



House of Commons

Monday 27 March 2017

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

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

BUS SERVICES BILL [*LORDS*], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Andy McDonald
Daniel Zeichner
Pat Glass
Richard Burden

NC1

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 16 to 19.”

Member’s explanatory statement

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

Bus Services Bill [Lords], continued

John Pugh

NC2

To move the following Clause—

“Report on the provision of concessionary bus travel to apprentices aged 16 to 18

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, lay a report before each House of Parliament setting out possible steps to support local transport authorities in providing concessionary bus travel to persons aged 16 to 18 who are participating in statutory apprenticeships.
- (2) Any report under subsection (1) shall include, but will not be limited to, an evaluation of whether section 93(7) of the Transport Act 1985 should be amended to enable local transport authorities to provide concessionary bus travel to persons aged 16 to 18 who are participating in statutory apprenticeships on the same terms as that which may be provided to persons aged 16 to 18 receiving full-time education.
- (3) In this section—
 - (a) “local transport authorities” has the meaning given in section 108(4) of the Transport Act 2000; and
 - (b) “statutory apprenticeships” has the meaning given in section A11 of the Apprenticeships, Skills, Children and Learning Act 2009.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a report setting out possible steps to support local transport authorities to provide concessionary bus travel to apprentices aged 16 to 18.

John Pugh

NC3

To move the following Clause—

“Assessment of possible concessionary travel schemes: impact on use of bus services

- (1) A local transport authority that does not provide travel concessions under a scheme established under section 93 of the Transport Act 1985 to persons specified in subsection (7)(c) of that section shall be required to prepare an assessment of the impact of establishing such a scheme on the use of bus services by persons specified in that subsection.
- (2) Any assessment under subsection (1) shall consider, but will not be limited to, the impact of establishing such a scheme on—
 - (a) the ability of persons aged 16 to 18 to attend schools and further education institutions by means of bus travel,
 - (b) the cost of bus travel to persons aged 16 to 18 receiving full-time education, and
 - (c) traffic congestion and emissions at peak times in the local transport authority’s area.
- (3) In this section—
 - (a) “travel concessions” has the meaning given in section 112 (1)(f) of the Transport Act 1985; and

Bus Services Bill [Lords], continued

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

Member’s explanatory statement

This new clause would require local transport authorities to assess how creating an authority-wide travel concession scheme for 16 to 18-year-olds in full-time education would affect how these students use bus services.

Ian Mearns

NC4

- ☆ 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 part of any such scheme, unless the operator has given a written undertaking to the applicable authority or authorities that—
- (a) it has subscribed to the Confidential Incident Reporting and Analysis System (CIRAS) and that it has made all possible efforts to ensure that all staff of the operator have been made aware of their right to use CIRAS as a confidential reporting channel in respect of any safety concerns,
 - (b) 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
 - (c) 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 the Confidential Incident Reporting and Analysis System and to make bus casualty data available to local authorities at least monthly. It would also require local authorities to publish that data quarterly.

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers

14

- ☆ Clause 4, page 14, line 13, at end insert—

“(2A) A franchising scheme may not be made unless the franchising authority can demonstrate that the benefits for passengers could not be provided by a quality partnership scheme, an advanced quality partnership scheme or an enhanced partnership scheme.”

Member’s explanatory statement

This amendment would ensure that a Local Transport Authority cannot make a franchise scheme if the passenger benefits can be provided by a quality partnership scheme, an advanced quality partnership scheme or an enhanced partnership scheme.

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

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

16

☆ Clause 4, page 15, leave out line 36 and insert—

“(3) A franchising authority or authorities shall consider an assessment and shall not proceed with the proposed scheme unless it is satisfied that—”

Member’s explanatory statement

This amendment and amendments 17 to 23 would tighten the criteria against which an authority must consider a franchise proposal.

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

17

☆ Clause 4, page 15, line 37, leave out “whether”

Member’s explanatory statement

This amendment is consequential on amendment 16.

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

18

☆ Clause 4, page 15, line 43, leave out “whether”

Member’s explanatory statement

This amendment is consequential on amendment 16.

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

19

☆ Clause 4, page 16, line 1, at beginning insert “they know”

Member’s explanatory statement

This amendment is consequential on amendment 16.

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

20

☆ Clause 4, page 16, line 3, leave out “whether”

Member’s explanatory statement

This amendment is consequential on amendment 16.

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

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers
Mr Graham Brady

21

- ☆ Clause 4, page 16, line 5, leave out “whether”
Member’s explanatory statement
This amendment is consequential on amendment 16.

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers
Mr Graham Brady

22

- ☆ Clause 4, page 16, line 7, leave out “the extent to which”
Member’s explanatory statement
This amendment is consequential on amendment 16.

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers
Mr Graham Brady

23

- ☆ Clause 4, page 16, line 7, leave out “are likely to” and insert “will”
Member’s explanatory statement
This amendment is related to amendment 16.

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers

15

- ☆ Clause 4, page 16, line 9, at end insert—
“(g) the specific passenger benefits that would result from a franchise scheme, with an explanation of why those benefits could not be delivered by a quality partnership scheme, an advanced quality partnership scheme or an enhanced partnership scheme.”

Member’s explanatory statement

This amendment would require a franchise assessment to specify the benefits of the proposed scheme for passengers and to explain why these benefits cannot be delivered by a quality partnership scheme, an advanced quality partnership scheme, or an enhanced partnership scheme.

Sir Henry Bellingham
Mike Wood

24

- ☆ Clause 4, page 16, line 9, at end insert—
“(g) whether the proposed scheme would be more efficient, effective and economic than any other option, taking into account any compensation payable to bus operators whose businesses would be wholly or partially expropriated by the scheme.”

Member’s explanatory statement

This amendment would ensure that the value for money test of a franchise scheme must factor in the cost of compensation to bus operators who lose part or all of their business as a result of a franchise.

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

Secretary Chris Grayling
 Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

2

- ☆ Clause 4, page 16, line 38, after “an” insert “independent”

Member’s explanatory statement

This amendment and amendment 4 make plain the status of the persons who may audit an assessment under section 123B produced by a franchising authority or authorities.

Secretary Chris Grayling

3

- ☆ Clause 4, page 17, line 2, at end insert—

- “() The Secretary of State must issue guidance as to the matters to be taken into account by a franchising authority when selecting a person to act as an auditor.
 () Franchising authorities must have regard to any such guidance.
 () The Secretary of State must issue guidance concerning the matters to be taken into account by an auditor when forming an opinion as to whether the information relied on, and the analysis of that information, by an authority is of sufficient quality for the purposes of subsection (2).
 () Auditors must have regard to any such guidance.”

Member’s explanatory statement

This amendment imposes duties on the Secretary of State to issue guidance on the matters to be taken into account by a franchising authority when selecting a person to act as an auditor and to issue guidance on whether the information relied on, and the analysis of that information, by an authority is of sufficient quality. It also imposes duties on franchising authorities and auditors to have regard to any such guidance.

Secretary Chris Grayling

4

- ☆ Clause 4, page 17, leave out line 3 and insert “For the purposes of this section an auditor is independent, in relation to an assessment of a proposed franchising scheme, if the person would not”

Member’s explanatory statement

See explanatory statement for amendment 2.

Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers
 Mr Graham Brady

25

- ☆ Clause 4, page 17, line 7, at end insert—

- “(3A) A person may not act as an auditor under this section if the person or company for whom the person is employed has been an auditor for the franchising authority at any time in the previous five years or has had any other commercial relationship with the franchising authority at any time in the previous five years.”

Member’s explanatory statement

This amendment would ensure that any auditor appointed by the franchising authority had no commercial interest or association with the franchising authority which might create, or might be perceived to create, a conflict of interest.

Bus Services Bill [Lords], continued

Secretary Chris Grayling

5

- ☆ Clause 4, page 17, line 8, leave out from “person” to end of line 9 and insert “eligible for appointment as a local auditor by virtue of Chapter 2 of”

Member’s explanatory statement

This amendment alters the definition of “auditor” so that it means an individual or firm eligible for appointment as a local auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006 as modified by the Local Audit and Accountability Act 2014.

Ian Mearns

6

- ☆ Clause 4, page 19, line 37, at end insert—

“(4A) 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.

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers

26

- ☆ Clause 4, page 20, line 24, after “(or further postponed)” insert “or cancelled”

Sir Henry Bellingham
Mike Wood
Mrs Theresa Villiers

27

- ☆ Clause 4, page 20, line 24, at end insert—

“(1A) If an authority or authorities decide to cancel a proposed franchising scheme under subsection (1) they may not initiate a revised or alternative franchising scheme until the end of the period of five years beginning with the date on which the decision to postpone the original scheme was taken.”

Member’s explanatory statement

This amendment would provide greater certainty for bus operators and passengers by specifying that, if a franchising authority fails to make a case for a franchise scheme or decides not to progress its proposals, it should not be permitted to bring forward fresh proposals for five years.

Ian Mearns

7

- ☆ Clause 4, page 30, line 2, leave out “at the same time,”

Ian Mearns

8

- ☆ Clause 4, page 30, line 14, leave out “at the same time”

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

Ian Mearns

9

☆ Clause 4, page 32, line 27, 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.

Ian Mearns

10

☆ Clause 4, page 32, line 27, 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) Paragraph (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.

 Sir Henry Bellingham
 Mike Wood
 Mrs Theresa Villiers

28

☆ Clause 9, page 41, line 17, at end insert—

“(6A) The requirements that may be specified under subsections (4)(b), (4)(e) and (4)(h) in relation to fares and the prices of multi-operator tickets may only be specified if all operators party to the enhanced partnership scheme are in agreement with those requirements.”

Member’s explanatory statement

This amendment would specify that fares structures could only be specified as part of an enhanced partnership scheme if the operators involved agree.

Bus Services Bill [Lords], continued

Ian Mearns	11
☆ Clause 9, page 57, line 3, leave out “at the same time,”	
Ian Mearns	12
☆ Clause 9, page 57, line 14, leave out “at the same time,”	
Ian Mearns	13
☆ Clause 9, page 59, line 42, at end insert—	

“138T Effect on employees of introduction of enhanced partnership scheme or plan

- (1) Where, either before or after the coming into force of an awarded contract in an area to which the relevant enhanced partnership scheme relates, any employee of an operator in the area to which the contract 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 awarded contract.
- (2) Paragraph (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 138S(4).
- (3) Where section 138S 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 award of a contract under an enhanced partnership scheme automatically unfair dismissal.

Andy McDonald
Daniel Zeichner
Pat Glass
Richard Burden

Page 78, line 4, leave out Clause 22

Member’s explanatory statement

This amendment would remove Clause 22.

1

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.

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

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.

Other proceedings

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