

**LUTON BOROUGH COUNCIL
CONCESSIONARY TRAVEL SCHEME
2012/2013**

STATUTORY NOTICE

This notice contains details of how Luton Borough Council will operate and administer the English National Concessionary Travel Scheme for the period April 1st 2012 to March 31st 2013.

The Luton concessionary travel scheme 2012/2013 (“the 2012/13 scheme”) has two components, the statutory national concession travel scheme and Luton Borough Councils discretionary enhancement:

The statutory national concessionary travel scheme provided under Section 145A and 146 of the Transport Act 2000 as enacted by the Concessionary Bus Travel Act 2007, and the Travel Concession (eligibility) Act 2002.

and

Luton Borough Councils discretionary enhancement to the English national concessionary travel scheme provided under Section 93 of the Transport Act 1985.

Under Section 145A of the Transport Act 2000 (as enacted by the Concessionary Bus Travel Act 2007) any person to whom a current statutory travel concession permit or Smartcard has been issued by any English Travel Concession Authority (TCA) and who travels on an eligible service on a journey within the borough boundary of Luton between the hours of 09.30 and 23.00 weekdays, or at any time during weekends or public holidays shall, on production of the permit/Smartcard, be provided with a concession consisting of a waiver of the fare for the journey from the operator of the service.

Under section 148 of the Transport Act 2000, an operator commits an offence if he systematically fails to comply with the obligation under section 145A during any period.

Under section 93 of the Transport Act 1985 a local Authority may enhance the statutory concessionary travel scheme, on journeys using public transport, within its own boundaries or to other places within the vicinity of these boundaries. This document shall serve as publication of the enhanced particulars of the concessionary travel scheme under section 93 of the Transport Act 1985.

The particulars published herein, particularly with regard to the reimbursement arrangements (governed by European regulation No 1370/2007 reimbursement of bus operators), shall apply. Reimbursements to operators shall apply equally to the statutory national concession travel scheme and to the Councils discretionary enhancement.

Particulars of the 2012/2013 scheme

The 2012/13 scheme shall commence on 1st April 2012.

The statutory English National Concessionary Travel Scheme (ENCTS)

The statutory English National Concessional Travel Scheme (ENCTS) provides free travel for permit (Smartcard) holders on all local bus services, commencing within the borough boundary between the hours of 09.30 and 23.00 Monday to Friday and at any time during weekends or public holidays, to any final destination in England. The statutory national concession travel scheme applies equally to all permit or Smartcard holders who have a valid permit issued by a Travel Concession Authority (TCA) in England. Permits issued by Scottish, Welsh, or any other authority are not valid for use in the statutory English national concession travel scheme or the discretionary enhancement of that scheme.

Luton Borough Councils discretionary enhancement to the statutory English national concessional travel scheme.

The statutory national concessionary travel scheme will be enhanced, for eligible Luton residents only, by the provision of free travel, at any time and on any day, for journeys using local bus services, commencing in Luton, and which are wholly within the Luton - Dunstable - Houghton Regis conurbation. Disabled persons, and those with restricted mobility who also hold concessionary permits (Smartcards), and who have difficulty using public transport will be carried free of charge on journeys or vehicles provided by approved community transport organisations. Companions of disabled persons who are in possession of an approved permit indicating that companions are permitted will also be carried free of charge while accompanying a disabled permit holder.

Luton residents may not be entitled to free concessionary travel beyond the boundaries of the conurbation before 09.30 or after 23.00 on weekdays or on journeys commencing outside the Luton Borough boundary.

Operators are required to issue a ticket for each journey made under the scheme. The ticket must indicate, as near as possible, the destination, zone, or fare stage, and also indicate the fare is nil or free.

This enhancement will not apply to residents of other Authorities including Central Bedfordshire or Hertfordshire; unless there is a reciprocal agreement between each authority and their respective 2012/13 schemes also permit free concessionary travel beyond each authority's administrative boundaries.

Eligibility

Eligibility for the English national concessionary travel scheme is limited to all persons who meet the following criteria.

All persons who are of pensionable age.

All persons who:

- are registered blind or partially sighted.
- are profoundly deaf
- are without speech
- have a disability or who have suffered an injury which has a substantial and long term adverse affect on their ability to walk
- do not have arms or have 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 (this does not include those who are mentally ill)
- have been refused (or would be refused) a driving licence on grounds of physical fitness other than on the ground of persistent misuse of drugs or alcohol

If an entitled person finds it impossible to travel independently he or she may apply to the Council for a companion permit which will allow both the permit holder and a companion to travel together free of charge.

Permits (Smartcards)

In order for eligible persons to use the ENCT scheme they must be in possession of, and carry, a valid permit ("a Smartcard"). Smartcards will be issued by Luton Borough Council free of charge to eligible persons and will be valid for a maximum period of five years. Luton Borough Council will charge an administration fee of £11.50p for the replacement of lost or stolen Smartcards.

Participation of Bus Operators

The 2012/13 scheme is open to all operators of registered local bus services (under the Transport Act 1985) and recognised community transport operators or organisations. Bus or Coach excursions, tours, and other bus services not available to the general public, or not registered as local bus services, are excluded from the scheme.

All operators of eligible bus services have the right to participate voluntarily in the discretionary enhancement to the national travel concession scheme. Luton Borough Council has the right to require operators to participate by the issue of a “participation notice”. Operators have the right of appeal to the Secretary of State against such a participation notice. An operator who joins the scheme voluntarily will be required to give 42 days notice of withdrawal from it.

Operators of tendered local bus services will be required to participate in the scheme from the commencement of each contract.

Reimbursement

As far as possible Luton Borough Council will seek to ensure that operators of commercial and subsidy - based contract services are neither better nor worse off financially as a result of participating in the scheme. The calculation of reimbursements will, so far as is practicable, be based on ensuring that operators receive reimbursement for journeys made by concessionary passengers equal to the revenue that they would have been received if the scheme did not exist together with any additional costs which result from their participation in the scheme.

Method and formula for calculating reimbursements to bus operators

Luton Borough Council will apply the principles published in the Department for Transport (DfT) guidance; Concessionary travel for older and disabled people: Guidance on Reimbursing Bus Operators (England) November 2011. Luton Borough Council will use the DfT model or formula embedded in the published tool for calculating reimbursements subject to consultation with individual bus operators. Unless alternative arrangements are agreed with individual operators, it is anticipated that the Discounted Fare Method (Table 5.5, page 22 of the DfT guidance November 2011,V2) will be appropriate for calculating reimbursements for local bus services operating in Luton. This will include the Luton, Dunstable, and Houghton Regis conurbation, and most inter urban journeys commencing in Luton.

Frequency of payment

Luton Borough Council will make payments to operators on a four weekly, monthly, or three monthly basis as appropriate following consultation with each bus operator.

In order to compensate for lost revenue in the beginning of the year, Luton Borough Council will consider requests for payments on account provided such payments do not exceed the cash fares that would otherwise have been paid by concessionary passengers in the given period.

Representations

Luton Borough Council will consider representations made by operators with regard to the method and basis of reimbursement calculations.

Certificate of Accuracy

Where the Borough Council considers it necessary to check the reliability of information supplied by an operator it will request a certificate of accuracy issued by a suitably qualified person, for example, an accountant.

Variations and Publicity

Variations to the 2012/13 scheme will be published on the Councils website and notified in writing to all participating operators.