



## **Concessionary Travel Scheme**

**Commencing 1 April 2008**

**For older people and those with a disability**

## **1. Introduction**

- 1.1 This concessionary travel scheme is made in accordance with and subject to the Transport Act 1985 ("The 1985 Act"), the Transport Act 2000 ("The 2000 Act"), The Travel Concessions (Eligibility) Act 2002 ("The 2002 Act"), the Travel Concessions Schemes Regulations 1986 (SI 1986 No. 77). ("The Regulations") and the Concessionary Bus Travel Act 2007 ("The 2007 Act"). It is made by Cherwell District Council ("The Council") to provide, where appropriate, concessionary travel to older people and certain people with disabilities.

## **2. Type of Concession**

- 2.1 The 2000 Act and the 2007 Act set out the statutory minimum requirement for concessionary travel schemes. The 1985 Act allows the Council to enhance the statutory scheme. The level of concession offered under the combined legislation is set out in Schedule 2.
- 2.2 Persons eligible to receive concessions will, upon application, be issued with a English national concessionary bus travel pass entitling the holder to the travel concessions set out in Schedule 2. Eligible persons are defined Schedule 1.

## **3. Area of the Scheme**

- 3.1 The Statutory Minimum Scheme applies to journeys starting within the administrative area of Cherwell District Council made by holders of English national concessionary bus travel passes issued by Transport Concession Authorities in England.
- 3.2 An enhanced scheme will apply as specified in Schedule 2, section 2.

## **4. Services covered by the Scheme**

- 4.1 The scheme will apply to all registered Local Bus Services within the area of the Statutory Minimum Scheme.

## **5. Times when concession applies**

- 5.1 The Statutory Minimum Scheme applies between 0930 and 2300hrs (inclusive) Mondays to Fridays and at all times on Saturdays, Sundays and Public/Bank Holidays.
- 5.2 The enhanced scheme concession will also apply at these times.

## **6. Eligibility Qualifications**

- 6.1 All those persons specified in Schedule 1 hereto who have been issued with, and are in possession of, an English national concessionary bus travel pass.

## **7. Commencing date of the scheme**

- 7.1 The scheme will commence on 1 April 2008

## **8. Entry of Operators into the Scheme**

- 8.1 Operators may join the Scheme on 1 April 1996 and thereafter on 1 January, 1 April, 1 July or 1 October in any year.

8.2 Applications must be made by the Operator in writing to the Council and at least 28 days before the dates given.

8.3 Any Operator who wishes to withdraw from the Scheme shall give the Council at least 42 days written notice.

## **9. Calculation of reimbursement to operators.**

9.1 The fundamental principle of the scheme will be to ensure that operators are not better off and no worse off due to their participation in the scheme.

9.2 For the purposes of the Scheme:-

**'Average Fare'** means the average single fare normally paid by passengers on services provided by that Operator calculated by dividing total adult ticket sales by the number of journeys to which they relate counting each return journey as two journeys and reflecting journeys made on any category of ticket which is routinely available to travel at the times covered by the Scheme.

**'Reimbursement Factor'** as set out in paragraph 9.3 will be 57.21% per annum from 1 April 2008 to 31 March 2009;

**'Revenue Foregone'** means the fare revenue that would have been received by the Operator from concessionary passengers in the absence of the Scheme for trips actually made;

**'Shadow Fare'** means the fare that it is assumed concessionary passengers would have paid for actual journeys made within the Scheme determined by the Operator with reference to current actual fare tables and tickets available to fare-paying customers;

**'Standard Method'** means the method of reimbursement to Operators based on the principle of "revenue foregone".

9.3 The Council will pay each Operator a proportion of the revenue foregone by that Operator this proportion having been estimated to take into consideration the effects of additional travel generated by the Scheme. Operators must base their claims for revenue foregone on Shadow Fares except where existing ticketing machinery prevents this in which case they may base their claims on Average Fares by prior agreement with the Council.

9.4 In calculating the Shadow Fare an Operator must take into account the availability of return tickets and make an adjustment based on the sales of return tickets to concessionary passengers before the introduction of free concessionary travel in recognition that there will be no financial incentive for concessionary passengers to obtain return tickets and that in some cases return tickets may be unavailable to concessionary passengers. An example of the calculation to be used is set out in Schedule 2.

9.5 Where an Operator bases claims on Average Fares he must clearly state the average fare applied to each claim for reimbursement and must inform the Council separately in writing of any changes made to the average fare including an explanation of how it has been calculated. The Council may challenge the average fare if it considers that it does not reflect the range of tickets available commercially.

9.6 In certain circumstances (which are detailed below) the Operator and the

Council may reach an ad hoc agreement by negotiation on the amount to be reimbursed:-

- (i) Services provided by vehicles with 8 or fewer fare paying passengers.
- (ii) Services provided by Operators whose total vehicle mileage within the scheme does not exceed 150,000 miles per year.
- (iii) Any service for a period of up to three months from entry into the Scheme.

9.7 Reimbursement will be made based on 13-week periods, the first week being the period from Saturday 29 March 2008 to Sunday 6 April 2008 and each subsequent week being the period Monday to Sunday. A schedule of dates is detailed in Schedule 4.

9.8 The payment of Reimbursement under the Scheme in the **first** 13-week period of 2008/2009 shall be paid by the Council to the Operator using data supplied for the fourth 13-week period of 2007/08 and estimated increased travel for the first 13-week period of 2008/2009

9.9 The sum estimated to be due to the Operator for travel in the first 13-week period of 2008/2009 will be calculated as:

**(Operator's total revenue from concessionary passengers for final 13-week period of 2007/2008 x 2) x 0.5721 x 1.15**

(0.5721 represents the agreed reimbursement factor, and 1.15 is a notional factor allowing for increased uptake in concessionary travel in the first 13-week period of the Scheme only)

9.10 The sum estimated to be due to the Operator for travel in subsequent 13-week periods of the Scheme will be equivalent to the sum actually due in the immediately preceding 13-week period.

9.11 The total payment in the **first** 13-week period of 2008/2009 will be calculated as:

- (a) 90% of the sum estimated to be due to the Operator for travel in the **first** 13-week period of 2008/2009 as defined in paragraph 9.9 above; and
- (b) the balance of the sum due to the Operator from the previous 13-week period i.e. the difference between the total amount due and the amount previously paid on an estimated basis.

9.12 After the end of the first 13-week period of 2008/2009 the Operator shall submit to the Council accurate details of revenue foregone in that period according to the template shown in Schedule 1 and within ten working days of satisfactory data being received by the Council a payment will be made to each Operator based on the following:-

- (i) 90% of the sum estimated to be due to the Operator for travel in the **second** 13-week period of 2008/2009; and
- (ii) the balance of the sum due to the Operator from the **first** 13-week period of 2008/2009 i.e. the difference between the total amount due, as set out in paragraph 9.3, and the amount previously paid on an estimated basis.

- 9.13 Thereafter payments shall be made by the Council to Operators in each 13-week period following receipt of satisfactory data from the previous 13-week period on the basis of:
- (a) 90% of the sum estimated to be due to the Operator for travel in the **current** 13-week period; and
  - (b) the balance of the sum due to the Operator from the **previous** 13-week period ie the difference between the total amount due and the amount previously paid on an estimated basis.
- 9.14 If an Operator delays providing the Council with the information specified in Schedule 3, the payment to the Operator will be delayed by up to the same amount of time.
- 9.15 Where an Operator fails to provide the Council with the details specified in Schedule 1 within 13 weeks following the end of the period to which they apply, no further payments will be made to that Operator until all such details have been supplied.
- 9.16 If any payments to an Operator exceed the total amount due to that Operator in any period, the Council may at its discretion either deduct the amount of the excess from any future payments due to the Operator, or demand repayment from the Operator.
- 9.17 The Council will consider reviewing the Reimbursement Factor for individual operators in the light of evidence of numbers of concessionary passengers carried compared with data for 2007/2008. The Council will review the general level of reimbursement after 1 October 2008 and on 1 April 2009.
- 9.18 If, as a result of any review described in Paragraph 9.17 above, the Council decide to revise the Reimbursement Factor then the Operator(s) shall be given fourteen (14) days notice in writing thereof prior to the revision taking effect.
- 9.19 In exceptional circumstances where the extra passenger journeys generated by the Scheme increase by very significant numbers, the Council may contribute to costs additional to basic operating costs which it calculates the Operator(s) has necessarily incurred in connection with the introduction of free concessionary travel under this Scheme ALWAYS PROVIDED THAT any actual or estimated reduction in basic operating costs achieved by Operator(s) is first deducted. Evidence of additional costs and the necessity of such costs must be provided by the Operator before the payment of any such contribution can be considered by the Council.

## **10. Tokens and Passes**

- 10.1 Operators shall recognise and accept such Travel Passes or Travel Tokens as are issued by the Council from time to time.
- 10.2 Operators shall ensure that Eligible Persons, either generally or of any particular description, do not use the Services without purchasing a ticket (which may be purchased in full or part by means of Travel Tokens) or producing their own valid Travel Pass. Operators must take reasonable care to ensure that Travel Passes are valid before allowing free travel.
- 10.3 Operators shall record journeys for which free travel is granted under the

Scheme strictly in accordance with procedures agreed in writing between the Operator and the Council.

- 10.4 Travel Passes remain the property of the Council at all times, and should not be used for any purpose other than concessionary travel. Travel service providers outside the Scheme may use the Travel Pass as evidence of the holder's eligibility for their own schemes but this is entirely at the discretion of the service provider and the holder choosing to tender the pass as evidence.
- 10.5 Travel Tokens may not be used for any purpose other than paying in full or part for journeys covered by the National Transport Token scheme.
- 10.6 If a Travel Pass is lost by the holder he/she shall immediately report the loss and the circumstances surrounding it to the Council. The Council at its sole discretion may replace the Travel Pass.
- 10.7 If Travel Pass holders become ineligible either because of changes in residence or changes in circumstances, they must return the Travel Pass immediately to the Council.
- 10.8 The Council may from time to time require all passes to be renewed in order to protect itself against fraud and misuse and to ensure the integrity of management information. In such circumstances appropriate notice will be given by the Council.

## **11. Eligible Persons**

- 11.1 All those persons specified in Schedule 1 hereto who have been issued with, and are in possession of, a valid English national concession travel pass.

## **12 Travel Tokens**

- 12.1 The issue of travel tokens is part of the enhanced scheme and is detailed in Schedule 2.

## **13. Signs**

- 13.1 All Operators shall display a sign on all vehicles showing that the Scheme is available for use by Eligible Persons. This shall be of such type as may be prescribed by the Council from time to time, and be displayed in a position where it shall be visible to all passengers boarding the vehicle.

## **14. Information and Surveys**

- 14.1 The Operator shall supply to the Council all necessary information for use in connection with the calculation of reimbursement payments and such information shall not be disclosed by the Council save with the Operator's written consent or where it has become general public knowledge before such disclosure.
- 14.2 Operators shall supply the Council with details of the number of total single and return journeys made on Eligible Services, the number of free single and return journeys made on Eligible Services by persons tendering a valid Travel Pass, and the total equivalent adult fare for these journeys, as detailed in Schedule 1.
- 14.3 The information referred to in Schedule 1 shall be supplied commencing 1

April 2006 for periods of thirteen weeks on such form as may be specified by the Council from time to time (a list of the periods for 2006/2007 will be supplied by the Council).

14.4 The Operator shall by thirty first of July in each year provide to the Council an annual certificate of accuracy and completeness which is to be certified by a qualified member of one of the Accountancy bodies making up the Consultative Committee of Accountancy Bodies (CCAB) who shall be independent of the Operator, and parent company or any subsidiary companies. The Council will contribute a maximum of one hundred pounds (£100) per annum to the Operator to assist with any additional costs imposed on the Operator by this requirement. Such sum shall be payable on receipt of the said annual certificate by the Council.

14.5 The Operator shall allow officers of the Council or their servants or agents to travel on vehicles operated under the Scheme, without making any charge, for the purpose of surveying, counting or estimating the number of passengers being carried, the fares paid, and obtaining any other information relevant to concessionary travel.

## **15. Obtaining a Travel Pass or Travel Tokens**

15.1 Both Travel Passes and Travel Tokens can only be obtained by completion of the Council's Travel Pass and Travel Tokens application form. There is a non-refundable annual administration charge payable by the applicant for Travel Tokens but no charge for the issue of a Travel Pass. The amount of the administration charge for Travel Tokens shall be determined by the Council from time to time (the current administration charge is £1).

15.2 The application for the Travel Pass must include two recent colour passport-sized photographs of the applicant.

15.3 Applicants will need to prove that they are residents of the Cherwell District and that they are eligible persons in respect of the scheme (for further details see the Travel Pass and Travel Token scheme application form).

## **16. Changes in Services and Fares**

16.1 Operators shall notify the Council of any changes in the Services operated or the fares charged either when the change takes place or within 7 days thereof. This shall take the form of a written table of proposed fares for the Services covered by the Scheme together with any discounts available.

## **17. Notices**

17.1 All notices under the Scheme shall be in writing and shall be served on the Head of Legal and Democratic Services, Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA either personally or by registered post or by recorded delivery post. Notices served on an Operator shall be served either on their registered office or on their principal place of business as specified in their application form or as subsequently changed and notified to the Council.

## **18. Appeal**

18.1 In default of agreement between the Council and an Operator, the matter

shall be referred to the Secretary of State for Transport in accordance with the relevant legislation.

Elizabeth Howlett  
Head of Legal and Democratic Services  
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Bodicote House  
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## **Concessionary Travel Scheme**

### **Schedule 1**

#### **ELIGIBILITY CRITERIA FOR THE ISSUE OF AN ENGLISH NATIONAL CONCESSIONARY TRAVEL PASS**

Travel concessions are available to the following categories of person subject to application.

#### **PERSONS WHO HAVE ATTAINED THE AGE OF SIXTY YEARS**

Men and Women aged 60 and over who are permanently resident in the administrative area of the Council.

#### **DISABLED PERSONS**

Persons who are:

- (a) blind or partially sighted
- (b) profoundly or severely deaf
- (c) without speech
- (d) disabled or suffering from an injury which has a substantial and long-term adverse effect on the person's ability to walk
- (e) without arms or suffering long-term loss of the use of both arms
- (f) having a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- (g) unable to obtain a driving licence because of medical fitness and would, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have their application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,

Applicants will be required to provide appropriate documentation to show that they are an Eligible Person. The decision of the Council shall be final in this respect.

Eligible persons who are unable to travel without assistance from another person may be issued with a pass that has been endorsed to allow them to take a companion free of charge on journeys made under the enhanced scheme as shown in Schedule 2, Section 2. The Council will seek medical evidence to support applications for companion entitlement.



## **Concessionary Travel Scheme**

### **Schedule 2**

#### **TRAVEL CONCESSIONS AVAILABLE UNDER THE SCHEME**

##### **Section one: The Statutory Scheme (available to all eligible persons in possession of an English National Concessionary Bus Travel Pass issued by Travel Concession Authorities in England.**

- (1) Any person to whom a current statutory travel concession pass has been issued and who travels on an eligible journey on an eligible services is entitled, on production of the pass, to a concession consisting of a waiver of the fare for the journey by the operator of the service.
- (2) "eligible journey" means a journey on one public services vehicle (in one direction) which –
  - (a) is between places in England,
  - (b) begins at a relevant time, and
  - (c) is not one to which section 242(8) of the Greater London Authority Act 1999 (journeys beginning on the London bus network) applies.
- (3) "relevant time" means at any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Bank and Financial Dealings Act 1971; or
  - (a) in the period from 09.30 to 23.00hrs on any other day.

##### **Section two: The Enhanced Scheme (available to eligible persons in possession of an English national concessionary bus travel pass issued by either Cherwell District Council, South Oxfordshire District Council, West Oxfordshire District Council, Vale of White Horse District Council and Oxford City Council.**

- (4) Any person to whom a current statutory travel concession travel pass endorsed as a "companion pass" has been issued and who travels on an eligible journey on an eligible services is entitled, on production of the pass, to a concession consisting of a waiver of the fare for the journey for him or herself and a companion by the operator of the service.
- (5) "eligible journey" in (3) means a journey on one public service vehicle (in one direction) which –
  - (a) commences in the district of Cherwell
  - (b) terminates in the districts of Cherwell, South Oxfordshire, West Oxfordshire, Vale of White Horse or Oxford City.

**Section three: The Enhanced Scheme (available to eligible persons) in possession of Travel Tokens.**

- (6) "Travel Tokens" means National Transport tokens issued annually by the Council which the holder, being an Eligible Person, may use on the Services wholly or partly in place of cash. These tokens are non-transferable The amount of such Travel Tokens shall be determined by the Council from time to time (the current value being £31). Persons who become Eligible Persons after the start of the financial year will receive a portion of this amount depending on the date, such portion to be determined by the Council.
- (7) If Eligible Persons choose to collect Travel Tokens, they may not use a Travel Pass during the financial year for which the Travel Tokens are issued. Eligible Persons already in receipt of a Travel Pass will be asked to surrender their Travel Pass and will be asked to sign such documentation as the Council may require to confirm their agreement to opt out of the Scheme for that particular financial year.