

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

10 September 2020

Report of the Director – Economy, Transport and Environment

**PETITION – REQUEST THAT THE COUNCIL OFFERS COMPANION
PASSES FOR DISABLED GOLD CARD HOLDERS**

- (1) **Purpose of Report** To consider a petition requesting that the County Council offers companion passes to disabled Gold Card holders.
- (2) **Information and Analysis**

Background

At the meeting on 8 November 2018, the Cabinet Member acknowledged receipt of a petition signed by 407 persons requesting the addition of a companion entitlement for certain categories of disabled Gold Card holders (Minute No.95/18 refers). The wording of the petition reads as follows:

“Request to allow for a disabled person to apply for a companion bus pass in Derbyshire as is in neighbouring counties. Bus pass for disabled people with blindness, walking disability, learning disability, application form, section D, (companion)”.

The Derbyshire Gold Card forms part of the statutory English National Concessionary Travel Scheme (ENCTS). The Scheme offers pass holders free, off-peak travel on any eligible local bus service in England. Residents qualify for a pass on application, based on either age (currently anyone who is over 66 years of age) or certain disabilities.

In addition to the statutory national ENCTS concession, Travel Concession Authorities are able to offer additional, discretionary, local concessions for use within their own scheme area. Any authority offering additional concessions must, however, meet the full funding cost of these.

Derbyshire Gold Cards do not currently offer any additional concessions above the statutory minimum ENCTS scheme.

However, for many years, the Council has offered reduced fares for young people through the separate b_line concessionary scheme, although the Council's budget savings for 2020-21 currently includes a proposal to end the b_line scheme. A separate petition seeking to retain the b_line scheme will also be considered at this Cabinet Member meeting.

Officer Comment

Companion passes can be offered as an additional discretionary concession to disabled pass holders who are unable to board buses without assistance. Where these passes are offered, they are typically limited to certain categories of disabilities such as those who are blind, have a severe walking disability, or a severe learning disability.

Of the nine Travel Concession Authorities in the East Midlands, only two authorities (Nottingham City Council and Nottinghamshire County Council) offer companion passes. The position of other neighbouring authorities to Derbyshire is that Staffordshire County Council and South Yorkshire do offer companion passes, but Transport for Greater Manchester and Cheshire East Council do not.

In Derbyshire, anyone travelling with a disabled pass holder is currently required to pay the appropriate fare for the journey made on all occasions. Adding a companion entitlement to the Gold Card scheme would allow both the pass holder and a travel companion to travel for free on any off-peak journey starting in Derbyshire.

As a discretionary concession, companion passes do not form part of the national scheme. This means that any such companion element would only be valid for use in Derbyshire. The travel companion would therefore still need to pay the appropriate fare at all times for all journeys starting outside Derbyshire or travelling beyond Derbyshire (including any return journeys), although the disabled pass holder themselves would remain able to use their pass for free off-peak travel anywhere in England.

The limitation of a companion element to only those journeys starting in Derbyshire would restrict the usefulness of this concession as the companion element would not, for example, be valid for use to travel back from destinations in neighbouring authority areas such as Burton, Derby, Macclesfield, Manchester, Nottingham or Sheffield, nor would it be valid for use anywhere else in England.

In view of the petition request, the potential for transport savings to offset the cost of operating a companion pass scheme has been considered. The Council provides specialised transport services for children and young people with learning difficulties and/or disabilities or other special circumstances where entitlement is deemed necessary. The Council also provides services

for Derbyshire residents with an assessed, eligible adult social care need for transport.

In most instances, use of public transport for these journeys is not suitable regardless of the availability of a companion for the journeys made, as the majority of special needs and adult care journeys commissioned by the Council are from home and are door-to-door. This is either because the specific care needs of individuals cannot be met through public transport services and require bespoke transport solutions and/or one to one support, or because there is no feasible public transport journey available that would meet the travel requirement.

It is therefore considered that there would be very limited, if any, opportunities to deliver savings from specialised transport budgets if a companion entitlement for disabled Gold Card holders was available. Public bus services are already used to provide specialised transport if possible. In most cases, the suitability of public bus services for this purpose is not dependent on the availability of a companion and, where it is, the Council already makes arrangements to provide assistance where it is not possible to arrange this through family or friends.

The cost of operating a companion entitlement would therefore need to be funded in full by the Council if it were to be implemented in Derbyshire.

The Council fully understands the positive impact that access to travel can have on personal wellbeing and independence, and is committed to maximising opportunities to achieve this. However, at this time, the benefits arising from the introduction of a companion pass scheme for the card holder and their companion must be considered within the context of significant financial constraints and against the additional, ongoing revenue cost needed to support such a scheme.

Aside from companion passes, there are also a number of other potential discretionary enhancements available for the Gold Card Scheme supplementing the statutory minimum currently offered. These include allowing weekday travel prior to 0930 hours or after 2300 hours, adding other groups of disabled persons that do not meet the statutory eligibility criteria, allowing use on other public transport services (such as national rail services, or Derbyshire Connect Active Travel services) and providing concessionary travel for older people who are below eligible pension age (the age of eligibility for ENCTS having increased from 60 years to 66 years in line with changes to pension age).

Any of these potential enhancements have their own relative merits arising from the benefits they would bring to those who would be eligible and it is therefore difficult to prioritise one potential Gold Card enhancement over

another. The additional annual costs of all the potential discretionary Gold Card concessions combined would, however, run into millions of pounds.

Rather than pursue either a companion entitlement or any of the other potential discretionary Gold Card concessions, the Council has instead prioritised maintaining existing services with its available discretionary public transport budget, including funding a countywide bus network, ensuring bus services remain available for use by both disabled Gold Card holders and other service users. This has been demonstrated throughout the COVID crisis where, despite significant challenges, the Council has continued to support contracted bus services to ensure access to jobs and learning has been maintained for Derbyshire residents.

Going forward, the Council will continue to review its approach to supported public transport – and the concessionary fare scheme – as appropriate to ensure opportunities for sustainable and accessible travel are maximised for all Derbyshire residents, particularly those with additional needs.

(3) Financial Considerations The additional cost of offering companion passes would depend on take up and use. Using data provided by other local authorities where companion passes are currently offered, it is estimated that around a third of disabled Gold Card holders (approximately 5,500 card holders) would qualify and take up the companion element, if this was added to the scheme.

The main cost of introducing companion passes would be the additional reimbursement costs to operators for fares revenue foregone. It is estimated that this would add an additional £130,000 per annum to the current concessionary reimbursement costs. There would also be additional costs associated with administering the companion pass as an additional concession (estimated to be at least £20,000 per annum). Other local authorities offering a companion concession report that, in particular, a significant amount of additional officer time would be required to process applications and to administer appeals, estimated at a further £11,500 per annum.

The total estimated additional cost of introducing a companion pass for those unable to board buses without assistance is, therefore, estimated to be over £160,000 per annum. There would also be a one-off cost, estimated to be around £8,000, to re-issue existing Gold Cards to include the companion element.

Reference should also be made to the separate, but related report at this meeting considering a petition requesting that the County Council maintains the existing b_line scheme and travel discounts for young people in Derbyshire. The proposal to end the b_line concession is part of the County

Council's budget savings proposals for 2020-21 and illustrates the difficult decisions being faced by the Council to maintain services within its finite resources. Should the b_line scheme continue, then this would add a further £88,000 to planned expenditure. Although the ongoing cost of b_line is less than any of the potential Gold Card discretionary options, maintaining b_line would add further financial pressure for the Council's already stretched public transport budgets. Unfortunately, having full regard to budget pressures, the Council would not be in a position to add companion passes, or any of the other potential discretionary concessions, to the Gold Card scheme, should the b_line scheme be maintained.

(4) **Legal Considerations** The Council is under a statutory duty to issue a travel concession permit (Gold Card) to elderly and disabled people whose sole or principal residence is in the Council's area. The permit provides confirmation to bus operators that the person is entitled to travel on an 'eligible journey' on an 'eligible service' to a concession consisting of a fee waiver of the fare. The terms 'eligible journey' and 'eligible service' are defined in full within Section 145 of the Transport Act 2000 and Section 1 of the Concessionary Bus Travel Act 2007.

That statutory duty does not extend to the provision of a travel permit to companions of disabled people. Any decision to provide a companion permit would be a discretionary addition to the statutory scheme.

The Council must have due regard to its public sector equality duty under the Equality Act 2010. With the public sector equality duty in mind, the Council must consider the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. The Equality Impact Assessment has been completed and considered.

The Equality Impact Assessment includes a consideration as to how the mobility component of the Disabled Living Allowance (DLA) may be available to some of those disabled people who would benefit from a companion bus pass. It notes that this benefit could be utilised by that disabled person to pay for their companion's bus pass. The mobility component of the DLA must be (except in prescribed circumstances and for prescribed purposes) disregarded in applying any enactment or instrument under which regard is to be had to a person's means. As this Policy is not means tested, this exclusion would not apply here.

Consideration must also be had as to whether the provision of a companion permit, as a reasonable adjustment, is required. The bus service would remain available without a companion permit, albeit that companion would need to pay for travel. As such, it does not appear proportionate in the circumstances.

As the petition relates to a service which the Council is not under a statutory duty to provide, and is not a service which has ever been available in Derbyshire, the duty to consult has not arisen.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport.

(5) **Key Decision** No.

(6) **Call-in** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member agrees:

8.1 The request to offer companion bus passes be refused.

8.2 The lead petitioner be informed accordingly.

8.3 That a review of the concessionary fare scheme be undertaken at an appropriate time in the future and the findings reported to Cabinet member meeting.

Tim Gregory
Director – Economy, Transport and Environment

**Derbyshire County Council
Equality Impact Analysis Record Form 2018**

Department	Economy, Transport and Environment
Service Area	Economy & Regeneration - Public Transport
Title of policy/ practice/ service of function	Gold Card Scheme – Request for Companion Bus Passes for disabled people
Chair of Analysis Team	Ian Dyer

Stage 1. Prioritising what is being analysed

- a. Why has the policy, practice, service or function been chosen? (rationale)
- b. What, if any proposals have been made to alter the policy, service or function?

Central government provides councils with some funding so that qualifying older and disabled people can travel free of charge on local bus services after 0930 and before 2300 during the week and all day at weekends and on public holidays. This is known as the English National Concessionary Travel Scheme (the ENTCS). Derbyshire CC provide this statutory minimum in compliance with the legislation. In Derbyshire, the scheme is known as the 'Gold Card'. People qualify for the Gold Card disabled persons pass if they meet any one of the following statutory definitions:-

- blind or partially sighted
- profoundly or severely deaf
- without speech
- without arms or have the long term loss of the use of both arms
- have a long-term disability or has suffered an injury which seriously impairs their ability to walk

- have a learning disability
- are disqualified from driving on medical grounds (this may include people with a severe mental disorder)

Those who would be eligible for a companion pass, should they be offered, would be required to meet at least one of these criteria.

The offer of a companion pass would be a discretionary addition to the statutory scheme.

A petition has been presented to the Council requesting that the Council make companion bus passes available for eligible disabled persons to use with their companion. Under the Equalities Act 2010, people with an association with a disabled person must not experience discrimination due to that association.

The Council has never provided companion passes and has no plans to do so.

c. What is the purpose of the policy, practice, service or function?

The companion bus pass is intended for those pass holders who are not always able to travel independently on bus services by reason of their disability, but who could travel if they have a companion with them. The companion pass would allow the companion to travel free of charge while accompanying the pass holder. Currently anyone can act as a companion but must pay the bus fare unless they also have a Gold Card.

d. Will the proposals lead to changes in staffing resources/the organisation of staffing? If Yes, please outline.

Any local authority offering discretionary travel concession, such as companion passes, must meet the full cost of that concession. No additional funding is available from Government should such a policy be adopted.

The additional cost of offering companion passes would likely depend on take-up and use. Using data provided by authorities where companion passes are offered it is estimated that approximately one third of disabled Gold Card holders (about 5,500) could qualify and take up the companion element. However, it can be difficult to quantify usage.

The main cost of introducing companion passes would be the additional reimbursement costs to bus operators for fares forgone, estimated to be £130,000 per annum.

There would also be additional costs associated with administering a companion pass scheme estimated to be £20,000 a year. A significant amount of officer time would also be required to process applications and administer appeals, estimated to be about £11,500 a year. The total annual cost of introducing companion passes would therefore be in the region of £160,000 plus setting up costs at a time when the Council still needs to find budget savings.

Stage 2. The team carrying out the analysis

Name	Area of expertise/ role
Ian Dyer	Senior Transport Officer – Local Bus
	Significant years experience working with local bus issues including disabled access onto buses & concessionary fares arrangements with various local authorities
Jane Brudenell	Senior Technician – Concessionary Fares
	Significant years experience of concessionary fares arrangements and needs of those with disabilities

Stage 3. The scope of the analysis – what it covers

To consider the implications of introducing companion bus passes for eligible disabled people.
 How many people would be expected to take up the concession.
 To learn from the experience of other local authorities that have companion passes.

Stage 4. Data and consultation feedback

a. Sources of data and consultation used

Source	Reason for using
Feedback from other local authorities. Contacted by phone, email and by consideration of their policies.	Experience of other local authorities is directly relevant to Derbyshire

Source	Reason for using
Correspondence from members of the public	This indicates level of support for companion passes in the community and various individual needs.
Nationally available data	To ascertain what discretionary concessions other authorities offer, including companion passes.

Stage 5. Analysing the impact or effects

a. What does the data tell you?

Protected Group	Findings
Age	<p>The National Travel survey shows that bus usage is highest amongst 16-24 year olds and those aged 65 and over.</p> <p>If the Council were to adopt companion passes it would need to consider whether to make these available to bus pass holders who qualify for the senior Gold Card. Currently the County Council replaces disabled persons passes with a senior pass once someone reaches retirement age. Only disabled pass holders could have a companion eligibility attached if the Council were to introduce this.</p> <p>Carer responsibilities cover all ages and can include accompanying young disabled pass holders to school as well as helping older people to travel.</p>
Disability	<p>A Companion pass would benefit disabled people by increasing their ability to travel using public transport. It could also enable poorer disabled people and their immediate family in particular where the cost of travel is a barrier.</p> <p>Companion passes could make it financially easier for those residents who need assistance to travel and therefore access key services. This could have a positive effect on other service areas like Adult Social Care and Public Health.</p> <p>Companion passes could also help people's ability to live independently and reduce the risk of social isolation.</p>
Gender (Sex)	The majority of carers who would be likely to act as companions are understood to be female, often

	unpaid in that role who would therefore benefit financially.
Gender reassignment	It is not anticipated that people who are undergoing gender- reassignment or whom have already done so would be more or less adversely affected.
Marriage and civil partnership	Marriage and civil partnership is not believed to be a key factor which affects whether or not people would benefit, if the scheme was introduced. However, it is likely that some companions would be the spouse or civil partner of the disabled person.
Pregnancy and maternity	Maternity and pregnancy are believed to be less of a determining factor. If a scheme were introduced then some companions could also be pregnant or be the parent of young children, whilst still acting as a companion.
Race	The ethnic origin would not determine whether or not a qualifying person would receive such a pass. Providing companion passes is likely to benefit people from BME communities in a similar way to non-BME communities.
Religion and belief including non-belief	Religion and belief including non-belief would not determine whether or not a qualifying person would receive such a pass. Providing companion passes is likely to benefit people regardless of religion and belief or non belief.
Sexual orientation	If a scheme were to be introduced then the sexual orientation of a disabled person and their companion would not affect access. It is anticipated that the impact would be similar for same sex households as it might be for mixed sex households, for example.

Other

Socio-economic	Companion passes could have a positive financial impact on the companion of pass holders, particularly carers but also family, friends or others who could provide the companion support. These individuals may be unregistered carers and so not entitled to receive any Carer's Allowance. Many carers face financial hardship, therefore free travel would be especially important for unpaid or unrecognised carers not in receipt of any Carer's Allowance.
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Rural	Providing companion passes may help combat rural isolation.
Employees of the Council	Would be affected in the same way as other members of society. The extent of the benefit would depend on any restrictions on use the Council imposed. The current Gold Card can only be used for off peak travel, so the companion pass may not be available for someone travelling to work.

b. What does customer feedback, complaints or discussions with stakeholder groups tell you about the impact of the policy, practice, service or function on the protected characteristic groups?

Protected Group	Findings
Age	This analysis has been completed in response to a petition supporting the idea of companion passes. The Council is not proposing to carry out large scale consultation on the introduction of companion passes.
Disability	As Above
Gender (Sex)	As Above
Gender reassignment	As Above
Marriage and civil partnership	As Above
Pregnancy and maternity	As Above
Race	As Above
Religion and belief including non-belief	As Above
Sexual orientation	As Above

Other

Socio-economic	Companion passes would be of benefit to potential companions who are not able to afford bus fares. If free travel was available to a companion they might then be in a position to help a disabled person access services that might otherwise not be available to them. This is even more likely to be the case for
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	disabled people on low incomes and living in the county's deprived wards.
Rural	Offering companion passes may help combat rural isolation. The Council understands the importance of public transport especially within rural areas for people without their own transport, including disabled people, who may also be unable to use other modes of transport. We would anticipate that providing companion pass would be equally if not more beneficial to people living in rural areas.
Employees of the Council	Would be affected in the same way as other members of society. The extent of the benefit would depend on any restrictions on use the Council imposed. The current Gold Card can only be used for off peak travel, so the companion pass would not be available for someone travelling to work.

c. Are there any other groups of people who may experience an adverse impact because of the proposals to change a policy or service who are not listed above?

No other groups specifically impacted.
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d. Gaps in data

What are your main gaps in information and understanding of the impact of your policy and services? Please indicate whether you have identified ways of filling these gaps.

Gaps in data	Action to deal with this
In reaching a view, as outlined above, we have used public transport data, socio-economic data and looked at locations which currently provide a companion pass. We are happy that this data has provided enough evidence for our conclusions and recommendations	Not required

Stage 6. Ways of mitigating unlawful prohibited conduct or unwanted adverse impact, or to promote improved equality of opportunity or good relations

As the offer of companion passes would affect disabled people, it must be considered from the perspective of the Council's public sector equality duty. There appear to be alternative provisions in place that would allow these people to access the community without having to rely on a companion bus pass.

Having considered the eligibility requirements for the Disabled Living Allowance, (DLA) the people who are eligible for a Gold Card disabled persons pass are likely to be eligible for the mobility component of DLA or the Personal Independence Payment (PIP).

A person will be entitled to the mobility component of DLA if, when using their normal aid, they:

- cannot walk
- can only walk a short distance without severe discomfort
- could become very ill if they attempt to walk

They might also be eligible if they:

- have no feet or legs
- are assessed as 100% blind and at least 80% deaf and need someone with them when outdoors
- are severely mentally impaired with severe behavioural problems and get the highest rate of care for DLA
- need supervision most of the time when walking outdoors
- are certified as severely sight impaired and aged between 3 and 64 on 11 April 2011

A person will be entitled to PIP if they have a health condition or disability where they:

- have had difficulties with daily living or getting around (or both) for 3 months
- expect these difficulties to continue for at least 9 months

If a person is eligible for these types of benefits, it appears that they could utilise this benefit to pay the bus fare for a companion, or access alternative methods of transport. It is noted however that there is no guarantee that these benefits will always be available for the people likely to be affected.

There is also the possibility that some of these people would be eligible to access Adult Care services in accordance with the Care Act 2014. Travel

assistance is a service that can be provided under the Care Act, in order to enable an adult in need, or carer, to make use of services in the local community. Where a person has eligible support needs and one of the assessed needs is to make use of services in the community, the local authority must ensure this need is met. Adult Care can arrange transport services to meet these needs in appropriate circumstances. When assessing under the Care Act, the local authority cannot assume that a person in need is able to fund these types of services themselves, even if they are in receipt of the mobility component of DLA or PIP. The fact that the person is receiving this benefit is also not a relevant consideration when determining whether a particular need exists, or the eligibility from such a need. The Council cannot however presume that Adult Care will be providing support to each individual who may benefit from a companion bus pass, as an adult must have eligible needs before the duty is triggered.

Derbyshire Connect provides a 'dial-a-bus' bespoke transport service to shopping destinations for people unable to use conventional buses because of age, disability or because they live in areas where public transport is limited.

Under this scheme the Council also provide door-to-door transport for health appointments. This service is called Derbyshire Connect Active Travel.

Derbyshire Connect services, where requested, will provide a weekly trip for every community in the county to a nearby shopping area or supermarket.

Services are door-to-door and passenger assistants are available, on request, for anyone needing extra help.

Gold Card holders can use Derbyshire Connect services free-of-charge.

Stage 7. Do stakeholders agree with your findings and proposed response?

We have completed this analysis following the receipt of a petition from members of the public. As the Council was not of itself proposing to introduce such a companion pass, we have not at this time elected to complete wider consultation. We would anticipate that most people would support the provision of a pass, were the Council in a better financial position to afford such provision.

Stage 8. Main conclusions and recommendations

Companion bus passes can be issued at the discretion of the local authority to those eligible for a disabled persons bus pass as an addition to the mandatory national concessionary travel scheme.

Of the 89 travel concession authorities in England, 54 offer companion passes though the conditions of use vary, for example some allow companions to travel free at any time, others only off peak, therefore if the Council decided to introduce companion passes, it would need to consider the extent of their availability. Of the East Midlands authorities, only Nottingham City Council and Nottinghamshire County Council offer a companion concession (for off peak travel only).

Offering companion passes may reduce pressure on people's personal finances or those of their carer/s and ease the demand for community and voluntary transport whose resources could be redirected.

Having a companion may allow the disabled bus pass holder to have access bus services and therefore other services including education and medical facilities that they otherwise couldn't access because their companion could not afford the bus fare. Offering companion passes may also help combat social exclusion and rural isolation.

The recommendation is that companion bus passes should not be offered. Unfortunately there is currently no budget available to fund companion bus passes in Derbyshire. Any budget to provide companion bus passes would need to be funded from cuts to other services within public transport, for example supported local bus services which would result in hardship to users of those services, including those who would be potentially eligible for a companion pass.

Stage 9. Objectives setting/ implementation

<i>Objective</i>	<i>Planned action</i>	<i>Who</i>	<i>When</i>	<i>How will this be monitored?</i>
No change in current policy proposed	Respond to the petition with reasons. Explore whether there are voluntary schemes provided by local organisations and, with their agreement, promote awareness of these.	Public Transport Unit of the Council	When staff resources permit	Include in Service Plan

Stage 10. Monitoring and review/ mainstreaming into business plans

Please indicate whether any of your objectives have been added to service or business plans and your arrangements for monitoring and reviewing progress/ future impact?

As no change to the Council's policies are proposed there is no requirement for setting objectives.

Stage 11. Agreeing and publishing the completed analysis

Completed analysis approved by _____ on _____

Where and when published?

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Decision-making processes

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report: Petition – Request to allow a disabled person to apply for a Companion Bus Pass

Date of report:

Author of report: Ian Dyer

Audience for report e.g. date:

Web location of report:

Outcome from report being considered

Rather than pursue offering companion bus passes, which is discretionary, the Council instead prioritises maintaining a countywide bus network with its available discretionary transport budget thereby ensuring bus services remain available for use by disabled Gold Card holders and other service users.

Details of follow-up action or monitoring of actions/decision undertaken

Respond to the petition with reasons. Explore whether there are voluntary schemes provided by local organisations and, with their agreement, promote awareness of these. Actions to be included in the Public Transport Service Plan subject to availability of staff resources

Updated by:

Date: