

Forward Plan reference number: FP/509/09/22

Report title: Revised ENCTS reimbursement payments to bus service operators 2023/2024	
Report to: Cllr Kevin Bentley, Leader of the Council	
Report author: Paul Crick, Director for Highways and Transportation	
Date: 17 November 2022	For: Decision)
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County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Bus services are a key part of Everyone's Essex. They help to encourage public transport use which reduces carbon emissions and helps achieve our net zero ambitions. It helps our residents to go about their daily lives in a sustainable way.
- 1.2 Bus services complement our ambitions to improve public transport as part of the 'Bus Back Better' plans, including Essex's Bus Service Improvement Plan, which was published in October 2021. Concessionary journeys are also disproportionately made on local bus services that are supported by ECC.
- 1.3 This report sets out how ECC will decide how much to pay bus operators for carrying those concessionary fare passengers in 2023/24. Passengers using the national concessionary fares represent around a third of all bus journeys, so they provide a major part of bus operators' income. Concessionary fares also help improve health, wellbeing and independence for all ages
- 1.4 Bus services are disproportionately used by older people, younger people, women, and those with a disability. A key way in which Essex County Council (ECC) supports the bus network is through the concessionary bus pass scheme, that enables those who qualify on grounds of age or disability to travel free at certain times, with the costs of the revenue foregone by the bus operators met by taxpayers.
- 1.5 Bus operators in Essex are still carrying fewer passengers and particularly concessionary bus pass users following the impact of the pandemic, at around 55% of pre-pandemic levels. To protect the bus network from large scale service withdrawals the Government has indicated that it is likely to extend the temporary change in the law that allows Travel Concession Authorities (TCAs) like ECC to invest in services by paying at rates that are based on pre-Covid levels of patronage and revenue foregone so that services are supported to give passenger numbers the opportunity to recover.

2. Recommendations.

- 2.1 Agree that for 2023/24 ECC will keep the same discretionary scheme elements (relating to times of pass availability and companion passes) for concessionary fares as for the current year.
- 2.2 Authorise the publication of a draft reimbursement scheme for concessionary bus fares in 2023/24, based on the current DfT default Calculator Scheme, on or before 1 December 2022 and to agree that if no negotiated settlement with bus operators can be agreed, it will come into effect from 1 April 2023.
- 2.3 Authorise the Executive Director for Climate, Environment and Customer Services to publish the DfT default Calculator Scheme current in November 2022. If the scheme is changed by the DfT before the Council publishes the current default scheme, he shall consult with the Cabinet Member and the Section 151 Officer and publish that scheme if it is in the best interests of the Council to do so.
- 2.4 Authorise the Executive Director for Climate, Environment and Customer, in consultation with the Cabinet Member for Highways Maintenance and Sustainable Transport and the Section 151 officer to set formal negotiating parameters for negotiating with bus operators for the reimbursement arrangements for 2023/24 within the legal and financial parameters set out in **Option 2** below.
- 2.5 Authorise the Cabinet Member for Highways, Maintenance and Sustainable Transport to approve the issue of a final scheme on or before 1 March 2023.

3. Background and Proposal

- 3.1 Operation of the National Concessionary Fare Scheme is a statutory duty placed on the County Council by the Transport Acts 1985 and 2000 and the Concessionary Bus Travel Act 2007 (as amended).
- 3.2 The normal legislation for the Scheme requires that each responsible local authority (known as a Travel Concession Authority or TCA) must compensate bus operators who carry Concessionary Pass Holders (the customers) with a level of reimbursement such that they are neither better or worse off than they would have been had the scheme not existed. This part of the legislation was disapplied in 2021/22 and 2022/23. It is not yet known whether the disapplication will continue for 2023/24.
- 3.3 Setting the reimbursement arrangements involves two formal stages:
 - We publish a draft scheme no later than 1st December before the start of the relevant financial year.
 - We then publish a final scheme no later than 1 March each year, with the scheme coming into effect from 1 April that year.

- 3.4 If bus operators are dissatisfied with the reimbursement arrangements they can appeal to the Secretary of State for Transport or, in some circumstances, seek a judicial review.
- 3.5 ECC has historically set the reimbursement arrangements by reference to a 'Fixed Pot' arrangement whereby a maximum level of payment for each year is agreed with the operators. This means that the costs and level of reimbursement are known at the start of the year, regardless of passenger numbers. This has managed risks for the Council and for operators and sought to ensure that operators were fairly and predictably remunerated based on the numbers travelling. Since Covid-19 we have continued to use a fixed pot scheme, but we have maintained at a higher level than numbers travelling, breaking the link between the level of reimbursement and passenger numbers. As a result, since 2019/20, the funding cap adopted has not been directly related to the revenue foregone by bus operators in that year.
- 3.6 For the 2022/23 financial year, the DfT issued guidance and extended a temporary derogation from legislation, to allow fare reimbursement levels to be set at pre-Covid levels, despite passenger numbers being significantly below pre-Covid levels.
- 3.7 In late October 2021 DfT published guidance recommending that authorities reduce guaranteed support to operators over 2022/23 so that in April 2022 support was at least 90% of pre-covid levels and by the end of in March 2023 with support being guaranteed at 65% of pre-covid levels.
- 3.8 In March 2022, DfT issued additional guidance "Alternative Covid-19 Recovery Strategy-Concessionary Fares Funding". This introduced a revised approach to calculating reimbursement for 2022/23 that reduced the speed and scale of the payment taper introduced in their original default scheme. This was to allow for the impact of so called "Plan B" Covid restrictions on the expected rate of recovery in passenger numbers. None of this guidance applies beyond 31 March 2023.
- 3.9 As a matter of historic interest, the March 2022 guidance set out four potential approaches that TCAs could adopt for 2022/23 in order of the DfT's preference:
- Reduce their pre-Covid level payments in line with the Recovery Strategy (published October 2021 as part of the Concessionary Travel Recovery Guidance Default Recovery Strategy'). This was DfT's default preference.
 - Maintain pre-Covid level payments for the duration of the 2022/23 financial year, should the TCA deem local circumstances require this.
 - Follow the new Alternative Recovery Strategy contained within the guidance.

- The TCA to adopt their own approach to pre-Covid concessionary reimbursement for the 2022/23 financial year. However, DfT urged LTAs to be sensitive to the financial needs of operators and balance this against any alternative reduction in concessionary fare payments, as any sudden reduction could lead to immediate negative impacts to operators and service levels.
- 3.10 It was left to TCAs to consult operators and decide what pre-covid levels meant and the guidance made it clear that this could reflect a change in the services provided by an operator, although most operators were at the time maintaining services at a minimum of 90% of pre-covid levels.
- 3.11 In following the guidance, it was anticipated that at some point during the year the number of concessionary journeys would exceed the guaranteed minimum of pre-covid levels and that this may lead to payments above the expected minimum level over the year (but within the agreed cap).
- 3.12 Following the issuing of this revised guidance ECC adopted the principles of the Alternative Recovery Strategy but adapted it to allow for a quarterly rather than a two monthly taper as this was consistent with current payments.

Current level of concessionary reimbursements

- 3.13 The impact of COVID-19 on concessionary bus pass use, and indeed on all bus travel, was significant, while those restrictions have been lifted for some time, bus pass use has been slow to recover and is still well below pre-covid levels, with some people remaining cautious about continued risks and others having permanently changed their travel patterns. The recovery of bus pass use has been slower than that of overall bus use, with ENCTS passenger numbers in Essex currently standing at around 55% of pre covid levels (while the overall level of bus use by all passengers is at around 80% of the pre-Covid level).
- 3.14 In light of these continuing impacts, the Minister of State Baroness Vere issued a letter to TCAs in England on 19 August 2022 (see Appendix 2), which stated:
- “We also recognise the importance of funding provided for concessionary fares passengers in helping to support the wider bus network. If concessionary funding continues to be paid out at pre-pandemic levels, this funding can be used by operators to maintain and improve services, and we would encourage Local Authorities to support operators in this way, or to instead reinvest this into tendering services. We know that in some areas patronage levels for concessionary passengers remains lower than for fare-paying passengers”
- and that:
- “(The DfT) ...will be extending the Statutory Instrument for another year to enable Local Authorities to legally reimburse operators above actual

patronage levels for the English National Concessionary Travel Scheme (ENCTS). We will work with you and operators to identify what further measures can be taken to restore ENCTS patronage and payments to pre-Covid levels of funding.”

Process

- 3.15 The Council is required to publish a default scheme by 1 December 2022 and publish a final scheme, preferably one agreed with bus operators, by 1 March 2023.
- 3.16 Each year ECC has always published the default calculator scheme in December. By ‘calculator’ scheme we mean a scheme whereby the total cost of the scheme depends entirely on the number of journeys made under the scheme. However, we have always negotiated with operators to produce a ‘fixed pot’ scheme which gives certainty to the council.
- 3.17 Since 1 April 2020 the fixed pot has been much more expensive than a calculator scheme would have been because, in accordance with DfT guidance we have used the concessionary fare budget to subsidise bus operators. For 2020/21 and 2021/22 they received the full historic cost, and for 2022/23 the amount has been tapered in the expectation that passenger numbers would recover. As set out above, they are currently 55% of pre covid levels. Without this subsidy it is likely that more bus routes would have been withdrawn than has happened.
- 3.18 The letter from Baroness Vere at appendix 2 indicates that in 2022/23 the DfT will ask TCAs to continue to pay more than straight reimbursement for concessionary fares. Further guidance is expected on the precise terms of this and that will advise both the negotiating position with operators and the final decision.
- 3.19 It’s proposed that The Leader agrees to issue a default calculator scheme based on the DfT model for the 1 December 2022 deadline.
- 3.20 On this basis it is therefore also proposed that the Leader authorises the Executive Director for Climate, Environment and Customer, in consultation with Cabinet Member for Highways Maintenance and Sustainable Transport and the Section 151 officer to issue negotiating parameters to officers for negotiations with bus operators.
- 3.21 It is further proposed that if negotiations with operators result in an agreed scheme that meets the parameters set out in **Option 2** below, that the Leader authorises the Cabinet Member for Highways, Maintenance and Sustainable Transport to approve the issue of a final scheme on 1 March 2023.

Proposed Scheme for 2023/24.

3.22 The mandatory scheme requires provision of free travel for eligible older and disabled people between the hours of 09:30 and 23:00 Monday to Friday and all day at weekends and on bank holidays. The current Essex County Council scheme covers the mandatory scheme but also provides:

- Concessionary travel between 09:00 and 09:30 Monday to Friday
- Concessionary travel between 23:00 and 00:00 Monday to Friday
- Provision of a companion pass for those disabled pass holders who require additional support when travelling.

3.23 It is proposed that there will be no change to the discretionary elements of the scheme offer. The severing of the direct relationship between passenger use and reimbursement means that altering the scheme offer will have no direct impact on reimbursement levels. In addition, changing the start time of the concessionary fares scheme (to 09:30 for example) could potentially lead to a sharp increase in passengers at 09:30 which could result in additional claims from operators for the cost of introducing extra capacity at that time under a calculator scheme.

Approach to setting the remit

3.24 Given that as noted above, the Covid 19 pandemic has led to the basis upon which concessionary fare reimbursement is made changing from a strict reimbursement of revenue foregone to a subsidy, ECC now has several different factors which it must try to balance.

3.25 These factors include:

- To reimburse operators fairly for revenue foregone under the scheme, although any reimbursement scheme would see this.
- To maintain the commercial route network as far as is viable in case passenger numbers recover. While it is recognised that the current level of network support being delivered through concessionary fares cannot continue indefinitely, the impact of a significant fall in reimbursement is unknown but likely to lead to route withdrawals and could consequently lead to added pressure being put on ECC's local bus budget as it would face pressure to introduce subsidised services to support withdrawn commercial services.
- To consider the value for money taxpayers receive for their investment.
- To reflect changes in the bus network since 2019/20 (the last pre covid affected year) to allow for the impact of service reductions which may have reduced passenger use while continuing to support routes where passenger use is recovering more quickly.

- 3.26 There are several scheme types that might be adopted to achieve these outcomes. The negotiating strategy will be advised by the DfT guidance for 2023/24. That strategy will be agreed by the Executive Director for Climate, Environment and Customer Services in consultation with Cabinet Member for Highways Maintenance and Sustainable Travel.
- 3.27 It is therefore proposed that the Leader agrees the following broad parameters for the negotiations and within which the Cabinet Member for Highways Maintenance and Sustainable Transport should be authorised to approve the issuing of a scheme based on the outcome of these negotiations, provided that they fall within them. These parameters are:
- The scheme should take account of the guidance issued by DfT and hence with Government policy on the level of reimbursement payments to be made.
 - The scheme should be consistent with legislation or proposed changes to legislation made or committed to by DfT.
 - Negotiating parameters should be set by the Executive Director for Climate, Environment and Customer Services in consultation with the Cabinet Member for Highways Maintenance and Sustainable Travel within the parameters **£10,589,400 and £15,946,654**. The reasons for this proposal are set out below.
- 3.28 The higher figure is that which would apply if ECC continues to reimburse operators at the pre covid rate, adjusted for passenger trends in the years leading up to the pandemic – which saw a decline of around 2% each year between 2011 and 2019. Applying this trend to the value of the last pre Covid reimbursement payment (2019/20) of £16,943,040, yields a value of £15,946,654. This takes no account of inflation but it would still represent a significant subsidy based on the current scheme assumptions.
- 3.29 The lower figure is identified by extrapolating the scheme ECC has adopted for 2022/23. Under this arrangement the level of reimbursement was a percentage of pre Covid passengers carried, with an initial higher level of payment based on pre Covid use levels tapering off to more closely reflect actual use over the year. By March 2023 this would, provided that actual passenger numbers do not exceed this level, result in a minimum reimbursement of 70% of the pre Covid level. Applying a similar sliding scale, approach and starting with a 70% initial level of reimbursement in April 2023, and then tapering off to meet the actual level of reimbursement over the year (estimated for these purposes at being 55% of pre covid level, which is the most recent figure for which data from all operators is available – though anecdotal evidence suggests numbers may now be higher) this would yield a minimum outturn of £10,589,400. It should be noted that the percentage is a minimum payment and if passenger numbers went above the relevant percentage of pre covid levels, a higher payment would be made.

This approach offers a potential basis for an agreement that complies with the factors set out in 3.23 above.

- 3.30 In practice any negotiated settlement is likely to lead to an outturn between these two figures, dependent on the assumptions made about concessionary passengers use over the year and DfT guidance. It is also worth noting that while in principle a 'calculator scheme' would offer a lower level of reimbursement, the cost of that scheme cannot be robustly assessed because other market changes are likely to impact on it. These include fare increases, increases in variable marginal cost factors, such as wages, fuel and inflation and administration costs. Some of these changes (such as staff costs) are likely to be substantial. As a result, it is possible that potential savings to the taxpayer from a calculator scheme may not be realised in full or at all because costs in excess of the saving end up falling on the local bus budget, while uncertainty for both parties would be increased.
- 3.31 It is further proposed that if the negotiations cannot reach agreement within the financial parameters, but a potential agreed scheme, which is considered to be in the public interest is on offer, then the final decision will be reverted to the Cabinet or Leader of the Council.

4. Links to our Strategic Ambitions.

- 4.1 Bus services support all areas of Everyone's Essex. Bus services offer access to education, employment, health and shopping and are heavily relied upon by those on lower incomes and more vulnerable residents. Bus services in rural areas can act as a focal point for community interactions and a good public transport network can help attract inward investment in Essex's economy, by making Essex a more attractive location for businesses and employees. Promoting bus use also helps to reduce the pressure on the road network for both existing and new communities.
- 4.2 The ENCTS Bus pass scheme supports the commercial viability and stability of the network by drawing more passenger on to it and in doing so also helps to reduce congestion.
- 4.3 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030: while it is not possible to quantify a direct impact, the bus pass scheme by giving taxpayer funded bus travel to a significant proportion of the population, encourages them to make use of bus journeys instead of making use of private car journeys. A journey made by bus is recognised as (on average) having a lower carbon emission level per person than an equivalent journey made by private car. As such, by promoting the use of bus services this proposal will help to reduce carbon emissions across the county. Additionally travel by bus reduces congestion, ensuring those journeys that can only be made by car are done so more efficiently – also reducing carbon emissions.
- 4.4 This report links to the following strategic priorities in 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

5. Options

- 5.1 The Council has a statutory duty to issue the draft reimbursement arrangement by 1 December 2022. The Council has considered the following options:

Option 1:

Issue a final scheme on 1 December 2022, to come into effect from April 2023 based on variable costs determined by actual numbers of passengers making use of the scheme (a 'calculator' scheme) and that the Director for Highways and Transportation is authorised to undertake the legally required negotiations with the bus operators for doing so. (Not the recommended option).

- 5.2 This model is set out in the Department for Transport's model reimbursement calculator and would follow the pre-Covid guidance set by the Secretary of State with reimbursement being directly related to passenger numbers and fares foregone.
- 5.3 Should a 'Calculator' Scheme be implemented, the authority would still need to continue to negotiate with bus operators individually to agree elements that can be adjusted within the calculator, such as Marginal Operating Costs and Fare Calculation (national or local values).
- 5.4 The advantage to this approach is that the Council could benefit from reduced levels of reimbursement payment.
- 5.5 However, given the fall in passenger numbers created by the COVID-19 situation, a 'Calculator' scheme would be likely to result in a significant fall in revenue for the commercial network and hence there would be likely to be an increased likelihood of service withdrawals as some marginal services could cease to be commercially viable.
- 5.6 If we can rely on the current default calculator scheme and the parameters in it then the default scheme would result in a significant saving over the costs of the scheme this year. However, it is possible that operators will appeal the DfT default scheme, claiming that the costs built into the scheme do not reflect the realities of operating in Essex. The outcome of any appeal would be uncertain but if operators won it would reduce the savings. We would not know whether operators would appeal or the outcome of any appeals until well into 2023/24.

- 5.7 There will also be significant uncertainty over the level of funding required well into 2023/24 as expenditure is based on activity levels. This is because it depends on passenger numbers and we do not know what they could be.
- 5.8 Although the council would be using the DfT's own calculator scheme, such a scheme would not be likely to meet the Government's expected policy objective of continuing to reimburse operators for at least some period of 2023/24 at pre-Covid levels, this would adversely impact some Essex residents.
- 5.9 Therefore, while it is recommended that a default calculator scheme is published on 1 December 2022, it is not currently recommended that this be adopted as the final scheme, unless we cannot negotiate a better alternative.

Option 2: (Recommended Option).

- (a) **Issue a default scheme for 2023/24 based on variable costs determined by actual numbers of passengers (a 'calculator' scheme) on 1 December 2022 and that if no suitable negotiated agreement can be reached by 1 March 2023, then this scheme should come into effect from 1 April 2023.**
- (b) **That the Leader authorises the Executive Director for Climate, Environment and Customer in consultation with the Cabinet Member for Highways and Transportation to issue guidance on and to undertake negotiations with bus operators within the following parameters:**
- **That the scheme should be broadly consistent with the guidance issued by DfT and hence with Government policy on the level of reimbursement payments.**
 - **The scheme should be consistent with legislation or proposed changes to legislation made or committed to by DfT.**
 - **That the financial negotiation/consultation envelope for the scheme outturn is set between a minimum value of £10,589,400 and an upper value of £15,946,654.**
- (c) **That if negotiations result in a proposed scheme that meets the parameters set out above, then the Cabinet Member for Highways Maintenance and Sustainable Transport is authorised to issue a final scheme for 1 March 2023 on that basis.**
- (d) **That if the negotiations cannot reach agreement within the financial parameters, but a potential agreed scheme, which is considered to be in the public interest is on offer, then the final decision will be reverted to the Cabinet or Leader of the Council to make.**

6. Issues for consideration

Financial Implications

- 6.1 The Medium-Term Resource Strategy (MTRS) indicative budget for concessionary fares for 2023/2024 is £17.649m.

Option 1 – ‘a calculator Scheme’

- 6.2 Option 1 is to apply the DfT Calculator scheme. DfT have not yet issued formal guidance for 2023/24 and this could have an impact on the range of reimbursement. A report on the potential implications of implementing a Calculator Scheme has been received from Martlet Consultancy Ltd (MCL – the Council’s contracted service support providers for data analysis and negotiation). Due diligence is underway to verify the credibility of the findings of this work and will form part of the future decision making.
- 6.3 For reference the indicative value of the calculator scheme for 2022/2023 was in the range of £8.6m to £12.8m, based on a range of potential passenger numbers between 6.3m to 9.5m. This will not take into account any changes proposed by DfT, inflation or fare increases. Therefore, these figures may not be a fair representation of what the cost of a calculator scheme for 2023/24 may be.
- 6.4 Based on the estimate produced for 2022/23, applying the calculator scheme under the DfT default parameters and not taking into account local factors, may result in an annual saving opportunity in the region of £5m to £9m compared to the existing MTRS if passenger numbers remain within the 6.3m – 9.5m range. However local conditions are a fundamental consideration in valuing the scheme and therefore this potential saving may be overstated when these are taken into account. Negotiations with local operators will lead to agreement of local conditions to be adopted in any future scheme and the actual saving will be quantified as part of the final decision making.
- 6.5 It is possible that with reduced ENCTS income, some commercial routes will become unviable, with operators reducing timetables or ceasing the route in its entirety. ECC would be obliged to consider replacing such routes. It is not known how many routes would be at risk.

Option 2 – issue default scheme and negotiate (Recommended)

- 6.6 Option 2, as with option 1 above is to issue a calculator scheme on 1 December 2022. Once DfT have issued revised guidance, ECC will enter negotiations with operators to agree a final scheme.
- 6.7 The parameters for negotiation would be set between £10.589m and £15.947m and this would result in a saving between £1.2m and £6.55m. Historically there has been a decline in concessionary fares passenger numbers of 2% per annum, and the last negotiation was in 2019/20, three years ago. Therefore, the cap has been set by reducing £16.943m by 2% per annum for the three-year period when negotiation didn’t take place. There is no evidence base to support a 2% year on year reduction is representative of what has actually happened in the market to concessionary fares passenger numbers, but in the

absence of any better data, it is a reasonable assumption and the DfT guidance for 2022/23 directly supports this approach.

- 6.8 Negotiating such a scheme would provide ECC with greater certainty that operators will run routes until 31 March 2024. However, this option does not provide the same level of savings to the authority.
- 6.9 In 2022/2023 the authority initially set a fixed pot at a maximum value of £16.943m and following DfT guidance, ECC adopted a minimum reimbursement scheme of £13.131m based on pre covid passenger numbers. The saving was moved to reserves to fund replacement services or additional costs beyond the £13.131m minimum.
- 6.10 In March 2022, the DfT issued a revised set of guidance notes 'Alternative Covid-19 Recovery Strategy' to recognise the impact of the "Plan B" Covid advice brought into effect from 19 December 2021. This set out an alternative approach to reimbursing operators which reflected local circumstances. The new minimum reimbursement offered by this approach was c. £14.543m, an increase of £1.412m and this was funded from the reserve.
- 6.11 This paper authorises the authority to issue a calculator scheme as it is legally required to do so by 1 December 2022. It also gives authority to allow a negotiation over a fixed pot scheme with operators, in accordance with DfT issued guidance, that will be made available in November 2022. Following negotiations, a further governance paper will be written for the Cabinet Member for Highways, Maintenance and Sustainable Transport to take a final decision as to whether the proposed calculator scheme or negotiated fixed pot is implemented.

7. Legal Implications.

- 7.1 It is likely that the lowest cost scheme in terms of the concessionary fare scheme is a calculator scheme. The risks of appeal against a calculator scheme would have to be based on local issues not being reflected in the national scheme. The proposals in this report would not be likely to result in the lowest possible cost scheme but they would align with government policy
- 7.2 By approving the recommendation in this report the Leader is giving an officer authority to set negotiating parameters over £5.5 m of discretionary spend.
- 7.3 Whilst approval of the final scheme is for the Cabinet Member to determine, by the time it reaches the Cabinet Member there will be little opportunity to influence spend as it will be late in the day. Some comfort may be drawn from the fact that Members will be consulted and that officers will take account of the DfT guidance.

8. Equality and Diversity Considerations.

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. As the ENCTS (Bus Pass) scheme offers free travel to older people and people with disabilities, it has an overall beneficial impact on them and has a neutral impact on all other protected groups.

9. List of Appendices.

Appendix 1 – Equalities Comprehensive Impact Assessment.

Appendix 2 – Letter issued by Baroness Vere on 19 August 2022

10. List of Background papers

None that do not include exempt information.

I approve the above recommendations set out above for the reasons set out in the report.	Date 25/11/ 2022
Councillor Kevin Bentley, Leader of the Council	

In consultation with:

Role	Date
Mark Ash, Executive Director for Climate, Environment and Customer Services	18 November 2022
Stephanie Mitchener, Director for Finance On behalf of Nicole Wood	21 November 2022
Paul Turner, Director, Legal and Assurance (Monitoring Officer)	21 November 2022