



Business and Planning Bill HL Bill 119 of 2019–21

On 6 July 2020, the second reading of the Business and Planning Bill is scheduled to take place in the House of Lords.

The bill includes measures intended to support specific sectors of the economy affected by the Covid-19 outbreak and subsequent safety measures introduced by the Government to limit the spread of the virus. The bill would:

- Establish a new fast-track procedure by which cafes, pubs and restaurants in England may apply for temporary permission from local authorities to put chairs and tables outside their premises.
- Temporarily allow licensed premises in England and Wales to make ‘off-sales’ regardless of whether this is currently allowed in their alcohol licence.
- Ease the requirements for accessing the Government’s Bounce Back Loans scheme through which businesses are able to apply for government guaranteed loans of up to 25% of their turnover, to maximum of £50,000.
- Implement measures intended to ease the backlog in vehicle testing and driving licences for goods, passenger and public service vehicles.
- Enable developers to make an application to local planning authorities to amend restrictions on construction site working hours.
- Extend the date on which certain planning permission and listed building consents are set to expire, enabling developments delayed by the Covid-19 outbreak to go ahead.
- Make changes to the planning appeals process and the consultation procedure for the Spatial Development Strategy for London.

The bill was introduced in the House of Commons on 25 June 2020. Second reading and all remaining stages took place on 29 June 2020. The Secretary of State for Business, Energy and Industrial Strategy, Alok Sharma, said the bill would “provide an adrenaline boost” to sectors of the UK economy affected by the Covid-19 outbreak. The measures in the bill received cross-party support. However, MPs including the Shadow Secretary of State for Business, Energy and Industrial Strategy, Ed Miliband, argued the Government needed to do more to support the UK’s economic recovery, including increasing long-term financial support for those sectors worst affected. Concerns were also raised regarding whether local authorities and police forces would have sufficient funding to combat anti-social behaviour in public spaces arising from increased outside drinking. One Opposition amendment to do with pavement licences was made with Government support.

Edward Scott | 2 July 2020

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I. Introduction

The [Business and Planning Bill](#) sets out a range of measures intended to support the economy to recover from the disruption caused by the Covid-19 outbreak in the UK. It is intended to enable businesses including bars, pubs and restaurants and construction firms to reopen while adhering to Covid-19 safety guidelines.¹ The bill includes provisions intended to make it easier for businesses to gain access to government financial support in the form of bounce back loans. It also includes measures to address a backlog in vehicle testing and driving licence applications for heavy vehicles and vehicle testing.

The bill has been fast-tracked and the Government has said it intends to pass the bill before both Houses of Parliament go into the summer recess.² The Government said this was necessary to ensure the hospitality industry would be able to benefit from outdoor seating and alcohol sales over the summer. Most of the bill's provisions are temporary and are designed to support this current stage of the Government's strategy for re-opening the economy.³ Most of the bill's provisions apply either to England or England and Wales only.⁴ The exceptions are those provisions concerning bounce back loans and goods, passenger and public service vehicles.

Covid-19: Impact on different sectors

The Covid-19 outbreak and subsequent measures to control the spread of the virus have resulted in many businesses either having to modify the way they operate or ceasing to operate entirely. The Government has identified the hospitality and construction industry as two of the sectors most severely affected by this.⁵ According to Government statistics:

- Three quarters of businesses in the accommodation and food service sector have paused or stopped trading in response to the Covid-19 outbreak.⁶
- Economic output in the food and beverage sector fell by nearly 90% in the most recent quarter.
- In the construction sector, firms that employed fewer than 250 people have been most severely affected, with 21.7% having temporarily paused or ceased trading.⁷ This figure was 6.5% for firms that employed more than 250 people.

Further information on the impact of the Covid-19 outbreak on the sectors of the UK economy addressed in the Business and Planning bill is provided in the House of Commons Library briefing, [Business and Planning Bill 2019–21](#) (26 June 2020).

¹ HM Government, [Analysis Supporting the Business and Planning Bill](#), 25 June 2020, p 7.

² [Explanatory Notes](#), p 12.

³ *ibid*, p 3.

⁴ Further information on the territorial extent of the measures in the bill is provided below.

⁵ HM Government, [Analysis Supporting the Business and Planning Bill](#), 25 June 2020, p 4.

⁶ *ibid*. This is based on figures published in Office for National Statistics, [Business Impact of COVID-19 Survey \(BICS\) Results](#), 18 June 2020.

⁷ *ibid*. This is based on figures published in Office for National Statistics, ['Coronavirus and Economic Impacts on the UK: 4 June 2020'](#), 4 June 2020.

Existing forms of Government support

The Government has described the bill as targeting those parts of the economy that most need support to begin to reopen. Existing forms of Government support include:⁸

- Financial support in the form of the Coronavirus Business Interruption Loan scheme, Future Fund, Bounce Back Loans and Corporate Financing Facility.
- Tax relief, such as deferring VAT and business rates relief.
- Cash grants through the Small Business Grant Fund, the Retail, Hospitality and Leisure Grant Fund, and Local Authority Discretionary Grants Fund.
- The Coronavirus Job Retention Scheme, through which firms receive financial support from the Government enabling them to furlough staff at up to 80% of their pay.
- The Self-Employment Income Support Scheme, through which self-employed people are able to receive up to £2,500 per month in grants for at least 3 months.

Further information on the support provided by the Government to businesses is provided in the House of Commons Library briefing, [Coronavirus: Support for Businesses](#) (2 July 2020) and the House of Lords Library briefing, [Covid-19: Private Sector Contribution](#) (15 May 2020).

2. Bill provisions

2.1 Outdoor seating for bars and restaurants

On 20 March 2020, the Prime Minister, Boris Johnson, announced restrictions would be placed on pubs and restaurants in order to prevent the spread of Covid-19.⁹ Pubs and restaurants are currently only able to operate a takeaway service.¹⁰ On 23 June 2020, the Prime Minister announced these restrictions would be eased, allowing pubs and restaurants to re-open from 4 July 2020.¹¹ Guidance for reopening restaurants, pubs and bars was published on the same day.¹²

The bill would establish a new process by which cafes, pubs and restaurants in England may apply for temporary permission from local authorities to put chairs and tables outside their premises.¹³ These measures are intended to enable pubs and restaurants to serve as many customers as possible while maintaining social distancing guidance. Businesses selling food and drink can currently apply to their local authority for a “pavement licence”, allowing tables and chairs to be set up outside. These are awarded through a procedure set out in the Highways Act 1980.¹⁴ A further procedure in London

⁸ HM Government, [Analysis Supporting the Business and Planning Bill](#), 25 June 2020, pp 4–5.

⁹ Prime Minister’s Office, [Prime Minister’s statement on coronavirus: 20 March 2020](#), 20 March 2020.

¹⁰ Cabinet Office and Ministry of Housing, Communities and Local Government, [Guidance for businesses and other venues on social distancing measures](#), 20 March 2020.

¹¹ [HC Hansard, 23 June 2020, cols 1167–92](#).

¹² Ministry of Housing, Communities and Local Government, [Opening certain businesses and venues in England from 4 July 2020](#), 23 June 2020.

¹³ Clauses 1–11.

¹⁴ [Explanatory Notes](#), p 11.

exists under the London Local Authorities Act 1990 and in Westminster under the City of Westminster Act 1999.

This application procedure will be subject to:

- A seven-day consultation period, followed by a seven-day determination period.¹⁵
- A maximum application fee of £100.¹⁶

These new licences will be temporary. All licences established under the provisions in the bill must expire by 30 September 2021 at the latest.¹⁷ The Secretary of State will have the power under the bill to extend this date through secondary legislation.¹⁸

When determining the application, the local authority will be required to consult with any relevant highway authorities and other persons it considers appropriate. If no determination is made by the local authority during the timeframe set out in the bill, the application for a licence will be deemed to have been granted. The Government has also published draft guidance to local authorities to accompany these pavement licensing provisions.¹⁹

2.2 Alcohol licences: Off-sales

The bill includes further measures intended to support the reopening of restaurants and pubs.²⁰ Currently, only some licences enable the sale of alcohol for consumption off-premises.²¹ The bill would temporarily allow licensed premises to make ‘off-sales’ regardless of whether this is currently allowed in their alcohol licence. This would apply in England and Wales only.

2.3 Bounce Back Loans scheme

The bill would ease the requirements for accessing the Government’s Bounce Back Loans scheme. This scheme was launched to support businesses that have lost revenue as result of the Covid-19 outbreak. Under the scheme, a business is currently able to apply for a government guaranteed loan of up to 25% of its turnover.²² This loan could be for between £2,000 and £50,000. The bill would remove the requirement for applicants to be subject to an affordability test. This is currently required as part of the “unfair relationship” provisions of the Consumer Credit Act 1974. These provisions apply to England, Scotland, Wales and Northern Ireland.

¹⁵ Clause 3.

¹⁶ Clause 2(2).

¹⁷ Clause 5.

¹⁸ Clause 10.

¹⁹ Ministry of Housing, Communities and Local Government, ‘[Pavement licences: Draft guidance](#)’, 25 June 2020.

²⁰ Clause 11.

²¹ Home Office, ‘[Alcohol licensing](#)’, 24 May 2018.

²² British Business Bank, ‘[Bounce Back Loan Scheme \(BBLs\)](#)’, accessed 26 June 2020.

2.4 Goods, passenger and public service vehicles

The Government has argued the Covid-19 pandemic has created disruption to the vehicle testing regime.²³ The bill expands the Driver and Vehicle Standards Agency's (DVSA) existing powers to grant temporary exemption certificates for public service and goods vehicles.²⁴ The Government has said this will enable the DVSA to prioritise testing of urgent vehicles, such as vehicles carrying dangerous goods.²⁵ This is set out in clause 13 of the bill and will apply in England, Scotland and Wales.

The bill also enables the DVSA to enforce new short-term drivers licences for certain vehicles.²⁶ Drivers aged 45 or over applying for licences to drive goods, passenger and public service vehicles or renewing existing licences are required to provide a medical report. Part of this has to be completed by a doctor. The Government argues that the Covid-19 outbreak has meant doctors have been unable to complete these certificates. In May 2020, the Government implemented a scheme to enable one-year licences to be issued without a medical report.²⁷ The bill enables the DVSA to enforce the one-year expiry date of these licences. These provisions are set out in two clauses. Clause 14 makes this change in England, Scotland and Wales. A separate clause, clause 15, would apply similar measures in Northern Ireland which has its own licensing regime.

2.5 Planning

The bill includes several provisions intended to provide support to the construction sector and facilitate the planning process. These measures would apply in England only.

Construction sites: Working hours

The bill would enable developers to make an application to local planning authorities to amend restrictions on construction site working hours.²⁸ These provisions could enable construction work to be carried out during the evening and at weekends.²⁹ The Government has said this will enable construction sites to operate more safely, enabling firms to prevent the spread of Covid-19 by staggering the hours workers are on site.³⁰ Applications to extend construction working hours would be free of charge. The Government has also published draft guidance for local planning authorities on the process by which decisions on these applications are to be taken.³¹

Planning permission and listed building consents: Extending expiration date

The bill extends the date on which certain planning permission and listed building consents are set to

²³ HM Government, [Analysis Supporting the Business and Planning Bill](#), 25 June 2020, p 21.

²⁴ Clause 13.

²⁵ [Explanatory Notes](#), p 6.

²⁶ Clauses 14 and 15.

²⁷ Driver and Vehicle Licensing Agency, '[Statutory guidance: Important: Applications for the renewal of lorry and bus driving licences during the coronavirus pandemic](#)', 17 April 2020.

²⁸ Clause 16.

²⁹ [Explanatory Notes](#), p 7.

³⁰ *ibid.*

³¹ Ministry of Housing, Communities and Local Government, '[Construction working hours: Draft guidance](#)', 25 June 2020.

expire.³² This is intended to enable planned developments which have been delayed by the Covid-19 outbreak to continue to go ahead. The Government estimates that, by the end of June 2020, over 400 residential permissions would have expired.³³ It has argued this could prevent 24,000 new homes from being built. The bill would automatically extend the commencement date—the date set out in planning permissions and listed building consents on which construction must go ahead—to 1 April 2021. In the case of planning permission, this would apply if the commencement date was due to expire between the date of these provisions coming into force and 31 December 2020.³⁴ In the case of listed building consent, this would apply if the commencement date was due between 23 March and 31 December 2020. Applications for any additional environmental approval as a result of these extensions would be free of charge for the applicant.

Planning Inspectorate appeals procedure

The bill would amend existing requirements concerning appeals to the Planning Inspectorate.³⁵ Currently, appeals can only make use of one of the following types of procedure: a local inquiry, a hearing or written representation. The bill would allow the Planning Inspectorate to use more than one type of procedure as part of the same appeal. This change had been one of the recommendations of the independent review of planning appeal inquiries, chaired by Bridget Rosewell.³⁶ This would be a permanent change to the appeal procedure.

Spatial Development Strategy requirements

Currently, the Mayor of London is required to make the current Spatial Development Strategy available for physical inspection and to provide hard copies on request.³⁷ The new Spatial Development Strategy, referred to as the London Plan, is scheduled to be published this year.³⁸ Provisions in the bill temporarily remove these requirements, enabling inspection to be done electronically.³⁹ The Government has published guidance on how the Spatial Development Strategy will be made available digitally.⁴⁰

3. House of Commons stages

The Business and Planning Bill was introduced in the House of Commons on 25 June 2020.⁴¹ The bill

³² Clauses 17–19.

³³ Ministry of Housing, Communities and Local Government, '[New plans to get Britain building in coronavirus recovery](#)', 22 June 2020.

³⁴ These provisions will come into force 28 days after the bill receives royal assent.

³⁵ Clause 20.

³⁶ Ministry of Housing, Communities and Local Government, '[Independent Review of Planning Appeal Inquiries](#)', 12 February 2019, p 17.

³⁷ Greater London Authority Act 1999, s 43.

³⁸ Mayor of London, '[What is the new London Plan?](#)', accessed 1 July 2020.

³⁹ Clause 21.

⁴⁰ Ministry of Housing, Communities and Local Government, '[Making current spatial development strategies available digitally: draft guidance](#)', 25 June 2020.

⁴¹ [HC Hansard, 25 June 2020, col 1486.](#)

was fast-tracked through the House of Commons, with second reading and all remaining stages taking place on 29 June 2020.⁴²

3.1 Second reading

During his speech at the beginning of second reading, the Secretary of State for Business, Energy and Industrial Strategy, Alok Sharma, said that many businesses had lost revenue as a result of measures intended to halt the spread of Covid-19.⁴³ He described the purpose of the bill as being to “provide an adrenaline boost” to sectors of the UK economy, enabling them to reopen and increase sales as some of the Covid-19 safety measures are relaxed.⁴⁴

Mr Sharma addressed several issues raised as interventions during his speech. Sir Edward Leigh (Conservative MP for Gainsborough) asked the minister to agree that relaxing existing Sunday trading laws would be a “retrograde step”.⁴⁵ This followed press reports that earlier drafts of the Business and Planning Bill included provisions to relax existing Sunday trading laws.⁴⁶ Sir Edward argued the current rules enabled smaller local businesses to compete with larger retailers. Mr Sharma responded by confirming no changes to the existing rules were included in the bill.

The role of local authorities in making licensing decisions was raised by Huw Merriman (Conservative MP for Bexhill and Battle) and Anthony Mangnall (Conservative MP for Totnes).⁴⁷ Both asked the minister to urge local authorities not to be conservative when making planning decisions or licensing decisions regarding outside drinking. Mr Sharma said he would encourage local authorities to follow the guidance published alongside the bill. He also said it would be in local authorities’ economic interest to encourage businesses to reopen.

Meg Hillier (Labour MP for Hackney South and Shoreditch) raised concerns about the impact of the licensing measures in the bill on areas with a large density of licensed premises. She said:

[the bill] allows an enormous amount of off-sales, which are already causing havoc in my constituency with people defecating, urinating and leaving problems in parks. People are talking about fake Glastonbury. This is going to cost my borough a lot of money to police. We are not party poopers, but we do not want the other sort of pooping, either.⁴⁸

She asked Mr Sharma whether local authorities would be allowed discretion in awarding off-sale licences where there were problems with antisocial behaviour. Mr Sharma responded by saying councils would have the power to revoke these permissions.

Matt Western (Labour MP for Warwick and Leamington) raised the potential impact of the measures

⁴² [HC Hansard, 29 June 2020, cols 51–110](#). Report stage and third reading passed without debates taking place.

⁴³ [HC Hansard, 29 June 2020, col 51](#).

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ Amy Jones and Christopher Hope, ‘[Government drops plans to relax Sunday trading laws after backbench revolt](#)’, *Daily Telegraph* (£), 23 June 2020.

⁴⁷ [HC Hansard, 29 June 2020, cols 53–4](#).

⁴⁸ *ibid.*, col 54.

in the bill concerning pavement licences on people with sight loss.⁴⁹ He asked whether the Government had consulted with organisations such as the Guide Dogs for the Blind Association. Mr Sharma told the House he had engaged with disability groups when preparing the bill.

Opposition parties

During his speech at second reading, the Shadow Secretary of State for Business, Energy and Industrial Strategy, Ed Miliband, said the Opposition supported the measures in the bill.⁵⁰ Specifically, he argued it was right that local authorities retained discretion when it came to decisions such as awarding pavement licences to pubs and restaurants and allowing construction sites to extend working hours. However, he said the bill would increase the workload for local authorities. He argued this would compound problems caused by the Government not providing enough financial support to local authorities during the Covid-19 outbreak.

Mr Miliband said the Government was not addressing other issues arising from the Covid-19 outbreak. He argued the Government was adopting a “one-size-fits-all approach” in its plan to increase employer contributions to the furlough support scheme across the whole of the economy in August 2020 and to end the scheme in October 2020.⁵¹ He argued the Government should take the same approach adopted by other countries and provide support for the sectors worst affected by Covid-19. He criticised other aspects of the Government’s economic recovery plan, including the low number of approvals for the Coronavirus Business Interruption Loan Scheme (CBILS) and the delays to financial support for improving the energy efficiency of public and private buildings.

The Scottish National Party Spokesperson for Business and Industry, Richard Thomson, spoke briefly, addressing those parts of the bill that applied to Scotland.⁵² He welcomed measures concerning bounce back loans, although he argued that further financial support would be necessary. He also welcomed the changes to the provisions of the Road Traffic Act 1988, saying these changes should only remain in place for as long as was necessary to address the testing backlog.

The Liberal Democrat Spokesperson for Business, Energy and Industrial Strategy, Sarah Olney, stated her party also supported the measures in the bill. She argued it was important local authorities retained control over decisions to award pavement licences. While the Liberal Democrats supported measures to enable off-site sales, she argued there needed to be increased police funding to ensure that antisocial behaviour and crime arising from increased outside drinking could be addressed.

3.2 Committee stage

Only one amendment was made to the bill during committee stage, amendment 3. This was tabled by the Opposition and accepted by the Government. All other amendments were either withdrawn, not called or not selected.⁵³

⁴⁹ [HC Hansard, 29 June 2020, col 54.](#)

⁵⁰ *ibid*, col 57.

⁵¹ *ibid*, col 59.

⁵² *ibid*, cols 65–6. These are clauses 12, 13 and 14.

⁵³ House of Commons, [Committee of the Whole House Proceedings: Business and Planning Bill](#), 29 June 2020.

Pavement licences and traffic regulation orders

Amendments 2 and 3, tabled by the Shadow Minister for Housing, Communities and Local Government, Mike Amesbury, concerned provisions in the bill establishing new temporary pavement licences. In May 2020, the Government made it easier for local authorities in England to make changes to road use through traffic regulation orders.⁵⁴ These temporary changes were introduced to enable local authorities to deal with the effects of coronavirus restrictions through making it easier for people to cycle or walk and support social distancing. Both amendments 2 and 3 would have ensured temporary pavement licences could apply to highways where traffic regulation orders were in place. Further information on the use of traffic regulation orders by local authorities during the Covid-19 pandemic is provided in the House of Commons Library briefing, [Traffic Regulation Orders \(TROs\)](#) (11 June 2020).

Mike Amesbury described these changes as “common sense amendments” to enable businesses to use temporary pavements created or extended during the Covid-19 pandemic for outside seating where appropriate.⁵⁵ The Minister for Housing, Christopher Pincher, thanked the Opposition for raising this issue.⁵⁶ He said that, while the Government had intended for these areas to be eligible for inclusion in pavement licences, the wording of the bill needed to be changed to enable this to happen. The Government accepted amendment 3 and it was made to the bill.⁵⁷ The Opposition withdrew amendment 2.

Off-sales for mobile licensed premises

Amendment 1 concerned the provisions in clause 11 relaxing the arrangements for off-sales of alcohol. It was tabled by Ben Lake (Plaid Cymru MP for Ceredigion). Under the Licensing Act 2003 (s189(4)), mobile licensed premises are treated as if they were permanently situated in one place for the purpose of their licence. Amendment 1 would have enabled mobile licensed premises to benefit from the new off-sales provisions if they moved to another location.

During committee stage, Ben Lake argued the restrictions in the Licensing Act on selling alcohol from a vehicle or movable structure at multiple locations were making it difficult for some restaurants and pubs to establish a delivery service.⁵⁸ Responding for the Government, Mr Pincher argued this amendment could lead to alcohol sales being made in places where they had not previously been allowed by a licensing authority.⁵⁹ He said he could not accept the amendment and instead suggested businesses running mobile licensed premises should consider applying for a variation of their licence under existing legislation.

Effect on tourism and hospitality sector

New clause 1 would have required the Secretary of State to carry out a review of the effect of

⁵⁴ Department for Transport, [‘Making traffic regulation orders during coronavirus \(COVID-19\)’](#), 29 June 2020.

⁵⁵ [HC Hansard, 29 June 2020, col 98.](#)

⁵⁶ *ibid*, cols 105–6.

⁵⁷ This amendment is included in clause 9(2) and (3) of the bill as introduced in the House of Lords.

⁵⁸ [HC Hansard, 29 June 2020, col 100.](#)

⁵⁹ *ibid*.

provisions in part I of the bill on the tourism and hospitality sector in England and Wales.⁶⁰ New clause 1 would have also required that this review compare this to the potential impact of extending the furlough scheme, bounce back loans and other forms of financial support through to 2021.

The new clause was tabled by Liberal Democrat spokesperson for Housing, Communities and Local Government, Tim Farron. Mr Farron said the current support schemes were due to run out by October 2020 and argued that the tourism and hospitality sector would need longer-term support.⁶¹ He argued this was necessary because of the cyclical nature of the industry, which he described as operating on a “feast and famine” basis. He described how the Covid-19 outbreak had disrupted this cycle:

The reality is that Covid-19 kicked in at the end of the winter, so there was famine and then the feast was cancelled. October—the month when the Government support for this industry and others will end—is the beginning of the next famine. We have to be very clear about this: if we say to the hospitality and tourism industry that, having missed out on its feast, it has to survive on its own two feet after October, we will simply be signing the death warrant of an entire industry right across this country.⁶²

He also argued only some businesses would be able to open for the summer 2020 season from 4 July onwards and many only partially.⁶³

A similar clause, new clause 2, was tabled by Mr Amesbury. This new clause would have required the Secretary of State to publish monthly reports during the period up to the end of January 2020 on the measures in the bill affecting the hospitality, leisure, travel and tourism sectors. The report would also need to address the impact of changes to the coronavirus job retention scheme on these sectors. Mr Amesbury said this clause addressed a “vital omission”, arguing it was necessary to ensure the impact of the measures in the bill was monitored and to establish whether further support would be needed.⁶⁴

Christopher Pincher addressed new clauses 1 and 2 together during his speech at the end of committee stage.⁶⁵ He acknowledged that some firms would be affected by coronavirus for longer than others and said the Government would “seek to support these firms appropriately”. However, he did not support these new clauses. He argued data was already published on the impact of the Government’s Covid-19 policies, including job retention scheme claims broken down by sector. He said creating a new duty for the Secretary of State to publish further reports on specific sectors was unnecessary. He also argued MPs would be able to these raise issues in the Chamber.

On the specific issues raised by Mr Farron about the long-term funding problems faced by the hospitality and tourism sector, Mr Pincher said there may be more effective long-term tools available

⁶⁰ Clauses 1–11.

⁶¹ [HC Hansard, 29 June 2020, cols 103–4.](#)

⁶² *ibid*, col 104.

⁶³ *ibid*.

⁶⁴ *ibid*, col 94.

⁶⁵ *ibid*, col 106.

in due course. He noted the Chancellor of the Exchequer, Rishi Sunak, had committed during the 2020 budget to doing everything that was necessary to support the various sectors of the economy.

Coronavirus support schemes: Weekly reports

New clause 3, tabled by Mike Amesbury, would have required the Secretary of State to publish weekly data on the various coronavirus support schemes. This would include data on the Bounce Back Loan scheme, the Coronavirus Business Interruption Loan scheme, and the Coronavirus Large Business Interruption Loan scheme. This data would have to include the total number of applications, rejected applications, and pending applications. Mr Amesbury argued this new clause was necessary as the Government was not currently publishing data on the number of businesses that failed to access these schemes.⁶⁶ Mr Pincher did not address this amendment directly in his speech at the end of committee stage.

Extending planning and construction measures

New clause 4, tabled by Mr Amesbury, would have required the Secretary of State to make a statement, laid before both Houses of Parliament, before extending the provisions on planning permission or construction working hours beyond 1 April 2021.⁶⁷ Mr Amesbury said the Opposition broadly supported measures in the bill concerning construction site working hours.⁶⁸ However, he argued it was important to ensure an explanation was given regarding any extension of these provisions, given their potential impact on neighbourhoods.

Responding to this new clause, Mr Pincher argued these provisions were intended to be temporary to address specific problems in the construction industry arising from the Covid-19 outbreak in the UK.⁶⁹ He said the Government only intended to extend these provisions if the effects of Covid-19 continued for a longer period. He also argued that requiring the Secretary of State to make a statement was unnecessary because any extension of these provisions would have to be enacted through the draft affirmative procedure. This meant the extension of these measures would have to be approved by both Houses before coming into force, he argued.

Planning applications: Cost to local authorities

New clause 5, tabled by Mr Amesbury, would have required the Secretary of State to publish a report on the cost to local authorities of processing increased volumes of applications arising from the planning provisions in the bill.⁷⁰ The new clause would also have required the Government to consult with local authorities before publishing this report. Mr Amesbury argued the provisions in the bill would result in more work and higher costs for local authorities.⁷¹

⁶⁶ [HC Hansard, 29 June 2020, cols 98.](#)

⁶⁷ The amendment refers to part 2 of the bill, although the relevant provisions concerning planning are in are in part 3 of the bill.

⁶⁸ [HC Hansard, 29 June 2020, col 98.](#)

⁶⁹ *ibid*, col 107.

⁷⁰ The amendment refers to part 2 of the bill, although the relevant provisions concerning planning are in are in part 3 of the bill.

⁷¹ [HC Hansard, 29 June 2020, col 99.](#)

Mr Pincher argued that local authorities would “not be overburdened” by the proposals in the bill.⁷² He noted the two types of applications outlined in part 3 of the bill—to extend construction working hours and for additional environmental approval—were both temporary and would only present a short-term burden. He also argued that the onus would be on the applicant to provide sufficient information, minimising the work for local authorities, and that the expected numbers per authority were not expected to be excessive. He quoted analysis from his department stating that, by 1 August 2020, 546 planning permissions for major residential developments across the country would have lapsed since 23 March. According to these figures, local authorities faced an average of 1.5 permissions each, he argued.

Three-month review

New clause 6, tabled by Meg Hillier, would have required the House of Commons to debate whether the provisions in the bill should remain in force. These debates would take place every 90 days following the bill receiving royal assent. These were referred to in the amendment as rolling three-month parliamentary reviews. Ms Hillier argued this review period was necessary because the bill had been rushed.⁷³ She argued local government had been “caught by surprise” as a result, without adequate time to prepare for implementation of these new measures.⁷⁴

Responding to this new clause 6, Mr Pincher argued this was not the best approach in the case of this bill.⁷⁵ He argued it would create uncertainty for businesses. He also noted that, while most of the provisions were temporary, some measures in the bill were permanent. During his speech, Ms Hillier intervened to ask whether the Government believed there might be scope to consider establishing a three-month review of those provisions in the bill concerning alcohol licensing during the bill’s passage through the House of Lords. Mr Pincher responded by repeating the need for certainty for businesses and argued the Government was keen to avoid any delays to this legislation coming into force before the summer recess.

3.3 Remaining stages

The bill completed all of its stages following the end of committee stage.⁷⁶ No debate took place during report stage and third reading.

⁷² [HC Hansard, 29 June 2020, col 108.](#)

⁷³ *ibid*, col 101.

⁷⁴ *ibid*, col 102.

⁷⁵ *ibid*, col 108.

⁷⁶ *ibid*, col 110.