

**CUMBRIA CONCESSIONARY TRAVEL SCHEME 2023/24**

**Introduction**

1. The Cumbria Concessionary Travel Scheme ("the Scheme") is made in accordance with and subject to the Transport Acts 1985 and 2000 as amended by the Concessionary Bus Travel Act 2007("the Acts"), and all such Regulations made thereunder.
2. The Scheme is made by \*Cumbria County Council <sup>1</sup>to provide concessionary travel to older and disabled persons as defined in Section 146 of the Transport Act 2000, the Travel Concessions (Eligibility) Act 2002 and the Concessionary Bus Travel Act 2007 (Commencement and Transitional Provisions) Order 2007.
3. The administration of the Scheme is the responsibility of \*Cumbria County Council. This includes reimbursements to the operators, the undertaking of surveys and the making and receiving of notices. \*Cumbria County Council may sub-contract any or all of these activities to other bodies.
4. This document covers the reimbursement arrangements for concessionary travel under the Transport Act 1985 as well as the statutory scheme introduced under the Transport Act 2000, as amended by the Concessionary Bus Travel Act 2007.
5. The Scheme will apply from 01 April 2023.

**Type of Concession**

6. Persons eligible to receive the travel concessions under this Scheme will be entitled to receive concessions as set out in Schedule 2 and will be issued with a NoWcard English National Concessionary bus pass (a NoWcard) by \*Cumbria County Council if they have sole or principal residency in its area.
7. Other eligible persons who do not have a NoWcard issued by \*Cumbria County Council in this Scheme (i.e. holder of an English National Concessionary bus pass issued by another authority or a London Councils' Freedom pass with English National Concessionary details) will also be eligible for those concessions as set out in Schedule 2.
8. Concessions will only be available on production by the concessionaire of a valid bus pass. The use of any such pass will be subject to the conditions which are referred to on the pass, and individual operators' Conditions of Carriage.
9. The initial NoWcard will be issued free of charge. \*Cumbria County Council will make a charge of £10.00 to issue a replacement pass to reflect the cost of its production and administration.

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<sup>1</sup> Cumbria is currently undergoing a Local Government Reorganisation and on 01 April 2023 the County Council and six district councils will be abolished and replaced by Cumberland Council and, Westmorland and Furness Council. From 01 April 2023, this Scheme will in accordance with Regulation 14 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2007 be treated as if it had been prepared and published independently by both Cumberland Council and, Westmorland and Furness Council for the whole part of its area and will continue to be treated as such until the new council publishes its own concessionary travel scheme for 2024/25.

### **Area of the Scheme**

10. The Scheme will apply to all eligible journeys starting within the administrative area of \*Cumbria County Council. The Scheme will also apply to journeys to and from the following in Scotland; Gretna on routes 79, 179 and 382, Canonbie on route X95 and Under Burnmouth (for Kershopfeoot) on route 127A.<sup>2</sup>

### **Services Covered by the Scheme**

11. The Scheme will solely apply to Local Bus Services as defined by the Acts within the above area. The Scheme will exclude services not generally available to the general public, those ineligible for Bus Service Operator Grant, excursions, tours or express services, unless the express service is approved as eligible \*Cumbria County Council in accordance with Schedule 2 Part II.
12. The Travel Concessions (Eligible Services) (Amendment) Order 2009 describe services that are deemed to be ineligible for reimbursement and they are listed in Schedule 2 Part III. For the purposes of the Scheme routes that \*Cumbria County Council approve as routes being relevant to clause (c) – will be eligible for reimbursement.

### **Times When Concession Applies**

13. The concessions shall apply at the times specified in Schedule 1 Part II and Schedule 2 Part I.

### **Eligibility Qualifications**

14. All those persons who have been issued with and are in possession of a valid NoWcard, English National Concessionary bus pass or London Councils' Freedom pass at the time of travel will be eligible under the Scheme.
15. The eligibility of persons to a NoWcard who are normally resident in the \*Cumbria County Council's area is stipulated at 2 above and are set out in detail in Schedule 1.

### **Commencement Date of the Scheme**

16. The Scheme will commence on 01 April 2023.

### **Dates of Admission**

17. All services to which the Scheme applies will be included from the first date on which the service operates.

### **Calculation of the Reimbursement of Operators**

18. The objective will be to reimburse operators so that they are 'no better and no worse off' for participating in the Scheme.
19. The Scheme will use ITSO smart transactions for the calculation of reimbursement of operators. Where the percentage of ITSO smart transactions is lower than 98% on any route, \*Cumbria County Council reserves the right not to reimburse those manual transactions.

20. Reimbursement will be based on data specifying the following by route number:
- the number of concessionary passengers, pass type (concession, disabled, disabled + companion, 247 and 247 + companion)
  - issuing authority
  - ITSO smart or manual
  - total full fare equivalents
  - boarding and alighting stages should also be recorded.
21. Where electronic equipment is inoperative, back up data must be provided to include the number of passengers, ticket type and fares paid, together with concessionary passenger numbers and the full fare equivalents. Where surveys are required to validate the data because an operator has declined to participate in ITSO Smart transactions the full costs of the surveys will be deducted from the reimbursement due.
22. Whichever method is used to determine gross revenue foregone, operators will be required to declare for each payment period the total revenue and passengers carried for all passenger classes on each of its services.

#### **Calculation of Revenue Foregone**

23. To allow for the effects of generated travel resulting from participation in the scheme, the identified gross revenue foregone will be reimbursed at the basic rate of 58%.
24. Operators have a statutory right of appeal against the Scheme or the terms of reimbursement. Any matter of dispute should be raised in the first instance with \*Cumbria County Council.
25. The net revenue foregone will be determined every month from the relevant adult single fare for the journey, adjusted for the estimated discount that would have been available to passengers making the journey. This is termed the product discount and is applicable to return tickets and day rider type tickets.
26. For each operator the following will be ascertained:
- The number of single, return and day rider type tickets sold during the times when the ENCTS applies.
  - The rates of discounts given on return and day rider type tickets
27. Based on the information in clauses 25 and 26, the total full fare equivalent will be adjusted. This is based on the assumption that the same percentage of concessionary travel pass holders would purchase discounted tickets (day and return) as fee paying passengers in the absence of the scheme.
28. The shadow fare used for reimbursement will be capped at any maximum return or day type fare available for the journey.
29. Any incorrect tickets issued to fare paying passengers which are brought to the attention of \*Cumbria County Council and which have an impact upon the reimbursement payment, will be taken into consideration and the reimbursement adjusted accordingly. Operators must take all reasonable steps to ensure that the concessionary ticket issued correctly shows the boarding stage and destination stage for the journey requested by the concessionary pass holder.

30. \*Cumbria County Council may take reasonable steps to check the accuracy of concessionary tickets issued and claims made by operators.
31. The Scheme shall not be liable for the cost of any concessionary tickets issued dishonestly or negligently by operators or their staff. Payments due to the operator in respect of the scheme shall, unless otherwise agreed by \*Cumbria County Council be reduced by a sum equal to ten times any overcharge identified by \*Cumbria County Council. **Payment to Operators**
32. Operators will be reimbursed on the basis of an invoice with supporting information detailed in clauses 18 to 31. Operators shall supply data to \*Cumbria County Council as soon as possible after each month and at the latest within ten working days. All operators' invoices must be submitted monthly within fifteen working days of the month end. \*Cumbria County Council reserves the right not to reimburse operators if invoices are submitted outside of this timescale.
33. \*Cumbria County Council reserves the right to not pay an operator where the data provided does not comply with clauses 18 to 31 of this scheme.

#### **Certificate of Accuracy**

34. Operators without the use of \*Cumbria County Council supplied electronic ticket machines (ETM) will be required to supply for each financial year the Scheme operates a Certificate of Accuracy (within the meaning of Regulation 16 of the Regulations) in respects of an audited statement of revenue and total passengers carried in each month.
35. The Certificate of Accuracy must be received before 30 June 2022. Failure of an operator to provide a properly authorised Certificate of Accuracy before this deadline could result in payments being suspended until the Certificate is received.
36. \*Cumbria County Council will not be liable for any costs associated with the production of a Certificate of Accuracy.

#### **Passenger Surveys**

37. An operator taking part in the Scheme will allow accredited representatives of \*Cumbria County Council holding a valid form of identity to travel free of charge on the vehicles of the operator for the purpose of:
  - a. Inspection of tickets for the purpose of counting or estimating the value of travel undertaken by concessionary pass holders.
  - b. Obtaining information on other matters relating to the journeys made by passengers who are not eligible to receive concessions and necessary to the calculations of reimbursement payments.
  - c. Other surveys relating to the collecting of data for National Indicators and the Cumbria Agreement.

#### **Changes in Services and Fares**

38. Any operator taking part in the Scheme will supply \*Cumbria County Council with details of any changes to services which are part of the Scheme at least fifty six 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 fare table(s) must be provided to \*Cumbria County Council.

### **Withdrawal from the Scheme**

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

### **Identification of Vehicles and Notices**

40. Any operator taking part in the Scheme 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 \*Cumbria County Council, to indicate that eligible passengers using the vehicle are entitled to travel at a concessionary rate or to disseminate information to concessionary pass holders.

### **Hotlisting**

41. Operators will work with scheme administrators during 2023/24 to ensure the agreed 'Hotlisting' process is adhered to, and assist in the implementation of any future ticketing schemes, for example, Nowstar STR.

### **Electronic Reimbursement**

42. It is proposed to move to electronic reimbursement during the period of this scheme. The authorities will work with the Operators to move towards electronic reimbursement and will be subject to an agreement on data accuracy, time scales for implementation 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 authorities in a timely manner, prior to the change. Failure to do so will result in no reimbursement made for that transaction.

### **Fraud**

43. Bus Operators and their staff are to cooperate with and advise \*Cumbria County Council where they suspect that fraudulent activity may be taking place, or, engage with any activity \*Cumbria County Council determines appropriate to tackle fraud. Any suspicions are to be reported to the ENCTS Officer as soon as possible.

## **SCHEDULE 1**

### **PART I**

#### **ELIGIBILITY CRITERIA FOR THE ISSUE OF CONCESSIONARY TRAVEL PASSES TO ELDERLY AND DISABLED PERSONS**

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 and who resides in \*Cumbria County Council's area.

A person who resides in \*Cumbria County Council's area and:

- a) is blind or partially sighted
- b) is profoundly or severely deaf
- c) is without speech
- d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his 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 which includes significant impairment of intelligence and social functioning. These disabilities must have started before adulthood and have a lasting effect on development.
- g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988 have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the grounds of persistent misuse of drugs or alcohol

### **PART II**

#### **TRAVEL CONCESSIONS FOR COMPANIONS OF DISABLED PERSONS**

Persons eligible for a NoWcard disabled concessionary bus pass issued by \*Cumbria County Council may apply for a Companion Pass which entitles the companion to concessionary travel as set out at Schedule 2 Part I.

#### **24/7 SCHEME**

Persons eligible for a NoWcard disabled concessionary bus pass issued by \*Cumbria County Council may apply for 24/7 Pass which entitles the companion to concessionary travel as set out at Schedule 2 Part I including travel before 09.30 Monday to Friday to access employment, training or day care services. 24/7 disabled concessions will be reimbursed at 58%.

## **SCHEDULE 2**

### **PART I**

#### **CONCESSIONS FOR ELDERLY PERSONS AND DISABLED PERSONS**

Holders of valid English National Concessionary bus passes, including holders of NoWcard English National Concessionary bus passes issued by \*Cumbria County Council can travel free of charge on journeys on local bus services:

- a) which commence at a boarding point within the Scheme area
- b) which operate between 09:30 and 23:00 Mondays to Fridays
- c. at any time on Saturdays, Sundays or Bank Holidays Journeys commencing outside the Scheme area, unless otherwise specified in Schedule 2 Part II, 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. For the avoidance of doubt, this includes all English National Concessionary bus passes issued by other authorities and London Councils' Freedom passes which are not party to this Scheme.

### **PART II**

#### **Express or Limited Stop Services**

An "Express" service shall be so treated for the purpose of the Scheme if:

- a) It is registered as a Limited Stop service with the Traffic Commissioner(s): or
- b) It is not available for boarding and alighting at all bus stops along its route: or
- c) Its route includes any section of Motorway

Operators of such services are required to provide \*Cumbria County Council, as administrator of the Scheme, with full details including timetables and fare tables of the express service within seven days of the date of the agreement or of registration.

\*Cumbria County Council will give a decision within fourteen days as to whether, in its view, the service complies with the Regulations and is an eligible local service.

### **PART III**

#### **The Travel Concessions (Eligible Services) (Amendment) Order 2009 Eligible Services**

The Travel Concessions (Eligible Services) Order 2002(c) section 146 of the Transport Act 2000 sets out what is an eligible service".

(1) A service is not an eligible service if

- (a) more than half of the accommodation on the vehicle by means of which the service is provided can be reserved by members of the general public in advance of travel;
- (b) it is intended to operate for less than six consecutive weeks;

- (c) it is operated primarily for the purposes of tourism or because of the historical interest of the vehicle;
- (d) it is a bus substitution service; or
- (e) the fare for the service includes a special amenity element. A fare is to be regarded as including a special amenity element if it is significantly high in relation to the general level of fares for comparable journeys.