

Forward Plan reference number: Not applicable

Report title: Coronavirus Outbreak – Extension of the hours of operation of the Essex English National Concessionary Fares Schemes (ENCTS)	
Report to: Councillor Ray Gooding – Cabinet Member for Education and Skills	
Report author: Andrew Cook – Director, Highways and Transportation	
Date: 30 March 2020	For: Decision
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County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The Coronavirus outbreak is a major public health emergency. The Government's current advice is for the population of the United Kingdom to travel only when it is essential to do so. It is leading to changes in shopping patterns with many supermarkets and key service providers operating special early or late opening hours for elderly and vulnerable people and key workers. In addition, there may be a significant drop in the level of bus service operations as the outbreak proceeds, requiring people to alter travel patterns.
- 1.2 This report asks the Cabinet Member to agree the extension of the operating hours of Essex English National Concessionary Travel Scheme to all times of day on all days, from 1 April 2020 to allow elderly and vulnerable residents and Key workers to take advantage of dedicated supermarket and other service opening times.

2. Recommendations

- 2.1 That for an initial period of three months, the Essex ENCTS scheme hours of operation are extended to run at all times of day and on all days from 1 April 2020.
- 2.2 That the Director, Highways and Transportation be authorised to agree a return to the standard scheme terms (09:00 to 24:00 on weekdays and all times at weekends and on public holidays) when he considers that there is no longer a need since transport services are to return to their usual pattern of operations.

3. Summary of issue

- 3.1. The Transport Act 2000 sets out the statutory hours of operation for concessionary bus travel as being between 09:30 hours and 23:00 hours on Mondays to Fridays and at all times at weekends and public holidays. The Transport Act 1985 gives Transport Concession Authorities, (TCAs) of which Essex County Council is one, the discretionary power to extend these times of operation as they see fit. In Essex this power is currently used to extend the

hours of operation to 09:00 and 24:00 on weekdays and at all times on weekends and public holidays. In some other authorities, such as London, these powers are used to extend the hours of operation to all days and at all times.

- 3.2. Operators must be reimbursed by the TCA for any travel undertaken by persons using the passes so that they are no better and no worse off than if the scheme did not exist. The scheme is funded by central Government on the basis that it is an off-peak scheme running during the statutory hours of operation only. Discretionary extensions are funded by individual TCAs.
- 3.3. Due to the outbreak of the Covid19 virus there will be significant changes in the way people travel and the way on which the bus network operates.
- 3.4. Current indications are that the social isolation protocols are already resulting in reduced bus use both by elderly and vulnerable people and by commuters during the key peak periods. This trend is likely to continue as the outbreak develops.
- 3.5. Similarly, the availability of bus services is likely to fall as staff illness and potentially cost impacts begin to have more effect. Given the fall in passenger numbers some service reductions may be introduced to focus resource on key routes.
- 3.6. As the economic impact of the outbreak sets in the general cost of living may rise due to supply and demand factors and incomes may be affected due to shutdowns, layoffs, etc.
- 3.7. Most key service centres such as food stores are introducing an early hour restricted opening period for older and vulnerable people and for Key Workers (such as NHS Staff) to reduce their need to mix with the wider population and help them access key commodities where supply may be limited.
- 3.8. In addition operators are being forced to re schedule services to take into account staff availability and this is likely to reduce the number of journeys available to many people to obtain supplies or attend key work. It is therefore proposed that the hours of ENCTS bus pass operation should be extended to allow travel in the peak period.
- 3.9. It should be noted that pass holders are not prevented from travelling before the current operating hours but would have to pay for their journeys, which they do not after 09:00 and that a number of operators have already moved to implement this measure nationally.
- 3.10. This suggestion has potential advantages and disadvantages, including those set out in Table 1 overleaf

Table 1: Advantages and disadvantages of extending ENCTS operating hours.

Advantages of extending ENCTS hours of operation	Disadvantages / Difficulties of extending ENCTS hours of operation
As noted above change in service patterns are likely to reduce the number and frequency of bus services over time with a focus being on the most heavily used times and routes. Widening the hours of operation would allow pass holders free travel at all times and maximise their ability to use these services at no additional cost	The measure could be seen as encouraging vulnerable people to travel during peak travel periods when they would be more exposed to the general population. This point has already been made by some commercial bus operators.
At present many pass holders fall into lower income groups and use their passes to undertake necessary travel for key services such as food shopping free. If changing service patterns reduce these opportunities and for instance focus on peak period travel, then they would as it stands, have to pay to travel at these times.	Operators need to agree to the change. Based on experiences related through ATCO by other TCAs the operators view on the subject seems split and there is no upper national level leadership on the matter. It could confuse people if some Essex operators agreed and some did not and would certainly complicate the comms.
It could offer some public reassurance that everything possible was being done to assist people during the crisis. It could reduce general levels of concern about the cost of travel and of goods, particularly if prices rise or incomes are reduced by isolation measures.	Bus operators would want to be compensated for the travel undertaken in the extended time periods which at present they will not be. However in Essex as we have a fixed reimbursement pot and as both concessionary and paying travel is likely to decline in the coming month, it may be that simply allowing operators to count passes used in the extended period as valid for accounting purposes (which will affect their proportion of the fixed pot) would suffice. Given the fixed pot and fall in passenger use there is no case for additional reimbursement from ECC.
It would allow people to engage with special ‘early doors’ opening hours for supermarkets etc as/when these become more common place	There may be technical issues with programming electronic ticket machines to accept bus passes before 09:00. These should not be insurmountable but may take some time to put in place It may be that we could agree a reversion to manual counts (button pushing) during the period if this is still possible.
It could, by eliminating the cost pressure on pass holders to travel on the first available post 09:00 journey spread journeys out over more buses, lowering the density of travel and allowing for more room between passengers, although this is not necessarily the case (see opposite)	There could be pressure to retain the extended hours after the crisis ends particularly from disability groups who have long campaigned for this extension

3.11. All commercial and contracted local bus services in Essex were approached in advance of this decision being proposed for their views and agreement to the extension of hours. There were no objections and some positive confirmations agreeing to the proposal. Operators are following the Secretary of State for the Department of Transport’s request to the Chief Executive of the Confederation of Passenger Transport UK for all its members to agree to the proposed extension to hours. Bus operators would however object to this extend beyond the period of the disruption due to the Covid19 outbreak.

3.12. Given the health concerns over encouraging travel, Dr Mike Gogarty, Essex County Council’s Director of Public Health has been asked to consider potential risk/benefit of the proposal and has given his assent, provided an added

precautionary announcement is made to the scheme extension announcement and information that will reinforce the public health message on social distancing, hand washing and avoiding unnecessary travel.

4. Options

4.1. Option 1: Do nothing.

The Council could decide not to extend the hours of the scheme. Other than developing communications to explain the reasoning behind the decision, no further action is needed. This would not have the benefits outlined above.

4.2. Option 2: Extend the hours of scheme operation.

The County Council extends the scheme for any period it chose, in practice extending it to all hour on all days (24x7) operation and issues a communication and publicity package to implement the revised times with concomitant health advice reminder.

5. Financial implications.

- 5.1. Given that ECC has a fixed pot agreement with the bus operators which agrees the total amount to be paid to them for the year and allowing for the expected steep fall in normal passenger figures during the peak travel period, no additional financial burden on ECC from following this proposal is expected.

6. Legal implications.

- 6.1. The Council has a statutory duty to operate a Concessionary Fare Scheme under the Transport Acts 1985 and 2000 and the Concessionary Bus Travel Act 2007. The proposed extension would be covered by these powers.
- 6.2. Normally a mid year alteration of the hours of operation introduced at short notice could be expected to result in legal challenge because of the potential financial impact on bus companies and on overcrowding. However, in the current circumstances, buses are lightly used and it makes sense to allow flexibility to concessionary pass holders, particularly if operations are adversely affected by staff sickness etc.

7. Equality and Diversity implications.

- 7.1. In making this decision ECC must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act 2010, i.e. have due regard to the need to: A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. 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.

- 7.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3. The PSED is a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 7.4. By providing the English National Concessionary Travel Scheme, the County Council meets its requirements under legislation to provide a concessionary travel scheme.
- 7.5. In addition to this, the County Council also provides discretionary elements to the scheme including extended start and finish times and companion passes for disabled people who require assistance with their journey due to their disability.
- 7.6. An equality impact assessment has been undertaken. The protected groups involved are older people, and people with disabilities. Following consultation with the Director of Public Health, it is considered that the proposed change to scheme times would be beneficial to these groups.

8. List of Appendices

Equality impact assessment

9. List of Background papers.

None

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education and Skills	01 April 2020

In consultation with:

Role	Date
Andrew Cook, Director, Highways and Transportation	27 March 2020
Nicole Wood, Executive Director for Finance and Technology (S151 Officer)	27 March 2020
Stephanie Mitchener, delegated s151, on behalf of Nicole Wood	

Paul Turner, Director, Legal and Assurance (Monitoring Officer)	27 March 2020

Exemption from call in

I agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies).

Councillor Mike Mackrory – Chairman of the Corporate Policy and Scrutiny Committee

Date: 30 March 2020