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| Item No. 2 | Classification: Open | Date: October 13 th 2008 | Meeting Name: Scrutiny Sub Committee C – Freedom Pass Renewal |
| Report title: | | Freedom Pass Renewal | |
| Ward(s) or groups affected: | | All | |
| From: | | Jennifer Seeley, Assistant Finance Director, Financial Management Services | |

RECOMMENDATION(S)

1. The Scrutiny Committee is recommended to consider and discuss the attached report, and to endorse the recommendations contained in it.

BACKGROUND INFORMATION

2. This matter was discussed at the Scrutiny Sub-Committee on 24th July 2008.
3. The attached report (appendix 1) has been prepared as an independent consideration of the issues, with co-operation from officers in Health and Social Care and in Customer and Corporate Services.
4. It is clear that many people have experienced significant distress during the process of the renewal of Freedom Passes in 2008, and the recommendations made are put forward to improve the council's performance, so that such distress can be avoided in future.
5. The report focuses on the Southwark Disabled Persons' Freedom Passes, rather than the issue of Freedom Passes to those aged 60 and over.
6. The report is structured with the following sections:
 - Freedom Passes
 - Discretionary London Only Freedom Passes
 - Assessment Criteria
 - Systems Issues: Helix and Carefirst
 - Service Transfer
 - Staffing Issues
 - Vangent / One Stop Shops / Communication
 - The Assessment and Renewal Process
 - Appeals
 - Number of People Affected
 - Relationship with London Councils
 - Extension to Existing Freedom Passes
 - Publicity
 - Other Authorities
 - What should be done differently
 - Recommendations

Policy implications

7. The attached report (appendix 1) makes a number of recommendations which have links to the corporate priorities of improving performance management, and customer focus.
8. The implementation of these recommendations should improve the process for the issue and renewal of Freedom Passes in 2010, and any service transfers within the council.

Community Impact Statement

9. Freedom Passes are available to all those who qualify under the entitlement. Entitlement is not dependent on or affected by faith/religion, gender, race and ethnicity and sexual orientation.
10. It is important to note that Freedom Passes are especially relevant to older people and people with disabilities, who are likely to be more affected by the processes used to issue or renew Freedom Passes.
11. The recommendations in the attached report are made in order to improve the service to older people and people with disabilities.

Resource implications

12. The recommendations in the attached report may have resource implications in terms of staff time, or the cost of the service delivered.

Consultation

13. This report has taken account of representations received from members of the public in respect of Freedom Passes. It does not address any individual cases.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director for Legal and Democratic Services

14. Concessionary travel in London is regulated by sections 240 to 244 & Schedule 16 of the Greater London Authority Act 1999. As amended by the Transport Act 2000 and the Concessionary Bus Travel Act 2007.
15. Section 240 of the Greater London Authority Act 1999 as amended by Section 151 of the Transport Act 2000 requires Local Authorities to enter into arrangements to provide concessionary travel to the following categories of people:

“5 (a) persons appearing to the authority to have their sole or principal residence in the authority's area and to be persons-

- (i) who have attained the age of 60;*
- (ii) who are blind;*
- (iii) who are partially sighted;*
- (iv) who are profoundly or severely deaf;*

- (v) *who are without speech;*
- (vi) *who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;*
- (vii) *who do not have arms or have long-term loss of the use of both arms;*
- (viii) *who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning; or*
- (ix) *who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol; or*

(b) persons to whom a current statutory travel concession permit has been issued under section 145A(4) of the transport Act 2000.”

16. Department for Transport guidance refers to the above as “the mandatory free travel concession”.
17. The Concessionary Bus Travel Act 2007 introduced free off peak bus travel anywhere in England for eligible older and disabled people, as set out in paragraph 12 of the attached report (appendix 1) and extended the above concession.
18. Section 240 the Greater London Authority Act 1999 gives local authorities the discretionary power to have a scheme in place, which goes beyond the statutory minimum. Local enhancements can be offered to residents in the area covered by the scheme.
19. Section 2.3.5 of the Department for Transport’s reimbursement guidance states as follows:

“Authorities can only give a national pass to the people who meet the criteria set out in the legislation. They can offer local benefits to people who do not qualify for a national pass but these local benefits should be offered through a scheme that uses a different design and is clearly different from the national bus concession pass.”
20. Section 241 of the Greater London Authority Act 1999 gives Transport for London the power to implement a reserve free travel scheme if voluntary arrangements are not in place that meet minimum requirements. Southwark has arrangements in place, which meet the requirements.

Finance Director

21. The cost of each pass is borne by the council under an apportionment scheme managed by London Councils. There is no distinction in the calculation of the payment to London Councils between national and discretionary passes. It is calculated using total Adult Elderly, Adult Disabled and Child Disabled pass numbers.
22. The original cost for 2008/09 was £6.243 million, based on the original methodology for apportionment based on the number of passes issued. However the revised methodology is based on usage and the 2008/09 equivalent revised payment based on usage is £7.666 million. The phasing of this increase will be over 3 years (40% 2009/10, 70% 2010/11 & 100% 2011/12).

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Report on the Issue and Renewal of Southwark Disabled Persons' Freedom Passes 2008 |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Jennifer Seeley, Assistant Finance Director | |
| Report Author | Jennifer Seeley, Assistant Finance Director | |
| Version | 04 | |
| Dated | 07/10/2008 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director for Legal and Democratic Services | Yes | Yes |
| Finance Director | Yes | Yes |
| Executive Member | No | N/A |
| Date final report sent to Constitutional/Community Council/Scrutiny Team | October 7 2008 | |