



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 10 March 2017

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 40, NC7

PUBLIC BILL COMMITTEE

BUS SERVICES BILL [LORDS]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Andrew Jones.

Andrew Jones

To move, That the Bill be considered 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.

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.

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

Andrew Jones

1

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

Member's explanatory statement

This amendment removes an order-making power under which the Secretary of State may confer on a local transport authority with an advanced quality partnership scheme power to enforce traffic offences.

Andrew Jones

2

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

Member's explanatory statement

This amendment removes a requirement that, under an advanced quality partnership scheme, new buses providing local services must meet eligibility requirements contained in the "Low Emission Bus Scheme" (a programme of grants to support the use of low and ultra-low emission vehicles), where the vehicle comes into service after 1 April 2019.

Andrew Jones

3

Clause 1, page 6, leave out line 1

Member's explanatory statement

This amendment and amendment 4 remove a requirement to consult representatives of employees of affected bus operators about a proposed advanced quality partnership scheme. The representatives must be representatives of a trade union recognised by bus operators or, if there are no such representatives, appointed or elected representatives of the employees.

Andrew Jones

4

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

Member's explanatory statement

See the explanatory statement for amendment 3.

 Andrew Jones

5

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.”

Member's explanatory statement

This amendment enables the Secretary of State to control the bodies, other than mayoral combined authorities, that may introduce franchising schemes. The Secretary of State must make provision by regulations before county councils and other authorities in England referred to in paragraphs (b) to (f) may be franchising authorities.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.”

Member’s explanatory statement

This amendment specifies that a local service contract may require bus operators to meet standards of service including terms about bus punctuality and bus journey speeds.

Andrew Jones

6

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

Member’s explanatory statement

This amendment removes a requirement that, under a franchising scheme, new buses providing local services must meet eligibility requirements contained in the “Low Emission Bus Scheme” (a programme of grants to support the use of low and ultra-low emission vehicles), where the vehicle comes into service after 1 April 2019.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.”

Member’s explanatory statement

This amendment specifies that a local service contract may require new vehicles delivering local bus services to be equipped with Wi-Fi after a specified period.

Graham Stringer

34

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

Member’s explanatory statement

This amendment would clarify the scope of comparing a scheme during the assessment of a proposed franchising scheme.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.”

Member’s explanatory statement

This amendment would ensure that any new franchise or contract will not be awarded on the basis of estimated labour costs being lower for new employees than the labour cost of workers covered by TUPE protections.

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

Graham Stringer

35

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

Member's explanatory statement

This amendment would remove the requirement on the Secretary of State to issue guidance on the preparation of an assessment of a proposed scheme.

Graham Stringer

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.”

Member's explanatory statement

This amendment would prescribe some of the content of the guidance on preparation of an assessment of a proposed scheme.

Andrew Jones

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.”

Member's explanatory statement

This amendment allows the Secretary of State to control the introduction of franchising schemes by bodies other than mayoral combined authorities. The Secretary of State must give consent before such a franchising authority may take the preliminary step of preparing an assessment.

Andrew Jones

8

- Clause 4, page 18, leave out line 3

Member's explanatory statement

This amendment and amendment 9 remove a requirement to consult representatives of employees of affected bus operators about a proposed franchising scheme. The representatives must be representatives of a trade union recognised by bus operators or, if there are no such representatives, appointed or elected representatives of the employees.

Andrew Jones

9

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

Member's explanatory statement

See the explanatory statement for amendment 8.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

- 22**
- Clause 4, page 18, line 16, leave out “advanced quality partnership scheme” and insert “franchising scheme.”
- Member’s explanatory statement**
- This amendment would amend a provision in the franchising scheme section that refers to advanced quality partnership schemes.*

Daniel Zeichner
Lilian Greenwood
Nic Dakin

- 23**
- Clause 4, page 20, line 11, leave out “six months” and insert “112 days.”
- Member’s explanatory statement**
- This amendment states that a scheme may not specify a period of less than 112 days for its start date following the notice that the local service contract has been awarded by the franchising authority.*

Andrew Jones

- 10**
- Clause 4, page 24, line 41, leave out “21” and insert “(Bus companies: limitation of powers of authorities in England)”
- Member’s explanatory statement**
- This amendment is consequential on amendment NCI.*

Daniel Zeichner

- 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.”
- Member’s explanatory statement**
- This amendment gives franchising authorities the discretion, alongside the Secretary of State, to design their own bespoke conditions, if considered appropriate by them, for the local services in their region, subject to satisfying the consultation procedure specified in the Bill and regulations.*

Daniel Zeichner
Lilian Greenwood
Nic Dakin

- 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.”

Member’s explanatory statement

This amendment specifies that central Government shall bear the financial risk of legal challenges brought against franchising authorities by bus operators.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

25

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

“123Y 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.”

Member’s explanatory statement

This amendment would ensure that employees working under local service contracts 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

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.”

Member’s explanatory statement

This amendment would make dismissal of an employee for the sole or principal reason of the introduction of a franchising scheme automatically unfair dismissal.

Graham Stringer

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.”

Member’s explanatory statement

This amendment would ensure that all operator data about operational performance in markets outside the franchising authority’s area is available to them for the purpose of developing a franchising scheme.

Bus Services Bill [Lords], continued

Jonathan Reynolds
Daniel Zeichner

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;”

Member’s explanatory statement

This amendment would require operators to share information and particulars about their staff’s pension scheme with the authority.

Jonathan Reynolds
Daniel Zeichner

38

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

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

Member’s explanatory statement

This amendment reflects the draft regulations and guidance and includes journey speeds and reliability for authorities to consider when developing a case to franchise services.

Jonathan Reynolds
Daniel Zeichner

39

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

Member’s explanatory statement

This amendment defines reasonable period for the purpose of this subsection as no longer than 56 days.

Andrew Jones

17

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

Member’s explanatory statement

This amendment and amendment 18 correct cross-references to text inserted by clause 4.

Andrew Jones

11

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

Member’s explanatory statement

This amendment removes a requirement that, under an enhanced partnership scheme, new buses providing local services must meet eligibility requirements contained in the “Low Emission Bus Scheme” (a programme of grants to support the use of low and ultra-low emission vehicles), where the vehicle comes into service after 1 April 2019.

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

Daniel Zeichner
Lilian Greenwood
Nic Dakin

27

Clause 9, page 44, line 33, at end insert—

“(i) appropriate representatives of any affected employees”

Member’s explanatory statement

This amendment would make appropriate representatives of any affected employees statutory consultees when a local authority is consulting on a proposed enhanced partnership.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.”

Member’s explanatory statement

This amendment specifies what is meant by the term “appropriate representatives of any affected employees” in Amendment 27.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.”

Member’s explanatory statement

This amendment would ensure that employees working under enhanced partnership schemes not covered by TUPE protections may not be employed on terms and conditions less favourable than those provided by TUPE.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

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.
- (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.

Bus Services Bill [Lords], continued

- (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).”

Member’s explanatory statement

This amendment would give Traffic Commissioners the power to designate bus routes assets of community value.

Andrew Jones

Schedule 4, page 88, line 12, leave out “123A(4)(b) to (f)” and insert “123A(4)”

18

Member’s explanatory statement

See explanatory statement for amendment 17.

Andrew Jones

Clause 18, page 74, leave out lines 7 to 12 and insert “which have one or more stopping places in their areas”

12

Member’s explanatory statement

This amendment will allow regulations under new section 141A of the Transport Act 2000 to require local transport authorities to provide information about all relevant local services which have stopping places in their areas. As currently drafted the power is available only where there are franchising arrangements.

Andrew Jones

Clause 18, page 74, line 22, after “routes,” insert “stopping places,”

13

Member’s explanatory statement

This amendment and amendment 14 ensure that information about stopping places is included in the types of information that can be required by regulations under new section 141A of the Transport Act 2000.

Andrew Jones

Clause 18, page 74, line 23, at end insert “stopping places,”

14

Member’s explanatory statement

See the explanatory statement for amendment 13.

Lilian Greenwood

Clause 19, page 76, line 5, leave out “may” and insert “shall”

31

Member’s explanatory statement

This amendment would specify that regulations will require, rather than may require, operators to provide prescribed information.

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

Lilian Greenwood

32

Clause 19, page 76, line 13, leave out from “application” to end of line 14

Member’s explanatory statement

This amendment is consequential on amendment 31.

Andrew Jones

15

Clause 19, page 76, line 36, at end insert—

“() In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.”

Member’s explanatory statement

This amendment adds a definition of a term, “local transport authority”, which appears in the clause.

 NEW CLAUSES

Andrew Jones

NC1

To move the following Clause—

“Bus companies: limitation of powers of authorities in England

- (1) A relevant authority may not, in exercise of any of its powers, form a company for the purpose of providing a local service.
- (2) Subsection (1) applies whether the relevant authority is acting alone or with any other person.
- (3) In this section—
 - “company” has the same meaning as in the Companies Acts (see sections 1(1) and 2(1) of the Companies Act 2006);
 - “form a company” is to be construed in accordance with section 7 of the Companies Act 2006;
 - “local service” has the same meaning as in the Transport Act 1985 (see section 2 of that Act);
 - “Passenger Transport Executive”, in relation to an integrated transport area in England or a combined authority area, means the body which is the Executive in relation to that area for the purposes of Part 2 of the Transport Act 1968;
 - “relevant authority” means—
 - (a) a county council in England;
 - (b) a district council in England;
 - (c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (d) an Integrated Transport Authority for an integrated transport area in England;
 - (e) a Passenger Transport Executive for—
 - (i) an integrated transport area in England, or

Bus Services Bill [Lords], continued

(ii) a combined authority area.”

Member’s explanatory statement

This amendment prohibits county and district councils in England, combined and integrated authorities in England and passenger transport executives in England from setting up companies to provide local services.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC2

To move the following Clause—

“National strategy

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish a national strategy for local bus services setting out the objectives, targets and funding provisions for rural, urban and inter-urban local bus services in the ten years after Royal Assent is given to this Act.
- (2) The national strategy must include a consideration of a reduced fare concessionary scheme for young people aged between 16 and 19.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a national strategy for buses.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC3

To move the following Clause—

“Disability awareness training

- (1) All drivers of buses and staff at bus terminals must complete approved disability equality and awareness training (“approved training”) by 1 April 2019.
- (2) This training must cover the needs of persons with mental or physical disabilities, including hidden disabilities.
- (3) After 1 April 2019—
 - (a) all new bus drivers and terminal staff must complete approved training within one month of starting work; and
 - (b) bus drivers and terminal staff must undertake refresher training at least once every three years.
- (4) Bus operating companies must consult passenger groups, disability stakeholder groups, trade unions and relevant authorities when developing their approved training for bus drivers and terminal staff.

Bus Services Bill [Lords], continued

- (5) In this section “approved training” means a training course concerning the needs of persons with mental or physical disabilities, including hidden disabilities, who use or seek to use bus services, approved in a manner specified by regulations to be made by the Secretary of State.”

Member’s explanatory statement

This new clause would require all drivers of buses and staff at bus terminals to complete approved disability equality and awareness training by 1 April 2019.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC4

To move the following Clause—

“Ability to make adjustments for disabled passengers

Insert new section 6AA into the Transport Act 1985—

- “(1) A condition for registration of a local bus service in England is that the operator has policies in place to ensure that it is able to conform to its duty under section 20 of the Equality Act 2010 to make adjustments for any disabled passenger on the bus.

- (2) This condition will be enforced by the Traffic Commissioner.””

Member’s explanatory statement

This new clause would make it a condition for registration of bus services in England that bus operators have in place policies to ensure that they are able to make adjustments for any disabled passenger on the bus. This comes following the Supreme Court decision First Group v Pauley.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC5

To move the following Clause—

“Bus safety

- (1) An operator of a local service may not participate in any scheme under sections 1, 4, 7 or 9 of this Act, and an authority or authorities may not approve the participation of an operator as party of any such scheme, unless the operator has given a written undertaking to the applicable authority or authorities that—
- (a) it has subscribed to a confidential safety reporting system that—
 - (i) is suitable for bus operations staff;
 - (ii) can demonstrate it is adequately experienced, resourced and staffed; and
 - (iii) is entirely independent of any bus operator’s control;
 - (b) it has used its best endeavours to ensure that all staff of the operator have been made aware of their right to use this confidential safety reporting system to enable bus operators’ staff to report incidents, unsafe acts,

Bus Services Bill [Lords], continued

concerns and safety-related issues that they do not feel able to report through normal channels, or where normal reporting channels have not resolved the issue;

- (c) it will collect and monitor bus casualty data in a manner to be prescribed by the applicable authority or authorities from time to time, and
 - (d) it will make its bus casualty data available to the applicable authority or authorities by way of a report on at least a monthly basis.
- (2) The authority or authorities must publish on their own website, every quarter, the bus casualty data that they have collected from operators.”

Member’s explanatory statement

This new clause would require bus operators taking part in any scheme to subscribe to a confidential safety reporting system, to make bus casualty data available to local authorities, and for local authorities to publish that data quarterly.

Lilian Greenwood

NC6

To move the following Clause—

“Termination of Bus Service Operators Grant

- (1) The Bus Service Operators Grant shall be terminated on the last day of the first financial year to begin after this Act has received Royal Assent.
- (2) Sums equivalent to those projected to be spent on Bus Service Operators Grant in each year following the year specified in subsection (1) shall be provided to local transport authorities for expenditure on local transport.
- (3) The meaning of “local transport” in subsection (2) shall be taken to include—
 - (a) local transport services;
 - (b) local transport infrastructure; and
 - (c) supporting services, including ticketing and transport information services.”

Lilian Greenwood

NC7

★ To move the following Clause—

“Priority wheelchair spaces

- (1) The Secretary of State may by regulations make such provision as appears to the Secretary of State to be appropriate for the purpose of facilitating travel by wheelchair users on local services.
- (2) The regulations may in particular require operators of local services to put in place and enforce a policy for priority wheelchair spaces.
- (3) For the purposes of subsection (2) a policy for priority wheelchair spaces is one under which—
 - (a) a wheelchair user has priority use of any wheelchair space on a public service vehicle unless it is not reasonable for other passengers to vacate the space;

Bus Services Bill [Lords], continued

- (b) other passengers are required to vacate the space for the wheelchair user if it is reasonable for them to do so; and
 - (c) a passenger who unreasonably refuses to vacate the space may, if necessary, be required to leave the vehicle.
- (4) The power conferred by subsection (1) includes power to amend, repeal, revoke or otherwise modify—
- (a) an Act passed before or in the same Session as this Act; or
 - (b) an instrument made under an Act before the regulations come into force.
- (5) Regulations under this section must be made by statutory instrument.
- (6) A statutory instrument which contains (whether alone or with other provision) regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This new clause enables the Secretary of State to make regulations to require bus operators to put in place and enforce policies for priority wheelchair spaces.

Andrew Jones

16

Clause 26, page 79, line 37, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

ORDER OF THE HOUSE [1 MARCH 2017]

That the following provisions shall apply to the Bus Services Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 21 March 2017.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

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

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
-