CUMBRIA CONCESSIONARY TRAVEL SCHEME 2015/16

1 Introduction

1.1 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.

1.2 The Scheme made by Cumbria County Council 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.

1.3 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.

1.4 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.

1.5 The Scheme will apply as from 1 April 2015.

2 Type of Concession

2.1 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 the county.

2.2 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 only be eligible for those concessions as set out in Schedule 2 Part I.

2.3 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 printed on the pass, and individual operators’ Conditions of Carriage.
2.4 The initial NoWcard will be issued free of charge. The County Council will make a charge of £10.00 to issue a replacement pass to reflect the cost of its production and administration.

3 Area of the Scheme

3.1 The Scheme will apply to all eligible journeys made within the administrative areas of Cumbria County Council and to journeys terminating in the neighbouring authorities of the Counties of Lancashire, Northumberland, Durham and North Yorkshire. This excludes journeys across the Scottish border (except to and from Gretna in Dumfries & Galloway).

4 Services Covered by the Scheme

4.1 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 by Cumbria County Council in accordance with Schedule 2 Part II.

5 Times When Concession Applies

5.1 The concessions shall apply at the times specified in Schedule 2 Parts I and II.

6 Eligibility Qualifications

6.1 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.

6.2 The eligibility of persons to a NoWcard who are normally resident in Cumbria are set out at 1.2 above and are set out in Schedule 1 Part I.

7 Commencing Date of the Scheme

7.1 The Scheme will commence on 1 April 2015.

8 Dates of Admission

9 Calculation of the Reimbursement of Operators

9.1 The objective will be to reimburse operators so that they are ‘no better and no worse off’ for participating in the Scheme.
9.2 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% Cumbria County Council reserve the right not to reimburse manual transactions.

9.3 Reimbursement will be based on either:
   a) Information received by the NoWcard operations support from the electronic ticket machines. Modules must be signed off on a daily basis.
      or
   b) Data provided by an operator using their own Electronic Ticket Machine system specifying the number of passengers, ticket type and fares paid, the number of concessionary passengers and total full fare equivalents by route number. Boarding and alighting stages should also be recorded.

9.4 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.

9.5 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 its services.

9.6 Operators using the NoWcard operations support will receive two standard back office reports; the Class report and the Concessionary Breakdown report. Additional back office reports that are requested by operators will be charged at £3.25 per report.

10 Calculation of Revenue Foregone

10.1 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%.

10.2 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 the County Council.

10.3 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.

10.4 For each operator the following will be ascertained:
   - The types of single fares for which discounted tickets are available.
   - The rates of discounts given on return tickets
   - Maximum fares applicable to journeys
• The number of single, return and day tickets sold during the days and times when the ENCTS applies.

10.5 Based on the information in section 10.3, 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 as fee paying passengers if this was available.

10.6 The shadow fare used for reimbursement will be capped at any maximum discounted fare available for the journey.

10.7 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. The County Council may take reasonable steps to check the accuracy of concessionary tickets issued and claims made by operators. 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 the County Council, be reduced by a sum equal to ten times any overcharge identified by the County Council.

11 Payment to Operators

11.1 Operators will be reimbursed on the basis of an invoice with supporting information detailed in sections 9 and 10. Those operators not using the NoWcard back office shall supply back office data to Cumbria County Council within ten working days. All operators’ invoices must be submitted monthly within fifteen working days of the month end. The County Council reserves the right not to reimburse operators if invoices are submitted outside of this timescale.

11.2 Cumbria County Council reserve the right to not pay an operator where the data provided does not comply with sections 9 and 10 of this scheme.

12 Certificate of Accuracy

12.1 Operators will be required to supply for each financial year the Scheme operates without the use of NoWcard back office system 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.

12.2 The Certificate of Accuracy must be received before 30 June 2016. 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.

12.3 The County Council will not be liable for any costs associated with the production of a Certificate of Accuracy.
13 Ticket Machines

13.1 Existing ticket machines and depot readers provided by Cumbria County Council are subject to an annual maintenance charge of £120 per machine per year.

13.2 The maintenance charge covers all labour charges for fair wear and tear and an annual service of each machine. The charge does not cover spare parts, nor does it cover vandalism, misuse or accidental damage and any resulting labour charges. Call out response will normally be provided within 48 hours.

13.3 If operators opt out of the maintenance contract then they will be liable for providing evidence of qualified maintenance and evidence of an annual service of the machines. Please note that Concessionary Travel may not be reimbursed unless evidenced by electronic back office data.

14 Passenger Surveys

14.1 An operator taking part in the Scheme will allow accredited representatives of the 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 by the authorities of reimbursement payments.

c) Other surveys relating to the collecting of data for National Indicators and the Cumbria Agreement.

15 Changes in Services and Fares

15.1 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 twenty one days before changes take effect and the appropriate fare table(s) must be provided to Cumbria County Council.

16 Withdrawal from the Scheme

16.1 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.
17 **Identification of Vehicles and Notices**

17.1 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.

18 **Hotlisting**

18.1 Operators will work with scheme administrators during 2015/16 to ensure the development of an agreed ‘Hotlisting’ process to be used throughout the Nowcard region for concessionary travel and any future ticketing schemes, for example, Nowstar STR.
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 the county.

A person who resides in the County 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 difficulty, 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 9.30am Monday to Friday to access employment, training or day care services. 24/7 disabled concessions will be reimbursed at 58%.
SCHEDULE 2

CONCESSIONS FOR ELDERLY PERSONS AND DISABLED PERSONS

PART I

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 administrators 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. The 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.