

# Business and Planning Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

LORD HOLMES OF RICHMOND

Page 1, line 9, after “furniture” insert “safely (including a barrier being sufficiently visible to separate the furniture from the pavement and furniture placed sufficiently away from the pavement to allow for the safe passing of pedestrians)”

LORD LUCAS

Page 2, line 4, at end insert –

“( ) “Premises” under this section includes empty premises.”

***Member’s explanatory statement***

*This amendment would allow for use to be made of pavements outside empty premises.*

**Clause 2**

LORD HOLMES OF RICHMOND

Page 2, line 23, at end insert –

“( ) comply with the provisions of the Equality Act 2010 and any relevant regulations or guidance under that Act.”

BARONESS PINNOCK

Page 2, line 24, leave out subsections (3) and (4) and insert –

- “(3) No later than the day after that on which an application for a pavement licence is made, the local authority to which the application is made must –
- (a) publish the application and any information or material required by the local authority under subsection (2)(f) online in an accessible format, and in any other such manner as it considers appropriate, and
  - (b) publicise the fact that representations relating to the application may be made to the authority during the public consultation period (and indicate when that period comes to an end).

**Clause 2 - continued**

- (4) In this group of sections, the “public consultation period” means the period of 7 days beginning with the day on which the conditions in subsection (3) are met.”

***Member’s explanatory statement***

*This amendment would require local authorities to publish details of applications online in an accessible format, and to pause the consultation period until they have done so.*

LORD LOW OF DALSTON

Page 2, line 30, at end insert—

“including online in a format compatible with the accessibility requirement in the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.”

***Member’s explanatory statement***

*This amendment requires local authorities to publish pavement licence applications and consultation details online in an accessible format.*

LORD HOLMES OF RICHMOND

Page 2, line 30, at end insert—

- “( ) A local authority which does not publish the application and any information or material required by the local authority and publicise the public consultation in accessible formats is in breach of the public sector equality duty under section 149 of the Equality Act 2010.”

LORD LOW OF DALSTON

Page 2, line 32, leave out “7” and insert “14”

***Member’s explanatory statement***

*This amendment extends the public consultation period for pavement licence applications from 7 days to 14 days.*

Page 2, line 32, leave out “made” and insert “published by the local authority as required under subsection (3).”

***Member’s explanatory statement***

*This amendment begins the public consultation period for pavement licences once the local authority has published the application and consultation details, rather than once the application has been made.*

**Clause 3**

LORD HOLMES OF RICHMOND

Page 4, line 8, at end insert—

- “( ) preventing two pedestrians from passing each other whilst maintaining a minimum of one metre distance.”

**Clause 3 - continued**

Page 4, line 13, at end insert –

- “( ) A local authority must establish a right to appeal the approval of an application under this section, with the determination of an appeal to be made within seven days from when the appeal is lodged.”

**Clause 4**

LORD LOW OF DALSTON  
BARONESS PINNOCK

Page 4, line 25, leave out “a year” and insert “three months”

***Member’s explanatory statement***

*This amendment reduces the length of pavement licences deemed approved if the local authority does not decide them within 14 days of application. The length of automatically approved licences is reduced from a year to three months.*

LORD HOLMES OF RICHMOND

Page 4, line 28, leave out “2021 expires at that time” and insert “2020 expires at that time unless the local authority has reviewed the application and granted it in accordance with section 3(2).”

**Clause 5**

LORD HOLMES OF RICHMOND

Page 4, line 35, at end insert –

- “( ) A local authority may include conditions when granting pavement licences which incorporate views and concerns expressed in the public consultation under section 2.”

Page 4, line 41, at end insert –

- “( ) Where a pavement licence is deemed to be granted by a local authority under section 3(8) and a person informs the local authority that they have a concern with the accessibility of the pavement for people with disabilities or other pedestrians, the local authority must –
- (a) investigate the concern by visiting the area to which the relevant pavement licence applies to assess whether the pavement is accessible for people with disabilities or other pedestrians within seven days of the complaint being made, and
  - (b) if the local authority considers that the pavement is not sufficiently accessible, revoke the pavement licence.”

**Clause 5 - continued**

BARONESS NORTHOVER  
 LORD YOUNG OF COOKHAM  
 LORD FAULKNER OF WORCESTER  
 BARONESS FINLAY OF LLANDAFF

Page 5, line 6, at end insert –

“( ) Pavement licences may only be granted by a local authority subject to the condition that smoking is prohibited.”

BARONESS WILCOX OF NEWPORT

Page 5, line 7, at end insert “after consultation with local authorities.”

***Member’s explanatory statement***

*This amendment would ensure that the Secretary of State consults with local authorities in relation to conditions for pavement licences.*

LORD CORMACK

Page 5, line 7, at end insert “, and in doing so must take into account the needs of the disabled, including the blind and the partially sighted.”

LORD BLENCATHRA

Page 5, line 7, at end insert –

“(6A) Any conditions published by the Secretary of State under subsection (6) which set out minimum pavement widths may not come into force unless a draft of the guidance has been laid before and approved by a resolution of each House of Parliament.”

***Member’s explanatory statement***

*The amendment would give Parliament a chance to debate guidance relating to width of pavements and seek justification from Government for the pavement width and its enforceability.*

**Clause 7**

LORD LUCAS

Page 6, line 45, at end insert –

“( ) The local authority must take whatever measures it considers necessary, including the alteration of parking, speed limits and access arrangements, to ensure a pavement licence is safe for customers, staff and pedestrians.”

***Member’s explanatory statement***

*This amendment would provide local authorities with the duty and the powers needed to make pavement trading safe.*

Page 6, line 45, at end insert –

“( ) The local authority may require another authority that has responsibility for the highway or neighbouring roadway to facilitate the successful implementation of a pavement licence.”

***Member’s explanatory statement***

*This amendment aims to ensure that local authorities benefit from collaboration from relevant higher tier authorities in taking advantage of the Bill’s provisions in the way that the local authority wishes to.*

**After Clause 7**

BARONESS BOWLES OF BERKHAMSTED

Insert the following new Clause –

**“Outdoor space licences**

- (1) A person whose use or proposed use of any premises in England is or includes relevant use may apply to the appropriate local authority to extend the licence for relevant use to outdoor areas within the curtilage of the licensed premises (an “outdoor space licence”) and such applications are subject to the provisions specified in paragraphs (a) to (f) that apply to pavement licence applications with “an outdoor space licence” substituted for “a pavement licence” –
  - (a) application provisions under section 2 except for subsection (2)(a), (b) and (e);
  - (b) determination of applications under section 3(1) to (4);
  - (c) duration under section 4;
  - (d) conditions under section 5;
  - (e) enforcement and revocation under section 6 except for subsection (3)(a);
  - (f) effects under section 7(2).
- (2) Where a person has applied to a local authority for a variation of a licence in respect of relevant use and before that licence is granted the person applies for an outdoor space licence under this section, the person may express to the local authority that they want to withdraw their earlier application when applying for an outdoor space licence, and if the person has paid any fee in connection with that application the local authority to which the outdoor space licence application is made may not require a fee for the outdoor space application.”

***Member’s explanatory statement***

*This new Clause creates a fast-track procedure similar to that for pavement licences to provide ‘outdoor space licences’ for areas within the curtilage of licensed premises but not already covered by the existing licence, eg car parks or courtyards.*

**After Clause 8**

BARONESS PINNOCK

Insert the following new Clause –

**“Guidance to improve accessibility**

Guidance issued by the Secretary of State under section (8) must include –

**After Clause 8 - continued**

- (a) a requirement for new areas of street furniture to be marked off with an accessible barrier, and
- (b) a requirement that where possible the minimum pavement width required must be increased to allow two pedestrians to pass each other while socially distancing.”

**Member’s explanatory statement**

*This new Clause would require the guidance issued under Clause 8 to include provisions that would improve accessibility, especially for people with visual impairments.*

**Clause 11**

LORD PADDICK  
BARONESS PINNOCK

Page 8, line 33, leave out from “must” to end of line 35 and insert –

- “(a) be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises; and
- (b) be made at a time no later than 11pm.”

**Member’s explanatory statement**

*This amendment would mean that off-sales could not take place after 11pm, regardless of whether the premises can sell alcohol on the premises after 11pm.*

LORD KENNEDY OF SOUTHWARK  
LORD WHITTY

Page 8, line 35, at end insert “and only if the off-sale is made between 9.00am and 11.00pm on any day”

**Member’s explanatory statement**

*This amendment would limit the hours in which off-sale provisions apply.*

LORD CORMACK

Page 8, line 35, at end insert “and not before noon or after 10pm”

LORD PADDICK  
BARONESS PINNOCK

Page 9, leave out lines 11 to 13

**Member’s explanatory statement**

*This amendment, alongside the amendment from Lord Paddick to line 25, would prevent the sale of alcohol off-premises in open containers.*

LORD KENNEDY OF SOUTHWARK  
LORD WHITTY

Page 9, line 24, at end insert “, provided that time is between 9.00am and 11.00pm on any day”

**Member's explanatory statement**

*This amendment would limit the hours in which off-sale provisions apply.*

LORD PADDICK  
BARONESS PINNOCK

Page 9, leave out lines 25 to 29

**Member's explanatory statement**

*This amendment, alongside the amendment from Lord Paddick to line 11, would prevent the sale of alcohol off-premises in open containers.*

Page 9, line 34, at end insert—

“( ) Subsection (5)(a) does not apply to restrictions limiting the sale of alcohol after 11pm.”

**Member's explanatory statement**

*This amendment, alongside the amendment from Lord Paddick to page 8, line 33, would mean that off-sales could not take place after 11pm, regardless of whether the premises can sell alcohol on the premises after 11pm.*

Page 9, line 34, at end insert—

“( ) Where subsections (4) and (5) apply, off-sales must be made in—  
(a) an aluminium or tin-plated steel can;  
(b) a sealed glass container; or  
(c) a plastic container.”

**Member's explanatory statement**

*This amendment would prevent the sale of alcohol off-premises in a beer glass or other container that could easily be broken and used as a weapon.*

LORD HOLMES OF RICHMOND

Page 10, line 3, at end insert—

“( ) The Secretary of State may grant authorisation of off-sales for a period ending no later than 30 September 2021 to qualifying businesses.”

Page 10, line 20, at end insert—

( ) “qualifying businesses” has the meaning prescribed in regulations made by the Secretary of State.

LORD KENNEDY OF SOUTHWARK

Page 20, line 33, at end insert—

“( ) Within three months of this Act being passed, a Minister of the Crown must lay before Parliament an assessment of the merits of subsection (2) applying to relevant premises with personal licences reliant on temporary event notices.

**Member's explanatory statement**

*This amendment would ensure that the Government publishes an assessment of the merits of extending off-licence provisions to businesses which are reliant on temporary event notices such as breweries.*

### After Clause 11

LORD HOLMES OF RICHMOND

Insert the following new Clause—

#### **“Applications for a premises licence**

- (1) The Secretary of State must by regulations made by statutory instrument modify the Licensing Act 2003 so it has effect as if an application for a premises licence under section 17 (application for a premises licence) is an application for a minor variation of a premises licence in accordance with section 41A (application for minor variation of premises licence) until 30 September 2021.
- (2) A statutory instrument containing 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.”

#### *Member’s explanatory statement*

*This new Clause allows small independent breweries and other businesses which currently do not have a premises licence to apply quickly.*

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

#### **“Health and safety assessment of licensed premises**

- (1) Within three months of this Act being passed, a Minister of the Crown must lay before Parliament an assessment of the merits, in relation to health and safety, of licensed premises introducing provisions about—
  - (a) limits to cash transactions;
  - (b) security staffing at entrances to prevent overcrowding; and
  - (c) further numbers of toilets available to customers.
- (2) The assessment must conclude whether such provisions would allow licensed premises to remain in safe and economically viable operation.”

#### *Member’s explanatory statement*

*This new Clause would ensure that the Government publishes an assessment of the merits of licensed premises introducing limits to cash transactions, door security, and toilets.*

BARONESS ANELAY OF ST JOHNS

Insert the following new Clause—

#### **“Support for the tourism and hospitality sector**

- (1) The Secretary of State must—
  - (a) carry out a review of the effect of Part 1 of this Act on the tourism and hospitality sector in England and Wales;
  - (b) set out the conclusions of the review in a report;
  - (c) publish the report; and
  - (d) arrange for copies of the report to be laid before both Houses of Parliament before 31 January 2021.

**After Clause 11 - continued**

- (2) The report under subsection (1) must also make an assessment of the effects of this Act on the tourism and hospitality sector in England and Wales compared with possible further and complementary measures, including, but not limited to, extending through to 2021 the period of operation in that sector of—
- (a) the furlough scheme,
  - (b) Bounce Back loans, or
  - (c) other grants or financial support from public funds.”

LORD HOLMES OF RICHMOND

Insert the following new Clause—

**“Counter notices to standard temporary event notices**

For the relevant period, a licensing authority will only issue a counter notice to a standard temporary event notice when the licensing authority—

- (a) has already given at least 100 standard temporary event notices where the relevant premises user holds a personal licence;
- (b) has already given 20 standard temporary events notice where the relevant premises user does not hold a personal licence; or
- (c) has issued at least 50 temporary event notices in respect of the same premises.”

***Member’s explanatory statement***

*This new Clause would expand the number of Temporary Event Notices that breweries and other businesses can apply for. This would increase the limit to 100 TENs for those with a personal licence, from 5 to 20 for those without a personal licence and 15 to 50 for the same premises.*

**Clause 12**

BARONESS BOWLES OF BERKHAMSTED  
LORD STEVENSON OF BALMACARA  
BARONESS ALTMANN

Page 21, line 8, at end insert “insofar as such an order would relate to affordability or terms of the credit agreement required by the Bounce Back Loan Scheme.”

Page 21, line 11, at end insert—

- “(8) Repayment, rearrangement, fees or other new requirements may not be imposed on Bounce Back Loans in consequence of terms in or trigger events in other financial agreements with the lender.”

**Clause 13**

LORD TUNNICLIFFE

*Lord Tunncliffe gives notice of his intention to oppose the Question that Clause 13 stand part of the Bill.*

**After Clause 13**

EARL ATTLEE

Insert the following new Clause—

**“Designation of persons for testing vehicles**

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 52(2)(c), insert—
  - “(d) designate individuals to undertake tests, whether employed by the Secretary of State, his or her agencies or a private operator of an authorised testing facility.
- (3) When the Secretary of State designates an individual to undertake tests under subsection (2)(d), that designation is personal to the individual and the designation is not dependent on the individual's employer.”

***Member’s explanatory statement***

*This new Clause would allow goods vehicle testers to be employed by the private sector and not solely the Government or its agencies, and for that designation to be personal to the tester.*

**Clause 14**

LORD TUNNICLIFFE

*Lord Tunncliffe gives notice of his intention to oppose the Question that Clause 14 stand part of the Bill.*

**Clause 16**

LORD BLENCATHRA

Page 24, line 3, at end insert—

“subject to the condition set out in subsection (4A).

- (4A) An application may only be made for construction activities to be carried out between 7.00am and 10.00pm on any day where residents live within 300 metres of the construction activities under the application.”

BARONESS PINNOCK

Page 24, line 12, at end insert—

“(d) be accompanied by such fee not exceeding £195 as the local authority may require.”

***Member’s explanatory statement***

*This amendment would allow a local planning authority to charge a fee for an application under this section.*

Page 24, line 23, at end insert—

- “( ) The application must also include—
  - (a) an assessment of the impact of the modifications on the local community, and any mitigation plans that would be put in place to minimise disturbance; and

**Clause 16 - continued**

- (b) an assessment of the impact of the modifications on the environment and local conservation interests, and any mitigation plans that would be put in place to minimise disturbance.”

***Member’s explanatory statement***

*This amendment would require an application to include details of the impact on the local community and environment, and how these disturbances could be mitigated.*

Page 25, line 26, at end insert “unless the authority has agreed with the person making the application that the period of 14 days may be extended by a specified period.”

***Member’s explanatory statement***

*This amendment would give planning authorities discretion to extend the 14-day period under which they must make a determination, with the agreement of the applicant.*

**After Clause 16**

BARONESS WILCOX OF NEWPORT

Insert the following new Clause—

**“Impact of construction site changes on industry**

Within three months of this Act being passed, a Minister of the Crown must lay before Parliament an assessment of the impact of section 16 on—

- (a) working conditions,
- (b) compliance with health and safety legislation,
- (c) hours of operation,
- (d) levels of employment,

in the construction industry.”

***Member’s explanatory statement***

*This new Clause would ensure that the Government publishes an assessment of the wider impact of working hours provisions on the construction industry.*

**Clause 17**

LORD LANSLEY

Page 27, leave out lines 18 and 19 and insert—

- “(i) beginning with 25 June 2020, and”

Page 27, line 23, leave out “April” and insert “June”

***Member’s explanatory statement***

*This amendment extends the validity of planning permissions to 1 June 2021 in place of 1 April 2021, taking account of the lost time and capacity available for development during 2020 and the need for compensating opportunities into 2021 to commence development.*

LORD HAIN  
LORD MONKS

Page 27, line 23, at end insert “and must be completed by 1 April 2026”

***Member’s explanatory statement***

*This would ensure developers do not delay implementing planning consents.*

LORD LANSLEY

Page 27, leave out lines 43 and 44 and insert –  
“(ii) ending with 25 June 2020.”

Page 28, line 6, leave out “April” and insert “June”

***Member’s explanatory statement***

*This amendment extends the validity of planning permissions to 1 June 2021 in place of 1 April 2021, taking account of the lost time and capacity available for development during 2020 and the need for compensating opportunities into 2021 to commence development.*

Page 30, line 41, leave out “April” and insert “June”

**Clause 18**

LORD LANSLEY

Page 31, line 41, leave out “April” and insert “June”

Page 32, leave out lines 16 and 17 and insert –  
“(i) beginning with 25 June 2020, and”

Page 32, line 21, leave out “April” and insert “June”

***Member’s explanatory statement***

*This amendment extends the validity of planning permissions to 1 June 2021 in place of 1 April 2021, taking account of the lost time and capacity available for development during 2020 and the need for compensating opportunities into 2021 to commence development.*

Page 32, leave out lines 41 and 42 and insert –  
“(ii) ending with 25 June 2020.”

Page 33, line 3, leave out “April” and insert “June”

Page 35, line 32, leave out “April” and insert “June”

**Clause 19**

LORD LANSLEY

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

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

**After Clause 21**

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Mayoral development corporation**

- (1) In section 78(7) of the Coronavirus Act 2020 (local authority meetings), after paragraph (j) insert—
  - “(ja) a Mayoral development corporation in respect of which the Secretary of State has made an order under section 198(1)(c) of the Localism Act 2011 (order enabling exercise of planning functions by MDC);”.
- (2) In regulation 3 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), after paragraph (q) insert—
  - “(r) a Mayoral development corporation in respect of which the Secretary of State has made an order under section 198(1)(c) of the Localism Act 2011 (order enabling exercise of planning functions by MDC).”

**Before Clause 22**

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Three-month parliamentary reviews**

- (1) This Act expires at the end of a review period unless the condition in subsection (2) is met.
- (2) The condition is that both Houses of Parliament have, following a debate, passed a resolution during the review period in the form in subsection (3).
- (3) The form of the resolution is—
  - “That the provisions of the Business and Planning Act 2020 should not yet expire.”
- (4) The first review period begins on the day 90 days after the day on which this Act is passed.
- (5) Subsequent review periods begin on the day 90 days after the day on which the previous review period ended.
- (6) A review period ends at the end of the seventh sitting day after the day on which it begins.
- (7) In this section, a “sitting day” means a day on which both Houses of Parliament are sitting (and a day is only a day on which the House is sitting if the House begins to sit on that day).”

***Member’s explanatory statement***

*This new Clause would ensure rolling three-month parliamentary reviews of the legislation.*

LORD HAIN  
LORD MONKS  
LORD HENDY  
BARONESS RITCHIE OF DOWNPATRICK

Insert the following new Clause –

**“Employee-employer cooperation**

- (1) The Secretary of State must, within six months of this Act being passed, lay before Parliament a strategy for employee-employer cooperation in regard to businesses implementing the provisions of this Act.
- (2) In producing the strategy, the Secretary of State must consult –
  - (a) trade unions and other organisations which represent employees,
  - (b) relevant businesses, and
  - (c) any other persons the Secretary of State considers appropriate.”

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause –

**“Monthly report on hospitality sector measures**

- (1) The Secretary of State must publish a review of the effect of this Act’s provisions on the hospitality sector.
- (2) A report under subsection (1) must be published within one month of the day on which this Act is passed and at least once in every calendar month thereafter up to and including January 2021.
- (3) Every report under subsection (1) must include relevant contextual information including (but not limited to) the effect of the changes to the coronavirus job retention scheme on the hospitality sector.
- (4) Every report under subsection (1) must include an assessment as to whether further deregulatory action is required in relation to –
  - (a) supporting hospitality businesses in rent disputes,
  - (b) encouraging consumer confidence, and
  - (c) any other deregulatory action deemed necessary by the Secretary of State.
- (5) The Secretary of State must arrange for a copy of each report made under subsection (1) to be laid before each House of Parliament.”

**Clause 25**

BARONESS NEVILLE-ROLFE

Page 39, line 23, at end insert –

- “( ) Other than this section and section 26, the provisions of this Act expire at the end of 31 December 2020.”

# Business and Planning Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*7 July 2020*

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