

LORDS AMENDMENTS TO THE
BUSINESS AND PLANNING BILL

[The page and line references are to HL Bill 119, the bill as first printed for the Lords]

Clause 3

1 Page 4, line 8, at end insert –

- “(6A) Where a local authority is considering for any purpose of this group of sections whether furniture put on a relevant highway by a licence-holder pursuant to a pavement licence has or would have the effect referred to in subsection (6)(a), the authority must have regard in particular to –
- (a) the needs of disabled people, and
 - (b) the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.”

Clause 5

2 Page 5, line 3, after “no-obstruction condition” insert “or a smoke-free seating condition”

3 Page 5, line 6, after subsection (5) insert –

- “(5A) A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.
- (5B) In considering for any purposes of this group of sections whether a licence-holder has made reasonable provision for seating where smoking is not permitted, a local authority must have regard to guidance issued by the Secretary of State.”

4 Page 5, line 7, leave out subsections (6) to (8) and insert –

- “(6) The Secretary of State may by regulations –
- (a) specify conditions for pavement licences, and
 - (b) make provision as to whether, or the extent to which, those conditions have effect in addition to, or instead of, any other conditions to which pavement licences are subject.”

Clause 8

5 Page 7, line 3, at end insert –

“(2) Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (functions which are not to be the responsibility of an authority’s executive) has effect as if, in paragraph B, after item 72 there were inserted –

“73 Functions relating to pavement licences	Sections 1 to 7 of the Business and Planning Act 2020.”
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Clause 9

6 Page 7, line 36, at end insert –

““smoking” has the same meaning as in Part 1 of the Health Act 2006;”

Clause 10

7 Page 8, line 13, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

8 Page 8, line 16, at end insert –

“(3) In subsection (2) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 11

9 Page 8, line 33, after “a” insert “pre-cut off”

10 Page 9, line 8, after “a” insert “pre-cut off”

11 Page 9, line 11, after “conditions” insert “applicable to pre-cut off times”

12 Page 9, line 14, after “conditions” insert “applicable to pre-cut off times”

13 Page 9, line 22, after “a” insert “pre-cut off”

14 Page 9, line 26, after “off-sales” insert “at a pre-cut off time”

15 Page 9, line 31, after “off-sales” insert “at a pre-cut off time”

16 Page 10, line 20, at end insert –

“(11) In this section “pre-cut off time” –

- (a) in relation to licensed premises and a day, means any time between when the premises first open that day for the purposes of selling alcohol for consumption on the premises and 11pm (but this is subject to paragraph (b));
- (b) in relation to licensed premises and a day throughout which the premises are open for the purposes of selling alcohol for consumption on the premises, means any time between when the premises are first open that day for the purposes of selling alcohol for consumption on the premises and 11pm.”

- 17 Page 10, line 20, at end insert—
- “(12) Where a premises licence authorises the sale by retail of alcohol for consumption in an outdoor area of the licensed premises at some, but not all, of the times when it authorises the sale by retail of alcohol for consumption elsewhere on the premises, times when the premises are not open for the purposes of selling alcohol for consumption in the outdoor area of the premises are to be regarded for the purposes of this section as times when the premises are not “open for the purposes of selling alcohol for consumption on the premises”.”
- 18 Page 20, line 29, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”
- 19 Page 20, line 33, at end insert—
- “(14A) In subsection (14) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 16

- 20 Page 26, line 46, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”
- 21 Page 27, line 5, at end insert—
- “(8) In subsection (7) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 17

- 22 Page 27, line 23, leave out “April” and insert “May”
- 23 Page 28, line 6, leave out “April” and insert “May”
- 24 Page 30, line 41, leave out “April” and insert “May”
- 25 Page 30, line 42, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”
- 26 Page 31, line 1, at end insert—
- “(7A) In subsection (7) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 18

- 27 Page 31, line 41, leave out “April” and insert “May”
- 28 Page 32, line 21, leave out “April” and insert “May”
- 29 Page 33, line 3, leave out “April” and insert “May”
- 30 Page 35, line 32, leave out “April” and insert “May”
- 31 Page 35, line 33, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

32 Page 35, line 41, at end insert –

“(7A) In subsection (7) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 19

33 Page 36, line 32, leave out “April” and insert “May”

34 Page 36, line 42, leave out “April” and insert “May”

35 Page 36, line 43, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

36 Page 37, line 4, at end insert –

“(4) In subsection (3) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

Clause 21

37 Page 38, line 5, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

38 Page 38, line 6, at end insert –

“(4) In subsection (3) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

After Clause 21

39 Insert the following new Clause –

“Local authority meetings

Power to make provision relating to local authority meetings

In section 78(7) of the Coronavirus Act 2020 (meaning of local authority: England), after paragraph (r) insert –

- “(s) a Mayoral development corporation established under section 198 of the Localism Act 2011;
- (t) an urban development corporation established under section 135 of the Local Government, Planning and Land Act 1980;
- (u) a parish meeting constituted under section 13 of the Local Government Act 1972;
- (v) Transport for London.”

Clause 22

40 Page 38, line 15, at end insert –

“(2A) A statutory instrument containing regulations under section 5(6) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 23

41 Page 39, line 8, leave out subsection (3) and insert –

“(3) In Part 3–

- (a) sections 16 to 21 extend to England and Wales only, and
- (b) section (*Power to make provision relating to local authority meetings*) extends to England and Wales and Northern Ireland.”

Clause 24

42 Page 39, line 20, leave out “and 21” and insert “to (*Power to make provision relating to local authority meetings*)”

LORDS AMENDMENTS TO THE
Business and Planning Bill

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