

NORTH YORKSHIRE & YORK CONCESSIONARY FARES SCHEME

April 2022

**NOTICE OF PARTICULARS OF THE SCHEME AND
ARRANGEMENTS FOR REIMBURSTMENT (issued in compliance
with the Transport Acts 1985 and 2000, as amended by the
Concessionary Bus Travel Act 2007)**

1 Application of Scheme

- a. North Yorkshire County Council and City of York Council (the “Issuing Authorities”) have jointly adopted this concessionary fares scheme (“the Scheme”). The Scheme will be administered by North Yorkshire County Council (the “Lead Authority”) on behalf of the Issuing Authorities.
- b. These Particulars of the Scheme and Arrangements for Reimbursement are issued on 28 February 2022 and replace the previous scheme of 4 March 2019 (and subsequently amended due to Covid-19 circumstances). This Scheme will come in to effect on 1st April 2022, and continue until 31st March 2024 or earlier as amended.
- c. The conditions contained herein are binding on Operators and the Issuing Authorities.

2 Scheme Area

- a. The Scheme Area is that covered by the administrative areas of North Yorkshire County Council and City of York Council.

3 Times of Validity (“Relevant Time”)

- a. Passes issued under this Scheme or issued by any other travel concession authority in England, are valid for concessionary

travel on journeys starting at any point in the Scheme Area, at the following times:

- i. At any time on a Sunday or Saturday or any English bank holiday.
 - ii. At any time Monday to Friday except between 6am and 9am.
 - iii. At other such times as may be agreed between the Lead Authority and the relevant Operator.
 - iv. On relevant sections of specific services which operate prior to 9am Monday to Friday. (see also 'When can you use your bus pass' at <https://www.northyorks.gov.uk/bus-passes>)
- b. Passes held by people resident within the City of York who are registered as Blind are valid for concessionary travel on journeys starting and finishing wholly within the City of York boundary at any time.

4 Journeys and Services on which Concessions are to be provided (“Eligible Journeys” and “Eligible Services”)

- a. An eligible journey is an unbroken ‘Through Journey’, in one direction, made on an Eligible Service beginning at a Relevant Time. “Through Journey” means one made on a single advertised service using one vehicle (or where any change of vehicle is made solely for operational reasons, whether planned or otherwise), or an advertised connecting journey, which a fare-paying passenger could make on a single ticket (other than an unlimited-travel period or area network ticket).
- b. An Eligible Service is as defined in the Travel Concessions (Eligible Services) Order 2002, as amended by the Travel Concessions (Eligible Services) (Amendment) Order 2009.
- c. The Lead Authority may include services not considered Eligible Services under the regulations and may subsequently remove such services from the Scheme at a later date. Operators will be notified of any such arrangements by the Lead Authority

5 Groups of Persons Eligible (“Eligible Persons”)

- a. People in the following groups who are resident in the Issuing Authorities’ administrative area are entitled to the issue of a

concessionary travel pass under the Scheme (see also <https://www.northyorks.gov.uk/bus-passes> for further details on the eligibility criteria).

- Elderly Persons – as defined in section 146 Transport Act 2000 as amended by SI 2010/459 The Travel Concessions (Eligibility) (England) Order 2010.
- Disabled Persons – as defined in section 146 Transport Act 2000.
- Disabled Persons Companion – as specified by the Issuing Authorities.

6 English National Concessionary Passes and Type of Concession

- a. The Scheme uses ITSO compliant smartcard passes, as specified by Concessionary But Travel (Permits) (England) Regulations 2008, and displaying the holders name, likeness, the Issuing Authorities' logo, expiry date, reference number and any other details pursuant to the administration of the Scheme.
- b. The Concession Type will be indicated by a coloured strip on the right side of the pass; a blue strip for those eligible on the grounds of age and an orange strip for those eligible on the grounds of disability.
- c. Companion element will display a "+C" logo in the top right corner of the pass to a standard design. No separate pass will be issued for a companion.
- d. Passes held by persons resident within the City of York who are registered as blind will display in the top section of the pass a standard "eye" logo, illustrating their enhanced free travel entitlement as specified in section 3b.
- e. On presentation of a valid Concessionary Travel Pass on an Eligible Journey, at a Relevant Time the holder will be entitled to a concession consisting of a waiver of the fare for the journey.
- f. Passes that do not conform to the standard designs, or are otherwise invalid, should not be accepted for concessionary travel under any circumstances. Passes that are out of date, or fail to register on a smart enabled ticket machine may be accepted in accordance with guidance issued by the Lead Authority. See annex 1.

7 Local Variations and Scheme Enhancements

- a. The Lead Authority may vary enhancements to the Scheme at any time as may be agreed between Issuing Authorities and the relevant Operators. Operators will be given at least 28 days' notice of any such changes, prior to their implementation date.
- b. Either of the Issuing Authorities may offer travel tokens, taxi vouchers or rail passes as an alternative to the statutory travel concessions under the Scheme and may insist where relevant that these are accepted on services included within the Scheme.

8 Right of Participation

- a. Operators are required to provide the statutory minimum level of concessionary travel, in accordance with the Transport Act 2000 (as amended), and persistent failure to do so is a criminal offence.
- b. Any Operator of an Eligible Service, operating in the Scheme Area, has a right to participate in the Scheme, and to be reimbursed in accordance with the current Arrangements for Reimbursement. Any new Eligible Service will automatically be admitted to the Scheme; the Operator should notify the Scheme administrator accordingly.
- c. The Lead Authority may require an Operator to participate in discretionary elements of the Scheme, by serving a Participation Notice under S97 of the Transport Act 1985.
- d. The Lead Authority shall give no less than 28 days' notice to Operators of any proposed changes to the Scheme, including the Arrangements for Reimbursement, and 3 months' notice of any decision to terminate the Scheme or any part of it. The period of such notice may however be shortened by mutual agreement.
- e. The Lead Authority reserves the right to exclude from the Scheme any service which does not qualify under section 4, or on which the level of fares or the manner in which they are paid, in the opinion of the Lead Authority, are designed to deter its use for local travel.
- f. Operators have a statutory right of appeal against participation in the Scheme, exclusion from the Scheme or the terms of reimbursement. Any matter of dispute should be raised in the first instance with the Lead Authority.

9 Identifying Signs, Logos, etc.

- a. The Issuing Authorities reserve the right to require Operators to display on vehicles used on services on which travel concessions are available a sign or logo indicating the fact to intending passengers. They may also require Operators to display a notice describing the Scheme and its provisions inside each vehicle used on Eligible Services within the Scheme Area.

PUBLISHED ARRANGEMENTS FOR REIMBURSEMENT OF OPERATORS

10 General

- a. The Scheme aims to ensure that all Operators are treated fairly, and that they are neither better nor worse off financially as a result of their participation in the Scheme, in accordance with S150 Transport Act 2000 and the Travel Concessions Schemes Regulations 1986. The Reimbursement Arrangements have been formulated to provide Operators with appropriate reimbursement for providing concessions to those who are eligible, as defined in this Notice or Particulars.
- b. Reimbursement Arrangements have been determined in accordance with the principles of Department for Transport (DfT) 'Guidance on Reimbursing Bus Operators (England)'. The guidance and associated Reimbursement Calculator can be found on the DfT website, [GOV.UK \(www.gov.uk\)](http://www.gov.uk). The guidance as revised November 2021 sets out the Department's preferred approach for calculating reimbursement based on the latest research and evidence available. The Scheme applies the principles of the guidance and the DfT methodology using the reimbursement calculator.
- c. Payments due for revenue forgone and additional costs will be determined using the DfT calculator. The Issuing Authorities will periodically review reimbursement arrangements in light of guidance and recommendations from DfT. Any amendments to the Scheme that result will be issued in line with the statutory notice requirement.
- d. All claims and enquiries by Operators should be made to the Lead Authority, other than Operators who provide services mainly within the York area, where they should be addressed to City of York Council.
- e. Reimbursement and payment due will be paid via either the Standard Method of Calculation of Reimbursement at 11 below or via the Concessionary Travel Recovery Period payment at 12 below. Payment will be made depending upon which method of payment makes the Operator better off.

11. Standard Method Of Calculation Of Reimbursement

- a. Reimbursement due and payment is calculated using a simplified method to obtain a Rate per Concession (RPC).
- b. The RPC will be applied with monthly payments calculated from the number of Eligible Journeys undertaken by holders of a valid Concessionary Travel Pass multiplied by the RPC.
- c. In future years RPC will be inflated using the rate from the CPT (Northern England) index or successor body.

12. Concessionary Travel Recovery Period payment

- a. An alternative method of reimbursement is available to Operators via the Concessionary Travel Recovery Guidance payment. From 06 April 2022, the Concessionary Travel Recovery Period will begin which will be available to Operators who are left worse off than via the Standard Method of Reimbursement referred to in this Scheme at 11 above, and DfT have asked authorities to continue to pay out concessionary fares at 90% of pre-Covid levels. DfT then propose authorities should gradually decrease their reimbursement payments to bus operators by 5% every other month until these payments meet with actual patronage levels. The full approach and timescale is included within the Guidance which can be found here [include link]

Table 1: Table showing the scale down of LTA pre-Covid concessionary reimbursement payments

Month	% scale down of LTA pre-Covid concessionary payment
06 April 2022	90%
01 May 2022	90%
01 June 2022	85%
01 July 2022	85%
01 August 2022	80%
01 September 2022	80%
01 October 2022	75%
01 November 2022	75%
01 December 2022	70%
01 January 2023	70%
01 February 2023	65%
01 March 2023	65%

- b. At the end of the Concessionary Travel Recovery Period Operators will be paid the Standard Method of Reimbursement referred to in this Scheme at 11 above.

13 Alternative Method of Reimbursement

- a. Reimbursement Arrangements may be varied in exceptional circumstances where an Operator provides clear evidence that the standard method of reimbursement is not appropriate. The Lead Authority will consider an alternative method of reimbursement where it is evidenced that standard Reimbursement Arrangements do not satisfy the “no better, no worse off” principle. It will be a requirement of any Operator claiming such a review to make representations to the Lead Authority providing full details of the basis on which the review is requested together with supporting available evidence.
- b. The Lead Authority may agree an alternative method of reimbursement with any Operator whose mileage run on Eligible Services wholly or partly within the Scheme Area is less than 150,000 miles per annum. The alternative method of reimbursement may be based on the standard method, with an adjusted reimbursement factor, or using another method as deemed appropriate by the Lead Authority.
- c. Either Issuing Authority may enter in to separate reimbursement arrangements with individual Operators by negotiation. Such arrangements will be binding and all reimbursement due on those Operators’ Eligible Services will be made in accordance to the agreement, not the Standard Method of Reimbursement.
- d. Where an Operator is providing a service under the terms of a North Yorkshire County Council contract for local bus services, the contract may specify Concessionary Fares Reimbursement Arrangements and the amounts payable. Where this is the case, all reimbursement due for concessionary travel on Eligible Journeys commencing in North Yorkshire and City of York will be reimbursed in accordance with the terms of the contract and not in accordance with the standard method of calculation of reimbursement contained within this Scheme.
- e. Where any new Operator or new Eligible Service is admitted to the Scheme the Standard Method of Reimbursement will be applied, with the average value for Reimbursement Factor being

used in the reimbursement calculator. The Operator may request, or the Lead Authority may require, a review of a new service to confirm the appropriate reimbursement payable. In these circumstances the Operator will provide sufficient data as may be required to enable such assessment to be carried out.

14 Supply of Data and Confidentiality

- a. Operators are required to supply data to enable the Lead Authority to calculate the average fare and the number of eligible journeys. The precise specification of the information required is set out in Annex 2 or as agreed between each Operator and the lead or Issuing Authority.
- b. All Operators are required to supply this data on a regular basis, normally on spreadsheet format from Electronic Ticketing Machines, on an equivalent acceptable to the Lead Authority (see Annex 2). The precise specification and frequency of data returns shall be a matter to be determined between each Operator and the Lead Authority.
- c. Operators must record all concessionary journeys undertaken on their Eligible Services accurately, and in a manner satisfactory to the lead Authority. Only journeys recorded on an Electronic Smartcard Ticket machine system, and claims based on audible data therefrom, will be regarded as satisfactory. Operators who are unable to provide data from Electronic Smartcard Ticket Machines or their equivalent may have their reimbursement due estimated by the Lead Authority using data from sample surveys on their services or other sources at the discretion of the Lead Authority.
- d. Operators must provide up-to-date fare tables, ticket options, route and timetable details for each Eligible Service to the Lead Authority.
- e. The Issuing Authorities or any agent or contractor shall hold all revenue and patronage information provided by Operators in strictest confidence. This information may only be used for the purposes of scheme administration and public transport planning and monitoring.
- f. The Issuing Authorities shall consider all revenue and patronage data supplied as exempt from disclosure under a Freedom of Information Act 2000 request on the grounds of commercial

sensitivity. Aggregated statistics and information on reimbursement payments to Operators may however be published by the Issuing Authorities subject to all current legislative provisions.

15 Data Returns and Payments

- a. During each monthly period each Operator will receive a payment calculated from their RPC multiplied by the number of concessions for the period.
- b. Payments will be made monthly in advance or monthly in arrears to suit Operators' accounting practice and preference.
- c. Payment in advance will be made using the previous months actual concessionary count multiplied by the RPC, with a 12th and final payment being paid in April and adjusted to reflect the total concessionary count for the year.
- d. Payment in areas will be made using the actual concessionary count for the period multiplied by the RPC, with a 12th and final payment being paid in April and adjusted to reflect the total concessions for the year.
- e. Should any operator fail to submit the required data return and supporting evidence by the specified period date, payment will be delayed until the data has been received and processed.
- f. It is the responsibility of each Operator to claim reimbursement and supply the required data, and neither the Lead Authority nor any Issuing Authority shall have any liability to collect or correct such information.

16 Survey and Audit

- a. Operators are required to allow authorised officers of either Issuing Authority, or their agent, to travel free of charge on their services for the purpose of carrying out surveys and related duties. Such officers should also be provided with, or afforded facilities to make, a record of the total tickets issued and revenue recorded on each journey they survey.
- b. Operators must retain records of their claims and all supporting data for a minimum period of 18 months following the end of the fiscal year (i.e. 31st March) relating to each data return. The Lead Authority may inspect any such records as it deems necessary, at any reasonable time, and shall have the right to enter upon an

Operator's premises and take copies (written and/ or electronic) of any relevant records.

- c. In the event of failure or inability by an operator to maintain or produce adequate records of claims and supporting data, or failure to co-operate with the Lead Authority or authorised staff, the Lead Authority may, as its sole discretion, take any action defined in section 18.5 as if the information had not been supplied in the first instance. The Lead Authority may also recover any extraordinary costs incurred in investigating and rectifying the situation, including any additional survey work deemed necessary to establish the most accurate possible estimate of reimbursement due.

17 Contracts for Notices and Correspondence

- a. All notices, data and other information required by the Lead Authority under the Scheme shall be provided to the following contact point:

Integrated Passenger Transport
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH
Tel: 01609 780780
Email: enct@northyorks.gov.uk

- b. Enquiries relating to Operators or to Passes within the City of York Council area should be addressed to:

Public Transport Service
City of York Council
West Offices
Station Rise
York
YO1 6GATel: 01904 551550
Email: buses@york.gov.uk

Annex 1- hotlisting instructions

Background

From Thursday 1st November 2018, a new security check (known as 'hotlisting') will be phased in for all bus services across the North Yorkshire and York areas to help reduce the risk of fraud and misuse of concessionary bus passes.

What is hotlisting?

Your ticket machine will automatically detect if a concessionary bus pass has been 'hotlisted' by the local transport authority which issued it. This may happen because:

- The pass has been reported lost or stolen and a replacement issued.
- The pass has been reported as being used fraudulently by someone other than the rightful holder.
- The holder is no longer entitled to concessionary travel.

In many cases it is likely that the person may be innocently using a 'hotlisted' card with their name on it – for example if they have reported a card lost then found it again after a replacement has been issued.

A passenger with a 'hotlisted' concessionary bus pass will be expected to pay the required bus fare, subject to the bus operator's policy on vulnerable passengers. The bus driver may also retain the 'hotlisted' bus pass so it can be returned to the local authority who issued the card as soon as possible.

Will many concessionary bus pass holders be affected?

The vast majority of concessionary bus pass holders will not be affected.

