

Business and Planning Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD BALFE

- 1★ Page 1, line 7, at end insert “, except that no application may be made in respect of premises that fall within a cumulative impact zone.”

Member’s explanatory statement

This amendment seeks to stop premises in cumulative impact zones, which are areas already identified as contributing to community problems because of alcohol availability, from benefiting from this easing of restrictions.

LORD HOLMES OF RICHMOND
BARONESS THOMAS OF WINCHESTER
BARONESS GREY-THOMPSON

- 2 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 BALFE

- 3★ Page 1, line 21, at end insert “so long as the premises are those specified in Part 1 of Schedule 2 to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020”.

Member’s explanatory statement

This amendment is designed to restrict the measures to premises affected by the lockdown to stop supermarkets and other businesses from being able to off-sale alcohol.

LORD LUCAS

- 4 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
BARONESS GREY-THOMPSON

5 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
LORD HARRIS OF HARINGEY

6 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).

(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

7 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

8 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

9 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.

- 10 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 BALFE

- 11★ Page 3, line 24, after “persons” insert “, including the local police force,”

Member's explanatory statement

This amendment will ensure that the local police who are usually asked for their views on licence extensions are consulted.

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON

- 12 Page 4, line 8, at end insert –
“() preventing two pedestrians from passing each other whilst maintaining a minimum of one metre distance.”

LORD HOLMES OF RICHMOND

- 13 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

- 14 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
LORD HARRIS OF HARINGEY

- 15 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
LORD HARRIS OF HARINGEY
BARONESS MCINTOSH OF PICKERING
BARONESS GREY-THOMPSON

16 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.”

LORD HOLMES OF RICHMOND
LORD HARRIS OF HARINGEY
BARONESS GREY-THOMPSON

17 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.”

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

18 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
LORD HARRIS OF HARINGEY

19 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

20 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.”

Clause 5 - continued

LORD BLENCATHRA

21 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 7LORD LUCAS
LORD HARRIS OF HARINGEY**22** 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.

23 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
BARONESS PINNOCK

24 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
LORD SHIPLEY
BARONESS THOMAS OF WINCHESTER
BARONESS GREY-THOMPSON

25 Insert the following new Clause –

“Guidance to improve accessibility

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

- (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
BARONESS THORNHILL

- 26 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
BARONESS MCINTOSH OF PICKERING
LORD ROBATHAN

- 27 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
LORD HARRIS OF HARINGEY

- 28 Page 8, line 35, at end insert “and not before noon or after 10.00pm”

LORD ROBATHAN

- 29★ Page 8, line 35, at end insert “and only if the off-sale is made between 10.00am and 11.00pm.”

LORD PADDICK
BARONESS PINNOCK

- 30 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
BARONESS MCINTOSH OF PICKERING
LORD ROBATHAN

- 31 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

32 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.

LORD KENNEDY OF SOUTHWARK
LORD WHITTY

33★ Page 9, line 29, at end insert “provided that it is sold 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
BARONESS THORNHILL

34 Page 9, line 34, at end insert –

“() Subsection (5)(a) does not apply to restrictions limiting the sale of alcohol after 11.00pm.”

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.

LORD PADDICK
BARONESS PINNOCK

35 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
LORD BERKELEY

36 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.”

Clause 11 - continued

- 37 Page 10, line 20, at end insert –
“() “qualifying businesses” has the meaning prescribed in regulations made by the Secretary of State.”

LORD ADDINGTON

- 38★ Page 16, leave out lines 18 to 36 in the second column and insert –
“(a) in the words before Part 1, “51” were omitted;
(b) in the words before Part 1, for “87” there were substituted “172G”;

LORD KENNEDY OF SOUTHWARK
LORD BERKELEY

- 39 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
LORD BERKELEY

- 40 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

41 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
THE EARL OF CLANCARTY

42 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.
- (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
LORD BERKELEY

43 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

After Clause 11 - continued

- (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.

BARONESS NEVILLE-ROLFE

LORD CLEMENT-JONES

44★ Insert the following new Clause—

“Digital age verification

- (1) The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 has effect as if it were subject to the modification in subsection (2).
- (2) The Order has effect as if in paragraph 3 of the Schedule, after subparagraph (3) there were inserted—
 - “(4) The premises licence holder or club premises certificate holder is not in breach of its age verification policy if, before serving alcohol, it successfully utilises a digital age verification system which the premises licence holder or club premises certificate holder reasonably believes operates with all reasonable precautions and all due diligence to ensure that the individual purchasing alcohol is not under 18 years of age (or such older age as may be specified in the policy).”

LORD SHIPLEY

BARONESS THORNHILL

45★ Insert the following new Clause—

“Reduction of late night levy for premises shut during the coronavirus pandemic

- (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) After section 128 insert—

“128A Late night levy: COVID-19 reduction

- (1) The relevant licensing authority may reduce the amount of the late night levy payable in the area in which the late night levy requirement applies determined in accordance with paragraph (3), for the relevant levy year.
- (2) The relevant levy year is a levy year for which the supply of alcohol during the late night supply period in the relevant area is prohibited by an order made under section 52 of the Coronavirus Act 2020.
- (3) The amount of the levy reduction is the amount found by applying the formula—

$$R = (L/365) \times N$$

where—

- (a) R is the levy reduction,
- (b) L is the amount of the late night levy payable in respect of relevant premises,

After Clause 11 - continued

- (c) N is the number of days in the payment year where the area was subject to an order made under section 52 of the Coronavirus Act 2020.””

Member’s explanatory statement

This amendment would allow local authorities to reduce the amount of the late night levy, paid by venues like pubs, where they have been closed due to the coronavirus pandemic.

Clause 12

BARONESS BOWLES OF BERKHAMSTED
LORD STEVENSON OF BALMACARA
BARONESS ALTMANN
LORD GERMAN

- 46 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.”
- 47 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.”

After Clause 12

LORD STEVENSON OF BALMACARA

- 48★ Insert the following new Clause –
“Weekly reports on applications for Bounce Back Loan Schemes
- (1) The Secretary of State must publish data on applications for the Bounce Back Loan Scheme.
 - (2) The data under subsection (1) to be published must include –
 - (a) total number of applications;
 - (b) the number of rejected applications; and
 - (c) the number of pending applications
 for each lending body.
 - (3) Data under this section must be published within one week of the day in which this Act is passed and at least once in every week thereafter for each of the schemes listed in subsection as long as the scheme is in operation.
 - (4) The Secretary of State must arrange for a copy of the data published each week under this section to be laid before each House of Parliament.”

Member’s explanatory statement

This amendment would require weekly reports on applications of Bounce Back Loan Schemes for each lending body.

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

49 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.

After Clause 15

BARONESS DOOCEY

LORD REDESDALE

50★ Insert the following new Clause—

“Amendment of the Package Travel and Linked Travel Arrangements Regulations 2018

- (1) The Package Travel and Linked Travel Arrangements Regulations 2018 (S.I. 2018/634) are amended as follows.
- (2) In regulation 2(3) leave out “at least one other at least two different types of” and insert “the carriage of passengers with”
- (3) In regulation 2(5) leave out “at least one other at least two different types of” and insert “the carriage of passengers with”

Member's explanatory statement

This amendment seeks to amend the Package Travel and Linked Travel Arrangements Regulations 2018 make transport a mandatory component of package travel. This would allow small local businesses to make a combined offer without incurring the responsibilities of a package holiday operator.

LORD HUNT OF WIRRAL

51★ Insert the following new Clause –

“Outdoor entertainment

Local authorities in England may permit organised outdoor entertainment, including theatrical and musical performances, if the entertainment is organised in a manner that complies with –

- (a) relevant requirements under any enactment and
- (b) any guidance on social distancing that may be in place at the time of the performance.”

Member's explanatory statement

This new Clause would enable socially-distanced outdoor performances by actors and musicians.

Clause 16

BARONESS MCINTOSH OF PICKERING
LORD SHIPLEY

52★ Page 23, line 34, at end insert –

- “(2A) This section does not apply where the condition or approved document restrictions were made due to potential impacts identified in the –
- (a) the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) assessment; or
 - (b) regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) assessment,
- on nature conservation interests.”

Member's explanatory statement

This amendment would ensure that no applications are allowed for changes to conditions if those conditions are in place to limit, reduce or remove certain environmental impacts.

LORD BLENCATHRA
LORD RANDALL OF UXBRIDGE

53 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.”

Clause 16 - continued

BARONESS PINNOCK
LORD SHIPLEY

- 54 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.

BARONESS PINNOCK
LORD CAMPBELL OF PITTENWEEM

- 55 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
(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.

LORD RANDALL OF UXBRIDGE

- 56★ Page 25, line 14, at end insert –
“(3A) In making a determination, the local planning authority must –
(a) consider whether any modification of the condition will disturb or cause detriment to wildlife, and
(b) refuse to modify the condition if the local planning authority reasonably believes that a modification to the condition will disturb or cause detriment to wildlife.”

Member’s explanatory statement

This amendment seeks to clarify that any permission to allow extended hours for construction would not disturb or cause detriment to wildlife (for example, seasonal conditions for nesting season or winter roosts for bats).

BARONESS PINNOCK
LORD CAMPBELL OF PITTENWEEM

- 57 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

58 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

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

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

Member’s explanatory statement

This will provide that where a relevant planning permission has a time limit for commencement of development between 25 June (when this Bill was introduced to Parliament) and 31 December 2020, the time limit will be extended as provided for in subsection (2).

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

Member’s explanatory statement

This will extend the time limit for planning permissions to which subsection (1) applies to 1 June 2021 instead of 1 April 2021.

LORD HAIN
LORD MONKS

61 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

62 Page 27, leave out lines 43 and 44 and insert—

“(ii) ending with 25 June 2020.”

Member's explanatory statement

This amendment provides that where a relevant planning permission had a time limit for commencement of development between 23 March and the date of this Bill's introduction to Parliament, this time limit is extended as provided for in subsection (2).

63 Page 28, line 6, leave out "April" and insert "June"

Member's explanatory statement

This amendment would extend the time limit for commencement of development for those relevant planning permissions under section 93B to 1 June instead of 1 April 2021.

64 Page 30, line 41, leave out "April" and insert "June"

Member's explanatory statement

This amendment provides for subsections (1) to (5) to expire at the end of 1 April 2021, rather than 1 June 2021.

Clause 18

LORD LANSLEY

65 Page 31, line 41, leave out "April" and insert "June"

Member's explanatory statement

This amendment provides that a relevant outline planning permission with a reserved matter application time limit as specified under subsection (1) is deemed to have that time limit extended to 1 June instead of 1 April 2021.

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

Member's explanatory statement

This amendment provides for an automatic extension of time limits for outline planning permissions where the condition for the commencement of development falls between the date this Bill was introduced to Parliament and 31 December 2020.

67 Page 32, line 21, leave out "April" and insert "June"

Member's explanatory statement

This amendment provides for the extension of a time limit for an outline planning permission, to which subsection (1) refers, to 1 June 2021 instead of 1 April 2021.

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

Member's explanatory statement

This amendment provides that relevant outline planning permissions with a condition that expires between 23 March 2020 and 25 June 2020 is eligible for an extension of the time limit if it is granted an additional environmental approval.

69 Page 33, line 3, leave out "April" and insert "June"

Member's explanatory statement

This amendment provides that where an additional environmental approval is granted, or deemed to be granted, the time limit is extended to 1 June 2021 instead of 1 April 2021.

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

Member's explanatory statement

This amendment provides for subsections (1) to (5) to expire at the end of 1 June 2021 instead of 1 April 2021.

Clause 19

LORD LANSLEY

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

Member's explanatory statement

This amendment provides for listed building consents to which subsection (1) applies to have their time limit extended to 1 June 2021 instead of 1 April 2021.

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

Member's explanatory statement

This amendment provides for subsection (1) to expire at the end of 1 June 2021 instead of 1 April 2021.

After Clause 21

LORD KENNEDY OF SOUTHWARK
BARONESS KRAMER
BARONESS VALENTINE

73 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).”

After Clause 21 - continued

BARONESS DOOCEY
LORD REDESDALE

74★ Insert the following new Clause –

“Modification of conditions relating to seasonal opening of campsites and caravan parks

- (1) The Town and Country Planning Act 1990 has effect as if it were subject to the modifications in subsections (2) to (4).
- (2) The Act has effect as if after Section 74A (and 74B to 74D inserted by this Act) there were inserted –

“74E Conditions relating to the length of season on campsites and caravan parks

- (1) This section applies where –
 - (a) planning permission has been granted for the development of land in England as a campsite or caravan site for holiday purposes, and
 - (b) the planning permission is subject to such conditions that there are times of year when any part of the site may not be used for human habitation.
- (2) A person with an interest in the land, or a person acting on behalf of such a person, may make an application to the local planning authority in whose area the land is situated for the condition to be modified in the way specified in subsection (3).
- (3) The modification is to allow the site to operate without complying with the condition that there are times of the year when any part of the site may not be used for human habitation.
- (4) The application must –
 - (a) be made in writing and sent to the local planning authority using electronic communications in such manner as the authority may specify,
 - (b) give sufficient information to enable the authority to identify the planning permission in respect of which it is made, and
 - (c) give sufficient information to enable the authority to identify the condition in respect of which it is made.
- (5) The application must specify –
 - (a) the date on which the application is sent,
 - (b) the proposed modification to the condition,
 - (c) the date from which it is proposed the modification should take effect,
 - (d) the date at the end of which it is proposed the modification should cease to have effect, and
 - (e) the times which are specified in the condition as it has effect when the application is made as times of the year when any part of the site may not be used for human habitation.
- (6) The date specified in subsection (5)(c) must not be earlier than the end of the period of 14 days beginning with the day after that on which the application is sent to the local planning authority.

After Clause 21 - continued

- (7) The date specified in subsection (5)(d) must be not later than 30 April 2023.

74F Effect of application under 74E

- (1) If a person makes an application in accordance with section 74E to a local planning authority, the authority may by notice in writing to the person—
- (a) modify the condition in accordance with the application,
 - (b) refuse to modify the condition, or
 - (c) make a determination about any of the matters specified in subsection (2).
- (2) Those matters are—
- (a) the modifications to be made to the condition, so far as it relates to the times of the year when any part of the site may not be used for human habitation,
 - (b) the date from which the modifications to the condition are to take effect, and
 - (c) the date at the end of which the modifications to the condition are to cease to have effect.
- (3) The local planning authority may make a determination under subsection (1)(c) only if the person who made the application has agreed in writing to the terms of the determination.
- (4) A modification under subsection (2)(a) must not prohibit caravans from being stationed on the land for human habitation at any time when they are permitted to be stationed on the land for human habitation under the condition as it had effect when the application was made.
- (5) A date determined under subsection (2)(c) must not be later than 30 April 2023.
- (6) Subsection (7) applies if the local planning authority does not give notice under subsection (1) before the end of the period of 14 days beginning with the day after that on which the application in accordance with section 74E was sent to the authority.
- (7) The condition to which the application relates is deemed to have been modified in accordance with the application.
- (8) If the local planning authority makes a determination under subsection (1)(c) about only some of the matters specified in subsection (2), the condition is deemed to have been modified in accordance with the application in respect of the other matters specified in subsection (2).

74G Sections 74E and 74F: supplementary

- (1) In sections 74E and 74F and this section—
- “condition” includes limitation;
 - “caravan”, has the same meaning as in section 29 of the Caravan Sites and Control of Development Act 1960 as amended by section 13 of the Caravan Sites Act 1968.
- (2) In calculating a period of 14 days for the purposes of section 74E(6) or 74F(6), no account is to be taken of a day which, apart from this subsection, would fall within that period and is—
- (a) Christmas Day,

After Clause 21 - continued

- (b) Good Friday, or
 - (c) a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.
- (3) References in sections 74E and 74F to a condition include a condition as previously modified under section 74E.
- (4) A person who makes an application under section 74E is to be taken to have agreed –
 - (a) to the use of electronic communications for all purposes relating to the application which are capable of being carried out electronically, and
 - (b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's application.
- (5) In discharging its functions under sections 74E and 74F, a local planning authority must have regard to guidance issued by the Secretary of State."
- (3) Section 78(1) (right to appeal against planning decisions and failure to take such decisions) has effect as if after paragraph (aa) there were inserted –
 - “(ab) refuse an application under section 74E (variation of condition relating to seasonal opening of campsites or caravan sites);”.
- (4) Schedule 1 (local planning authorities: distribution of functions) has effect as if in paragraph 3(1) (functions which are exercisable by district planning authority, subject to exceptions) after paragraph (a) there were inserted –
 - “(azb) applications under section 74E;”.
- (5) Article 40 (register of applications) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) has effect as if after paragraph (4) there were inserted –
 - “(4ZB) Part 2 of the register must contain, in respect of every application under section 74E of the 1990 Act (conditions relating to seasonal opening of campsites or caravan sites) relating to the local planning register authority's area –
 - (a) a copy (which may be photographic or in electronic form) of the application,
 - (b) the decision, if any, of the local planning authority in respect of the application, including –
 - (i) any modifications to the condition to which the application relates,
 - (ii) the date from which those modifications take effect, and
 - (iii) the date at the end of which they cease to have effect,
 - (c) the date of any such decision,
 - (d) the name of the local planning authority, and
 - (e) the reference number, the date and effect of any decision of the Secretary of State in relation to the application on appeal.”
- (6) Subsections (1) to (5) expire on 30 April 2023.
- (7) The Secretary of State may by regulations substitute the date for the time being specified in any of the following provisions with a later date –

After Clause 21 - continued

- (a) section 74E(7) of the Town and Country Planning Act 1990, as that Act has effect by virtue of subsection (2) of this section;
- (b) section 74F(5) of that Act, it has effect by virtue of subsection (2) of this section;
- (c) subsection (6) of this section.”

Member’s explanatory statement

This new Clause replicates the provisions in the bill in regard to the extension of construction hours to allow campsites and caravan parks to apply for modifications to their licenses to allow them to operate in the winter months.

75★ Insert the following new Clause—

“Modification of conditions relating to holiday accommodation use of self-catering dwellings

- (1) The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (4).
- (2) After section 74A (and 74B to 74G inserted by this Act) insert—

“74H Conditions restricting the use of dwellings for holiday accommodation purposes only

- (1) This section applies where—
 - (a) planning permission has been granted for the development of land in England as a dwelling, and
 - (b) the planning permission is subject to a condition or conditions that the dwelling may only be used for holiday accommodation purposes or may only be used continuously for a specified period (together “the holiday conditions”).
- (2) A person with an interest in the land, or a person acting on behalf of such a person, may make an application to the local planning authority for any holiday condition(s) to be modified in the way specified in subsection (3).
- (3) The modification is to allow the dwelling to be occupied between 1 October and 1 April in each year without complying with any holiday condition(s).
- (4) The application must—
 - (a) be made in writing and sent to the local planning authority using electronic communications in such manner as the authority may specify,
 - (b) give sufficient information to enable the authority to identify the planning permission in respect of which it is made, and
 - (c) give sufficient information to enable the authority to identify the condition in respect of which it is made.
- (5) The application must specify—
 - (a) the date on which the application is sent,
 - (b) the proposed modification to the condition(s),
 - (c) the date from which it is proposed the modification should take effect, and

After Clause 21 - continued

- (d) the date at the end of which it is proposed the modification should cease to have effect.
- (6) The date specified in subsection (5)(c) must not be earlier than the end of the period of 14 days beginning with the day after that on which the application is sent to the local planning authority.
- (7) The date specified in subsection (5)(d) must be not later than 1 April 2023.

74I Effect of application under section 74H

- (1) If a person makes an application in accordance with section 74H to a local planning authority, the authority may by notice in writing to the person—
 - (a) modify the condition in accordance with the application,
 - (b) refuse to modify the condition, or
 - (c) make a determination about any of the matters specified in subsection (2).
- (2) Those matters are—
 - (a) the modifications to be made to the condition, so far as it relates to the periods of time that the dwelling may be used as a person's sole or main residence,
 - (b) the date from which the modifications to the condition are to take effect, and
 - (c) the date at the end of which the modifications to the condition are to cease to have effect.
- (3) The local planning authority may make a determination under subsection (1)(c) only if the person who made the application has agreed in writing to the terms of the determination.
- (4) A modification under subsection (2)(a) must not prohibit the dwelling from being used for holiday accommodation purposes at any time when they are permitted to be used for holiday accommodation purposes under the condition as it had effect when the application was made.
- (5) A date determined under subsection (2)(c) must not be later than 1 April 2023.
- (6) Subsection (7) applies if the local planning authority does not give notice under subsection (1) before the end of the period of 14 days beginning with the day after that on which the application in accordance with section 74H was sent to the authority.
- (7) The condition to which the application relates is deemed to have been modified in accordance with the application.
- (8) If the local planning authority makes a determination under subsection (1)(c) about only some of the matters specified in subsection (2), the condition is deemed to have been modified in accordance with the application in respect of the other matters specified in subsection (2).

74J Sections 74H and 74I: supplementary

- (1) In sections 74H and 74I and this section—
 - “condition” includes limitation;

After Clause 21 - continued

- “dwelling”, means a self-contained building or part of a building used as residential accommodation for a purpose within Class C3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and shall include a house, bungalow, flat, maisonette or converted farm building.
- (2) In calculating a period of 14 days for the purposes of section 74H(6) or 74I(6), no account is to be taken of a day which, apart from this subsection, would fall within that period and is—
 - (a) Christmas Day,
 - (b) Good Friday, or
 - (c) a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.
 - (3) References in sections 74H and 74I to a condition include a condition as previously modified under section 74H.
 - (4) A person who makes an application under section 74H is to be taken to have agreed—
 - (a) to the use of electronic communications for all purposes relating to the application which are capable of being carried out electronically, and
 - (b) that the person’s address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person’s application.
 - (5) In discharging its functions under sections 74H and 74I, a local planning authority must have regard to guidance issued by the Secretary of State.”
- (3) Section 78(1) (rights of appeal) has effect as if after paragraph (aa) there were inserted—

“(ad) refuse an application under section 74H (variation of conditions restricting use of dwellings for holiday accommodation purposes only);”.
 - (4) Schedule 1 (local planning authorities: distribution of functions) has effect as if in paragraph 3(1) (functions which are exercisable by district planning authority, subject to exceptions) after paragraph (a) there were inserted—

“(azc) applications under section 74H;”.
 - (5) Article 40 (register of applications) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) has effect as if after paragraph (4) there were inserted—

“(4ZC) Part 2 of the register must contain, in respect of every application under section 74H of the 1990 Act (conditions restricting use of dwellings for holiday accommodation purposes only) relating to the local planning register authority’s area—

 - (a) a copy (which may be photographic or in electronic form) of the application,
 - (b) the decision, if any, of the local planning authority in respect of the application, including—
 - (i) any modifications to the condition to which the application relates,

After Clause 21 - continued

- (ii) the date from which those modifications take effect, and
 - (iii) the date at the end of which they cease to have effect,
 - (c) the date of any such decision,
 - (d) the name of the local planning authority, and
 - (e) the reference number, the date and effect of any decision of the Secretary of State in relation to the application on appeal.”
- (6) Subsections (1) to (5) expire on 1 April 2023.
- (7) The Secretary of State may by regulations substitute the date for the time being specified in any of the following provisions with a later date –
- (a) section 74H(7) of the Town and Country Planning Act 1990, as that Act has effect by virtue of subsection (2) of this section;
 - (b) section 74I(5) of that Act, it has effect by virtue of subsection (2) of this section;
 - (c) subsection (6) of this section.”

Member’s explanatory statement

This new Clause replicates the provisions in the bill in regard to the extension of construction hours to allow certain types of holiday accommodation to apply for restrictions to be removed that prevent them from operating in the winter months.

Before Clause 22

LORD KENNEDY OF SOUTHWARK

76

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

77 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

78 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 22

BARONESS MCINTOSH OF PICKERING
LORD SHIPLEY

79★ Page 38, line 18, at end insert—

“(3A) A statutory instrument containing regulations under sections 16, 17 or 18 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 amendment would ensure that any further regulations made by the Secretary of State would require scrutiny through the affirmative procedure.

Clause 25

BARONESS NEVILLE-ROLFE

80 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

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

8 July 2020
