

Public Document Pack

Executive Member Decisions

Friday, 28th June, 2019

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2. **Joint Lancashire County Council, Blackburn with Darwen
Borough Council and Blackpool Council - Joint Concessionary
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Date Published: 28th June 2019
Denise Park, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Regeneration and Growth

LEAD OFFICERS: Director of Growth and Development

DATE: 17th April 2019

PORTFOLIO/S AFFECTED: Regeneration and Growth

WARD/S AFFECTED: West Pennine

SUBJECT: Chapel Grange Highways Drainage

1. EXECUTIVE SUMMARY

The floods of Boxing Day 2015 highlighted the inadequacy of highway drainage on Greens Arms Road at the junction of Chapel Grange, Chapeltown. The storm caused flooding to two residential properties and subsequent investigations have revealed that highway drainage is inadequate. The Council now seeks to address the situation, with the only option being the progression of a highways drain across land in private ownership to outfall to a nearby brook.

2. RECOMMENDATIONS

That the Executive Member for Regeneration and Growth:

- 1) Approves progression of the project and the works to be carried out under the recommended option as set out in this report.
- 2) Approves, under provisions contained within the 1980 Highways Act, the serving of a notice on the landowner to build an appropriate drain for the purposes of improving highways drainage.

3. BACKGROUND

The floods of Boxing Day 2015 highlighted the inadequacy of highway drainage on Greens Arms Road at the junction with Chapel Grange, Chapeltown. The storm consequently caused flooding to two residential properties. Subsequent investigation revealed that highways drainage is lacking in two capacities:

- There are too few gullies
- The gullies drain to a derelict culvert, effectively draining to a low grade soakaway

Greens Arms Road is an ancient highway and pre-dates motorised transport by several centuries. Originally constructed as a track, it has been upgraded on a piecemeal basis, and has therefore never having been “designed” in a modern engineering sense.

Drainage in the local area has been affected by nearby housing developments which have caused more water runoff onto Greens Arms Road. Work has also been carried out in relation to highway levels to prevent water running down the farm track adjacent to Chapel Grange.

Following the effects of the Boxing Day 2015 storms, the Council received a request for help from the owner of Long Meadow House because of internal flooding to the property. Investigation revealed that the next-door property, Long Meadow had also experienced problems and the source of flooding was

run-off water from the highway.

On investigation, the gullies outside these properties were found to be full of silt. Highway drainage was cleansed and upon further investigation it transpired that all highway gullies adjacent to these properties drained to a collector pipe that went along the farm track. Continuity stopped approximately 10 metres from the highway. An exploratory excavation was carried out and found that the highway drain at this position was an ancient culvert construction. This culvert was found to be full of tree roots and soil. Large trees lined the lane for a further 30 metres and no outfall was visible in the brook, and it was considered impractical to proceed further. Effectively, the gullies shown as stars on the attached plan are draining to a low grade soakaway.

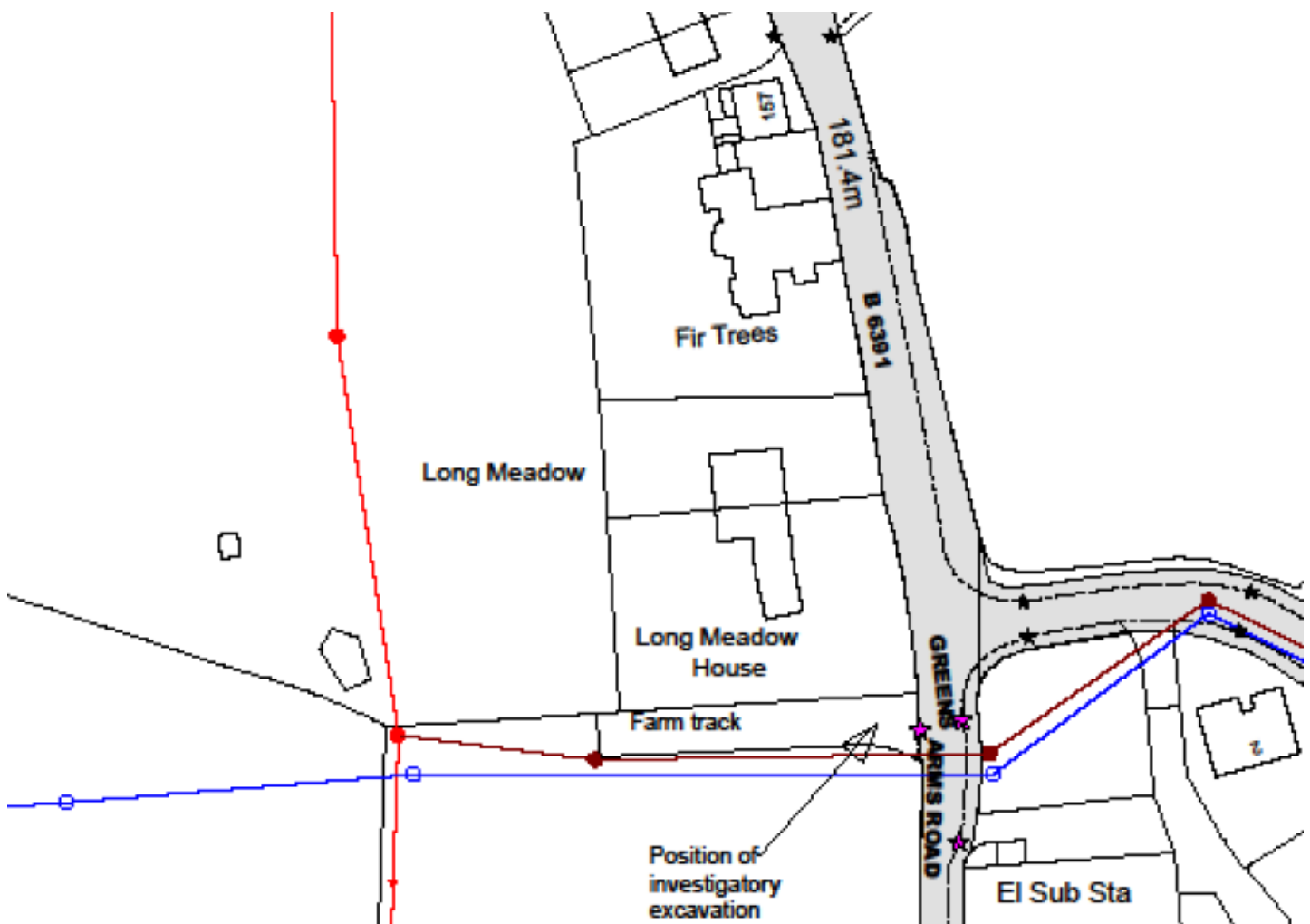
The Council has added gullies at this location to the Council's "Critical List" which ensures they are cleaned twice a year, to help alleviate problems during periods of heavy rainfall.

Scheme plan and key:

Stars: Gullies draining to soakaway

Blue: Surface water sewer

Red: Foul sewer



There are a number of options available to the Council, some of which have been discounted following progression with statutory bodies:

Option 1: The delivery of a new formal highways drainage scheme constructing new gullies, new drain runs and a connection to the surface water sewer in Greens Arms Road. Design has been progressed, however, United Utilities have refused to consent a connection on the grounds that it would cause sewer surcharge. This option has been discounted at c.£15,000 but cannot be delivered as

United Utilities have refused to consent connection.

Option 2: To re-connect the existing gullies to the existing highway drainage at Chapel Grange, but highway levels do not permit the effective discharge of water. This option has been costed at c.£17,000 but the option would not work due to highway levels which do not permit water run-off.

Option 3: The construction of a new highway drain across private land belonging to Chetham Farm to give a new outfall to the nearby brook. Informal negotiations have been entered into with the landowner but agreement has not been reached on an acceptable compensation value. The option has been costed at c.£30,000 and whilst it is the most expensive option in cost terms it is the only option which is deliverable.

Option 4: To reinstate original highway levels so that excessive flows during extreme rainfall events run down the farm track onto pasture land rather than flood domestic property. The Council amended the highway originally due to complaints received from the landowner. This option has been costed at c.£1000 but would cause flooding to the Chetham Farm access track, and the Council would be liable.

Option 3 is the only practical option to solve the issue of highways drainage in this location.

The recommendation is therefore to serve a formal notice on the landowner of Chetham Farm, under provisions contained within the 1980 Highways Act, to enable the Council to construct a new highway drain running from Green Arms Road to the brook on Chetham Farm land. New gullies and drain runs will also be constructed to connect with the new off-highway drain.

This course of action is necessary in order to prevent continued flooding of the highway and constant flood risk to four adjacent properties.

4. KEY ISSUES & RISKS

£75,000 of funding was approved within the 2018/19 Local Transport Plan to deliver three Capital Drainage schemes across the Borough in order to improve water and drainage conditions for residents and businesses at:

- Chapel Grange
- Branch Road
- Chapeltown Road

The issue has been discussed extensively with the owners of Chetham Farm and an offer of compensation was communicated (in line with the provisions of the 1980 Highways Act) to the owners of the land on 5th July 2018 and followed up on 20th August 2018 to seek agreement to deliver the improved highways drainage project. This offer was declined on 22nd August 2018.

The Council has undertaken a further review of the drainage position at Chapel Grange which has reinforced the position that there is no alternative to installing a new drainage outfall pipe across private land at Chetham Farm.

The Council continues to receive correspondence from nearby residents who are seeking a resolution to this ongoing issue.

As such, it is recommended that the Council, under provisions contained within the 1980 Highways Act (Section 100, sub sections 1, 1a, 2 and 3) serves an appropriate notice on the landowners of Chetham Farm to carry out these necessary works, as part of the 2019/20 Local Transport Plan programme which was approved on 11th April 2019. Weblink:

<https://democracy.blackburn.gov.uk/documents/s5785/Local%20Transport%20Plan%202019-20%20P1.pdf>

5. POLICY IMPLICATIONS

The scheme directly accords with the Local Transport Plan 3 2011-2021 Strategy.

6. FINANCIAL IMPLICATIONS

The scheme's design and construction will be funded from the 2019/20 Local Transport Plan programme which was approved at the 11th April 2019 Executive Board meeting.

The scheme is included within the capital allocation for Capital Drainage Schemes: Completion of 2018/19 schemes, to a value of £50,000. The preferred, and only deliverable option for Chapel Grange has been provisionally costed at £30,000.

Compensation has and will continue to be offered to the landowner, in line with provisions contained within the 1980 Highways Act, and will focus on:

- Designation of the land, currently classified as Greenbelt
- Positioning of the United Utilities drainage outfall pipe on the same section of land which proposed to be used for the highways outfall drain
- The construction cost of the scheme
- The available Local Transport Plan budget for 2019/20
- The cost of reinstatement of the land / farm track on private land following completion of the works

The programme will be closely monitored to ensure full spend and any further variations or amendments will be subject to further Local Transport Plan programme reporting.

7. LEGAL IMPLICATIONS

The scheme will be designed in accordance with relevant highway, transport, traffic and equality legislation; and will need to be procured in accordance with the Council's constitution and; where relevant; European directives; and the grant conditions.

The Council will use its powers as a Highways Authority under Part V of the 1980 Highways Act which provides for the drainage of highways as follows:

Section 100 Drainage of Highways

- (1) The highway authority for a highway may, for the purpose of draining it or of otherwise preventing surface water from flowing on to it, do all or any of the following:-
 - (a) Construct or lay, in the highway or in land adjoining or lying near to the highway, such drains as they consider necessary
- (2) Where under subsection (1) above, a drain is constructed or laid...for the purposes of draining water from a highway...the water may be discharged into or through that drain and into any inland waters, whether natural or artificial, or any tidal waters
- (3) A highway authority shall pay compensation to the owner or occupier of any land who suffers damage by reason of the exercise by the authority of any power under subsection (1) or (2) above.

8. RESOURCE IMPLICATIONS

All professional fees will be met from allocations detailed, and staff time met from existing resources. Procurement will be in line with current best practices identified by the DfT's Highways Maintenance Efficiency Programme standards.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Consultation has taken place with the landowners in question in the period Spring to Autumn of 2018 via face to face meetings with Council Officers and correspondence in relation to offers of compensation.

Ward Councillors have also been made aware of progress and the issues faced in terms of delivery.

The Council does want to work positively and effectively with the landowner to progress the improvements and will liaise closely at every stage of the project with both land owner and main contractor.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	0.1
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
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DATE:	17 th April 2019
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BACKGROUND PAPER:	None
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EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Strategic Transport – Growth & Development	Date the activity will be implemented	01/05/2019
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Brief description of activity	To seek the approval of the Executive Member for Regeneration to approve, under provisions contained within the 1980 Highways Act, the serving of a notice on the landowner to build an appropriate drain for the purposes of improving highways drainage.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR = 0	TOTAL	AGAINST = 6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Mike Cliffe, Strategic Transport Manager
E&D Lead Signature	Gwen Kinloch
Date	23 rd April 2019

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Director of Growth and Development

DATE: 10th June 2019

PORTFOLIO/S AFFECTED: Growth and Development

WARD/S AFFECTED: All

SUBJECT: Joint Lancashire County Council, Blackburn with Darwen Council and Blackpool Council Joint Concessionary Travel Scheme 2019-2020.

1. EXECUTIVE SUMMARY

The responsibility for mandatory Concessionary Travel Schemes lies with the Upper Tier Authorities, County Councils and Unitary Authorities.

Blackburn with Darwen Borough Council along with Lancashire County Council and Blackpool Council are the joint Travel Concession Authority (TCA) for the “Lancashire” area. Lancashire County Council administers the joint scheme on behalf of Blackburn with Darwen Borough Council and Blackpool Council. A Concessionary travel re-imburement rate has been negotiated with bus operators and a revised Concessionary Travel Scheme for the period 1 April 2019 to 31 March 2020 has been produced, in accordance with the requirements of legislation.

2. RECOMMENDATIONS

That the Executive Member for Growth and Development:

- 1) Approves the implementation of the mandatory scheme, as attached at Appendix A.

3. BACKGROUND

A mandatory bus concession for older and disabled people has been in place since 2001. The scheme has gradually been extended since its introduction and since April 2008 has provided free off-peak local bus travel to eligible older and disabled people throughout England.

The mandatory bus concession is administered locally by Travel Concession Authorities (TCAs). For schemes commencing on or after 1 April 2011 the following authorities are TCAs: Upper Tier Authorities, County Councils and Unitary Authorities.

In addition to the mandatory bus concession, which allows free travel anywhere in England between the hours of 0930 and 2300 on Mondays to Fridays and at anytime at weekends and bank holidays, TCAs and District Councils are also able to offer discretionary concessionary travel schemes.

4. KEY ISSUES & RISKS

As a TCA, the Council is required by law to publish details of the scheme at least 28 days before its commencement and full details of the scheme, which is for the period 1 April 2019 to 31 March 2020, can be found at Appendix A.

The 2019-20 scheme's key points are as follows:

- i. A concessionary travel re-imburement rate has been negotiated with bus operators and the rate for period 2019-20 will remain at the current rate of 55 pence in the pound.
- ii. A discretionary concessionary travel enhancement of the £1 flat fare for Blind and Disabled pass holders travelling before 0930 will continue to be provided and funded by the joint TCAs.
- iii. Holders of English National Concessionary travel passes issued by Blackpool Council and LCC passes issued by Wyre only can travel free of charge at certain times on Tramcar services in Blackpool and Wyre. This discretionary concession funded by Blackpool Council and LCC for its residents. There are no additional discretionary elements within the published scheme.
- iv. ENCTS passes must be presented on an ITSO certified smart reader and the transaction recorded electronically.
- v. The issuing of paper tickets is at the discretion of the participating operator.
- vi. Operators must use ITSO certified smart electronic ticket machines when claiming concessionary travel reimbursement.
- vii. To widen the use of Stored Travel Rights and NoWSTAR smart ticketing in co-operation with local bus operators.

5. POLICY IMPLICATIONS

The Joint Lancashire Travel Scheme accords with the Council's Local Transport Plan 3 2011 – 2021 strategy.

6. FINANCIAL IMPLICATIONS

The Growth and Development Department's revenue budget 2019/20 includes provision to meet the costs of the Concessionary fare reimbursement to operators and the contribution to Lancashire County Council for the cost of administering the scheme.

7. LEGAL IMPLICATIONS

Provision for travel concessions in England is contained in five pieces of primary legislation: the Transport Act 1985, the Transport Act 2000, the Travel Concession (Eligibility) Act 2002 and the Concessionary Bus Travel Act 2007.

Concessionary Travel is a mandatory scheme and the Scheme provides the statutory level set out in the Transport Act 2000 as amended by the Concessionary Bus Travel Act 2007 and also continues to provide certain enhanced concessions. This document covers the reimbursement arrangements for both the Transport Act 1985 wider Scheme as well as the statutory minimum introduced under the Transport Act 2000 as amended by the Concessionary Bus Travel Act 2007.

8. RESOURCE IMPLICATIONS

None.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

The objective of the Scheme is to reimburse bus operators so that they are "no better and no worse off" for participating in the mandatory scheme. Consultation has taken place with bus operators concerning the details of the scheme and the re-imbusement rate.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	0.1
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CONTACT OFFICER:	Mike Cliffe, Strategic Transport Manager, ext 5310
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DATE:	29 th May 2019
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BACKGROUND PAPER:	Appendix A: Joint Lancashire Concessionary Travel Scheme 2019 – 2020
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The Lancashire County Council, Blackburn with Darwen Council & Blackpool Council Joint Concessionary Travel Scheme 2019 - 2020

Updated for April 2019



THE LANCASHIRE COUNTY COUNCIL, BLACKBURN WITH DARWEN COUNCIL AND BLACKPOOL COUNCIL JOINT CONCESSIONARY TRAVEL SCHEME 2019 - 2020

1: Introduction

The Lancashire County Council, Blackburn with Darwen Council and Blackpool Council Joint Concessionary Travel Scheme ("the scheme") is made in accordance with and subject to the Transport Act 1985 and 2000 ("the acts"), and all such regulations made thereunder. This shall apply for the 2019 – 2020 local authority financial year.

A mandatory bus concession for older and disabled people has been in place since 2001. The scheme has gradually been extended and since April 2008 has provided free off-peak local bus travel to eligible older and disabled people throughout England.

The mandatory bus concession is administered by Travel Concession Authorities (TCAs).

In addition to the mandatory bus concession TCAs and district councils are also able to offer discretionary concessionary travel schemes.

Provision for travel concessions in England is at present contained in five separate pieces of primary legislation: the Transport Act 1985, the Greater London Authority Act 1999, the Transport Act 2000, the Travel Concession (Eligibility) Act 2002 and the Concessionary Bus Travel Act 2007. The reimbursement of bus operators by TCAs for carrying concessionary passengers is currently governed by European regulation No 1370/2007.

The scheme is jointly administered by the unitary councils of Blackburn with Darwen and Blackpool and Lancashire County Council (hereinafter called "the Travel Concession Authorities" (TCAs). Lancashire County Council, Blackpool Council and Blackburn with Darwen Council provide concessionary travel to older and disabled persons as defined in Section 146 of the Transport Act 2000 and the Travel Concessions (Eligibility) Act 2002.

For the purposes of the scheme's administration and reimbursements to operators, Lancashire County Council will act on behalf of all the authorities, including making and receiving of notices, and will receive a scheme management administration fee.

The scheme provides the statutory minimum set out in the Transport Act 2000 as amended by the Concessionary Bus Travel Act 2007 and also provides certain enhanced concessions, identified at Schedule 2 Part I below. This document defines the reimbursement arrangements for both the wider scheme under the Transport Act 1985, together with the Transport Act 2000's statutory minimum as amended by the Concessionary Bus Travel Act 2007.

Operators should note that the reference to date of admission to the scheme at Section 8 and withdrawal at Section 19 of this document relates to a Transport Act 1985 scheme.

2. Type of Concession

Persons eligible to receive the travel concessions set out at Schedule 2 Part I will be issued with an English National Concessionary Travel Scheme (ENCTS) smart card by the Travel Concession Authority in which they have sole or principal residency.

Persons eligible to receive concessions, whose sole or principal residence is in the areas at 1 above, will be issued with a NoWcard ENCTS entitling the holder to the travel concessions defined in Schedule 2 Part I and II.

Concessions will be available on the concessionaire's production of a valid ENCTS smart card or NoWcard ENCTS. Smart card use will be subject to the conditions printed on the pass and individual operators' Conditions of Carriage.

The ENCTS pass must be presented on an ITSO certified smart reader and the transaction recorded electronically. In instances of repeated non card reading, the pass holder should be advised to contact NoWcard or be refused travel.

The initial NoWcard ENCTS pass shall be issued free of charge. The TCAs will make a £10 charge to replace passes reflecting production costs.

3. Area of the Scheme

The scheme will apply to all eligible journeys starting within the areas of the TCAs of Lancashire County Council, Blackpool Council and Blackburn with Darwen Council and, at the times as specified in Schedule 2 II.

4. Services Covered by the Scheme

The scheme will apply to registered local bus services. The scheme will not apply to excursions, tours, tourist or express services, unless these are approved by Lancashire County Council, Blackpool Council or Blackburn with Darwen Council, in accordance with Schedule 2 Part III below.

The Travel Concessions (Eligible Services) Order 2002 states that concessions can be claimed if the bus service meets the following criteria:-

- (a) It is registered as a local bus service
- (b) Seats on the vehicle are available to fare paying passengers and the service is regularly used by such passengers.
- (c) The stopping places are situated at locations where they are likely to be used with reasonable frequency by the general public.
- (d) Such passengers are able to make a single journey between any two stopping places upon payment of a fare that is not a deliberate deterrent to using the service.
- (e) Arrangements are made that allow the general public a reasonable opportunity to be informed of the service's existence, its operation times and destinations.

The Travel Concessions (Eligible Services) (Amendment) Order 2009 states that a service is not eligible to claim concessions if:-

- (a) Members of the general public can reserve seats.
- (b) It is intended to operate for less than six consecutive weeks
- (c) It is operated primarily for tourism purposes or due to the vehicle's historical interest

- (d) It is a bus substitution service
- (e) The service's fare is significantly high in relation to the general level of fares for comparable journeys. In such cases, a capped fare may be considered.

5. Times when Concession Applies

The concessions shall apply as defined in Schedule 2 Parts I and II below.

6. Eligibility Qualifications

The persons eligible to receive concessionary travel passes in the Travel Concession Authorities set out at 1 above are set out in Schedule 1 Part I, below.

All those persons who have been issued with, and are in possession of a valid ENCTS smart card or a NoWcard ENCTS at the time of travel are entitled to use the scheme.

7. Commencing Date of the Scheme

The updated scheme will commence on 1 April 2019.

8. Dates of Admission

All services to which the scheme applies will be included from the date on which any participation notice required takes effect. However, any eligible service will, if the operator wishes, be included in the scheme from the first date on which it operates or not later than 28 days from the date of the operator's application to participate in the scheme.

9. Issuing and Accuracy of Tickets

For those operators issuing tickets, all reasonable steps must be taken to ensure that the concessionary ticket is issued correctly and shows the journey destination stage the concessionary pass holder requests and any concessionary fare due. The TCAs may take reasonable steps to check concessionary ticket accuracy and claims made by operators. The scheme shall not be liable for concessionary ticket costs issued dishonestly or negligently by operators or their staff. Payments due to the operator in respect of the scheme shall, unless otherwise agreed by the county council, be reduced by a sum equal to ten times any overcharge identified by the county council.

10. The Calculation of Operator Reimbursement

Reimbursement for the concessions set out in Schedule 2 will be made under the scheme.

It shall be the scheme's objective to reimburse operators so that they are "no better and no worse off" for participating in the scheme.

The calculation of the gross revenue lost will be made using the method laid out below:

- a) Smart enabled Electronic Ticket machines must record the boarding and alighting stage, and the adult fare for the journey recorded in the operator's back office system for use when completing a reimbursement claim form.
- b) Where a) is not applicable, the use of an alternative method of reporting concessionary travel as agreed with the operator and the relevant authority.

Using the information in a) or b) above, the calculation of the revenue foregone for each concessionary pass holder will be made by Lancashire County Council.

Whichever method, a), b), is used to determine gross lost revenue, operators will be required to declare each payment period the total revenue and passengers carried for all passenger classes on its services and the total revenue and passengers carried for adult single, return and multi-ride journeys

11. Calculation of Gross Lost Revenue Discounted For Return Fares

- i. The gross lost revenue will be adjusted for the estimated discount that would have been available to adult fare paying passengers making journeys which would have been eligible for return fares or any day rider type ticket available at the time of travel. The percentage of adults travelling at return fares for each particular adult single fares value will be calculated. The basis of this arrangement is to then assume that the same percentage of concessionary travel pass users would have purchased return tickets.
- ii. For each operator the following will be ascertained:
 - a) The rates of discounts given on return tickets.
 - b) If different arrangements apply at various times, to different services or along sections of a route, the information to be collected on a service by service basis. Where appropriate, alternative arrangements may be agreed with individual operators if this assists with simplifying the calculations.
 - c) Maximum fares applicable to journeys, which are available (including 'day rider' type tickets).
- iii. When calculating the operators' reimbursement the following will be ascertained:-
 - a) The percentage discount offered to adult fare paying passengers if they were to purchase a return or 'day rider' type ticket, instead of two single trips. If an operator changes the discounts offered the percentage to be updated accordingly.
 - b) The number of adult single tickets and revenue, adult returns tickets and revenue and adult 'day rider' tickets and revenue. Using this information, it can be established from the total adult fare paying passengers the percentage that purchased a return or 'day rider' ticket. For the calculation it will be assumed a return ticket is two journeys and a 'day rider' ticket is 2.2 journeys.
 - c) The percentage of the journeys identified in iii) b) above will not be paid as if they were single trips but instead as if the passenger had purchased a return ticket. The value of the return fare will be based on the information detailed in iii) (a) above and discounted from the concessionary fares.
- iv. The shadow fare used for reimbursement will be capped at any maximum return or 'day rider' type fare available for the journey.
- v. The information will at all times be limited to the times at which the concessionary fares are available.

If an operator supplies data which it can prove, to the authorities' satisfaction, provide a more accurate basis of the calculation of revenue foregone then that data may be used. In exceptional circumstance the scheme administrators reserve the right to agree alternative methods of calculating reimbursement.

12. Reimbursement rate

The reimbursement rate for services starting within the TCAs' area of Lancashire County Council, Blackburn with Darwen Council and Blackpool Council will be **55% from 1 April 2019**. This rate includes all elements of reimbursement and additional costs.

Should an operator appeal against this rate in relation to additional costs or otherwise submit a separate claim for additional costs, then the TCAs reserve the right to re-calculate the reimbursement rate for that operator as it has been applied for whatever period the TCAs consider to be reasonable and offset any over-payment arising from the application of reimbursement rate set out herein against the sum due to the operator in relation to its claim for additional costs.

13. Additional Costs

This element needs to reflect additional costs incurred by operators in carrying concessionary passengers in accordance with DfT guidance. No additional costs will be paid for flat fare concessions. Additional costs are incorporated into the overall reimbursement rate at (12) above.

14. Payment Diary

Operators will be paid for each four weekly period.
Operators will be provided each financial year with a payment diary detailing when payments will be made for each payment period. The payment due date may alter during holiday periods.

Payments will be made using data provided by operators on claims forms, which will be provided by the county council. The payment diary will specify the latest date claims should be submitted.

15. Certificate of Accuracy

The scheme operates a certificate of accuracy (within the meaning of Regulation 16). Operators will be required to supply for each financial year a certificate of accuracy in respect of an audited statement of revenue and total passengers carried from each area of the participating authorities in each of the four weekly periods. In the event of any underpayment in the reimbursement for the relevant financial year, a balancing payment will be made within three months of the receipt of the audited revenue statement. In the event of any overpayment a deduction will be made from reimbursement payments in any subsequent period. Failure of an operator to provide a properly authorised certificate of accuracy will result in payments being suspended until the certificate is received.

For smart card transactions, reimbursement will be based on the adult fare for the journey taken by the concessionary pass holder. Operators may be requested from time to time to provide ETM journey data to enable the fares recorded for concessionary pass use to be audited. TCAs are able to compare individual journey data with that provided by the operators ETMs to determine accuracy. Operators are required to provide this data if requested by the TCAs.

16. Passenger Surveys

A participating operator will allow the authorities' accredited representatives holding a valid authority to travel free of charge on the operators' vehicles for the purpose of:

- i) Inspection of tickets for the purpose of counting or estimating the value of travel undertaken by concessionary pass holders.
- ii) Obtaining information on other matters relating to the journeys made by passengers who are not eligible to receive concessions and necessary to the calculations by the authorities of reimbursement payments.
- iii) Operators must allow the TCAs' staff to have reasonable access to their vehicles for the purpose of surveying the number of concessionaires and fares paid in connection with the reimbursement arrangements. In appropriate circumstances, the operator may be required to supply the TCAs with the corresponding information obtained from electronic ticket machine for the surveyed journeys and their equivalent at other comparable times.

17. Changes in Services and Fares

Any operator taking part in the scheme will supply the county council with details of any service changes that are part of the scheme at least 70 days in advance of the date the changes will take effect. Changes to fares should be notified at least seven days before changes take effect and the appropriate faretable(s) provided to the county council.

18. Withdrawal from the Scheme

An operator voluntarily participating in a Transport Act 1985 Scheme (i.e. a concessionary travel scheme that is more generous than that provided by the Transport Act 2000 as amended by the Concessionary Bus Travel Act 2007) must give 42 days' notice of its intention to withdraw. An operator cannot withdraw from the mandatory scheme.

19. Identification of Vehicles and Notices

Any participating operator must carry in or on any vehicle used in connection with this scheme any mark, identification or notice, as may be required from time to time by the authorities, to indicate that eligible passengers using the vehicle are entitled to travel at a concessionary rate or to disseminate information to concessionary pass holders.

20. Hotlisting

Operators will work with scheme administrators to ensure the successful implementation the agreed "Hotlisting" process to be used throughout the NoWcard region for concessionary travel and any future ticketing schemes like NoWstar STR.

21. Electronic Ticket Machines

Operators must use ITSO certified smart electronic ticket machines when claiming concessionary travel reimbursement. ISAMs must be kept up to date with the latest CM and IPEs. Failure to update the latest software will cause an increase in the number of manual transactions, resulting in reimbursement payments being withheld.

22. Future Developments

(a) Electronic Reimbursement

The authority will work with the operators to adopt electronic reimbursement and will be subject to a data accuracy agreement, implementation time scales and operating procedures. Following the introduction, reimbursement will be based on ITSO smart card transactions. Therefore, operators must ensure the introduction of new ISAMS or the movement of ISAMS between depots is communicated to the Authority in a timely manner, prior to the change. Failure to do so will result in no reimbursement made for that transaction. Where ISAMs are owned and managed by the TCA, the TCAs will ensure they are maintained to the latest NoWcard profile.

(b) Stored Travel Rights

The current implementation of STR is in place, NoWstar and TCAs may look to widen the use of STR in cooperation with local bus operators.

(c) Other Smart Card Initiatives

Independent Travel Training

SCHEDULE 1

PART I

ELIGIBILITY CRITERIA FOR THE ISSUE OF CONCESSIONARY TRAVEL PASSES TO OLDER AND DISABLED PERSONS

Issued by TCA of

**Lancashire County Council
Blackburn with Darwen Council
Blackpool Council**

Eligibility Criteria

A person is eligible for concessionary travel by virtue of age if they are a woman of pensionable age or a man born on the same day as a woman of pensionable age. This is assessed if a person is eligible for concessionary travel by reference to their date of birth.

Persons born before 6 April 1950 are eligible for concessionary travel from their 60th birthday. Persons born after 5 April 1950 and before 6 April 1955 will become eligible for concessionary travel between their 60th and 65th birthdays. Their precise age of eligibility will depend on their individual date of birth.

Persons born after 5 April 1955 will not become eligible for concessionary travel until they are 65 or older (in line with future planned changes to the state pension age). A pensionable age calculator can be found at www.gov.uk.

A disabled person is a person whose sole or principal residence is in the administrative area of an issuing authority listed in this schedule and is disabled by means of:

- a) blind or partially sighted
- b) is profoundly or severely deaf
- c) is without speech
- d) has a disability, or has suffered an injury, that has a substantial and long term adverse effect on his/her ability to walk
- e) does not have arms or has long-term loss of the use of both arms
- f) has a learning disability, that is, a state of arrested or incomplete development of mind that includes significant impairment of intelligence and social functioning"
- g) would, if s/he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have her/his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol."

Part 2

1. Policy in relation to applications for - ENCTS passes from eligible prisoners residing in Lancashire, Blackpool, Blackburn with Darwen or Lancashire, Blackpool or Blackburn with Darwen prisoners serving sentences outside the county area.

Following a review of application processes the policy outlined below will be implemented, with immediate effect. This is in relation to applications, from Lancashire, Blackpool or Blackburn with Darwen based prisoners and those prisoners serving sentences outside the county for English National Concessionary Travel Passes (NoWcards). Please note that the policy has been determined following consultation with the National Offender Management Service.

1: Serving prisoners may ordinarily only apply for a pass when they have no more than 6 months of their prison sentence to serve.

2: In making an application to Lancashire County Council, Blackpool Council or Blackburn with Darwen Council serving prisoners must provide evidence of an intention to reside in the county area when released. This could be in the form of proof of a home address in the Lancashire area prior to imprisonment or a proposed address at release date. If a prisoner has no address or cannot provide such evidence the authority may delay considering the application until after release when the prisoner's address is known.

3: The prisoner must consent to Lancashire County Council, Blackpool Council or Blackburn with Darwen seeking confirmation of the information relating to release date and release address from the prison where he/she is imprisoned.

4: Applications should be sanctioned by the appropriate prison governor, in order to validate the details. The application can be downloaded from www.nowcard.org/pdf/nowcardelderlyapp.pdf and should be validated by a relevant stamp or signature.

5: The pass, if issued, will be sent to the prison for safe keeping until release and not to the individual prisoner.

SCHEDULE 2

PART I

CONCESSIONS FOR OLDER PERSONS AND DISABLED PERSONS

Holders of valid English National Concessionary travel passes can travel free of charge on journeys on local bus services, which:

- a) commence at a boarding point within the scheme area, and
- b) do not involve a change of vehicle or re-booking, and
- c) operate between 0930 and 2300 Mondays to Fridays.

There is no time restriction on Saturdays, Sundays or Bank Holidays.

Journeys commencing outside the scheme area are not covered by this agreement and the fare charged and the reimbursement of operators will be in accordance with the concessionary travel scheme for the area in which the journey commences.

PART II

A. Holders of **NoWcard** English National Concessionary passes issued to disabled pass holders by the Travel Concession Authorities Lancashire and Blackburn with Darwen listed at Clause 1 and Schedule 1 above can travel at a £1 flat fare on journeys on local bus services, which:

- a) commence at a boarding point within the scheme area
- b) commence at a boarding point outside the scheme area and terminate within the scheme area
- c) do not involve a change of vehicle or re-booking
- d) commence before 0930 Mondays to Fridays.

B. Holders of **NoWcard** English National Concessionary travel passes issued to disabled pass holders by the Travel Concession Authority of Blackpool Council listed at Clause 1 and Schedule 1 above can travel at a 50p flat fare on journeys on local bus services which:-

- a) commence at a boarding point within the Blackpool area -
- b) do not involve a change of vehicle or re-booking
- c) commence before 0930 Mondays to Fridays

C. Holders of **NoWcard** English National Concessionary travel passes issued to disabled pass holders by the Travel Concession Authority of Blackpool Council listed at Clause 1 and Schedule 1 above can travel at a £1 flat fare on journeys on local bus services which:-

- a) commence at a boarding point outside the Blackpool area, but within the scheme area
- b) commence at a boarding point outside the scheme area and terminate within the scheme area
- c) do not involve a change of vehicle or re-booking
- d) commence before 0930 Mondays to Fridays

D. Concessionary Travel on Blackpool Trams –

Only holders of English National Concessionary travel NoWcard passes issued by Blackpool Council and those Lancashire County Council issued passes held by residents of Wyre Council can travel free of charge between 0930 and 2300 Monday to Friday and all day on Saturdays, Sundays and Bank Holidays. With the exception of Lancashire County Council issued passes

held by Wyre Council residents, which are not valid on trams during the illuminations period after 1800 (6pm) on Friday, Saturday and Sunday evenings and every night during the October half term (29th October to 6th November) period.

Passes are not valid on Illuminations Tours or Heritage Excursions at any time.

PART III

Express or Limited Stop Services

A service shall be treated as 'Express' for the scheme's purpose if it is:

- a) registered as a Limited Stop service with the Traffic Commissioners: or
- b) not available for boarding and alighting at all bus stops along its route: or
- c) running on any section of motorway.

Operators of such services are required to provide Lancashire County Council with details to include timetables and fare tables within seven days of the agreement date or of registration. The county council will then decide within 14 days as to whether, in its view, the service complies with the regulations and is eligible for admission to the scheme.

Part IV

Terms and condition for pass holders

NoWcard - English National Concessionary Bus Pass

- a) NoWcard/your local authority reserves the right to vary the terms and conditions of its scheme and/or withdraw passes from use at its discretion.
- b) Passes remain the property of NoWcard/your local authority in their entirety.
- c) Passes are not transferable.
- d) Passes are valid until the agreed expiry date (printed on the pass) or until a time as agreed by NoWcard/your local authority
- e) Time expired passes will be replaced free of charge subject to eligibility.
- f) NoWcard pass holders must notify NoWcard/your local authority of changes in personal circumstances that affect eligibility.
- g) The pass must be shown to the driver and/or placed on the card reader (in conjunction with clearly stating the destination of the journey) at the start of every journey in order to prove entitlement to fare reductions as laid down by the relevant concessionary travel scheme, otherwise the full commercial bus fare is payable.
- h) If the pass holder moves to reside outside of the NoWcard area, the pass will not be valid and must be returned to NoWcard.
- i) The pass must be shown to any on-bus/off-bus inspector or authorised officer of NoWcard/your local authority upon production of relevant identification.
- j) Mutilated, damaged or defaced passes will not be accepted and will be withdrawn by the driver or authorised officer of NoWcard/your local authority. There is a charge for the replacement of damaged cards.
- k) Replacement of passes that have been reported as undamaged and faulty/not working will be replaced free of charge only if the pass is returned and found to be

undamaged. If the pass is found to be damaged or the pass is not returned a replacement charge will become payable.

- l) Renewal or replacement passes will not be issued if there is an outstanding payment on your record relating to a damaged card.
- m) Any fraudulent use of the pass may result in the pass being confiscated by the bus operator or authorised officer of NoWcard/your local authority.
- n) NoWcard/your local authority reserves the right not to reissue a replacement pass where fraudulent activity has been found to occur.
- o) NoWcard/your local authority reserve the right to consider progressing prosecution and legal action where a pass has been found to be used fraudulently.
- p) NoWcard/your local authority reserves the right to amend and change the general terms and conditions of pass usage and/or its concessionary fares booklet or scheme from time to time.

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Transport – Growth & Development	Date the activity will be implemented	01/04/2019
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Brief description of activity	Blackburn with Darwen Borough Council along with Lancashire County Council and Blackpool Council are the joint Travel Concession Authority (TCA) for the "Lancashire" area. Lancashire County Council administers the joint scheme on behalf of Blackburn with Darwen Borough Council and Blackpool Council. A Concessionary travel re-imburement rate has been negotiated with bus operators and a revised Concessionary Travel Scheme for the period 1 April 2019 to 31 March 2020 has been produced, in accordance with the requirements of legislation.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR = 0	TOTAL	AGAINST = 6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Mike Cliffe, Strategic Transport Manager
E&D Lead Signature	Gwen Kinloch
Date	30 th May 2019



BLACKBURN
with
DARWEN
BOROUGH COUNCIL