



Department
for Transport

From the Parliamentary
Under Secretary of State
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Dear Colleague,

BUS SERVICES BILL: GOVERNMENT AMENDMENTS IN COMMONS COMMITTEE

Ahead of Committee stage of the Bus Services Bill I wanted to draw your attention to a number of amendments that I intend to table.

As you will be aware, there were a number of changes to the Bill as it passed through the House of Lords which were not supported by the Government. I therefore intend to table Government amendments at this stage to address those changes. I will also be tabling amendments to broaden the open data provisions slightly to ensure that passengers can be provided with comprehensive information about their bus services, and to make a number of minor and technical changes to tidy up aspects of the Bill.

Response to changes in the House of Lords: Access to franchising powers

As the Bill currently stands, all local authorities will have automatic access to franchising powers and could decide to seek to use these powers at any point. The Government is concerned that this approach will lead to operators across England thinking twice about their investment decisions – reducing the quality and attractiveness of bus services.

Given this risk, our view is that automatic access to franchising powers should only be available to mayoral combined authorities. Such authorities will provide clear, centralised decision-making for transport across a relatively wide local area, such as a city region, and the Mayor will have access to significant budgets which they can choose to commit to bus services if they wish.

Other authorities should, in our view, be able to access franchising powers where they are well placed to make franchising a success and where they have a clear plan to benefit passengers. I therefore intend to reinstate the original drafting of the Bill in Clause 4, which allows for this.

Municipal bus companies

The original Clause 21 of the Bill restricted local authorities from setting up new municipal bus companies. As the Bill provides local authorities with substantially more opportunities to influence the provision of local bus services in their area, Government is still of the view that the commissioning and provision of services should be kept separate in this context, and that local authorities should not be able to set up new companies to run bus services. I am therefore tabling an amendment to reinstate this clause, and an amendment to tidy up a cross reference.

Moving traffic offences

Amendments were made in the House of Lords to enable the Secretary of State to confer the powers to enforce moving traffic offences, such as those in yellow box junctions, on local transport authorities that have established an advanced quality partnership scheme. The Traffic Management Act 2004 already provides the Secretary of State with the ability to confer powers to enforce moving traffic offences on authorities, and Government has no plans at present to provide authorities with these powers. As such, I am introducing an amendment to remove this from Clause 1.

Mandatory specification of low emission buses in schemes

Further amendments were made in the House of Lords to require all new vehicles used in areas where an advanced quality partnership, enhanced partnership or franchising scheme is in place to meet the specifications of the 'low emission bus scheme'. These amendments are likely to mean that no partnership or franchising schemes are established, due to the prohibitive costs of doing so. This is likely to lead to worse environmental outcomes than if these amendments had not been made.

The Bill already enables authorities to include vehicle standard requirements, such as emission standards, as part of partnership and franchising schemes, but importantly leaves it to the authority to determine what is appropriate and affordable. I am therefore introducing amendments to remove these requirements from Clauses 1, 4 and 9.

Consulting employee representatives

There was much debate in the House of Lords regarding which bodies should be listed as statutory consultees to franchising and partnership schemes. Government agrees that employee representatives should be included as statutory consultees to franchising schemes, as there is likely to be an impact on staff. However the opposition amendment partly duplicated the Government amendment that was brought forward, and I therefore intend to introduce a number of amendments to Clause 4 to remove the opposition amendments and ensure the Bill simply states that 'employee representatives' should be consulted on proposed franchising schemes. The opposition amendments also required employee representatives to be consulted on Advanced Quality Partnership Schemes, where there is unlikely to

be an impact on staff. I therefore intend to introduce Government amendments to remove references to employee representatives as statutory consultees in Clause 1. There is nothing to stop an authority from choosing to consult employee representatives on such schemes should they consider it appropriate.

Open Data

Moving now to the amendments which broaden the open data provisions, we want to ensure that datasets maintained by local authorities, such as the National Public Transport Access Nodes (NaPTAN) system, which uniquely identifies the exact co-ordinates of every stop and station covering travel by bus, rail, tram, ferry and air, continue to be maintained. Without accurate, up to date bus stop information the value of the data subsequently produced (routes, timetables, RTI and fares data) is greatly diminished. During workshops that my officials held last year, bus operators, local authority officers and passenger representatives all requested changes to the Bill to allow such information to be included within the provisions.

In addition, the workshop discussions highlighted that a significant number of bus operators rely on local authority owned, operated and funded real time information systems. Therefore, to ensure a smooth transition to the future arrangements, it may be sensible for authorities to provide real time data in some circumstances.

I therefore intend to introduce new amendments to Clause 18 to ensure that either local authorities or operators may be required to provide real time data, and that data regarding bus stops can also be required.

Finally, I will also be bringing forward some minor and technical amendments. These insert a definition of "local transport authority" in clause 19, correct cross-references, and remove the privilege amendment.

*Yours sincerely,
Andrew Jones*

ANDREW JONES

