

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.