

DRAFT: Cheshire Boroughs' Concessionary Travel Scheme

Valid for period 1 April 2023 to 31 March 2024

Transport acts 1985 and 2000, concessionary bus travel act 2007 –
Concessionary scheme for bus travel

- 1.1 A concessionary travel scheme (“the scheme”) will be established to operate throughout Cheshire West and Chester, Halton and Warrington from 1 April 2023 until 31 March 2024. The scheme is being operated by the Borough Councils in Cheshire West and Chester, Halton and Warrington or their successor Councils, working in partnership (“the Authorities”). It replaces the scheme which came into effect on 1 April 2022. The scheme will be reviewed during the year including any further guidance provided by the Department of Transport.
- 1.2 Under Section 95 of the Transport Act 1985, amended by the Transport Act 2000 and the Concessionary Bus Travel Act 2007 (“the Acts”) Councils are under a duty to publish particulars of the scheme and of the reimbursement arrangements.
2. **Description of eligible persons**
 - 2.1 Any person holding an older or disabled persons “smartcard” pass issued by an English Local Authority (“National Passholders”).
 - 2.2 Persons holding a pass issued by one of the member authorities of the Cheshire Boroughs Concessionary Fares Scheme will be entitled to additional benefits (“Cheshire Passholders”)
 - 2.3 Passholders who are eligible for a pass conforming to the layout determined by the Department of Transport meet the following criteria:
 - (a) Persons of eligible age
For women the eligible age is pensionable age, for men the eligible age is the pensionable age of a woman born on the same day.
 - (b) Eligible disabled persons
 - are blind or partially sighted;
 - are profoundly or severely deaf;
 - are without speech;
 - have a disability, or have suffered an injury, which has a substantial and long-term effect on their ability to walk;
 - do not have arms or have the long-term loss of the use of both arms;
 - have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;
 - would, if they applied for the grant of a license 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 grounds of persistent misuse of drugs or alcohol

3. Definition of participating operators

- 3.1 All operators of local bus services in Cheshire West and Chester, Halton and Warrington registered with the Traffic Commissioners are required to participate in this scheme. Where new operators enter the market by registering bus services in the Cheshire consortium area they will be required to participate in the scheme and will be contacted by Cheshire West & Chester Council's Planning and Strategic Transport Service or its successors (the "Scheme Administrator") to achieve this.

4. Description of the scheme

4.1 The National Scheme

The concession to be offered by operators participating in the scheme shall be free travel for National Passholders as defined in Section 2.1 above on all journeys where the concessionaire boards at or after 9.30am until 11pm on weekdays (but note 4.3 below); and on all journeys where the concessionaire boards at any time on a Saturday and Sunday or on any day which is a Bank Holiday in England under the Banking and Financial Dealings Act 1971, or any public holiday introduced since the 1971 Act proclaimed by the King.

The concession is set to be made available on all eligible services beginning in Cheshire West & Chester, Halton or Warrington, and ending in England to all eligible persons having a valid "smartcard" pass issued by an English Local Authority.

4.2 The Cheshire Consortium Scheme

The concession to be offered by operators participating in the scheme to all Cheshire Passholders as defined in Section 2.2 above shall be:

- (a) Free travel on all journeys where the concessionaire boards at or after 9.30am until the last bus on weekdays, provided passengers are not charged a fare other than that which would otherwise be charged during the day; and on all journeys where the concessionaire boards at any time on a Saturday and Sunday or on any day which is a Bank Holiday in England under the Banking and Financial Dealings Act 1971 or any public holiday introduced since the 1971 Act proclaimed by the King.
- (b) Free travel as appropriate on journeys which commence in the scheme area and end in Wales and vice versa for Cheshire Consortium pass holders.
- (c) Free travel for blind and partially sighted people at all times. Blind and partially sighted concessionaires will be identifiable on-bus because their pass will have the national recognised symbol on the front.
- (d) Appendix 1 shows eligible pass holders and the reimbursement rate.

- 4.3 National passholders as defined in Section 2.1 above shall be entitled to free travel within the Cheshire Consortium area on journeys after

11pm until the last bus, provided passengers are not charged a fare other than that which would otherwise be charged during the day.

4.4 Eligible services are defined as:

- (a) All local bus services which operate wholly or partly within Cheshire West & Chester, Halton and / or Warrington.
- (b) Any other service which in the opinion of the Authorities should be included in the scheme and for which the Authorities agree to reimburse operators for allowing pass holders to travel upon without charge.

4.5 Ineligible bus services are defined as:

- (a) Tour buses operating in the consortium area, for example the Tour bus in the City of Chester
- (b) Tours and excursions (note: it is recognised that these are not registered as local bus services)
- (c) Long distance coach services such as those operated by the National Express Company
- (d) Bus services operating to and from Park and Ride facilities.

4.6 The Authorities reserve the right to use the powers under Section 96 (4) to (6) of the 1985 Act to exclude from participation in the scheme any service where the fares include a special amenity element, unless the operator has agreed to an appropriate modification of the reimbursement arrangements.

5. Admission of services to the scheme

5.1 It is presumed that new services will automatically be included in the scheme from the date they start to operate. As a guarantee that changes will be considered, all operators should notify the concessionary travel officer at Cheshire West and Chester Council of any variations to registered local bus services in advance of the proposed change.

5.2 The appropriate alteration to reimbursement will be made to take effect not later than the week following that in which the change occurred, provided the requisite notice of registration was given and the above returns were supplied in time.

6. Reimbursement arrangements

6.1 The objective of the reimbursement arrangements shall be to ensure that operators are no better or worse off financially as a result of participation in the scheme.

6.2 For each passenger trip carried free under the scheme operators will be reimbursed 53% in Cheshire West and Chester and Warrington and 51% in Halton of the average adult fare of the company (taking account of return fares, day tickets and other discounted fare products). This

calculation is to take account of the reimbursement rate for revenue forgone, marginal operating costs and administration costs.

- 6.3 Operators can make application to the consortium members with supporting evidence for the consideration on an exceptional basis for the award of additional costs in relation to marginal capacity costs, peak vehicle running costs and any administration costs over and above those included in the reimbursement rates shown in 6.2 above. It will be for each local authority to determine if any such claim will impact on the reimbursement rate for the operator.
- 6.4 The average adult fare will be calculated for the financial year 2023-24 at the average adult fare of each company current in the months January to March 2023 as agreed with the scheme administrator, unless a local authority chooses to review the average adult fare based on the data from other months.
- 6.5 To calculate the average adult fare, the following tickets will be used:
Single ticket. A factor of 1 will be used (the ticket will be used on 1 trip)
Return ticket. A factor of 2 will be used (the ticket will be used on 2 trips)
Day ticket. A factor of 2.8 will be used (the ticket will be used on an average of 2.8 trips)
- 6.6 Payments for concessions to blind and partially sighted people will be based on payments for other pass holders if they were entitled to a free trip. Operators should claim for these as a trip by a disabled concessionaire. Free trips by blind and partially sighted people made between 4.30am and 9.30am Monday to Friday should be claimed separately and will be reimbursed as if they were free trips at other times (i.e., at 53% in Cheshire West and Chester and Warrington and 51% in Halton).
- 6.7 Operators who are 'smart' (operate an Electronic Ticket Machine system capable of automatic recording of smartcard tickets issued to concessionaires) should over the life of the scheme aim for a target of no more than 10% of trips claimed being manually recorded. The consortium reserves the right not to pay more than 10% of manual concession trips claimed by operators who are deemed 'smart'. Operators whose claims include manual trips which represent more than 10% of the total can be subject to scrutiny and investigation.
- 6.8 The concessionary travel scheme is currently under review pending further advice and guidance from DfT. Local Transport Authorities (LTAs) have been informed that DfT are planning to lay a further Statutory Instrument, subject to ministerial approval. This will allow LTAs to determine the most appropriate method of reimbursement to operators for 2023/24 based on DfT guidance and recommendations

7. **Dispute resolution procedure**

- 7.1 In the event of any dispute arising in connection with any matter related to the Arrangements which cannot be resolved by agreement between the parties representatives within five working days of the dispute arising, senior representatives of the parties shall, within five working days of a written request from either party to the other, meet in good faith to attempt to resolve the dispute.
- 7.2 If the dispute is not resolved as a result of such meeting, either Cheshire West and Chester, Halton Borough or Warrington Borough Councils or the operator may (at such meeting or within five working days of its conclusion) propose to the other in writing that the dispute be referred to an independent expert ("Independent Expert")
- 7.3 If the parties are unable to agree an Independent Expert or if the Independent Expert agreed upon is unable or unwilling to act then any party may within five working days from the date of the proposal to appoint an Independent Expert or within a further five working days of notice to either party that he or she is unable or unwilling to act, apply to the Department for Transport to appoint an Independent Expert.
- 7.4 If any matter is referred to the Independent Expert for determination in accordance with paragraph three above, then:
- (a) the Independent Expert shall determine the matter, subject to the remaining provisions of this paragraph four, on a basis that is fair and reasonable in all respects between the operator and either Cheshire West and Chester, Halton Borough or Warrington Borough Councils and considers all relevant factors and circumstances;
 - (b) the Independent Expert shall act as an expert and not as an arbitrator and its determination of the dispute shall be final and binding on the parties (save in the case of manifest error);
 - (c) Cheshire West and Chester, Halton Borough or Warrington Borough Councils and the operator shall ensure that the Independent Expert has full access to all books, information and records in their possession or in the possession of their auditors and accountants that are relevant to the dispute and to his determination thereon; and
 - (d) the Independent Expert's fees shall be borne equally by the parties unless he shall decide that one party has acted unreasonably (in which case his fees shall be borne as he shall direct).

8 **Appeals**

- 8.1 In the event of a disagreement between an operator and TCA (Travel Concession Authority) as to the reimbursement arrangements offered by the TCA, there is a mechanism provided under sections 98(2) and 99(2) of the 1985 Act and section 150(3) of the 2000 Act, by which the operator can apply to the Secretary of State for Transport for cancellation, variation or modification of the arrangements.
- 8.2 The right of an operator to apply to the Secretary of State for modification of the proposed reimbursement arrangements offered by a TCA is an important safeguard. This application process is often referred to as the 'appeal process'.
- 8.3 Applications should only be submitted after proper consideration and after attempts to reach a resolution at the local level have been exhausted. The time limit for making an appeal is 56 days from the commencement or variation of a scheme.
- 8.4 The Secretary of State appoints independent decision makers to determine the applications on his behalf, in line with the provisions of section 100(5) of the 1985 Act and section 150(6)(b) of the 2000 Act.

8.5 **Guidance**

The Department for Transport has produced guidance on the appeals process, which can be found at:

[Apply for concessionary fares travel schemes and reimbursement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/apply-for-concessionary-fares-travel-schemes-and-reimbursement)

9. **Payment arrangements**

- 9.1 Payment periods will be monthly.
- 9.2 All payments will be made within 10 working days of the administrator receiving a completed and substantiated claim. Claims are still required even though operators may be paid at a different rate due to reduction in passenger numbers due to the Covid 19 pandemic.
- 9.3 In normal circumstances the scheme administrator will pay the full amounts due on payment dates. However, the consortium authorities reserve the right to pay only a proportion of a claim or to make no payment if there are serious concerns regarding a claim or its submission. This may arise, for example, where there is uncertainty or dispute due to the late receipt of claims from an operator or where time is needed to assess, by survey, the effects of a recent change in service or the level of claims. A delay in receipt from an operator of the information required to calculate/substantiate the actual payment due may lead to a corresponding delay in the appropriate payment.
- 9.4 Retrospective claims for reimbursement will not be pursued or considered after more than six months have elapsed.

10. **Supply of information**

- 10.1 Each operator will be required to provide information on all journeys undertaken by all concessionaires monthly for each preceding month. Operators are required to demonstrate to the Scheme Administrator that they have in place sufficient controls to ensure the accurate recording of concessionary journeys. The scheme administrator reserves the right to require additional information where appropriate and operators are obliged to provide all information being provided or any claim being submitted in the utmost good faith, the cost of providing any additional information is to be entirely borne by the operator. The scheme administrator will liaise with the local authority concerned to substantiate any claims, where deemed appropriate and necessary.
- 10.2 The value of recorded travel from which payment will be calculated is to be obtained as follows:
- (a) All operators will complete a standard claim form separately detailing concessionaires carried at:
 - a free fare as defined in 4.1 and 4.2 (a),
and
 - a blind or partially sighted free fare as defined in 6.6,
 - (b) Claim forms will be provided by the scheme administrator electronically to the email address supplied by the operator and should be returned completed to **cfclaims@cheshirewestandchester.gov.uk** as soon as possible after the calendar month end. For operators without email facilities paper copies will be provided, and returns will be accepted by fax or post.
 - (c) For operators with electronic ticket machines claims should be substantiated by providing a copy of the comprehensive record of all concessionary travel recorded by them.
 - (d) For all other operators, copies of local manual records should be kept and be available for inspection on demand, with associated costs to be entirely borne by the operator.
 - (e) The scheme administrator and all consortium local authorities reserve the right from time to time, at their absolute discretion to conduct on-bus surveys for the purpose of audit to establish that operators' returns and claims are a true and fair representation of concessionary journeys and to verify the level of demand for the scheme and reimbursement due.
- 10.3 If an operator supplies data, which it can prove to the scheme administrator's satisfaction, provides a more accurate basis for the calculation of recorded concessionary travel, then that data will be used.

11. **Passes**

- 11.1 Any current “smartcard” concessionary fares pass issued by a local authority in England and conforming to the layout determined by the Department for Transport will be valid for journeys in the Cheshire Scheme area under the National Scheme.
- 11.2 Cards issued by the Cheshire Scheme Authorities for Cheshire Passholders will have the scheme logo displayed.
- 11.3 Sample images of the concessionary fare passes to be recognised in connection with the scheme shall be sent to operators on request. Any operators shall have the right to refuse to offer the travel concession to any person who fails to present a pass, or presents an invalid, defaced or altered pass. Any such passes should be withdrawn from the user and returned to the address on the back of the card.
- 11.4 Smartcard Passes presented to operators that do not electronically register should be visually checked for authenticity before travel is allowed. These journeys should be recorded using manual processes and the pass holder advised to contact their issuing authority and inform of the fact that there is a problem with their card.
- 11.5 Recurring issues of non-scanning passes should be reported to the scheme administrator, travel should continue to be permitted and manually recorded while the matter is resolved.
- 11.6 Any pass that has clearly been altered or tampered with or is presented or used by someone other than the person to whom it was issued should be withdrawn and returned to the senior administrator immediately.
- 11.7 Any lost or found passes bearing the Cheshire consortium logo should be returned to the address on the reverse of the pass immediately.

12. **Survey and audit of operators**

- 12.1 Operators are required to allow authorised officers of any of the Authorities in the scheme, or their agents, to travel free of charge on their services for the purpose of carrying out surveys of use by people using concessionary travel passes, and related duties. In appropriate circumstances, the operators may be required to supply the scheme administrator with the corresponding information obtained from electronic ticket machines for the surveyed journeys and their equivalent at other comparable times. This data to potentially take the form of:
 - Free passes accepted for a claim period
 - Free passes accepted for certain / all days
 - Free passes accepted for certain / all journeys
- 12.2 In connection with the reimbursement arrangements, operators will be required to notify the scheme administrator in writing of details of any fare changes, not later than seven days after such change takes effect, on services where concessions are available. In making payments to

operators whose reimbursement is based on survey information (either self-completion or scheme administrator conducted), the assessment of payment will be based on the fare levels at the time of the survey, unless notification of a subsequent fare increase has been received.

- 12.3 Audits of each operator will be carried out at least once a year either at the Operators' depot or remotely. Should Cheshire West and Chester, Halton Borough or Warrington Borough Council have the wish/reason to undertake a related audit at any time, 24 hours notice will be given to the operator. This will take the form of checking reports at operator depots against claims submitted as part of reimbursement process, and other associated records. The scheme administrator will calculate monthly trend analysis on services to assist in substantiating claims. (Also see 9.2).
- 12.4 Operators are required to retain all records relevant to the compilation and submission of claims for a period of six years after the relevant claim period. These records include – but are not limited to – ticket machine totals, ticket stubs, totals derived from software used to aggregate journey details, intermediate calculation sheets, duplicates of paper tickets issued etc

13 General arrangements

- 13.1 The Scheme Administrator will require 42 days notice by operators of their intention to withdraw from voluntary participation in respect of any service in the scheme, and the operators will be expected to provide travel concessions until the period of notice has expired.
- 13.2 Where it is considered that fares currently charged on a service include a special amenity element (i.e., are significantly high in relation to the general level of fares for comparable journeys in the area), the reimbursement for that service will be based on the general level of fares in the area for comparable journeys.
- 13.3 The content of any notice relating to compulsory participation in the scheme, or any other matter relating to the administration of the scheme, which may be issued under Section 96-99 of the 1985 Act by the Scheme Administrator or an operator, shall comply with the Regulations.
- 13.4 The scheme administrator shall give not less than 28 days' notice in writing to operators of its intention to vary the scheme or reimbursement arrangements for operators in the scheme.
- 13.5 A full copy of the scheme particulars will be sent to all operators who are currently providing services and will subsequently be sent out to any operator who commences operation of a service operating in Cheshire West and Chester, Warrington and / or Halton. Operators receiving tender invitations for supported bus services in the scheme area will also be notified of the existence of this scheme, and the process to request further details.
- 13.6 A full copy of the scheme particulars is available for inspection at (i) Cheshire West and Chester, Transport and Highways Service,

HQ Building, Chester, Cheshire (ii) the Treasurers' Offices of the Councils of Cheshire West and Chester, Halton and Warrington. It can also be viewed on the Cheshire West and Chester Council website at:

www.cheshirewestandchester.gov.uk or can be obtained by writing to:

The Concessionary Travel Scheme Administrator
Cheshire West & Chester Council
Transport and Highways
The Portal
Wellington Road
Ellesmere Port
Cheshire
CH65 0BA

Alternatively, you can telephone our customer helpline number on (01244) 973353 for any further clarification of the arrangements.

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Day/Time	Pass holder	Boarding area: Cheshire West and Chester	Boarding area: Warrington	Boarding area: Halton
4.30am – 9.30am Monday to Friday	Cheshire pass holders	No concession offered		
	Cheshire blind pass holders	Free travel reimbursed at: number passenger trips x AAF x 53%		Free travel reimbursed at: number passenger trips x AAF x 51%
	National pass holders	No Concession Offered		
9.30am – Last Bus Monday to Friday	Cheshire pass holders (Including Cheshire Blind)	Free travel reimbursed at: number passenger trips x AAF x 53%		Free travel reimbursed at: number passenger trips x AAF x 51%
	National pass holders			
Any Time Saturday, Sunday or Bank Holiday as defined in 4.2 (a)	Cheshire pass holders (Including Cheshire Blind)	Free travel reimbursed at: number passenger trips x AAF x 53%		Free travel reimbursed at: number passenger trips x AAF x 51%
	National pass holders			