



House of Commons

Tuesday 14 March 2017

PUBLIC BILL COMMITTEE PROCEEDINGS

BUS SERVICES BILL [*LORDS*]

[*FIRST AND SECOND SITTINGS*]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

Andrew Jones

Agreed to

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 14 March) meet—
 - (a) at 2.00 pm on Tuesday 14 March;
 - (b) at 11.30 am and 2.00 pm on Thursday 16 March;
 - (c) at 9.25 am and 2.00 pm on Tuesday 21 March;
- (2) the proceedings shall be taken in the following order: Clauses 1 and 2; Schedule 1; Clauses 3 to 6; Schedule 2; Clauses 7 and 8; Schedule 3; Clauses 9 to 15; Schedule 4; Clauses 16 to 21; new Clauses; new Schedules; Clauses 22 to 26; remaining proceedings on the Bill;

Bus Services Bill [*Lords*], *continued*

- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 21 March.

Andrew Jones

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Agreed to

Andrew Jones

Clause 1, page 2, line 43, leave out from beginning to end of line 4 on page 3

Agreed to 1

Andrew Jones

Clause 1, page 4, leave out lines 37 to 42

Agreed to 2

Andrew Jones

Clause 1, page 6, leave out line 1

Agreed to on division 3

Andrew Jones

Clause 1, page 6, leave out lines 8 to 16

Agreed to 4

Clause, as amended, agreed to.

Clause 2 agreed to.

Schedule 1 agreed to.

Clause 3 agreed to.

Andrew Jones

Clause 4, page 15, line 11, at end insert—

“But each of paragraphs (b) to (f) has effect only if the Secretary of State by regulations so provides.”

Agreed to on division 5

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Negatived on division 19

- Clause 4, page 15, line 24, at end insert—
“(6A) The terms as to standard of service that may be specified include terms about bus punctuality and bus journey speeds.”

Andrew Jones

Agreed to 6

- Clause 4, page 15, leave out lines 41 to 45

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 20

- Clause 4, page 15, line 45, at end insert—
“(12) A local service contract may require that new vehicles delivering local services are equipped with Wi-Fi if the vehicle comes into service after 1st April 2019 and that existing vehicles are equipped by 1st April 2022.”

Graham Stringer

Withdrawn after debate 34

- Clause 4, page 16, line 9, at end insert “, reflecting local conditions.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Withdrawn after debate 21

- Clause 4, page 16, line 30, at end insert—
“(3A) An award of any new franchise or contract shall not be made on the basis of labour costs estimated by the potential franchisee or contractor assuming labour costs for new employees at less than the labour cost of workers who are covered by TUPE protections in accordance with section 123X transferring to the new franchisee or contractor.”

Graham Stringer

Not called 35

- Clause 4, page 16, leave out lines 32 to 36.

Graham Stringer

Negatived on division 36

- Clause 4, page 16, line 35, at end insert—
“(5A) In preparing guidance, the Secretary of State must ensure that it is not over-burdensome on the authority.
(5B) The guidance shall specify that the authority may decline to assess a potential scheme if the bus operators have previously proved unwilling or unable to implement similar schemes.
(5C) The guidance shall specify that the ultimate decision to go ahead with any scheme will rest with the authority.”

 Bus Services Bill [*Lords*], *continued*

Andrew Jones

Agreed to 7

Clause 4, page 16, line 41, at end insert—

- “() A franchising authority or authorities may not prepare an assessment of a proposed franchising scheme under section 123B unless the Secretary of State consents to their doing so.
- () The Secretary of State’s consent is not required if the proposed scheme relates only to—
- (a) the area of a mayoral combined authority, or
 - (b) the combined area of two or more mayoral combined authorities.
- () The Secretary of State must publish a notice of a consent given under this section.”

Andrew Jones

Agreed to 8

Clause 4, page 18, leave out line 3

Andrew Jones

Agreed to 9

Clause 4, page 18, leave out lines 12 to 20

Daniel Zeichner
Lilian Greenwood
Nic Dakin*Not called* 22

Clause 4, page 18, line 16, leave out “advanced quality partnership scheme” and insert “franchising scheme.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin*Withdrawn after debate* 23

Clause 4, page 20, line 11, leave out “six months” and insert “112 days.”

Andrew Jones

Agreed to 10

Clause 4, page 24, line 41, leave out “21” and insert “(Bus companies: limitation of powers of authorities in England)”

Daniel Zeichner

Not selected 40

- ☆ Clause 4, page 26, line 22, at end insert “, or that have been designed and consulted upon by the franchising authority for its area.”

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Withdrawn after debate 24

Clause 4, page 32, line 47, at end insert—

“123Y Compensation liability

Where a bus operator brings a successful legal challenge for compensation against a relevant franchising authority, central government shall be liable for any financial penalty imposed by the court on the franchising authority.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 25

Clause 4, page 32, line 47, at end insert—

“123Z Employees not covered by TUPE protections

Employees of local bus service providers who are not covered by TUPE protections may not be employed on terms and conditions less favourable than those provided by TUPE.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 26

Clause 4, page 32, line 47, at end insert—

“123Z Effect on employees of introduction of local service contract

- (1) Where, either before or after the introduction of a local service contract following an assessment under section 123B, any employee of an operator in the area to which the scheme relates is dismissed, that employee is to be treated for the purposes of Part 10 of the Employment Rights Act 1996 as unfairly dismissed if the sole or principal reason for the dismissal is the introduction of the relevant local service contract.
- (2) Subsection (1) applies whether or not the employee in question was part of an organised grouping of employees principally connected with the provision of local services, under section 123X(4).
- (3) Where section 123X(4) applies, a new operator may not engage employees or workers on terms and conditions less favourable than those of the employees whose employment transferred from the former operator.”

Clause, as amended, agreed to.

 Bus Services Bill [*Lords*], *continued*

Graham Stringer

Withdrawn after debate 33

Clause 5, page 33, line 8, at end insert—

“(1A) The franchising authority may require the operator to provide information about services run by the operator under existing franchises or in non-franchised markets outside the franchising authority’s area.”

Jonathan Reynolds

Daniel Zeichner

Not called 37

Clause 5, page 33, line 31, at end insert—

“(ea) information about the operator’s pension scheme(s) and information about the number of persons employed by the operator in any individual pension scheme;”

Jonathan Reynolds

Daniel Zeichner

Not called 38

Clause 5, page 33, line 34, at end insert—

“(fa) information about journey speed and reliability for those local bus services;”

Jonathan Reynolds

Daniel Zeichner

Not called 39

Clause 5, page 34, line 2, at end insert “, which shall be no longer than 56 days.”

*Clause agreed to.**Clause 6 agreed to.*

 Andrew Jones
Agreed to 17

Schedule 2, page 84, line 35, leave out “123A(4)(b) to (f)” and insert “123A(4)”

Schedule, as amended, agreed to.

Clauses 7 and 8 agreed to.
Schedule 3 agreed to.

Andrew Jones

Agreed to 11

Clause 9, page 42, leave out lines 15 to 20

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 27

Clause 9, page 44, line 33, at end insert—
“(i) appropriate representatives of any affected employees”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 28

Clause 9, page 44, line 33, at end insert—
“(6A) In subsection (6) (i) “appropriate representatives of any affected employees” means—
(a) representatives of a recognised trade union, if an independent trade union is recognised by existing operators in the area of the proposed franchising scheme; or
(b) in any other case, employee representatives appointed or elected by the affected employees who have authority from those employees to receive information and be consulted on their behalf.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 29

Clause 9, page 60, line 16, at end insert—

“138T Employees not covered by TUPE protections

Employees of local bus service providers who are not covered by TUPE protections may not be employed on terms and conditions less favourable than those provided by TUPE.”

Clause, as amended, agreed to.

Clauses 10 to 13 agreed to.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Withdrawn after debate 30

Clause 14, page 69, line 22, at end insert—
“(5) After section 6I insert—

“6J Community bus routes

- (1) Traffic Commissioners must keep a list of bus routes in their area which are of community value.
- (2) For the purpose of this section, a bus route of community value is one that has been designated by the traffic commissioner as furthering the social well-being or social interests of the local community.

Bus Services Bill [Lords], continued

- (3) Bus routes may only be designated by a traffic commissioner as being of community value in response to a community nomination.
- (4) A community nomination must be made by a community group which is based in, or has a strong connection with, an area through which the bus route passes, and on which community the bus route has a direct social impact.
- (5) A community group may be, for example—
 - (a) a local or parish council;
 - (b) a voluntary or community body with a local connection;
 - (c) a bus user group;
 - (d) a group formed for the specific purpose of maintaining the bus route;
 - (e) a church or other religious group, or
 - (f) a parent teacher group associated with a particular school or schools.
- (6) The traffic commissioner must consider the community nomination, and if—
 - (a) the nomination is successful, the commissioner must notify the relevant parties of this decision in writing; or
 - (b) the nomination is unsuccessful, the commissioner must notify the relevant parties of this decision in writing and give reasons why the decision was made.
- (7) An operator of a bus route which is designated as being of community value must give a minimum of six months' notice of an intention to terminate the service, in order for the community to—
 - (a) work with relevant authorities to find an alternative operator;
 - (b) set up a community transport group in order to run the service; or
 - (c) partner with an existing not-for-profit operator to run the route.
- (8) The community may apply to the Secretary of State for financial assistance, training or advice during the notice period in order to achieve any of the aims set out in subsection (7).”

Clause agreed to.

Clause 15 agreed to.

[Adjourned until Thursday at 11.30am]