

CONCESSIONARY FARES SCHEME

OPERATOR SCHEME NOTICE

From 01 April 2022



West Berkshire
C O U N C I L

WEST BERKSHIRE COUNCIL CONCESSIONARY FARES SCHEME

1 INTRODUCTION

This document describes the West Berkshire Council Concessionary Fares Scheme (“the scheme”) and is issued pursuant to the requirements of Sections 93 and 95 of the Transport Act 1985, the Travel Concessions Schemes Regulations 1986, the Travel Concessions (Eligibility) Act 2002, the Travel Concessions (Extension of Entitlement) (England) Order 2005 and the Travel Concessions (Eligibility) (England) Order 2010. The scheme complies with the requirements of the Transport Act 2000, as modified by the Concessionary Bus Travel Act 2007, in respect of the English National Concessionary Travel Scheme (ENCTS). The Scheme also takes into account the Department for Transport’s October 2021 Covid-19 Recovery Guidance, Concessionary Fares Funding.

2 CHANGES TO SCHEME

There are no changes to the Scheme - all non-statutory (discretionary) elements of the West Berkshire scheme continue to be withdrawn. For clarification;

- The times that pass holders can present their pass for free travel remains at the statutory minimum times.
- Passes are not accepted for travel on Section 19 services (including West Berkshire Handybuses and ReadiBus).
- Companion Passes are not accepted for free companion travel.

The above applies to all bus passes, regardless of the issuing authority.

3 CONCESSION TO BE PROVIDED BY PARTICIPATING OPERATORS

The scheme allows the statutory Minimum Requirement to provide all ENCTS pass holders with free travel on any local bus service within England at any time on Saturdays, Sundays and Bank Holidays, and between 0930 and 2300 on other days.

4 PERSONS ELIGIBLE TO RECEIVE CONCESSIONS

Persons permanently residing in the West Berkshire area that meet the following criteria are eligible to an ENCTS pass:

Residents of eligible age:

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.

- People aged 66 or over are eligible for an ENCTS pass.

Details on the calculator can be found at: <https://www.gov.uk/calculate-state-pension>.

Disabled bus passes are available to people aged five and over who either have a permanent disability or a disability lasting at least 12 months.

People are eligible if their disability falls into one of the following seven categories:

1. Is blind or partially sighted;
2. Is profoundly or severely deaf;
3. Is without speech;
4. Has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
5. Does not have arms or has long term loss of the use of both arms;
6. Has a learning disability, that is, a state of arrested or incomplete development of mind that includes significant impairment of intelligence and social functioning;
7. Would, if they applied for the grant of licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.

In all cases the definitions shall be as used within Section 93(7) of the Transport Act 1985, the Transport Act 1985 (Extension of Eligibility for Travel Concessions) Order 1986, the Travel Concessions (Eligibility) Act 2002 and the Travel Concessions (Eligibility) (England) Order 2010 and applicants will be required to produce written evidence of entitlement.

5 AREA OF VALIDITY

All ENCTS passes are valid for travel on local bus services anywhere in England between 0930 to 2300 Mondays to Fridays and at any time on Saturdays, Sundays and Public Holidays. Claims for reimbursement against West Berkshire District Council should only be made for trips originating within the West Berkshire District Council boundary.

6 ADMISSION DATES

Admission dates for new operators to the scheme shall be the first day of the months of January, April, July and October, in any year.

Exceptionally, in the event that operation of a service already included within the scheme passes to another operating company by virtue of company take-over, award of contracts by a local authority or similar reason, that service may be immediately admitted to the scheme should the new operator or the Authority awarding the contract so request.

Admission will normally be made in respect of all eligible services provided by the applicant within the area of validity.

Modification or addition of eligible services within the area of validity by a participant operator will not require re-application.

7 ELIGIBLE SERVICES

An eligible service is a scheduled public bus service, where members of the public can pay for any journey and do not need to pre book.

The following services are not eligible:

- Services on which the majority of seats can be reserved in advance of travel.
- Services that are intended to run for a period of less than 6 consecutive weeks.
- Services operated primarily for the purposes of tourism or because of the historical interest of the vehicle.
- Bus substitution (rail replacement) services.
- Services where the fare charged by the operator has a special amenity element.

Generated journeys, i.e. the proportion of concessionary journeys that are made purely because of the concession, will not be funded.

8 STANDARD METHOD OF REIMBURSEMENT

The Council uses the Basket of Fares method of reimbursement.

The rationale of the Basket of Fares method is set out by the Department for Transport (DfT) in their guidance document entitled Concessionary travel for older and disabled people: guidance on reimbursing bus operators (England). This can be viewed at:

<https://www.gov.uk/government/publications/guidance-on-reimbursing-bus-operators-for-concessionary-travel>.

The DfT have produced a Basket of Fares reimbursement calculator which the Council shall use to determine the reimbursement due to each Operator for participating in the scheme. The calculator can be viewed at: <https://www.gov.uk/government/publications/concessionary-bus-travel-reimbursement-calculator>.

The guidance sets reimbursement factors that are calculated automatically through the calculator with default values. The calculator allows flexibility to insert local information. For the avoidance of doubt, the Council's intention is to reimburse operators for revenue foregone and marginal operating costs as estimated by the DfT's calculator (which may be periodically updated by the DfT), wherever appropriate. Any request for changes of any default values by either the Council or an operator must be supported and justified with evidence. Claims for reimbursement for administration costs, marginal capacity costs and costs relating to peak vehicle requirements will be considered. These must be supported by evidence.

Calculations relating to the average fare will be made on an operator by operator basis, using the approach outlined in the DfT's guidance. Operators are asked to provide a representative sample of adult ticket sales data for a minimum of one month up to a maximum of twelve months from within the most recent twelve months. Types of adult ticket sales are set out in the DfT guidance; adult cash fares such as singles, returns and carnets, day tickets and weekly tickets. This data will enable calculation of each operator's average fare. Data is required on a route by route basis. Data should be provided as a report from the operator's electronic ticketing system.

Changes to fares may affect average fare calculations. Operators should therefore advise the Council of changes to their fares within seven days of such changes taking place. If requested by an operator or the Council, the average fare will be recalculated in June each year so that any changes can be implemented for the reimbursement commencing in the following month of July. In exceptional circumstances the Council or operator may request a review is done in another month. The Council will not back date any changes in the reimbursement rates that may have arisen from the review. Should a review be necessary, the operator is required to submit all the necessary information on ticket sales for each route.

The number of Observed Concessionary journeys entered on the start page of the DfT reimbursement calculator is the number of concessionary journeys claimed by the operator for the relevant services for the previous scheme year, rounded, or updated to account for the likely passenger journeys where evidence suggests.

Reimbursement will be made on observed journeys commencing within the boundaries of West Berkshire on a calendar monthly basis.

9 EXCEPTIONS TO THE STANDARD METHOD OF REIMBURSEMENT

Where the total annual mileage of an operator within the scheme area is likely to be less than 100,000 miles the values attributed to the reimbursement formulae, or the total amount payable in any year, may be determined by local negotiation.

For local bus services which operate infrequently, for example, only on one or a few days of the week, the total amount payable in any scheme year may be determined by negotiation.

Where a bus service is operated under contract to another local authority and concessionary fares reimbursement for the service is retained / payable to the other local authority, then upon agreement of all parties concerned, payment for concessionary fares will be made directly to the other local authority. The reimbursement will be calculated in the same way as if payment had been made direct to the operator.

Should the number of concessionary journeys continue to be materially suppressed due to Covid-19, the Council will reimburse at the pre-Covid concessionary reimbursement rates set out by the Department for Transport (DfT) in their October 2021 publication Covid-19 Recovery Guidance, Concessionary Fares Funding. These are shown in Table One. These rates may be subject to change by the DfT in which case the Council would honour the revised % rates.

During the Concessionary Travel Recovery Period, the Council also reserves the right to pay out a higher rate of pre-Covid concessionary payments, than the percentage suggested by the DfT, to any operator, although this would normally only be agreed in exceptional circumstances and where local need is identified.

Months	% scale down of LTA pre-Covid concessionary payment
06* April and 01 May 2022 (*The Council will apply 90% from 01 April).	90%
01 June and 01 July 2022	85%
01 August and 01 September 2022	80%
01 October 2022 ad 01 November 2022	75%

01 December 2022 and January 2023	70%
01 February 2023 and 01 March 2023	65%

Table One: Table showing DfT’s scale down of Local Transport Authorities pre-Covid concessionary reimbursement payments

Pre Covid-19 rates will be calculated on the immediate equivalent pre-Covid months. In the event that a service is significantly altered, such that the Council considers that it results in a material impact on potential concessionary journey numbers, the Council reserve the right to withdraw the offer to refund concessionary journeys on that service on pre-Covid rates.

For the avoidance of doubt it is reiterated that the Council will reimburse on the higher of actuals or the % of pre Covid rates shown in the table above (which the DfT may update from time to time).

10 PAYMENT ARRANGEMENTS

Each participant operator shall provide details of the total number of concessionary pass holders boarding within West Berkshire for each eligible service which they provide in respect of each calendar month of operation, in a manner agreed with the Council. Such information shall be submitted to the Council, no later than 14 days after the end of the month to which it relates.

Subject to the prompt receipt of the required information for the preceding period, payment of the full estimated value of reimbursement for each period will be made to each operator within 30 days of the approval of the submitted information and a valid, corresponding invoice.

The Council reserves the right to correct any errors in reimbursements made, either by invoice or the adjustment of subsequent payments.

The Council reserves the right to challenge the validity of data submitted.

Re-submission of claims made in error will be considered on their merit. Resubmissions will not be considered beyond the end of the financial year to which they relate unless extreme circumstances dictate otherwise.

Due to the requirement for the Council to prepare year-end financial accounts etc, actual claims, or a reasonable assessment of likely claim amounts, must be received by 15 April for the claim for March. The same time frame applies to any previous months’ claims that may not have been submitted.

At the conclusion of each local authority financial year, the Council shall review all calculations made in accordance with the standard method of reimbursement and shall make any necessary adjustments (whether positive or negative) within 3 months.

Where a local bus service extends into another Council Transport Concessionary Authority area, the operator is responsible for claiming reimbursement from that Transport Concessionary Authority and is subject to their scheme terms and conditions.

The Council will require operators to make facilities available for the proper audit either by the Council’s staff, servants or agents, or by an agreed independent qualified person, of all figures supplied in connection with claims for reimbursement. All information so obtained on behalf of the Council shall not be disclosed other than with the consent in writing of the operator, unless

the information in question has already become public knowledge otherwise than by an act or omission of the Council.

11 DRIVER'S OBLIGATIONS

If a pass does not scan on an electronic ticketing machine, provided it is otherwise valid for free travel (is not beyond its expiry date and is being presented on a valid journey by the person shown on the card), the driver must allow it to be used as a flashcard and charge no fare. In such cases a manual record should be made of the journey and the pass holder should be informed to report a fault with their card to the issuing authority.

Drivers should not attempt to determine the eligibility of the holder of a pass unless there are good reasons to believe the pass is being used fraudulently, is not genuine or has been tampered with.

Where a driver has undue concerns about a particular pass holder they are asked to report these to their management and the management are asked to pass the relevant information onto the Council. This is to include the name of the pass holder and the number of the pass; the date, time and location where the concern arose. It is not the role of the driver to deny travel to a pass holder and drivers need not place themselves in a confrontational situation.

Drivers may use their discretion to confiscate a pass they believe is being used fraudulently. However, in applying their discretion, they should not place themselves in a potentially dangerous confrontational situation nor refuse travel to potentially vulnerable passengers. Irrespective of whether the card is confiscated or not, whenever possible drivers should report details of the card and its usage to their manager.

Elderly and disabled pass holders may be very vulnerable clients and must be treated accordingly. Care must be taken to ensure they are not left abandoned in a situation where their safety and well-being is compromised.

12 OTHER MATTERS

The Council will require operators to allow their officers, servants or agents to have access with reasonable frequency to vehicles of the operator on which concessions are available for the purposes of:

- Surveying, counting or estimating the number of passengers (whether generally or of any particular description) and the fares paid by those passengers; and
- Obtaining information on other matters relating to the journeys made by passengers entitled to receive concessions necessary for the calculation of reimbursement payments.

Failure by any operator to allow the above to happen may result in any claim for concessionary fares reimbursement being withheld.

All participating operators may be required to display any notices required by the Council (without charge) in or on any vehicle used in connection with the scheme to indicate that relevant pass holders can travel at a concessionary rate or to advise of any future changes to the scheme which may occur.

Issued by:

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SCHEDULE 1

**EXAMPLES OF WEST BERKSHIRE COUNCIL / ENGLISH NATIONAL TRAVEL
CONCESSION SCHEME**

SAMPLE OF ELDERLY ENTCS PASS



SAMPLE OF DISABLED ENTCS PASS



N.B. ALL ENCTS PASSES ARE SMART CARDS AND OPERATORS WITH APPROPRIATE TICKET MACHINES CAN USE AUTOMATED VALIDATION AND RECORDING FACILITIES. OTHERWISE THE PASS MAY BE VALIDATED BY INSPECTION OF THE HOLDER DETAILS AND PHOTOGRAPH.