

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 11 JANUARY 2006

CONSULTATION PAPER ON THE SCOTLAND-WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE

Report by the Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1** The purpose of the report is to inform the Committee of the Scottish Executive's consultation paper and the Head of Roads & Transportation's response on the forthcoming free national bus scheme for older and disabled people.

2. BACKGROUND

- 2.1** On 24 October 2005, the Scottish Executive issued a consultation document entitled "Consultation Paper on the Scotland-wide Free Bus Travel for Older and Disabled People" and requested responses by 5 December 2005. Due to the short timescales for response and the unavailability of a Committee meeting to consider a response, the Head of Roads & Transportation responded to the consultation.

- 2.2** The information in the consultation process is presented in the form of a commentary on two draft Statutory Instruments designed to implement the scheme when made.

The draft Statutory Instruments comprise:

- (a) the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006, which is intended to create the concessionary fares scheme; and
 - (b) the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services)(Scotland) Order 2006, which is intended to create the eligibility criteria for those entitled to participate in the benefits of the scheme.
- 2.3** The consultation exercise is not a consultation on the principle of the introduction of the national scheme, That is now an established development. The consultation is on the detail of the concessionary fare scheme and on the detail of the eligibility criteria to permit individuals access to the scheme.
- 2.4** The consultation is expressed in the form of a series of five questions on which views are sought. A copy of the Head of Roads & Transportation's response to the consultation questions is attached to this report; Appendix 1.
- 2.5** Currently, local authorities run free bus schemes for older and disabled people under powers in the Transport Act 1985. They will cease to run those bus schemes when the Scotland-wide scheme begins. Local schemes currently also provide additional entitlements to concessionary travel, eg rail, subway and ferry. These residuary entitlements will remain the responsibility of local scheme managers.

3. KEY POINTS OF FREE BUS SCHEME

3.1 The key points of the free bus scheme are as follows: -

- The scheme will begin on 1 April 2006;
- Older and disabled people will be able to travel free by bus anywhere in Scotland on local buses and on long distance scheduled coaches throughout the day, including the morning rush hour;
- Older people are defined as people aged 60 and over. The definition of disability relates to physical or mental impairment which severely affects a person's mobility and therefore their ability to carry out day to day activities. In circumstances where greater assistance is required to travel, the entitlement will include a companion;
- The scheme will be run by Transport Scotland, the new executive agency which is being set up and which will be directly accountable to Scottish Ministers;
- The bus scheme will cost a maximum of £159m in 2006-07 and £163m in 2007-08;
- Bus operators will be paid at the rate of 73.6% of the average adult fare to ensure that they are no better and no worse off through taking part than they would be if there were no scheme;
- The scheme will be an application on the new Entitlement Card, which is intended over time to allow members of the public to access an increasing number of public services through a single card. The card will have an electronic capability which will help to prevent fraud;
- Older and disabled islanders will also be entitled to a maximum of two free return ferry trips to the mainland.

4. KEY DIFFERENCES FROM EXISTING STRATHCLYDE CONCESSIONARY TRAVEL SCHEME

4.1 The Scheme relates to bus travel only. The residuary Strathclyde Scheme will continue to provide concessionary travel benefits in respect of rail, subway and ferry travel.

4.2 The new national scheme covers travel throughout the day including the morning rush hour. The Strathclyde Scheme currently excludes travel before 9.00am on buses. There could be the possibility of congestion problems for fare paying passengers during the morning peak.

4.3 Article 11 of the Scheme contains the usual provision that operators will be no better or worse off as a consequence of their participation in the Scheme. However the covering commentary explains that "the reimbursement rate will be 73.6% of the average adult fare". This is higher than the Strathclyde rate of 62.5 pence in the pound, but it is accepted that the rate for the National Scheme allows for additional operator costs arising from the need to provide additional capacity to meet increased demand following the removal of the morning peak travel restriction in the national scheme.

4.4 Under the national scheme, companions will be able to travel free rather than at half the adult single fare.

4.5 The new eligibility criteria is more stringent than the Strathclyde criteria in that low care Disability Living Allowance (DLA) and low rate mobility have been removed. In practice this means that when the first renewal and assessments are undertaken after April 2006 current cardholders who have been issued with an entitlement card will no longer be eligible for one. The number affected in the Strathclyde Scheme is less than 2000 out of approximately 410,000 existing users.

5. POTENTIAL SELF-ASSESSMENT

- 5.1** The Mobility and Access Committee for Scotland (MACS) has proposed an application process based on a 'Self-Assessment' model. This social approach founds on the disabled person being the best person to direct their needs and requirements and would be less of a barrier to the individual accessing the service. It would generally exclude the medical (or other professionals) from defining/assessing the individual needs, and would allow the individual to define themselves as having a disability that meets the criteria of the scheme.
- 5.2** However, the Scottish Executive has concluded that there was little research evidence to support this proposal at present as it was considered to have a high risk of potential fraud (where non-eligible people would declare themselves disabled in order to get free bus travel), and has concluded that self-assessment is not suitable for the national scheme at this stage. The Executive has agreed to consider a pilot project to look at the viability of using the 'self-assessment process' in the future.

6 LEGAL IMPLICATIONS

- 6.1** The scheme will be made under Orders under section 40 of the Transport Act (Scotland) Act 2005.

7 FINANCIAL IMPLICATIONS

- 7.1** The Strathclyde Residual Concessionary Scheme will continue to run beyond April 2006, the costs of which will require to be funded from the residual GAE.
- 7.2** A sufficient proportion of GAE must be retained by the Council to meet these costs as it would not be acceptable for an additional financial burden to be placed on the Council budgets which could adversely affect the delivery of other essential services.
- 7.3** It is also essential that any methodology adopted for distribution of the remaining GAE is consistently and equitably applied across all local authorities.

8 RECOMMENDATIONS

- 8.1** It is recommended that the Committee: -
- (a) Notes the contents of the report; and
 - (b) Endorses the consultation comments previously submitted by the Head of Roads and Transportation.

James Lavery
Executive Director of Development and Property Services

KC
19 December 2005

Appendix 1: Head of Roads & Transportation's response letter

LIST OF BACKGROUND PAPERS

Nil

For further information contact

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East Ayrshire
COUNCIL

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Date 5 December 2005

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Dear Sir

CONSULTATION ON THE SCOTLAND-WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE

Thank you for your letter of 24 October 2005 and invitation to comment on the above consultation.

As you will be aware, East Ayrshire Council is a constituent member of the Strathclyde Concessionary Travel Joint Committee and my responses to the five consultation questions are framed in that context.

Question 1: Do you have any comments on the scheme as described above and as set out in the draft Order on the scheme?

The national scheme relates only to bus travel. Consideration should be given to extending the scheme to provide free travel for all modes of transport, not just buses.

Under the current proposal, the Strathclyde Joint Committee would continue to administer the residuary subsidised scheme for qualifying residents in respect of their travel on rail, ferry and underground.

To allow Councils to maintain the residuary concessionary travel scheme along with other concessionary travel commitments (such as supporting socially desirable bus services) without incurring additional cost, it is essential that Councils have adequate funding after the clawback of GAE for the national free bus scheme.



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Question 2: Do you have any comments on the categories of people who will be eligible to use the scheme as described above and as set out in the draft Order on eligibility?

- (a) Under the national scheme companions will be entitled to travel free rather than at half the adult single fare. While supportive of this proposal, this may increase the potential for companion fraud which allegedly currently happens. The Scottish Executive is invited to demonstrate how such potential for fraud may be avoided.
- (b) The new eligibility criteria is more stringent than the Strathclyde concessionary travel scheme criteria in that low care DLA and low rate mobility have been removed. It is noted that existing card holders will automatically be issued with a new national scheme card but when the first renewal and assessments are undertaken after April 2006 current cardholders in those categories who have been issued with an entitlement card will no longer be eligible for one. It is recommended that existing local scheme card holders who currently qualify under low care DLA and low rate mobility should continue to qualify if they continue to meet the low care and low rate mobility eligibility criteria.
- (c) The improved assessment for eligibility under the mentally ill persons category will have the effect of reducing the number of persons who are in receipt of a card who should not have been in receipt of a card.
- (d) Because of the issue mentioned at (b) (above) ie the more stringent eligibility criteria proposed for the new scheme, if this proposal remains then there may be confusion with local schemes in the future. There will emerge in time a number of people eligible to benefit under the residuary scheme but who may not be eligible for benefit under the proposed terms of the national scheme. Given that the numbers here, nationally, are likely to be small, in order to avoid confusion and indeed to maintain a level of benefit to those currently entitled, it is recommended that the more generous provisions of the Strathclyde scheme in this respect are mirrored in the national bus scheme.

Question 3: Do you have any comments on self-assessment or assessment of impairment more generally to access the national scheme?

There is agreement with the observations in the commentary that self assessment of disability is a difficult area to resolve and that it brings a high risk of potential fraud where non eligible people would declare themselves disabled in order to obtain free bus travel. It is therefore agreed with the proposal in the commentary that further investigation of self-assessment be undertaken in parallel with the issuing of guidance to those responsible for validation of applications on the basis of disability.

Question 4: Do you have any comments on the bus and coach services which will be included in the scheme as described above and as set out in the draft Order on eligibility?

In this respect the intentions of the provisions of the Strathclyde scheme are broadly mirrored in the national bus scheme and there are no comments offered here.

Question 5: Do you have any comments on the proposals to implement the commitment to give older and disabled islanders an entitlement to a minimum of two free return ferry trips to the mainland?

The local entitlement in the Strathclyde scheme is such that older and disabled islanders already travel free without limit in terms of the number of journeys to the mainland.

East Ayrshire does not have island communities. However, it is important that the Executive continues to fully support expenditure on the free ferry entitlements through revenue expenditure support, to ensure that the existing free ferry entitlements in the Strathclyde area can be maintained.

Yours faithfully,


James T Kane
Head of Roads & Transportation

CC James Lavery, Executive Director of Development Services
Fiona Lees, Chief Executive
Councillor Eric Ross, Chair of Development Services Committee