local authorities may provide further concessions in accordance with their local priorities – these extend only to the local authority area borders, unless a cross-border agreement has been reached with a neighbouring authority.
- 2 As a result of the policies of successive governments, going back to 1995, the women's state pension age (and latterly the state pension age for both men and women) has been increasing, and now stands at 66. Accordingly, the age at which older people have been able to claim a free bus pass has increased. In Wales and Scotland anyone aged 60 + continues to be eligible.
- 3 Travel Concession Authorities (TCA's) are responsible for reimbursing bus operators for journeys made by passengers with a bus pass. The Government funds this reimbursement as part of the main Revenue Support Grant for local authorities. It is worth noting that London receives a quarter of all the funding available to local authorities in England to cover the cost of concessionary bus travel.
- 4 There have long been concerns that the amount of money TCAs receive from the Government does not adequately match what they pay out to bus operators to reimburse them for carrying passengers who do not pay a fare. Local authorities must make up any shortfall from other sources. In 2018, the Local Government Association (LGA) estimated that councils were spending "at least £200 million a year to subsidise the scheme" at the cost of funding other council services and discretionary travel concessions. In January 2019 Paul Woods, representing the Local Government Association, said that he had produced a revised estimate showing that the shortfall was not £200 million but "over £650 million now and will rise to over £760 million next year".

### The Deputation

In brief the Deputation states that: -

- 5 They are unhappy that Concessionary Fares for pass holders are not available before 0930, in West Yorkshire as a whole.
- 6 They recognise that this has been the historic default position in England but highlights one or two authorities who have made their offer more attractive.
- 7 It then highlights the issue that old people can feel 'shunned' before 0930 and that this is hardly inclusive, and as a result of the Cost-of-Living crisis more old people are looking to return into the workplace, and this 0930 issue may prove to be a barrier.
- 8 It also indicates that there may be an overall economic gain, in abolishing the 0930 rule, and Leeds University's Institute for Transport Studies have offered to assist with the Business Case to verify this, albeit if support is available from the Council and WYCA.
- 9 It also makes the case that Leeds has an aspiration to be the *Best City To Grow Old In* but the situation with the 0930 regulation 'frustrates' this ambition.
- 10 Finally, it acknowledges that the ability to deliver what is required largely relies on additional funding from Government.

## WYCA Response

As the Deputation acknowledges, Leeds City Council is not directly responsible for the fare regime, and in West Yorkshire it is the responsibility of WYCA who are the Travel Concession Authority (TCA).

11 In response WYCA issued the following statement: -

*“In England, the core requirement is to provide free bus travel for people over pensionable age (the English National Concessionary Travel Scheme (ENCTS)). This is funded by the Combined Authority at a cost of £36m per year. Travel Concession Authorities (TCAs) including West Yorkshire Combined Authority can introduce discretionary enhancements to the scheme, however, the TCA must also bear the cost for any such enhancements.*

*“We do have a number of long-standing discretionary enhancements to the national scheme in West Yorkshire; these include discounted bus and rail travel for those under 19 years of age and half price, off peak, local rail travel for ENCTS pass holders. Over £10m per year is currently spent on these enhancements to the concessionary fare scheme. Any further enhancements would require further funding to reimburse transport operators for the reduction in revenue they experience.*

*We estimate that the additional annual cost of widening out free travel provision to the over-66 market and disabled people with bus passes would be in the order of £9m. We do not have the funding available at present to support this additional expenditure.*

*“We recognise that affordable public transport is such a lifeline for older people and the disabled and does much to help people avoid loneliness and isolation. This is why we are determined to improve bus services in our area and make them more affordable to use and have launched plans to bring buses under greater public control to help achieve this. This would allow us to have much greater control over how public money is used to support services, deliver deals on fares to help make travel more affordable and encourage more people to use buses, and improve the information available to passengers. “*

### **What impact will this proposal have?**

12 None. As it currently stands the on-going situation will be the status quo, i.e. no change.

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

13 Those of pensionable age currently benefit from free travel, albeit after 0930. In terms of *Inclusive Growth*, it may be desirable to extend the scheme through the morning peak. It may enable older people and disabled to volunteer more widely, attend more convenient medical appointments, offer pre-school childcare to relatives, or continue in employment with fixed hours.

14 The Deputation also implies that there may be a greater benefit to the economy as a whole in allowing older people to travel for free in the morning peak.

- 15 However, it is not clear how the post 0930 benefits would be disaggregated, and the benefits assessed. It is also worth noting that the current maximum one-way fare (the Mayor's Fare) is capped at £2.
- 16 Generally, the take-up of the passes is around 80%, however in some of the more deprived Wards this drops to around 60%. This is contrary to the national trend, where normally lower car ownership, higher frequencies and more bus services make the bus offer more attractive.
- 17 National data shows that, as people get older, they make fewer trips in general. People walk and cycle less and spend less time in the car but, from the age of 50, start taking more trips on the bus. In West Yorkshire, more than half of people aged 65 and over say they take a bus at least once a week. This highlights the importance of bus travel for this age group, with associated health and well-being benefits.

### What consultation and engagement has taken place?

Wards affected: All.

Have ward members been consulted?  Yes  No

18. The Executive Member for Economy, Transport and Sustainable Development is supportive of the recommendations in this report.

### What are the resource implications?

19. There are no Resource implications at the current time, because the proposal contained in the Deputation, will not occur in the short to medium term.
20. If the *Ask* of the Deputation were to occur WYCA have calculated that the additional costs would be a further £9 million per annum. If this was to happen in addition to all other WYCA activities it is likely that WYCA may request the Districts to contribute towards the £9M.

### What are the key risks and how are they being managed?

21. While this Report is a response to the Deputation, no decision is being taken. The Council recognises that there may be benefits of allowing free travel for over 65's before 0930, but it also recognises the financial situation that WYCA finds itself in and understands that they are not in a position to implement the pre-0930 free pass at the current time.

### What are the legal implications?

22. This report is not eligible for Call-In as no formal decision is being made and it is for information purposes only. There exists a risk that those involved in the Deputation could take their case further and argue that the principle of charging at any time (i.e. before 0930) for those within the group which currently benefit from free travel is discriminatory to those with a protected characteristic(s) under the Equality Act 2010.
23. However, this presents a low to negligible risk for the Council – given that this would most likely come as a challenge by way of judicial review to the original decision-making body that authorised the ENCTS and is, in any event, a decision of an extremely historic nature.

### Options, timescales and measuring success.

#### What other options were considered?

24. The Combined Authority do augment the national ENCTS scheme in two areas: -
- i. Discounted bus and rail travel for those under 19 years of age

- ii. Half price, off peak, local rail travel for ENCTS pass holders.

The cost of these two additions already amount to £10M and WYCA do not feel able to justify any additional funding for the pre 0930 issue.

### **How will success be measured?**

25. Not applicable.

### **What is the timetable and who will be responsible for implementation?**

26. While no decision is been taken the EDCI does request a number of actions to be complied and completed by September 2025: -

- Better Understand: -
  - What is the suppressed demand and the level of unaffordability of bus fares.
  - Where the funding might come from if the ENCTS scheme was to be extended.
- Consider potential alternative schemes, to address the affordability of bus fares before 0930 e.g. travel vouchers.
- Consider what impacts and opportunities might be available from the Bus Services Improvement Plan (BSIP) in the short to medium term and the Bus Reform process in the longer term.
- Work with Leeds Older People's Forum to understand and overcome barriers to the uptake of bus passes in the most deprived areas.
- Compile a full EDCI if appropriate.

### **Appendices**

- **Appendix A** – Equality, Diversity, Cohesion, and Integration (EDCI) impact assessment.
- **Appendix B** – Text of Deputation given to Full Council on January 17th, 2024.

### **Background papers**

- None.