

CONCESSIONARY BUS TRAVEL – BULLETIN #13

Appeals

The Department is nearing the end of the appeals submitted during 2007/8. To date 102 appeals have been received in respect of Travel Concession Schemes for the financial year 2007-08. Of these, 23 were subsequently withdrawn. The Department strongly encourages continued dialogue and local resolution where possible.

The independent adjudicator appointed last year, and a second adjudicator appointed early this year have made a total of 60 determinations to date. These have been notified to the applicant bus operators and each relevant authority. The appeals process is time consuming but it had been necessary to request further information from the operators and from the authorities before many of the determinations could be reached. The over-riding consideration is that the appeals are considered carefully and determined fairly. There are a number of further determinations in draft which are expected to be issued very shortly.

We have received queries about some of the appeals this year particularly around the use of fixed-sums in determinations by the Secretary of State. As such we would like to offer the following clarification.

All appeals submitted to the Secretary of State are determined on the basis of the evidence and data provided by the parties to that appeal. In respect of the 2007-2008 appeals, where the determination is that a payment should be made to an operator, an exact fixed-sum payment has been specified - also based on the data provided during the appeal. This approach is in contrast to the 2006-2007 appeal round, in which, in most cases, only the reimbursement factor was specified, to be applied by the parties to out turn figures when they became available, although in a limited number of other cases fixed amounts were specified.

In all cases, once an appeal has been determined the Secretary of State has no powers to re-open it. However, the issuing of an appeal decision and the determination of a fixed-sum payment does not excuse an authority from the

obligation to pursue the objective of leaving an operator 'no better and no worse off' as a result of its participation in a scheme.

Thus, where an operator's level of service provision changes significantly after data has been submitted for an appeal, (e.g. through opening new commercial routes or winning new route contracts), we would expect an authority to apply the principles of the appeal decision (with respect to average fare, and to the total reimbursement rate, including any allowance for additional costs) to the new level of service provision (trips).

Eligibility Guidance

The guidance on assessing the eligibility of disabled people has now been published on the Department's website here:

<http://www.dft.gov.uk/pgr/regional/buses/concessionary/local/guidancetolocalauthoritieson3561>

Implementation of the new 2008 statutory concession

Days until 1 April 2008: 12

Funding

The House of Commons debate on our proposed Special Grant distribution will take place on Tuesday 25 March. If the grant distribution is approved we will shortly need to put in place arrangements for paying the grant to TCAs. As you know our proposal is to make a single payment for each of London and the various PTEs. As with the passes grant we also have the ability to pay the grant to a single authority in a given county area if, and only if, all the affected authorities in that area agree. If you would like this to happen in your area we require confirmation in writing from all the authorities involved. This should be sent to: Peter Laslett, 3/11 Great Minster House, 76 Marsham Street, SW10 4DR.

We plan to pay the grant on a quarterly basis, around the middle of each quarter.

Eligible Services

We have received queries about which bus services will be eligible for the new concession. It remains for individual TCAs to assess which services are eligible. However TCAs should be aware that the Concessionary Bus Travel Act 2007 made no changes to the pre-existing definition of service eligibility (although it does treat London Service Permit routes on the same basis as non-London buses for the first time).

It is likely that we will consult on a possible update to the existing Eligible Services Order 2002 later in 2008. In the interim TCAs may find the flowchart attached at Annex A helpful in assessing which services are eligible. It is the Department's view that services which are ineligible for Bus Service Operator Grant (BSOG) will also be ineligible for concessionary travel. It should be noted that the converse is not true however - eligibility for BSOG does not, of itself, imply eligibility for concessionary travel because the BSOG criteria are wider. If you would like further advice as to how the department assesses whether individual services are, or are not, eligible for BSOG please contact us at:

concessionaryfares@dft.gsi.gov.uk

Passes

Pass production has now started in earnest. So far over 5 million passes have been produced by a number of different pass producers and the number is rising daily. Passes are now being sent out to concessionaires. This is a significant achievement and we are grateful for all the work that TCAs have done to be able to get these passes produced before 1 April.

If any TCA is concerned that its passes will not be produced by 1 April, it should contact its pass supplier. It is still not too late to order Temporary Passes if needed.

TCAs are encouraged to consider, and discuss with their pass suppliers if necessary, what arrangements they have in place for dealing with any passes which are sent to the wrong addresses or which are sent to the right address but where the concessionaire has since left.

Ongoing DfT support for TCAs

Most of you will have spoken to Ian McConnell and Nick Rawlings who have been an essential part of our team over the last year. They will both be moving on at some point during April and we wish them all the best in their future. If you need to contact the concessionary travel team after 1 April, we suggest that, in the first place, you continue to e-mail us at:

concessionaryfares@dft.gsi.gov.uk

Passes Regulations

The Concessionary Bus Travel (Permits) (England) Regulations 2008 have been laid before Parliament and will come into force on 21 March 2008. An electronic version of the Regulations can be found at:

http://www.opsi.gov.uk/si/si2008/uksi_20080417_en_1

The Regulations reflect the policy decisions that we have told you about in consultation response document and in earlier bulletins.

The Regulations also cover the temporary passes. They say that temporary passes must be shown with a valid local pass in order to be valid for concessionary travel. TCAs and operators should ensure that they are clear about the use of temporary passes.

TCAs are reminded that existing local passes will remain valid for local travel only until 30 September. This requirement is set out in the commencement order for the Concessionary Bus Travel Bill (2007) and can be found at:

http://www.opsi.gov.uk/si/si2007/uksi_20072799_en_1

Pass production after 1 April

As we near the end of the bulk production runs, TCAs might like to consider what arrangements they have for production of passes after 1 April. Some will no doubt stay with their existing suppliers, and we would encourage them to discuss any ongoing needs with them now if they have not already done so. Some may wish to change suppliers or take pass production in-house.

For TCAs who have signed up with ITSO Services Ltd (ISL), and who wish to start producing passes in house, you will need to contact ISL to obtain your own ISAMs. If you decide to change supplier, your supplier will need to contact ISL to obtain a new ISAM. ISL can also give you advice and help on how to produce passes in house. You can contact them on:

Tcainfo@itso.org.uk - Helpdesk telephone number is 0121 634 2758

Temporary Passes

So far we have approved orders for 382,000 temporary passes. Annex B shows how many temporary passes have been sent to each TCA. Annex C provides a summary in map form (if you wish to print this, we would advise that it is printed on A3 paper).

As recommended in our note on contingency arrangements, TCAs should talk to their local bus companies to let them know if they expect to have temporary passes in their area. TCAs who envisage that they will issue a significant number of temporary passes should therefore talk to their neighbouring TCAs to give them chance to alert any bus companies operating in their area. Temporary passes can, of course, be used anywhere throughout England, but they are likely to be used more for cross boarder travel.

TCAs are reminded that the Department will be requiring a monthly return, starting in April, showing how many temporary passes have been issued. We will write to all TCAs who have ordered temporary passes to give a timescale for this.

TCAs are also reminded to consider what kind of incentives they can use to get concessionaires to return their temporary passes and existing local passes as soon as they receive their smartcard pass.

Technical Advice Note (TAN) 4 - Guidance for TCAs and Bus Operators on the use of concessionary travel passes in England

TAN 4 has now been published on the Department's website here:

<http://www.dft.gov.uk/pgr/regional/buses/concessionary/guidancetcasbusops>

This note has been produced by the Operations and Technology subgroup of the Concessionary Fares Working Group, which includes both operators and local authorities.

The aim of the note is to provide, where possible, a standard approach to dealing with passes in an operational environment. The note covers the new England-wide pass, the London Freedom Pass, temporary passes and also existing local passes.

Annex 1 of the TAN shows the various passes which will be in use after 1 April and advises drivers and others on what they should look out for to assess whether a pass is valid.

Local discretionary concession in addition to the minimum concession

Where TCAs offer more than the minimum concession, they will need to ensure that bus companies operating in their area, and bus companies operating in other areas which accept their additional entitlements, are given full information so that they can advise their drivers of what additional entitlements are offered and how to recognise who is eligible for them.

TCAs are also encouraged to share this information with neighbouring TCAs which don't offer the same local entitlements. This will allow the neighbouring TCAs to warn bus operators in their area that some passengers on cross border journeys might need the driver's help to understand why they are eligible for an additional entitlement in one area but not the other.

Integrity Network

The first meeting of the Integrity Network was held on 29 February. This meeting was well attended and we would like to thank everyone who was there, particularly those giving presentations. The discussions on the day were constructive and there were many very useful contributions.

The meeting explored what were felt to be the main issues about integrity and gave attendees the chance to raise any particular issues which they felt should be covered by the network.

Key areas of discussion were around:

- Enrolment of concessionaires and assessing eligibility (particularly assessing disability)
- Hotlisting and managing data
- Dealing with fraudulent passes when they are presented

The meeting confirmed that the network would primarily be a virtual network with communication by email. The group is open to both TCAs and Operators and is aimed at sharing best practice and passing on useful information. If you would like to join the network, please send your details to:

concessionaryfares@dft.gsi.gov.uk

The Department is currently drafting a note of the meeting, which will be distributed to the Integrity Network in due course. Ultimately we would like all TCAs to be represented in the Network since they all bear the financial risk associated with fraudulent use of passes.

Recent and future communications from DfT

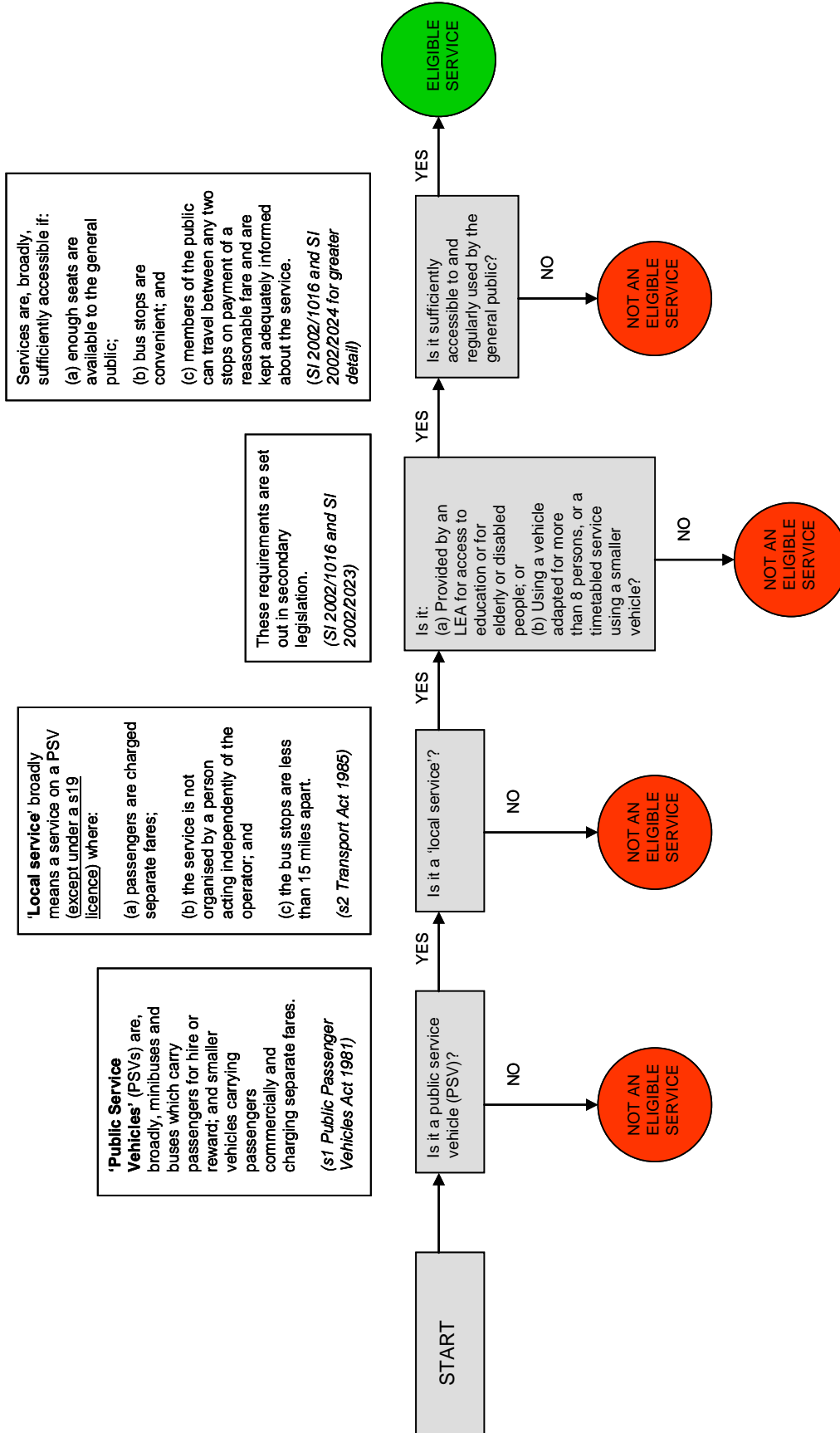
As preparations for the new concession continue the Department has issued, and is likely to continue to issue, a number of important communications to TCAs. These either take the form of a direct letter to TCAs, or information included in a bulletin. To ensure that all TCAs are aware of all of these communications a list of key recent and future communications is provided below.

<u>Date</u>	<u>Format</u>	<u>Key content</u>
5 April 07	Bulletin #5	Detailed information about the data that TCAs need to collect in order to be able to produce passes
25 May 07	Passes Consultation Paper (closed on 20 July)	Outlines the Department's initial proposals for the design and specification of the national passes and asks for comments
27 June 07	Ministerial letter to TCAs about passes	A letter from Gillian Merron about the passes project
29 June 07	Bulletin #6	Information about the framework agreements including a worked example of an order form for Lot 1. Extensive Q&A about all aspects of

<u>Date</u>	<u>Format</u>	<u>Key content</u>
		the national concession
5 July 07	Grant explanation letter	An explanation of how the grant to cover reasonable new burdens associated with passes will be calculated
31 July 07	Plain English Guide to ITSO	A basic, easy to understand introduction to ITSO smartcards
29 August 07	1 st Tranche Grant Determination	A breakdown of how much each TCA received for the first tranche of the passes grant
5 September 07	Bulletin #7	Details of the framework providers for all 4 lots and details of mentor authorities
18 September 07	Press release about the pass design	The official announcement about the final pass design
19 September 07	Letter about the Framework Agreements	Further information about the framework agreement and pricing schedules
28 September 07	Funding Consultation Paper (closed 23 November)	Invites comments on options for distributing additional funding for the 2008 national concession via special grant
1 October 07	Letter about second tranche of grant	Confirms the second grant payment will be made on 14 November and requests a signed declaration of the number of passes in circulation, which must be received before the second tranche can be paid
3 October 07	Letter about ITSO services Ltd	Explains the services that ITSO Services Ltd will provide to non-smart TCAs and provides a letter for TCAs to "sign up"
3 October 07	Passes Consultation Response Document	Summarises the responses received to the consultation and sets out the Department's plans for the design and specifications of the national pass
5 October	Bulletin #8	Reporting the outcome of the consultation on pass design and providing information about data to be encoded on passes
13 November	Bulletin #9	Providing advice on producing and formatting passes including how to allocate unique reference numbers and how to protect holograms and pass design artwork.
12 December	Bulletin #10	Providing information about the Special Grant funding for 2008, adding companions to Concessionary

<u>Date</u>	<u>Format</u>	<u>Key content</u>
		Passes and an updated list of OIDs and CPICCs
18 January	Bulletin #11	Providing information about the Reimbursement Analysis Tool and reimbursement workshops, ITSO's pass validation service, the pass Regulations and an initial meeting of the integrity network.
13 February	e-mail to TCAs	Providing information about transitional arrangements, including the use of temporary passes.
19 February	Funding consultation	Summary of responses to funding consultation
19 February	Bulletin #12	Providing information about forthcoming reimbursement workshops, the integrity group meeting, pass production and using a card management database.
25 February	Eligibility Guidance	Guidance on assessing eligibility of disabled people.
25 February	e-mail to TCAs	Contained a copy of the Regulations and a link to the guidance on assessing eligibility of disabled people.

----- **END** -----



Temporary passes

Annex B

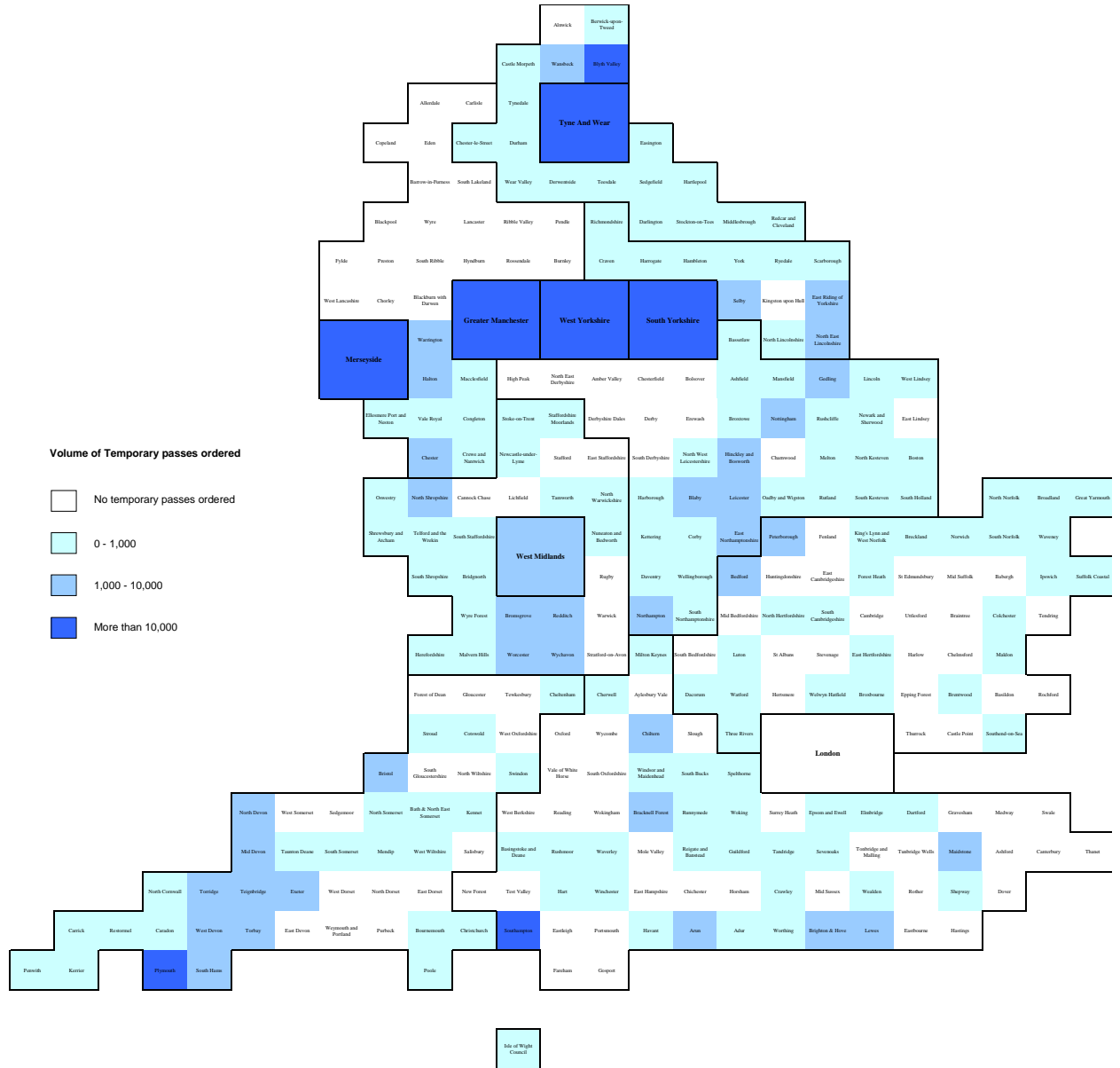
As at 19 March, 167 temporary pass orders have been received and approved, covering 180 TCAs and 382,000 temporary passes.

TCA	Temp Passes	TCA	Temp Passes
Adur	1,000	North Devon	4,000
Arun	2,000	North East Lincolnshire	2,000
Ashfield	1,000	North Hertfordshire	1,000
Basingstoke & Deane	1,000	North Kesteven	1,000
Bassetlaw	1,000	North Lincolnshire	1,000
Bath and N E Somerset	1,000	North Norfolk	1,000
Bedford	5,000	North Shropshire	2,000
Berwick Upon Tweed	1,000	North Somerset	1,000
Blaby	2,000	North Warwickshire	1,000
Blyth Valley	11,000	North West Leicestershire	1,000
Boston	1,000	Northampton	3,000
Bournemouth	1,000	Norwich	1,000
Bracknell Forest	8,000	Nottingham	3,000
Breckland	1,000	Nuneaton & Bedworth	1,000
Brentwood	1,000	Oadby and Wigston	1,000
Bridgnorth	1,000	Oswestry	1,000
Brighton & Hove	2,000	Penwith	1,000
Bristol City	9,000	Peterborough	4,000
Broadland	1,000	Plymouth	15,000
Bromsgrove	3,000	Poole	1,000
Broxbourne	1,000	Redcar & Cleveland	1,000
Broxtowe	1,000	Redditch	3,000
Caradon	1,000	Reigate & Banstead	1,000
Carrick	1,000	Restormel	1,000
Castle Morpeth	1,000	Richmondshire	1,000
Cheltenham	1,000	Runnymede	1,000
Cherwell	1,000	Rushcliffe	1,000
Chester	2,000	Rushmoor	1,000
Chester-le-Street	143	Rutland	1,000
Chiltern	2,000	Ryedale	1,000
Christchurch	1,000	Scarborough	1,000
Colchester	1,000	Sedgefield	143
Congleton	1,000	Selby	3,000
Corby	1,000	Sevenoaks	1,000
Cotswold	1,000	Shepway	1,000
Craven	1,000	Shrewsbury & Atcham	1,000
Crawley	1,000	South Buckinghamshire	1,000
Crewe & Nantwich	1,000	South Cambridgeshire	1,000
Dacorum	1,000	South Hams	4,000
Darlington	1,000	South Holland	1,000
Dartford	1,000	South Kesteven	1,000

Daventry	1,000	South Norfolk	1,000
Derwentside	143	South Northamptonshire	1,000
Durham	143	South Shropshire	1,000
Easington	143	South Somerset	1,000
East Hertfordshire	1,000	South Staffordshire	1,000
East Northamptonshire	3,000	South Yorkshire PTE	25,000
East Riding of Yorkshire	3,000	Southampton	11,000
Ellesmere Port & Neston	1,000	Southend-on-Sea	1,000
Elmbridge	1,000	Spelthorne	1,000
Epsom & Ewell	1,000	Staffordshire Moorlands	1,000
Exeter	5,000	Stockton-on-Tees	1,000
Forest Heath	1,000	Stoke-on-Trent	1,000
Gedling	2,000	Stroud	1,000
Great Yarmouth	1,000	Suffolk Coastal	1,000
Greater Manchester PTE	22,000	Swindon	1,000
Guildford	1,000	Tamworth	1,000
Halton	2,000	Tandridge	1,000
Hambleton	1,000	Taunton Deane	1,000
Harborough	1,000	Teesdale	143
Harrogate	1,000	Teignbridge	6,000
Hart	1,000	Telford and Wrekin	1,000
Hartlepool	1,000	Three Rivers	1,000
Havant	1,000	Torbay	2,000
Herefordshire	1,000	Torridge	2,000
Hinckley and Bosworth	2,000	Tyne and Wear PTE	11,000
Ipswich	1,000	Tynedale	1,000
Isle of Wight	1,000	Vale Royal	1,000
Kennet	1,000	Wansbeck	10,000
Kerrier	1,000	Warrington	2,000
Kettering	1,000	Watford	1,000
King's Lynn & W Norfolk	1,000	Waveney	1,000
Leicester City	4,000	Waverley	1,000
Lewes	3,000	Wealden	1,000
Lincoln	1,000	Wear Valley	142
Luton	1,000	Wellingborough	1,000
Macclesfield	1,000	Welwyn Hatfield	1,000
Maidstone	2,000	West Devon	2,000
Maldon	1,000	West Lindsey	1,000
Malvern Hills	1,000	West Midlands PTE	3,000
Mansfield	1,000	West Wiltshire	1,000
Melton	1,000	West Yorkshire PTE	18,000
Mendip	1,000	Winchester City Council	1,000
Merseyside PTE	15,000	Windsor & Maidenhead	1,000
Mid Devon	3,000	Woking	1,000
Middlesbrough	1,000	Worcester	3,000
Milton Keynes	1,000	Worthing	1,000
Newark & Sherwood	1,000	Wychavon	3,000
Newcastle Under Lyme	1,000	Wyre Forest	1,000
North Cornwall	1,000	York	1,000

Temporary Passes Map

Annex C



Volume of Temporary passes ordered

