



House of Commons

Thursday 16 March 2017

PUBLIC BILL COMMITTEE PROCEEDINGS

BUS SERVICES BILL [*LORDS*]

[*FIRST TO FOURTH 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.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

FIRST AND SECOND SITTINGS

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.

THIRD AND FOURTH SITTINGS

Andrew Jones

Schedule 4, page 88, line 12, leave out "123A(4)(b) to (f)" and insert "123A(4)" *Agreed to* 18

Schedule, as amended, agreed to.

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

Clauses 16 and 17 agreed to.

Andrew Jones

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

Andrew Jones

Clause 18, page 74, line 22, after “routes,” insert “stopping places,” *Agreed to* 13

Andrew Jones

Clause 18, page 74, line 23, at end insert “stopping places,” *Agreed to* 14

Clause, as amended, agreed to.

Lilian Greenwood

Clause 19, page 76, line 5, leave out “may” and insert “shall” *Withdrawn after debate* 31

Lilian Greenwood

Clause 19, page 76, line 13, leave out from “application” to end of line 14 *Not called* 32

Andrew Jones

Clause 19, page 76, line 36, at end insert— *Agreed to* 15
 “() In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.””

Clause, as amended, agreed to.

Clauses 20 and 21 agreed to.

 NEW CLAUSES

Andrew Jones

To move the following Clause— *Read a second time on division, and added* NC1

“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.

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

- (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
 - (ii) a combined authority area.”
-

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Second Reading negatived on division **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.”
-

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Withdrawn after debate 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.
- (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.”

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Not called 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.””
-

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

Withdrawn after debate 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, 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.”

Lilian Greenwood

Second Reading negatived on division 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;
 - (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.

Bus Services Bill [Lords], continued

- (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.”

Lilian Greenwood

Withdrawn after debate NC8

To move the following Clause—

“Termination of Bus Service Operators Grant

Insert new section 112A into the Transport Act 2000—

- “(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

Not called NC9

To move the following Clause—

“Accessibility policies for bus passengers

- (1) After section 181 of the Equality Act 2010 insert—

“CHAPTER 2A

BUS SERVICES

181E Accessibility policies for bus passengers

- (1) The Secretary of State may, for the purpose of facilitating travel by disabled persons, make regulations requiring operators of local services to put in place and publish policies for making their services accessible.
- (2) The regulations may make provision about—
 - (a) what is to be included in the policies;

Bus Services Bill [Lords], continued

- (b) how and where the policies are to be published.
- (3) The regulations may, in particular, require an operator of a local service to make provision in the policy about—
 - (a) passenger information;
 - (b) fares, tickets and reservations;
 - (c) facilities and assistance on the vehicle;
 - (d) priority seating and wheelchair and scooter space;
 - (e) connections to local services and transport interchange;
 - (f) diversions, disruptions and alternative accessible transport;
 - (g) contact details, feedback and complaints;
 - (h) staff training.
- (4) The regulations may, in particular—
 - (a) specify ways of making the policies available, including different media and alternative formats;
 - (b) specify standards and guidelines relevant to the policies or means of publication;
 - (c) specify requirements for reviewing the policies.
- (5) Regulations under this section may make different provision—
 - (a) as respects different descriptions of vehicle;
 - (b) as respects the same description of vehicle in different circumstances.
- (6) Before making regulations under this section, the Secretary of State must consult—
 - (a) the Welsh Ministers;
 - (b) the Scottish Ministers.

181F Exemptions etc

- (1) The Secretary of State may by regulations make provision for securing that the provisions of regulations under section 181E do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
 - (a) public service vehicles of a prescribed description;
 - (b) operators of a prescribed description;
 - (c) local services of a prescribed description.
- (2) Regulations under subsection (1)(b) may, in particular, make provision by reference to an operator's size.
- (3) Regulations under this section may also make provision for securing that the provisions of regulations under section 181E do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
 - (a) a prescribed public service vehicle;
 - (b) public service vehicles of a prescribed operator;
 - (c) a prescribed local service.
- (4) Regulations under subsection (1) or (3) may make the provision subject to such restrictions and conditions as are specified in the regulations.
- (5) Regulations under subsection (1) or (3) may specify the period for which provisions of those regulations are to have effect.

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

- (6) Regulations under subsection (1) may make different provision for different areas.
- (7) Section 207(2) does not require regulations under this section that apply only to—
 - (a) a prescribed public service vehicle,
 - (b) public service vehicles of a prescribed operator, or
 - (c) a prescribed local service,to be made by statutory instrument; but such regulations are as capable of being amended or revoked as regulations made by statutory instrument.
- (8) Before making regulations under this section, the Secretary of State must consult—
 - (a) the Welsh Ministers;
 - (b) the Scottish Ministers.

181G Guidance

- (1) The Secretary of State must issue guidance about the duties imposed on operators of local services by regulations under section 181E.
- (2) The Secretary of State—
 - (a) must review the guidance issued under subsection (1), at intervals not exceeding five years, and
 - (b) may revise it.
- (3) Before issuing the guidance or revising it in a way which would, in the opinion of the Secretary of State, result in a substantial change to it, the Secretary of State must consult—
 - (a) the Welsh Ministers,
 - (b) the Scottish Ministers,
 - (c) the Passengers' Council,
 - (d) such organisations representing disabled persons, including the Disabled Persons Transport Advisory Committee and the committee established under section 72 of the Transport (Scotland) Act 2001, as the Secretary of State thinks fit,
 - (e) such organisations representing operators of local services as the Secretary of State thinks fit, and
 - (f) such other persons as the Secretary of State thinks fit.
- (4) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

181H Interpretation

- (1) In this Chapter—
 - “local service” has the same meaning as in the Transport Act 1985;
 - “public service vehicle” means a vehicle that is a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;
 - “stopping place” has the same meaning as in the Transport Act 1985.

Bus Services Bill [Lords], continued

- (2) For the purposes of this Chapter, a local service (“service A”) is a connecting local service in relation to another local service (“service B”) if service A has a stopping place at, or in the vicinity of, a stopping place of service B.
- (3) References in this Chapter to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.”
- (2) In section 207 of that Act (exercise of power to make orders and regulations), in subsection (5), after “174(4)” insert “, 181E(5), 181F(6)”.
- (3) In section 208 of that Act (procedure for orders and regulations), in subsection (5) (statutory instruments subject to affirmative procedure), after paragraph (f) insert—
- “(fa) regulations under section 181E or 181F (accessibility policies for bus passengers);”
- (4) In section 26 of the Transport Act 1985 (conditions attached to PSV operators’ licence), in subsection (1), after paragraph (bb) insert—
- “(bc) the operator has failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010;”
- (5) In section 155 of the Transport Act 2000 (sanctions), after subsection (1ZD) (inserted by Schedule 4), insert—
- “(1ZE) Where a traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse, failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”
- (6) In section 39 of the Transport (Scotland) Act 2001 (penalties), in subsection (1)—
- (a) omit the “or” following paragraph (b);
- (b) after paragraph (c) insert “; or
- “(d) failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010,”.”

Clauses 22 to 25 agreed to.

Andrew Jones

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

Agreed to 16

Clause, as amended, agreed to.

Bill, as amended, to be reported.
