

# Business and Planning Bill

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CORRECTED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

LORD HOLMES OF RICHMOND

- 1★** 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)”

**Clause 2**

LORD HOLMES OF RICHMOND

- 2★** 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.”

- 3★** 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.”

**Clause 3**

LORD HAIN  
LORD HENDY  
BARONESS RITCHIE OF DOWNPATRICK  
LORD MONKS

- 4★** Page 3, line 23, at end insert –  
“( ) consult –

**Clause 3 - continued**

- (i) relevant trade unions and other organisations which represent employees, and
- (ii) relevant businesses, and”

***Member’s explanatory statement***

*To ensure that employees and trade unions are consulted and involved before a local authority determines a pavement licence application under Clause 3.*

## LORD HOLMES OF RICHMOND

5★ Page 4, line 8, at end insert—

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

## EARL HOWE

6★ 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.”

***Member’s explanatory statement***

*This amendment makes provision for the needs of disabled persons in particular to be taken into account when determining whether furniture put on the highway is an obstruction.*

## LORD HOLMES OF RICHMOND

7★ 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 HOLMES OF RICHMOND

8★ 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

9★ 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.”

**Clause 5 - continued**

## LORD BLENCATHRA

10★ Page 4, line 37, at end insert –

“(2A) Conditions under subsection (2) must include the condition that a minimum width of 1,500mm on all highways, thoroughfares and pavements is maintained (including the distance between any street furniture or street infrastructure, whether temporary or permanent) for the passage of pedestrians, including pedestrians with disabilities and using child carrying equipment.

(2B) For the purposes of subsection (2A) –

- (a) “street furniture” includes tables and chairs, whether fixed or portable; and
- (b) “street infrastructure” includes street lamps, litter bins, road signs and traffic signals.”

## BARONESS WILCOX OF NEWPORT

11★ Page 4, line 37, at end insert –

“(2A) Conditions under subsection (2) may include that smoking is prohibited in either the entire area or part of the area covered by a pavement licence.

(2B) A condition to prohibit smoking under subsection (2) may only apply if the local authority has first consulted local businesses and residents prior to the publication of such a condition.

(2C) Conditions under subsection (2) may not prohibit the use of electronic cigarettes in the area covered by a pavement licence.”

***Member’s explanatory statement***

*This amendment would allow local authorities to prohibit smoking in areas covered by pavement licenses, provided they have first consulted local businesses and residents. This would not prohibit e-cigarettes.*

## LORD HOLMES OF RICHMOND

12★ 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.”

## EARL HOWE

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

**Member's explanatory statement**

*This amendment makes provision for a "smoke-free seating" condition.*

14★ 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.”

**Member's explanatory statement**

*This amendment relates to the first amendment to Clause 5 and defines the "smoke-free seating condition".*

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

15★ 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.”

EARL HOWE

16★ 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.”

**Member's explanatory statement**

*This amendment replaces the power to publish national conditions with a power to make provision about national conditions by regulations.*

LORD CORMACK

17★ Page 5, line 7, leave out “may” and insert “must”

18★ 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 STEVENSON OF BALMACARA

19★ Page 5, line 7, at end insert—

“(6A) Any conditions published under subsection (6) are subject to annulment in pursuance of a resolution of either House of Parliament.”

**Clause 5 - continued**

BARONESS PINNOCK  
 BARONESS THOMAS OF WINCHESTER  
 LORD SHIPLEY

20★ Page 5, line 7, at end insert—

“( ) Within 7 days of this Act coming into force the Secretary of State must publish conditions ensuring that pavement licences do not make pavements inaccessible.”

**Clause 8**

EARL HOWE

21★ 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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***Member’s explanatory statement***

*This amendment secures that, where a local authority has executive arrangements, functions relating to pavement licences are not the responsibility of the executive.*

LORD STEVENSON OF BALMACARA

22★ Page 7, line 3, at end insert—

“( ) Any guidance issued under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD HOLMES OF RICHMOND

23★ Page 7, line 3, at end insert—

“( ) Any guidance issued by the Secretary of State under this section which relates to accessibility, including guidance to facilitate access for people with disabilities, may not come into force unless the draft guidance has been laid before and approved by a resolution of each House of Parliament.”

24★ Page 7, line 3, at end insert—

“( ) In preparing any guidance under this section which relates to accessibility, including guidance to facilitate access for people with disabilities, the Secretary of State must first consult—

- (a) the Business Disability Forum, and
- (b) any other organisations the Secretary of State considers appropriate,

**Clause 8 - continued**

to ensure the guidance is based on and incorporates the principles of inclusive design.”

**Member’s explanatory statement**

*This amendment requires the Secretary of State to consult the Business Disability Forum and any other organisations and the Secretary of State considers appropriate, with the purposes of incorporating inclusive design which was, for example, used in the design and functioning of the QEII Olympic Park.*

**Clause 9**

EARL HOWE

25★ Page 7, line 36, at end insert –

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

**Member’s explanatory statement**

*This amendment defines “smoking”.*

**Clause 10**

EARL HOWE

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

**Member’s explanatory statement**

*This amendment provides that the Secretary of State’s power to extend the date on which Clauses 1 to 9 expire, and certain other dates in those clauses, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

27★ Page 8, line 16, at end insert –

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

28★ Page 8, line 16, at end insert –

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

**Member’s explanatory statement**

*This amendment is consequential on the Minister’s amendment at page 8, line 13.*

**Clause 11**

EARL HOWE

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

**Member's explanatory statement**

*This amendment, and the Minister's other amendments the explanatory statements for which refer to this amendment, provide for certain new permissions regarding off-sales to end at 11pm.*

LORD KENNEDY OF SOUTHWARK

- 30★ 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.*

EARL HOWE

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

LORD KENNEDY OF SOUTHWARK

- 35★ 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.*

EARL HOWE

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

LORD KENNEDY OF SOUTHWARK

- 37★ 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.*

EARL HOWE

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

**Member's explanatory statement**

*See the explanatory statement for the Minister's amendment at page 8, line 33.*

LORD KENNEDY OF SOUTHWARK

- 39★ Page 9, line 34, at end insert –

- “(5A) Where subsections (4) and (5) apply and the off-sale is made other than by table service to customers seated in areas authorised by the local authority or on land under the ownership of the premises, the off-sale must be served in –
- (a) a sealed container of plastic, glass or metal, or
  - (b) a plastic vessel or similar.”

**Member's explanatory statement**

*This amendment would prevent takeaway drinks in glasses, but would not prevent drinks for consumption in outdoor seating areas from being served in glasses.*

LORD PADDICK  
BARONESS PINNOCK

- 40★ Page 9, line 34, at end insert –

- “(5A) 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.
- (5B) Subsection (5A) does not apply where the sale of alcohol is for consumption –
- (a) in accordance with a pavement licence as defined by Part 1 of this Act; or
  - (b) in an outdoor space directly attached to the premises and under the control of the licensee.”

**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.*

BARONESS STOWELL OF BEESTON

- 41★ Page 9, line 34, at end insert –

- “(5A) Where subsections (4) and (5) apply, any off-sales must be consumed within the licensed premises (including the area covered by a pavement licence in respect of the licensed premises), except where the licence holder is delivering alcohol away from the premises to another building or premises by way of a pre-arranged purchase.”



**Clause 11 - continued**

## LORD HOLMES OF RICHMOND

42★ 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.”

43★ Page 10, line 20, at end insert –

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

## EARL HOWE

44★ 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.”

***Member’s explanatory statement***

*See the explanatory statement for the Minister’s amendment at page 8, line 33.*

45★ 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”.”

***Member’s explanatory statement***

*This amendment ensures that certain new permissions for off-sales do not apply to times when the premises licence does not allow sales of alcohol for consumption in outdoor areas of the premises.*

## LORD ADDINGTON

46★ 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”;

***Member's explanatory statement***

*This amendment would give club premises, like sports clubs, the ability to apply for off-sales licences under the bill.*

EARL HOWE

- 47★ Page 20, line 29, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

***Member's explanatory statement***

*This amendment provides that the Secretary of State's power to extend the date on which Clause 11(1) to (10) expires, and another date in that Clause, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

- 48★ Page 20, line 33, at end insert –

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

- 49★ Page 20, line 33, at end insert –

“(14A) In subsection (14) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

***Member's explanatory statement***

*The amendment is consequential on the Minister's other amendment to page 20.*

**After Clause 11**

LORD HOLMES OF RICHMOND

- 50★ 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.*

**51★** 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.*

BARONESS NEVILLE-ROLFE  
LORD CLEMENT-JONES  
LORD STEVENSON OF BALMACARA  
LORD BOURNE OF ABERYSTWYTH

**52★** 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).”
- (3) Subsections (1) and (2) expire at the end of 31 January 2021.
- (4) The Secretary of State may by regulations substitute the date for the time being specified in subsection (3) with a later date which is no later than 31 July 2021.”

**Clause 12**

BARONESS BOWLES OF BERKHAMSTED  
BARONESS ALTMANN  
LORD CARLILE OF BERRIEW  
LORD STEVENSON OF BALMACARA

**53★** Page 21, line 8, at end insert “insofar as such an order would relate to affordability.”

**After Clause 13**

EARL ATTLEE

54★ Insert the following new Clause –

**“Designation of persons for testing goods vehicles**

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 49(3), insert –
  - “(3A) Examinations for the purposes of this section shall be carried out by –
    - (a) persons, not being officers of the Secretary of State, authorised for those purposes by the Secretary of State (in this section and sections 45 and 46 of this Act referred to as “authorised examiners”), or
    - (b) individuals who are nominated by, and act under the supervision of, authorised examiners and are approved by the Secretary of State (in this section and sections 45 and 46 of this Act referred to as “nominated testers”).”

***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.*

**After Clause 15**BARONESS DOOCEY  
LORD REDESDALE

55★ 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 two different types of” and insert “the carriage of passengers with at least one other”.
- (3) In regulation 2(5) leave out “at least two different types of” and insert “the carriage of passengers with at least one other”.

***Member’s explanatory statement***

*This new Clause 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.*

**Clause 16**BARONESS PINNOCK  
LORD CAMPBELL OF PITTENWEEM  
LORD SHIPLEY

56★ Page 24, line 23, at end insert –

- “( ) The application must also include –

**Clause 16 - continued**

- (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 STEVENSON OF BALMACARA

57★

Page 26, line 17, at end insert –

“(7) Any guidance issued by the Secretary of State for the purposes of subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.”

EARL HOWE

58★

Page 26, line 46, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

***Member’s explanatory statement***

*This amendment provides that the Secretary of State’s power to extend the date on which Clause 16(1) to (5) expires, and certain other dates in that Clause, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

59★

Page 27, line 5, at end insert –

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

60★

Page 27, line 5, at end insert –

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

***Member’s explanatory statement***

*The amendment is consequential on the Minister’s amendment to page 26.*

**Clause 17**

LORD LANSLEY

61★

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

***Member’s explanatory statement***

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

- 62★ Page 28, line 6, leave out “April” and insert “May”

***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 May instead of 1 April 2021.*

LORD STEVENSON OF BALMACARA

- 63★ Page 29, line 44, at end insert –

“(14A) Any guidance issued by the Secretary of State for the purposes of subsection (14) is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD LANSLEY

- 64★ Page 30, line 41, leave out “April” and insert “May”

***Member’s explanatory statement***

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

EARL HOWE

- 65★ Page 30, line 42, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

***Member’s explanatory statement***

*This amendment provides that the Secretary of State’s power to extend the date on which Clause 17(1) to (5) expires, and certain other dates in that Clause, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

- 66★ Page 31, line 1, at end insert –

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

- 67★ Page 31, line 1, at end insert –

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

***Member’s explanatory statement***

*The amendment is consequential on the Minister’s amendment to page 30.*

**Clause 18**

LORD LANSLEY

- 68★ Page 31, line 41, leave out “April” and insert “May”

**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 May instead of 1 April 2021.*

- 69★ Page 32, line 21, leave out “April” and insert “May”

**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 May 2021 instead of 1 April 2021.*

- 70★ Page 33, line 3, leave out “April” and insert “May”

**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 May 2021 instead of 1 April 2021.*

LORD STEVENSON OF BALMACARA

- 71★ Page 34, line 41, at end insert—

“(14A) Any guidance issued by the Secretary of State for the purposes of subsection (14) is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD LANSLEY

- 72★ Page 35, line 32, leave out “April” and insert “May”

**Member's explanatory statement**

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

EARL HOWE

- 73★ Page 35, line 33, at beginning insert “If the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus,”

**Member's explanatory statement**

*This amendment provides that the Secretary of State's power to extend the date on which Clause 18(1) to (5) expires, and certain other dates in that Clause, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

- 74★ Page 35, line 41, at end insert—

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

- 75★ Page 35, line 41, at end insert—

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

**Member's explanatory statement**

*The amendment is consequential on the Minister's other amendment to page 35.*

**Clause 19**

LORD LANSLEY

- 76★ Page 36, line 32, leave out “April” and insert “May”

**Member's explanatory statement**

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

- 77★ Page 36, line 42, leave out “April” and insert “May”

**Member's explanatory statement**

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

EARL HOWE

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

**Member's explanatory statement**

*This amendment provides that the Secretary of State's power to extend the date on which Clause 19(1) expires, and certain other dates in that Clause, can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

- 79★ Page 37, line 4, at end insert –

“but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

- 80★ Page 37, line 4, at end insert –

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

**Member's explanatory statement**

*The amendment is consequential on the Minister's amendment to page 36.*

**Clause 21**

EARL HOWE

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



**Member's explanatory statement**

*This amendment provides that the Secretary of State's power to extend the date on which Clause 21(1) expires can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus.*

LORD STEVENSON OF BALMACARA

- 82★ Page 38, line 6, at end insert “but regulations may only be made under this subsection where the Secretary of State considers it necessary or appropriate for a purpose linked to the coronavirus pandemic.”

EARL HOWE

- 83★ Page 38, line 6, at end insert –  
 “(4) In subsection (3) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”

**Member's explanatory statement**

*The amendment is consequential on the Minister's other amendment to page 38.*

**After Clause 21**

EARL HOWE

- 84★ 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.””

**Member's explanatory statement**

*This new Clause secures that Mayoral development corporations, urban development corporations, parish meetings and Transport for London (which all have functions relating to planning) are subject to the power in section 78 of the Coronavirus Act 2020 to make regulations in relation to local authority meetings.*

LORD KENNEDY OF SOUTHWARK

- 85★ Insert the following new Clause –

**“Mayoral development corporation**

- (1) In section 78(7) of the Coronavirus Act 2020 (Local authority meetings), after sub-paragraph (j) insert –
  - “(ja) A Mayoral development corporation in respect of which the Secretary of State has made an order under section 198(2) of the Localism Act 2011 (order enabling exercise of planning functions by MDC).”

**After Clause 21 - continued**

- (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 (SI 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(2) of the Localism Act 2011 (order enabling exercise of planning functions by MDC).”

86★ Insert the following new Clause—

**“Highway authority for GLA Roads**

- (1) In section 78(7) of the Coronavirus Act 2020 (local authority meetings), after paragraph (r) insert—
- “(s) the highway authority for GLA roads in accordance with section 1(2A) of the Highways Act 1980;”
- (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—
- “(s) the highway authority for GLA roads in accordance with section 1(2A) of the Highways Act 1980.”

**Clause 22**

EARL HOWE

87★ 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.”

***Member’s explanatory statement***

*This amendment provides for the negative resolution procedure for regulations under the power proposed by the Minister’s amendment to Clause 5.*

**Clause 23**

EARL HOWE

88★ 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.”

***Member’s explanatory statement***

*This amendment is consequential on the Minister’s new clause inserted after Clause 21.*

**Clause 24**

EARL HOWE

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

***Member’s explanatory statement***

*This amendment secures that the Minister’s new clause inserted after Clause 21 commences on Royal Assent.*

# Business and Planning Bill

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CORRECTED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*15 July 2020*

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