

Bus Services Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

Before Clause 1

LORD WHITTY

Insert the following new Clause—

“Additional functions of local councils with respect to local bus services in areas other than passenger transport areas

After section 63 of the Transport Act 1985, insert—

“63A Additional functions of local councils with respect to local bus services in areas other than passenger transport areas

- (1) It shall be the duty of the county council in each non-metropolitan county of England and Wales to—
 - (a) consult on the needs for local bus services within the county, including by issuing a consultation document,
 - (b) give notice of the consultation mentioned in paragraph (a) in such manner as the council considers appropriate for bringing it to the attention of persons in the county to which it relates,
 - (c) following that consultation, prepare and publish an assessment of the needs for local bus services within the county,
 - (d) demonstrate that this assessment has fully considered and responded to the outcomes of that consultation, and
 - (e) secure such provision of local bus services as the county council considers reasonable and appropriate, to meet the needs identified in the assessment which would not, in its view, otherwise be met.
- (2) The Secretary of State must issue guidance concerning the preparation of an assessment under this section, and that guidance may, in particular, include guidance about the extent to which the county council must set out—
 - (a) the ways in which it has considered and responded fully to the outcomes of the consultation under subsection (1)(a), and
 - (b) how it will meet the needs for local bus services identified in the assessment.
- (3) A consultation document issued under subsection (1)(a) relating to an assessment of the needs for local bus services must include—

Before Clause 1 - continued

- (a) a description of the existing provision of local bus services in the county,
 - (b) a description of any substantial proposed change to the provision of local bus services in the county, and
 - (c) the date by which responses to the consultation must be received.
- (4) During the consultation under subsection (1)(a), the county council must consult at least—
- (a) all persons operating local services in the county,
 - (b) all other persons holding a Public Service Vehicle operator’s licence or a community bus permit who may, in the opinion of the county council, be affected by the assessment,
 - (c) a traffic commissioner, and
 - (d) such organisations appearing to the county council to be representative of users of local services, including where appropriate and applicable—
 - (i) parish and town councils,
 - (ii) representatives of persons who are elderly or disabled,
 - (iii) representatives of young people, and
 - (iv) organisations, or types of organisation, specified by the Secretary of State in regulations made by statutory instrument,
- in accordance with criteria published by the Secretary of State.””

Clause 4

LORD WHITTY

Page 15, line 44, at end insert—

- “() 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.”

LORD JUDD

Page 16, line 7, at end insert—

- (d) a National Park authority”

LORD WHITTY

Page 17, line 24, leave out “such” and insert “Transport Focus and such other”

Page 17, line 25, at end insert—

- “(ca) appropriate representatives of any affected employees,”

Page 17, line 31, at end insert—

- “() In subsection (4)(ca) “appropriate representatives of any affected employees” means—

Clause 4 - continued

- (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,
- (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.”

Page 29, line 22, leave out “at the same time,”

Page 31, line 51, 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.”

Page 31, line 51, 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 9

LORD WHITTY

Page 55, line 24, leave out “at the same time,”

Page 55, line 35, leave out “at the same time,”

Page 58, line 16, 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 enhanced partnership scheme or plan, 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.

Clause 9 - continued

- (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 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.”

Before Clause 22

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

“Bus safety

- (1) An operator of a local service may not participate in any scheme, and an authority or authorities may not approve the participation of an operator as part of any 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.”

LORD WHITTY

Insert the following new Clause—

“National strategy

The Secretary of State must, within 12 months of the day on which this Act is passed, issue a national strategy for local bus services setting out the objectives, targets and funding provisions for rural, urban and inter-urban local bus services over the next 10 years.”

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6 October 2016
