



## THE DEPUTY LEADER OF THE HOUSE OF LORDS

17<sup>th</sup> July 2020

### **Business and Planning Bill**

Dear Colleagues,

I am writing following Committee stage for the Business and Planning Bill which took place in the House of Lords on Monday 13 July and Tuesday 14 July 2020 and would like to extend my gratitude to all who participated in the debates and the many considered and constructive points raised.

As you will be aware from my letter to you on Introduction of the Bill, this legislation is intended to help businesses, particularly in the hard hit hospitality and construction sectors, get back to work safely and quickly, supporting broader economic recovery.

Throughout the passage of this Bill, my ministerial colleagues and I have been keen to stress the importance and urgency of these measures for businesses across the economy. We want businesses to be able to take advantage of the flexibilities it offers as soon as possible, in particular those who will benefit from the measures designed to make the most of summer weather. We can only do this if the Bill is able to complete its passage next week.

I recognise, of course, that expedited passage has meant time for scrutiny has been reduced, but I hope that our letters, open meetings, and extensive debate in the Chamber have helped to mitigate this. The vast majority of measures in the Bill are of course temporary and, where extension of measures is possible, this will be subject to further parliamentary oversight.

Debate in the Committee covered almost all aspects of the Bill, and I hope that I and the other Ministers involved in the Bill were able to provide reassurance and clarification on the majority of points raised. In particular, following the very helpful discussions at Second Reading, we announced Government plans to bring forward a number of amendments to the Bill at Report stage. These amendments have now been tabled and I have included a summary below.

### Pavement Licences and accessibility

- To ensure the needs of those with a disability are considered throughout, we have tabled an amendment that states that local authorities must have regard to the needs of disabled persons when determining whether furniture put on the highway is an unacceptable obstruction. Guidance will make clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway. *(amendment 6)*
- In order to increase Parliamentary oversight and responding to the DPRRC report on the Bill, an amendment to replace the power to publish national conditions with a power to make provision about national conditions by regulations subject to the negative procedure. *(amendments 16 and 87)*
- An amendment to secure that where a local authority has executive arrangements, functions relating to pavement licences are not the responsibility of the executive. This will make it easier for local authorities to delegate decision making on these matters to licensing committees. *(amendment 21)*

### Limiting hours for alcohol sales

- Provision that new off-sales permissions granted under this legislation will only apply until 11pm or until the current licensing hours for that premises end, if earlier. *(amendments 29, 31, 32, 33, 34, 36, 38, 44 and 45)*

### Extension of statutory provisions

- Amendments provide that the Secretary of State's power to extend the expiry date for clauses relating to pavement licences, alcohol licences, construction working hours and planning can only be exercised if the Secretary of State considers it reasonable to do so to mitigate an effect of coronavirus. This responds to the DPRRC recommendation. *(amendments 26, 28, 47, 49, 58, 60, 65, 67, 73, 75, 78, 80, 81 and 83)*

### Power to make provision relating to local authority meetings

- Following a request by the Local Government Association, these amendments secure that Mayoral Development Corporations, Transport for London, Urban Development Corporations and Parish Meetings are subject to the power in section 78 of the Coronavirus Act 2020 enabling the making of regulations to allow these bodies to meet remotely. *(amendments 84, 88 and 89).*

### Provision for non-smokers

- The Government has tabled an amendment to ensure that, where they are taking advantage of pavement licensing provisions in this Bill, a licence-holder must make reasonable provision for seating where smoking is not permitted. This will ensure greater choice for smokers and non-smokers.
- In deciding whether reasonable provision has been made, local authorities must have regard to guidance issued by the Secretary of State. *(amendments 13, 14 and 25)*

From your contributions at Second Reading and in Committee, I know that many of you share our desire to support businesses through the provisions in this legislation.

I hope therefore that you will feel able to support the Bill and the amendments mentioned above when we reach Report stage and Third Reading next week.

In the meantime, I would be happy to discuss any questions or concerns you may have. Please do not hesitate to contact [businessandplanningbill@beis.gov.uk](mailto:businessandplanningbill@beis.gov.uk).

I am placing a copy of this letter in the Library of the House.

Yours sincerely

A handwritten signature in black ink, appearing to read "Howe", with a long horizontal line underneath it.

**EARL HOWE**