

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2642

### Proposed temporary changes to free travel arrangements for older Londoners

#### Executive Summary:

The Mayor has agreed a funding settlement with Government to address the financial stresses created for Transport for London (TfL) by the Coronavirus pandemic and the consequent loss of most fare income. At the Government's request, this settlement includes TfL bringing forward proposals to temporarily restrict existing arrangements which provide free travel at peak hours for Freedom Pass and the 60+ Pass holders. This Decision form seeks the Mayor's approval to changes to the free travel arrangements proposed by TfL as part of its response to the Coronavirus pandemic in providing critical transport provision.

The changes proposed will withdraw free travel for Londoners over 60 on TfL's bus, tram and rail (including London Underground, DLR, TfL Rail and London Overground) services in the morning peak when social distancing concerns are most acute.

It is proposed that from Monday 15 June 2020, the Older Persons' Freedom Pass and the 60+ Pass will cease to be valid for boarding a bus or Tram and for entry to the TfL rail network between the hours of 04:30 and 09:00 on weekdays, excluding Bank Holidays. Free travel at these times is provided by and wholly funded by TfL. Pass holders wishing to travel at these times will need to use a contactless card, Oyster pay as you go card or purchase a paper ticket.

There will be no changes affecting holders of the Disabled Persons' Freedom Pass on either TfL or National Rail services. On most National Rail services, Freedom Pass and 60+ Pass holders are only permitted to travel after 09:30 on weekdays and therefore no change is required.

#### Decision:

The Mayor:

- (i) approves the proposed revisions to Older Persons' Freedom Pass and 60+ free travel to be implemented as set out below; and
- (ii) directs TfL to implement the above changes on 15 June 2020 by signing the attached Direction issued pursuant to the power in section 155 (1)(c) of the Greater London Authority Act 1999.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date: 03 June 2020

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 The Mayor has agreed a funding settlement with the Government to address the financial stresses created for TfL by the Coronavirus pandemic and the consequent loss of most fare income. At the Government's request, this settlement includes TfL bringing forward proposals to temporarily restrict existing arrangements providing free travel at peak times for Older Persons' Freedom Pass and the 60+ Pass holders.
- 1.2 This Decision form seeks the Mayor's approval of specific changes that are now proposed by TfL as part of its response to the Coronavirus pandemic. It seeks to optimise the use of available safe transport capacity during the Coronavirus pandemic, having taken into account TfL's statutory duties and obligations (particularly in regard to safety).
- 1.3 This is a temporary restriction and the duration of the changes will be kept under review. The suspension is subject to discussion at the London COVID Transport Taskforce, established by Government as part of TfL's funding agreement.

#### Overview of the proposed changes to TfL's concessions for older people

- 1.4 From Monday 15 June 2020, it is proposed that the Older Persons' Freedom Pass and the 60+ Pass will cease to be valid for boarding a bus or Tram and for entry to the TfL rail network between the hours of 04:30 and 09:00 on weekdays, excluding Bank Holidays. These Passes are currently valid at all times.
- 1.5 This change will also apply to holders of the ENCTS (English National Concessionary Travel Scheme) Pass.
- 1.6 The 60+ free travel Pass was introduced in November 2012. The extension of the Older Persons' Freedom Pass to include free travel during the AM peak took place in January 2009. Both changes were introduced as discretionary travel concessions. No compensation is paid by any other body to reimburse TfL in respect of these concessions.
- 1.7 The Older Persons' Freedom Pass scheme is operated by the London Boroughs collectively (London Councils) under an agreement with TfL pursuant to which they pay TfL compensation for Freedom Pass travel at weekends and after 09:00 hours on weekdays. The Boroughs' Concessionary scheme and Agreement and the compensation amount paid to TfL exclude the morning peak before 09:00 hours. Freedom Pass free travel before 09:00 hours on weekdays is funded by TfL. The changes proposed are consistent with and require no change to TfL's Freedom Pass Agreement with the London Boroughs.

#### *Implementation of the proposed changes*

- 1.8 The Government funding settlement includes TfL bringing forward proposals to restrict use of the Older Persons' Freedom Pass and 60+ Pass during peak hours to be brought forward by TfL as soon as practicable.
- 1.9 It is proposed to introduce restrictions to morning peak free travel from Monday 15 June 2020. This is the earliest date possible due to the technical, ticketing work required and is subject to confirmation that London Councils can support this date with communications to Freedom Pass holders. TfL advises that this date is also the earliest that provides reasonable notice to those affected.

*Reasons for the changes, issues, concerns and mitigations*

- 1.10 The coronavirus pandemic has given rise to an unprecedented health and public safety emergency. The need to maintain social distancing is identified in government advice as a key measure that should be followed to help tackle and mitigate the spread of the virus. The government has advised that those who can return to work should do so but should avoid public transport where possible. It has urged people who can work from home to continue to do so.
- 1.11 In light of both the terms of the financial settlement with government and the wider need to support social distancing, TfL has considered what, if any, changes can (in accordance with statutory obligations) be made to the existing concessions for the Older Persons' Freedom Pass and the 60+ Pass holders to optimise the safe use of available transport capacity. The temporary proposals in this Decision are considered to contribute to the objectives of enabling social distancing.
- 1.12 Since movement restrictions were introduced, Older Person's Freedom Pass and 60+ use has constituted a significant proportion of demand in the morning peak. Taking the period from 08:00 to 09:00, which is the busiest hour:
- in April, on the Tube, there were typically 15,000 journeys between 08:00 and 09:00; of these 1,000 or 6 per cent, comprised Freedom Pass and 60+ Pass holders; and
  - on the buses, there were typically 56,000 journeys between 08:00 and 09:00; of these 9,000 or 15 per cent, comprised Freedom Pass and 60+ Pass holders.
- 1.13 Older People undertaking essential journeys on public transport in the morning peak will be able to:
- continue using public transport but paying to do so;
  - use alternative means of transport, such as walking or cycling where they are able to do so; and
  - retime their journey to travel free of charge when public transport is less busy, for example at weekends or later in the day on weekdays.
- 1.14 Even after restricting the time at which free travel is provided to after 09:00 hours on weekdays, excluding Bank Holidays, the London older people's concessions will remain more generous than the statutory concession scheme and more generous than in the rest of the UK.
- 1.15 The changes proposed will not prevent older people travelling before 09:00 hours, rather they introduce a charge to do so. TfL is ensuring that there are sufficient Oyster cards available should any customers currently using a 60+ or Older Person's Freedom Pass need to get one for travel before 09:00 hours. The use of contactless payment will be encouraged as the safest and easiest way to pay, but the purchase of a paper ticket will also continue to be available as an option.
- 1.16 It is recognised that some specific journeys may present a particular challenge. Older People travelling in the morning peak to access special shopping hours at supermarkets, which have been introduced in response to Coronavirus and are often early in the day will need to choose between:
- continuing to use public transport before 09:00 but paying to do so;
  - using alternative means of transport or shopping on-line; and
  - travelling free of charge when public transport is less busy, at weekends or later in the day on weekdays to shop outside of the special shopping hours.
- 1.17 Those needing to access appointments will be encouraged to make appointments for times when travel is less crowded. Many of these appointments (e.g. doctors, opticians and dentists) are currently very restricted and by exception only.

- 1.18 Taking all of the above into account (and section 3 on Equalities below), it is considered that in the circumstances of the Coronavirus pandemic, the temporary measures proposed for approval in this Decision are prudent and proportionate changes. TfL's view is that the temporary measures proposed will help reduce demand at the busiest times and will encourage concession holders to retime journeys to later in the day. This will improve the capacity available on the transport system for those who have no choice but to make essential journeys at peak times and are considered to be consistent with government guidelines to restrict the use of public transport in order to control the spread of the virus.
- 1.19 The measures proposed will improve public safety by reducing discretionary travel in the morning peak and creating more opportunity for social distancing for key workers. Discouraging those who are older, who are considered to be at high risk from the virus, from travelling at busy times, will also help reduce their risk to exposure to the virus.

*Communicating the proposed changes*

- 1.20 It is not considered necessary or appropriate to undertake an external prior consultation exercise on the proposed changes. There is no statutory obligation to consult on fares, and consultation is not possible in the circumstances, and given the urgent need for changes (which are temporary) to support the critical, safe, operation of the transport network.
- 1.21 A comprehensive messaging campaign relating to the proposed changes has been developed by TfL. Key messages of the TfL campaign will be:
- (a) General
- Please work from home if you can or make your journey by foot or by bicycle.
  - If you must travel, please avoid peak times.
  - We are working with Government to ensure that only those making essential journeys use the transport network during the restart phase.
  - Encouraging people to travel outside peak hours and proposing changes to some of our free travel arrangements.
- (b) Specific
- To reduce crowding on the network and enable social distancing, we are proposing to change the hours at which older people can travel free.
  - Under the proposals, from Monday 15 June, Freedom Pass and 60+ Pass holders will no longer be able to travel for free before 09:00, Monday to Friday.
  - If travel before 09:00 is essential, Pass holders will need to use a contactless card instead of their Pass or get an Oyster card from a TfL station ticket machine or an Oyster Ticket Stop. Paper tickets can also be purchased.
  - Journeys made between the hours of 04:30 and 09:00 will be charged at full fares.
  - There are no plans to make changes to the Freedom Pass for disabled people.
  - The funding package agreed with Government will help TfL get London moving and working again, safely and sustainably.
- 1.22 There will be a social media campaign to raise awareness of the proposals; and a press and media campaign, including adverts on local radio and the Metro free newspaper.
- 1.23 In addition, London Councils will contact Freedom Pass holders (where an email address is available)

to inform them of the changes while TfL will email 60+ holders.

- 1.24 A programme of engagement has been developed with the London Boroughs; with stakeholders such as Age UK and Guide Dogs for the blind; and older peoples' charities.
- 1.25 Finally, there will a major programme of communication with TfL staff, including briefings for all frontline staff and Customer Services teams. On buses, rigorous enforcement of the new rules will not be possible while middle door boarding is in place. Bus staff will be expected to use their discretion to ensure that no older people, including holders of the ENCTS concession from outside London, who may be genuinely unaware of the new morning peak restrictions, are left behind at stops.

## **2. Objectives and expected outcomes**

- 2.1 The Mayor is under a statutory duty to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. The proposals to restrict temporarily the ability of older people to travel free of charge during morning peak hours, as described above, are consistent with the need to maintain social distancing and to minimise the risk to public safety.
- 2.2 The changes have been proposed in response to the recent funding agreement between the Mayor and the Department for Transport and to support TfL in providing critical transport during the coronavirus pandemic.
- 2.3 The travel restrictions are therefore consistent with the continued delivery of TfL's core transport investment programme and the maintenance of TfL's bus and rail services while passenger fares income is depressed. The changes proposed will ensure the continued delivery of the transport objectives of the London Plan and the Mayor's Transport Strategy.

## **3. Equality comments**

- 3.1 Under section 149 of the Equality Act 2010, as public authorities, the Mayor and TfL are subject to a public sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Relevant protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 3.2 The duty above applies to the Mayor's duty to direct TfL as to the general level and structure of fares under the Greater London Authority Act 1999 ("GLA Act 1999"). The Mayor is not required to conduct a consultation in relation to fares prior to making a direction (see also paragraph 1.20 above).
- 3.3 Paragraphs 1.10 to 1.19 above set out the key issues and concerns that the proposed temporary restrictions to free travel will raise for older Londoners and the mitigations that will be available. This proposal was a condition of the agreement with Government as part of the "restart" phase in response to the Coronavirus pandemic which seeks to manage demand and ensure funding to support the significant loss of fares revenue due to the Coronavirus pandemic.
- 3.4 The restrictions will impact on most TfL customers aged over 60 and it is recognised that they will have a significant impact on persons in that age group. However, the London concessions will

continue to be more generous than the statutory provisions for Older Persons travel. There is no statutory provision for those over 60 and under state pension age. Those older customers who wish to travel before 09:00 on weekdays will either need to pay for their journeys or will need to change the time at which they travel. Whilst TfL will encourage the use of contactless payments, if older customers wish to use an Oyster card, they will need to use a standard blue Oyster card for travel before 09:00. It is not possible to load a pay as you go balance or a season ticket onto a Freedom Pass.

- 3.5 The benefit of the restrictions will be to make it easier for those who truly require to travel at the busiest times to do so whilst maintaining social distancing. This is consistent with TfL's key messages to those considering using public transport:
- Please work from home if you can or make your journey by foot by or cycle.
  - If you must travel, please avoid peak times.
  - We are working with Government to ensure that only those making essential journeys use the transport network during the restart phase.
  - Encouraging people to travel outside peak hours and proposing changes to some of our free travel arrangements.
- 3.6 If social distancing is to be maintained, TfL's services will only be able to carry around 15 per cent of normal peak time passenger numbers. It is critical that preventative measures are taken to minimise the risk of customers being unable to maintain safe social distancing during the morning peak. The temporary restrictions proposed in this Decision form aim to reduce non-essential travel in the morning peak, encourage the retiming of travel to later in the day and give a clear message to customers to avoid using public transport unless essential. This will help enable social distancing for those who have no choice but to travel in the peak and also offer a benefit to older people by encouraging them to travel at less busy times when it may also be easier for them to maintain social distancing.
- 3.7 In order to address the issues and concerns raised by the temporary restrictions for people with protected characteristics, an Equalities Impact Assessment of the restrictions has been undertaken by TfL. TfL will also carry out an ongoing review of the impacts on different groups. This ongoing review will be undertaken by the TfL Social Impact working group.
- 3.8 In addition to older Londoners as a whole, TfL has identified four other groups with protected characteristics (highlighted below) for whom the cost of fares is a key barrier to public transport use and who will be affected by the proposed temporary restrictions to free travel.
- 3.9 Older Londoners living in **low income households**. The proportion of 60 to 64 year olds in low income households is equal to their representation in the London population as a whole but over half of over 65s live in low income households. Only 12 per cent of the over 65s are in work, compared with around 50 per cent of the 60 to 64 year old group. The removal of free travel will create a barrier to travel before 09:00 on weekdays for older Londoners from low income households, but will make it easier for many other Londoners, including those in low income households, to travel to work safely. Older Londoners are also among those most vulnerable to infection and travelling outside peak times should help reduce their risk of exposure to the virus from others travelling who may be asymptomatic.
- 3.10 Londoners on low incomes tend to be women and older, BAME and disabled people, and those not in work. Low income largely reflects working status, though the underlying causes may be tied to education, qualifications, health and, in some cases, transport. The introduction of temporary bus

and Tube fares pre 09:00 hours for older Londoners will increase the barrier to travel at these times for older Londoners on low incomes. However, Londoners over 60 and on low income are amongst those most vulnerable to infection. Many of those on low incomes in what are classed as key worker roles in the current pandemic and who are under 60 may have little flexibility in their working hours. Taking steps to minimise non-essential travel in the morning peak will make it easier for this group to access public transport safely for essential journeys.

- 3.11 **BAME Londoners** are also likely to live in low income households and are likely to cite affordability as a barrier to transport. Older Persons' Freedom Passes are held by 19 per cent of White Londoners and 10 per cent of BAME Londoners. This reflects the younger demographic profile of the BAME community. Younger BAME Londoners will not be directly affected by the fare proposals but will benefit from better social distancing during the morning peak. As many BAME people who are under 60 are in low income employment, they are more likely to be in roles where they are unable to change their working hours to travel at less busy times. Taking steps to minimise non-essential travel by others will make it easier for this younger group to access peak hours public transport safely. The introduction of temporary bus and Tube fares pre 09:00 hours for BAME Londoners over 60 will increase the barrier to travel at these times for these older people. However, this group is amongst the most vulnerable to infection and travelling outside peak times should help reduce older BAME people's risk of exposure to the virus.
- 3.12 **Women** tend to be the primary carer at home so are less likely to be in full-time employment. Some women will also have caring responsibilities outside the home. Women frequently cite affordability as a barrier to transport. The introduction of temporary bus and Tube fares pre 09:00 hours for women over 60 will increase the barrier to travel at these times. However, the over 60s are amongst those most vulnerable to the virus and travelling outside of peak times should help to reduce their risk of exposure to the virus.
- 3.13 **Disabled Londoners** are likely to live in low income households. Around a third of the over 65s are disabled, with the proportion rising with age. The Disabled Freedom Pass will be unaffected by the changes, enabling key workers with disabilities below the state retirement age who have to travel in the peak to continue to travel to work. It is estimated by London Councils that some 23,000 people who are over 66 but would qualify for a Disabled Person's Freedom Pass have been issued with Older Person's Freedom Passes – hitherto these have provided the same benefits. These people will need to apply to their local Borough for a Disabled Person's Freedom Pass to travel free before 09:00 on weekdays. TfL's Communication Plan, which has been reviewed with London Councils, will emphasise that those over 66 who are eligible for a Disabled Person's Pass could apply for one, if they need to travel before 09:00 and need access to a concessionary pass to be able to do so. London Councils also plan to contact those eligible directly.
- 3.14 The Mayor is required to have due regard to the equalities impacts discussed above, and any mitigations in place, at the time a decision to direct is made in relation to the fare proposals in this Decision form. The proposals will help manage demand in the morning peak period through discouraging non-essential travel. This will benefit the broader population, particularly those key workers who are reliant on public transport and many of who are low paid and from the BAME community. Specific mitigating considerations include the following:
- the changes will not prevent older people travelling to work before 09:00 hours. Those undertaking essential journeys at this time may be waged, particularly those holding 60+ Passes, and so it is not considered unreasonable for them to pay for travel;
  - the use of contactless payment cards will be promoted and will provide a safe and easy way to pay. For those opting for Oyster, a good supply of cards will be ensured;
  - older People travelling in the morning peak to access special shopping hours at supermarkets will be able to choose between:

- a. continuing to use public transport but paying to do so;
  - b. using alternative means of transport or shopping on-line;
  - c. travelling free of charge when public transport is less busy, at weekends or later in the day on weekdays to shop outside of the special shopping hours;
- those needing to access appointments will be encouraged to make appointments for times when travel is less crowded. Many of these appointments (e.g. doctors, opticians and dentists) are currently very restricted and by exception only;
  - the changes will improve public safety by reducing discretionary travel in the morning peak and creating more opportunity for social distancing for key workers; and
  - discouraging those who are older from travelling at busy times, will help reduce their risk to exposure to the virus.
- 3.15 TfL's Equalities Impact Assessment (the full version of which is appended to this MD), has helped inform the mitigating factors set out above, and TfL considers that taking into account the negative impacts of the proposals, they are justified and proportionate in the circumstances. It considers that although those directly affected will have to pay for travel in the morning peak period (with associated consequences as identified above), the broader benefits of helping to manage demand in the morning peak period through discouraging non-essential travel and ensuring on-going funding of TfL to provide its core services will be of greater benefit to the broader population, particularly those key workers who are reliant on public transport. The health benefits to older Londoners arising from avoiding travel at peak time are a further consideration.
- 3.16 Taking all the above into account, it is considered that in the circumstances of the Coronavirus pandemic, the changes are prudent and proportionate and will help maximise the availability of the transport system for those needing to use it for essential travel to work. The progression of this proposal is also a condition of TfL's agreement with Government, with the agreed intention both to reduce demand in the peak and ensure social distancing.

#### **4. Other considerations**

##### *Key risks and issues*

- 4.1 GLA officers consider that all implementation risks have been addressed above.

##### *Links to Mayoral strategies and priorities*

- 4.2 The Mayor's Transport Strategy highlights the importance of improving transport opportunity for all Londoners and, in doing so, ensuring that transport costs are affordable. The proposed temporary restriction of older Londoners' free travel before 09:00 hours on weekdays, excluding Bank Holidays, will increase the barrier to travel at these times. However, the over 60s are amongst those most vulnerable to infection and travelling at quieter times may be beneficial. The proposals will also improve the safety of Londoners needing to travel at peak times by enabling better social distancing.
- 4.3 The funding deal agreed with the government of which the temporary fare proposals form part will enable TfL to continue to run and invest in London's transport services in line with the Mayor's strategy to the benefit of all.

##### *Consultation and assessment of the impacts of the proposals, including data protection*

- 4.4 The Mayor is not required to conduct a consultation in relation to fares prior to making a direction (see also paragraph 1.20 above). However, in view of the nature of the changes proposed there has



been extensive discussions with key stakeholders including London Councils and London Travelwatch. The proposals have been subject to an Equalities Impact Assessment carried out jointly by TfL's fares team and TfL's social inclusion unit.

- 4.5 All communications with individual older people affected by the changes will be carried out using TfL and London Council systems and processes that are in full compliance with personal data (GDPR) regulations.

## 5. Financial comments

- 5.1 There are no direct financial implications for the GLA from these proposals and TfL will manage the income impact on fares. TfL previously funded the costs of weekday morning peak travel for the Older Person's Freedom Pass. The 32 London boroughs and the Corporation of London through London Councils fund the statutory concession at other time.

## 6. Legal comments

- 6.1 The Mayor may issue general directions, under section 155(1)(b) of the GLA Act, as to the manner in which TfL is to exercise its functions, as well as, under section 155(1)(c), specific directions as to the exercise of TfL's functions. Under section 174(1) of the GLA Act, the Mayor is under a duty to exercise his powers under section 155(1) so as to ensure that the general level and structure of fares for public passenger transport services (provided by TfL or other persons who provide services under agreement with TfL) are determined. This decision is consistent with those statutory obligations.
- 6.2 Under section 149 of the Equality Act 2010, due regard must be had, when the Mayor exercises a function such as the making of this decision, to the equalities obligations referred to in the "Equality comments" above. Consideration is given above to the likely effects of the fare proposals on key protected groups.

## 7. Planned delivery approach and next steps

Activity	Timeline
Mayoral Decision and Direction to TfL	May 2020
Announcement	May 2020
Planned Start Date	15 June 2020

### Appendices and supporting papers:

Appendix 1: Direction to TfL

Appendix 2: Equality Impact Assessment

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred? NO**

If YES, for what reason:

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Claire Hamilton has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Philip Graham have reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Heidi Alexander has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 1 June 2020.

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**



**Date**

1 June 2020

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature**



**Date**

1 June 2020