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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Monday 6 July 2020

The House met in a Hybrid Sitting.

1 pm

Prayers—read by the Lord Bishop of Carlisle.

Arrangement of Business

Announcement

1.08 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, the Hybrid Sitting of the House will now begin. A limited number of Members are here in the Chamber, respecting social distancing. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak—please accept any on-screen prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. Oral Questions will now commence. Please can those asking supplementary questions keep them short and confined to two points, and I ask that Ministers' answers also are brief.

Television Licences

Question

1.09 pm

Asked by Lord Foulkes of Cumnock

To ask Her Majesty's Government what plans they have to discuss with the incoming Director General of the BBC the postponement of the withdrawal of free television licences for people aged over 75.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): My Lords, the Government congratulate Tim Davie on his appointment as the new director-general of the BBC. The Secretary of State spoke to Tim Davie on his appointment and looks forward to working with him in the months and years ahead. However, I must make it clear that the BBC is responsible for the over-75s licence fee concession, not the Government. The BBC board is keeping the start date of its new policy for the over-75s under review and has said it will announce its decision on any further delay to the changes to the concession in July.

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, that is a totally unacceptable Answer. Surely both the BBC and the Government have accepted by postponing for two months how vital television is for old people to keep in touch with vital information from the Government, as well as entertainment and other information. Now, since older people are being

asked to be in lockdown, many of them indefinitely, surely it is not too much to ask the Government and the BBC to get together now to discuss postponing this withdrawal of free TV licences, also indefinitely. Will the Minister give the assurance today that the BBC and the Government will get round the table to discuss postponing this indefinitely?

Baroness Barran: The Government are well aware of the sacrifice that many people, particularly elderly people, have made during the past few months. However, the responsibility is absolutely clear and was debated extensively by this House during the passing of the Digital Economy Act in 2017: the BBC is responsible for this matter.

Baroness Bakewell (Lab) [V]: The Covid-19 crisis has emphasised more than ever the dependence of the over-75s on their television sets, particularly those who are isolating. The arrival of a new director-general at the BBC gives an opportunity to open up again what was an extremely controversial negotiation with the Government about the licence fee. Will the Government bear in mind during these proposed negotiations that the cohort of over-75s who watch television is very varied indeed? Some of them are extremely rich and can afford it, but many of them, the most dependent, cannot afford it at all. Therefore, there is an opportunity here, given a new negotiation, to offer some scale of payment that the Government and the BBC might consider appropriate.

Baroness Barran: There will be a very wide range of issues, I am sure, to be discussed between my right honourable friend the Secretary of State and the new director-general of the BBC when he comes into post. The Government are clear that everyone entitled to claim pension credit should do so, and we are aware that that is not the case universally, so we are also working in particular on that.

Lord McCrea of Magherafelt and Cookstown (DUP) [V]: In light of what our elderly have already experienced with Covid-19—the isolation and loneliness they have endured—many will have serious long-term effects. Does the Minister agree that it is time for the BBC to stop the blame game and honour the clear commitment already given to the over-75s?

Baroness Barran: The noble Lord is right to highlight the sacrifices made by the over-75s, but we are all aware that sacrifices have been made in many age groups. It is critical that we are clear that the BBC remains operationally independent of government.

The Deputy Speaker (Lord Lexden) (Con): Lord Caine. No? Then I call Baroness Bonham-Carter of Yarnbury.

Baroness Bonham-Carter of Yarnbury (LD) [V]: I am sure that the Minister agrees that the BBC has proved its gold-dust weight during this crisis of the Covid pandemic and lockdown, providing a reliable source of national and local news for all, an essential aid to those home-schooling, and solace and entertainment

[**BARONESS BONHAM-CARTER OF YARNBURY**] for the lonely and elderly. In which case, why do the Government not take back responsibility for the licence fee concession for the over-75s, introduced by a Labour Government in which the noble Lord, Lord Foulkes, served, as something to be paid for by the Government, not by the licence fee payer, and which the BBC was, frankly, forced to take on? Does she not agree that not doing so means that the BBC will inevitably have to cut back on the essential services I have referred to?

Baroness Barran: The noble Baroness is right to say that over the past few months, the BBC has certainly provided high-quality information, education and entertainment, and has shown great agility in its response. However, I do not accept the second part of her question. The framework for negotiating the next stage in terms of the licence fee with the BBC will be settled by the end of next year, and I am sure that a number of these issues will be taken into consideration.

Lord Naseby (Con) [V]: Bearing in mind that pensioners have suffered more than most in the lockdown, and sadly with the extent of deaths among them from Covid-19, and that TV remains their number one contact with outside life, is it really sensible or fair that the vast majority of them are going to face an annual tax of £154.50, or £40 a quarter? Surely the BBC should find a way to pay for this long-held free TV licence. First, why not look again at the Peacock report, published in May 1986, which recommended selling off Radio 1 and Radio 2 to fund it? Secondly, if it was acceptable for the BBC World Service to take advertising, why not consider it for a part of the BBC now?

Baroness Barran: My noble friend raised a number of different options but, at the risk of repeating myself, we are very clear that it is the responsibility of the BBC to work out how it spends its budget. Most recently, in giving evidence recently to a Select Committee, the BBC's director of policy was clear that everybody would be given time to transition to a new system when it is announced.

Baroness Coussins (CB) [V]: My Lords, will the Government undertake to discuss with the new director-general the harassment of the BBC's Persian service? The London-based staff face criminal investigations and asset freezing by the Iranian authorities, along with death threats and online attacks that are especially targeted at female staff. What specific practical help can the Government offer to this vital part of the World Service?

Baroness Barran: The noble Baroness has raised an important point, which I will share with colleagues in the department.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, the BBC is not solely responsible for the cuts that it is now having to make. This was a budget cut imposed on it by the then Chancellor in a crude attempt to evade the Government's statutory responsibility for welfare policy. One of the proposals that was rejected

by the Government during the passage of what became the Digital Economy Act was for an independent assessment to be made of the BBC's funding needs in order to deliver its charter responsibilities. Will the Government look at this fair and equitable policy during the next licence fee round?

Baroness Barran: The noble Lord is critical of the last settlement, but I would remind him that the BBC itself regarded it as a good deal.

Lord McNally (LD) [V]: My Lords, the licence fee was created by a Conservative Government to protect the BBC from intimidation and sniping by the Government of the day. Is it not time that the Government stopped using the licence fee as a bran tub to dip into for populist causes and gave the BBC the protection from political interference that it deserves?

Baroness Barran: I am slightly perplexed by the noble Lord's question, because I do not think that the Government see the licence fee as a bran tub at all. As I have said in answer to almost every question today, the Government absolutely respect the editorial and operational independence of the BBC.

The Deputy Speaker: My Lords, the time allowed for this Question has now elapsed.

Medicinal Cannabis Question

1.19 pm

Asked by **Baroness Meacher**

To ask Her Majesty's Government what action they plan to take to improve access to cannabis for medicinal purposes for (1) patients, and (2) research, in the United Kingdom.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I thank the noble Baroness, Lady Meacher, for her Question. There is no legal impediment to prescribing medicinal cannabis where clinically appropriate, and the Government are keen to make progress in this area. However, these are largely untested, unlicensed products. To support further NHS funding decisions, we have committed public funds to develop the evidence base. I thank NHS England, NHS Improvement and the National Institute for Health Research for their work to establish much-needed clinical trials and call on the industry to support clinical trials in refractory epilepsy and other treatment areas.

Baroness Meacher (CB) [V]: My Lords, from 1 November 2018 consultants have been able to prescribe medical cannabis as an unlicensed medicine, as the Minister implies, yet NHS doctors remain unwilling to prescribe, partly because medical cannabis remains on the list of controlled drugs. Hundreds of thousands of patients with severe and chronic conditions who find that cannabis is the only medicine that controls

their symptoms without unpleasant side-effects continue to risk arrest every day by growing or buying their medical cannabis at exorbitant prices. Does the Minister agree that this is contrary to the patients' human rights? How can we criminalise patients for saving the NHS huge sums of money by looking after themselves and doing harm to no one? Will the Minister appeal to Matt Hancock to write to the Home Secretary, urging her to remove medical cannabis from the list of controlled drugs?

Lord Bethell: There is a difference between the issue of controlled drugs and that of access to regulatory approved drugs. The noble Baroness is right that medicinal cannabis offers huge hope to those in pain and with severe symptoms. However, it is only through the process of regulation, clinical trials and scientific proof that we can guarantee that the benefits of this important medical opportunity are truly exploited.

Lord Howarth of Newport (Lab) [V]: My Lords, is the Minister aware of the predicament of the person who suffers chronic and unbearable pain from degeneration of the spine, the only effective relief for which is medicinal cannabis in the form of Bedrocan? Is he aware that her medication is not allowed to be prescribed by a GP on the NHS, that it costs her an unaffordable £750 a month to obtain it on private prescription, that she can obtain it at an affordable price in Holland, that due to the circumstance of the pandemic she cannot make that journey, but that she is none the less expected to pay the Dutch pharmacist for the medication being held for her? What is she to do, and how will the Minister help?

Lord Bethell: My Lords, I cannot comment in detail on the specific situation the noble Lord refers to. I recognise the high costs of medicinal cannabis, and we have done an enormous amount to bring those costs down and to regularise the transport and regulation of those drugs, but this is the way our medical arrangements are made in this country. Private prescriptions are an option for those who can seek them, and we are working hard to get more of these medical cannabis treatments on the NICE schedule, but they require clinical trials.

Baroness Walmsley (LD) [V]: My Lords, will the Minister accept that the existing protocols and regulatory mechanisms suitable for most pharmaceutical medicines are not capable of handling medical cannabis, which has multiple active ingredients and is therefore not suitable for the usual randomised control trials? Does he therefore agree that a new regulatory system is required for medical cannabis, as there is in many other countries?

Lord Bethell: I do not think the noble Baroness is right. There are always groups advocating that their medicines are different from every other type of medicine, but the processes of clinical trials have served medical science extremely well. I share her frustration that the process of medical trials around cannabis has not moved quickly enough. That is why NIHR is looking again at the way these trials are funded; I have spoken to it about how this can be accelerated.

Baroness Fookes (Con) [V]: Given the importance my noble friend attaches to tests, may I ask whether any have started, the dates on which they started and when we might expect results?

Lord Bethell: The noble Baroness is very specific in her questions, and I am afraid I am not able to answer them specifically because they are subject to restrictions and confidentiality. Where I agree with the thrust of her question is that we have been in a bit of a cul-de-sac in this area, but the department is working hard to unblock the problems that have existed. Despite Covid, we appear to be making some progress on this.

Baroness Watkins of Tavistock (CB) [V]: My Lords, two cannabis medicines have MHRA approval. One of them, Sativex—prescribed within the NHS for multiple sclerosis—has a high level of the active cannabinoid THC, so we know cannabis has medical value. There is no doubt that many more cannabis medicines will be licensed in the coming years. Does the Minister therefore agree that while we are reviewing our current trials, we should evaluate whether it is justified to regard cannabis, in a medical way, as a controlled drug in the long term?

Lord Bethell: The noble Baroness will not be surprised to learn that I have just spent three and a half months looking at drugs that might make a difference to Covid, only to find that many of them are not helpful and often quite dangerous, so I do not share the optimism bias that many have towards unlicensed drugs. We remain conservative in our approach to clinical trials. I agree with the noble Baroness and others who have suggested that progress on this should be quicker, and I am leaning into the subject to try to bring that about as soon as we can.

Baroness Thornton (Lab): My Lords, it is deeply concerning that no new NHS prescriptions for full extract cannabis oil have been issued since the medicinal use of the drug was legalised more than 18 months ago. This leads to a health inequality: 313 private prescriptions for unlicensed cannabis medicine items, including full extract oil, have been issued. Does the Minister share my concern that only wealthy families and those who can successfully raise funds in the region of £2,000 a month have access to cannabis medicines, while children from poorer families who are unable to afford the prescription are going without? What does he think needs to happen next?

Lord Bethell: The noble Baroness shines a spotlight on an uncomfortable but realistic fact of life in our medical service: those with money are able to pay for treatments beyond the reach of those who rely on the NHS for absolutely everything. Another area that concerns me is that those who have relied on fundraising have found that Covid has restricted the amount of money coming from donors. That is why we have put money into medical research charities and support charities that can help support those fundraising for their medicine.

Baroness Brinton (LD) [V]: Since the law changed in 2018, only two children with severe epilepsy have accessed whole-plant cannabis medicine via the NHS.

[BARONESS BRINTON]

Recently, a child ended up in intensive care in the middle of the Covid pandemic and almost died because her parents could not fundraise the money to buy her medicine privately. Does the Minister accept that this is a complete failure of the policy and that a new regime for the regulation and control of access to medical cannabis is now required?

Lord Bethell: The noble Baroness's point on fundraising is well made, and I think I answered it in my previous answer. We are looking at it closely. On policy-making in this area, it is extremely tough to regulate innovative drugs that simply do not have clinical trials and evidence bases behind them. We have put a huge amount of effort into this area. We are working closely with industry; I call on industry to do everything it can to help this process. We are trying our hardest to provide the right regulatory environment. As the noble Baroness pointed out, we have already made important changes to the law.

Lord Norton of Louth (Con) [V]: My Lords, the report of NHS England and NHS Improvement, commissioned by the Secretary of State, was published last year. Very little appears to have been done to implement its recommendations. Can my noble friend say which recommendations have been implemented and what plans he has to ensure that they are all met?

Lord Bethell: The noble Lord is right to point out the importance of that report, which we have taken very seriously. We have worked closely with industry to find a suitable product to take into the trial process, and it is a great shame that we have not found the right combination. We are looking at how to address that cul-de-sac and I hope to unblock it shortly.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the time allowed for the Question has elapsed and we come now to the third Oral Question.

Food: Fruit and Vegetables

Question

1.31 pm

Asked by Baroness Boycott

To ask Her Majesty's Government what steps they are taking to increase the consumption of fruit and vegetables by (1) children, and (2) adults.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): The Government are committed to encouraging children and adults to eat at least five portions of a variety of fruit and vegetables every day. Healthy Start vouchers enable low-income and disadvantaged families to purchase fruit and vegetables. Mandatory school food standards and the School Fruit and Vegetable Scheme also encourage fruit and vegetable consumption. Public Health England encourages the eating of fruit and vegetables through the *Eatwell Guide*, catering guidance and marketing campaigns, including Start4Life, Change4Life and One You.

Baroness Boycott (CB) [V]: My Lords, I thank the Minister for his Answer and declare my interests, as set out in the register. As noble Lords know, diets low in fruit and vegetables are now directly associated with 20,000 deaths a year in the UK. Despite the Government's costly Five a Day campaign, our vegetable consumption is steadily declining and now equals what it was in the 1970s, with only 28% of adults eating the recommended amounts. First, what are the Government's new plans to promote fruit and vegetables to adults?

Secondly, Professor Greta Defeyter, a colleague of mine at Feeding Britain, has discovered a dramatic reduction in disadvantaged children's daily fruit and vegetable intake since the suspension of the School Fruit and Vegetable Scheme. Can the Minister give both a date for the scheme's return and a figure for the money that would have been spent on the scheme since March this year, but has not?

Lord Bethell: My Lords, I pay testimony to the hard work of the noble Baroness in this important area. The schemes she mentions have been incredibly impactful and this subject is very important. The progress made by the Start4Life, Change4Life and Eatwell programmes has been encouraging, as it has raised awareness of options for children and adults. The battle they face against decisions people make about their diet is extremely tough, but we remain committed to those programmes and will continue to invest in them.

Lord Duncan of Springbank (Con) [V]: I ask the Minister what work the department has undertaken to explore the impact of fresh fruit and vegetables on the development of mental health in young people. In particular, what impact has there been from their being deprived of that during this period of home-schooling?

Lord Bethell: My noble friend touches on an interesting area. I cannot answer it precisely. I am not sure that we have taken any assessment of the effect of eating vegetables and fruit during the lockdown, but I will find out from the department and write to the noble Lord.

Baroness Bull (CB) [V]: Can the Minister clarify where responsibility lies for overseeing the nutritional quality of food delivered to children eligible for free school meals? During Covid, reports have circulated on social media of packages containing crisps, chocolate biscuits and a block of fat marked "for cooking only". In response to a letter by leading food policy experts, sent to both Defra and Public Health England, each body seemed to indicate that the other should be held responsible. Does the Minister agree that, without clarity on this, the focus on good nutrition is at risk and accountability too easily sidestepped?

Lord Bethell: The noble Baroness is right to cast a spotlight on an apparent area of policy confusion. Labelling is normally associated with Defra, and the provision of school meals with the Department for Education. If there is ambiguity about that, I would be happy to chase it down for the noble Baroness.

Baroness Blower (Lab) [V]: My Lords, the School Fruit and Vegetable Scheme is a good scheme. My limited research suggests that children in year groups not currently eligible for the scheme miss their fruit and vegetables. Will the Government therefore consider extending it to all primary-age classes on reinstatement? Will the Minister undertake to work with teachers and the Royal Horticultural Society to promote gardening to grow vegetables, on school sites, for consumption by children?

Lord Bethell: I also pay tribute to the School Fruit and Vegetable Scheme. However, it falls outside the remit of the Department of Health, so I do not have details about the scheme to hand, but I would be glad to track them down and throw my weight behind it.

Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, in the past we have seen government-sponsored television advertising on specific themes. The Covid-19 pandemic is an excellent example. Diabetes is on the increase and, in extreme cases, leads to limb amputations, which are at a frightening rate. Given the proven links between the consumption of fruit and vegetables and good health, would the Minister sponsor such a scheme of television advertising for healthy eating, among his government colleagues?

Lord Bethell: The noble Baroness is right about the effects of diabetes, and the impact of Covid on those with diabetes has been profound. It is described well in the PHE report and is a source of enormous sadness. The Government are looking at ways to react to the Covid pandemic, but my instincts are to regard it as an inflection point for the nation's health. The Government will look at ways to mark this moment with a suitable campaign to encourage healthy eating.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, the Minister may be aware of the pioneering work of the American nutritionist Clara M Davis, in the 1920s, who found that just-weaned infants, allowed to choose their own food from a range of healthy natural options, chose a balanced highly nutritious diet and enjoyed it. But our children see a continual parade on their screens and in the shops of highly processed food of low nutritional quality. Does the Minister not think that we need to create space, in their stomachs and minds, to allow the healthy fruit and vegetables in?

Lord Bethell: The noble Baroness does me a great service to point out the good work of Clara M Davis, who I was not aware of previously. She makes a very good point: the effect of advertising on children in school is profound—and not just on children but on adults, as well. The danger of ring-fencing children is that they do not learn how to make proper choices in the long term. That is why the emphasis of our work is on ensuring that children learn the difference between good and bad food, learn how to make the right decisions and learn the habits that can set them up for a lifetime.

The Earl of Caithness (Con) [V]: My Lords, this subject is one of many covered in the House of Lords report published today by the Food, Poverty, Health

and Environment Committee, called *Hungry for Change*. I hope my noble friend has already been briefed by his civil servants on this. Will he work with his fellow Ministers in Defra to get the food industry to make available a wider range of vegetables—not just pre-packaged carrots and other vegetables, all of the same size, shape and colour—and at a more affordable price?

Lord Bethell: I thank my noble friend for reminding me of the important *Hungry for Change* report; I pay tribute to it and to its recommendations. If I understand his question correctly, the food given to schoolchildren falls within the realm of the Department for Education. He makes an important point about offering variety and a wide range of foods, and I am sure that that is on the department's agenda.

Lord Curry of Kirkharle (CB) [V]: My Lords, home production of both fruit and vegetables is declining, with last year being the lowest for 20 years in vegetable production. If we do achieve an increase in consumption, much of that food will come from increased imports from countries that are water deficient. Will the Minister reassure the House that the Government have a cross-departmental strategy to address this, leading to increased consumption matched by increased production?

Lord Bethell: The noble Lord is quite right about the home production of food. During the Covid epidemic, Project Defend was put together to ensure that, as a country, we have resilient supply chains for key products, including food. The project will look at this area to assess whether interventions are necessary and will co-ordinate cross-governmental action.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the time allowed for this Question has elapsed.

Covid-19: Infection Rate

Question

1.42 pm

Asked by **Baroness Jones of Moulsecoomb**

To ask Her Majesty's Government what assessment they have made of the likelihood of an increase in COVID-19 infections as a result of lifting the restrictions in place to address the pandemic.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, tremendous sacrifices have been made by so many people to get the virus under control. The Government continue to be guided by the science and are easing restrictions in a cautious, phased way that protects lives and the NHS. We are closely monitoring the infection rate and are easing restrictions only when it is safe to do so.

Baroness Jones of Moulsecoomb (GP) [V]: I thank the noble Lord for his Answer, but I consider it absolutely inadequate. In the UK, during the epidemic, we have had more than 60,000 deaths, with 20,000 of those in care homes, leading to endless grief; we have had a failed test, track and isolate programme; we have had

[BARONESS JONES OF MOULSECOOMB]

PPE failures; and we have had no real-time information to allow local councils to deal with cases properly. Today, the Government are now blaming the public for ignoring their confusing messages on easing the lockdown. Mistakes have been made, and that has cost lives. Is it not time that the Government admit their world-class, world-leading incompetence in running the country?

Lord True: My Lords, that is a little wide of the original Question, which was about our view of the likelihood of increased infections as a result of lifting restrictions. If I were to write the history of this event, I would not write it in the lurid terms of the noble Baroness. I assure her that, at every stage, the Government and their advisers consider the best advice and take what they believe to be the right action at the right time.

The Lord Bishop of Carlisle: My Lords, given the incidence of outbreaks of this virus in meat-processing plants and abattoirs in a number of countries, including our own, and the fact that many workers at such plants are often poorly paid and belong to ethnic minority communities, and frequently live in accommodation in multiple occupancy, what advice are Her Majesty's Government giving to the managers of such plants to mitigate the spread of the virus?

Lord True: My Lords, I regret that I am not apprised of specific advice in relation to abattoirs, but I will certainly undertake to get that information to the right reverend Prelate. However, I can assure him and the House that the Government take seriously the safety of all workers—including the incredible number who have worked throughout the virus epidemic—at all times, and in particular BAME workers.

Baroness Pidding (Con) [V]: My Lords, I can see that, like me, my noble friend the Minister was the immensely grateful recipient of a much needed hair appointment over the weekend. Will he join me in thanking all those involved in the hairdressing industry, as well as those in our pubs and restaurants, for working so hard to make sure that clients and customers feel safe in this new world of eased lockdown restrictions? The work that has gone into preparing these new Covid-safe environments has been well thought through, and it is now for us—the consumer—to support these businesses and act responsibly, playing our part by ensuring that we keep to the guidelines and avoid any chance of spreading the virus.

Lord True: I strongly agree with my noble friend and reiterate what I just said about paying tribute to all workers, and to businesses which have been patient through this difficult time and have now made arrangements to reopen—it is very good to see those businesses reopening. I am glad that, after 35 years of loyal custom, I was allowed to have a hair-cut on Saturday.

Lord Alton of Liverpool (CB) [V]: My Lords, the noble Lord is well known and respected for his own respect for Parliament. Will he therefore please ask his

noble friends to fully answer the topical Written Question which I tabled on 28 April, about the decision taken, when Covid restrictions were already in place in Spain, to permit on 11 March a football match between Liverpool and Atlético Madrid? Can he say what lessons we have learned about the imposition and lifting of restrictions from what then followed?

Lord True: My Lords, I will look into this specific matter. I am aware of the event the noble Lord refers to. He will also be aware that, at the time, the advice on large-scale events was not necessarily what it is today. I will certainly undertake to pursue the matter and will ensure that there is a response to Parliament.

Baroness Crawley (Lab) [V]: My Lords, could early street-level data sharing with local directors of public health be the way forward for local lockdowns in the event of future spikes in infection? Will the Minister say why that did not happen in time in Leicester, and why pillar 2 testing data is muddled and full of duplications?

Lord True: My Lords, the role of local councils is extremely important—noble Lords will not be surprised to hear me say that, given that I gave half a lifetime to local councils. We are ensuring that all local and public health bodies have the data that they need to support their plans for potential outbreaks. Since 11 June, an operational data dashboard was made available for all local authorities, to give them a clear picture in their local area. This includes counts of total tests and total positives, and a rolling average for pillar 2.

Lord Scriven (LD) [V]: My Lords, will the Minister say what publicly available epidemiological criteria the Government are using to decide on area-based local lockdowns and when to lift them?

Lord True: My Lords, as the noble Lord knows, the Government have published a great deal of information, including from SAGE meetings. We will continue to be as transparent as possible. Clearly, on the policy on local lockdowns, we have seen this in Leicester. We will be vigilant and try to provide the maximum amount of information about reasons.

Baroness Browning (Con) [V]: My noble friend will know that lifting restrictions cannot and will not apply to everyone. The list of vulnerabilities has increased since March as we have learned more about how this virus affects the body. Will my noble friend make sure that, as things ease up, as I hope they will, this particular group of people is not forgotten when policy, support and guidance are given? They will need to shelter for a very long time.

Lord True: My noble friend makes an extremely important point. Although we are obviously relaxing restrictions for people who are shielding—indeed, from today—she refers to people who will continue to be extraordinarily vulnerable. The Government are well aware of that and very concerned for the welfare of such people.

Baroness Finlay of Llandaff (CB) [V]: Those encouraged to emerge from shielding fear that they are now at increased risk as observation of social distancing by others decreases. Do the Government recognise that the symbol prompting people to respect social distancing everywhere, developed through the Bevan Commission and endorsed by NHS Wales and the First Minister, is very widely welcomed by those currently shielding and those close to them, and now needs to be adopted across the whole of the UK?

Lord True: My Lords, respect for others will be absolutely fundamental, as it always is, particularly to the interests of people who are shielding. I join the noble Baroness in urging everybody in this country to observe the continuing social distancing guidance.

Baroness Hayter of Kentish Town (Lab) [V]: We learned today from the BBC that people tested for the virus in England were not asked to provide addresses during the height of the pandemic. Indeed, they were asked to provide postcodes only from 23 April. Even after that, it took until 24 June for Public Health England to share this data with local councils. Could the Government guarantee that local authorities will have the data, power and resources to move speedily to identify those at risk of either having or spreading the virus?

Lord True: My Lords, current guidelines certainly include the requirement to give contact details. I note the noble Baroness's point, but I repeat that the role of local authorities is fundamental. We have given them a great deal more money, which was recently announced to be £500 million, I believe.

Lord Cormack (Con): My Lords, does my noble friend agree that security is being jeopardised by those who totally flout the rule about social distancing? Does he not think that the time has come when those who congregate in great numbers, very often imbibing large amounts, are given real deterrent fines? That way we might achieve common sense throughout.

Lord True: My Lords, I very much welcome seeing my noble friend here today. People should behave responsibly. The Government have been very clear that some of these large gatherings were undesirable and unacceptable. I repeat the point I made about social distancing, but I also say that over the weekend, when there were many dire predictions, the overwhelming majority of people in this country behaved with the common sense, dignity and decency I always expect from my fellow countrymen and women.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the time allowed for this Question has now elapsed.

1.53 pm

Sitting suspended.

Arrangement of Business

Announcement

2.30 pm

The Deputy Speaker (Lord Alderdice) (LD): My Lords, some Members are here in the Chamber while others are participating virtually, but all Members are

treated equally. For Members participating remotely, microphones will unmute shortly before they are about to speak. Please accept any on-screen prompt to unmute. Microphones will then be muted again after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies in debate apply.

Business and Planning Bill

Second Reading

2.31 pm

Moved by Lord Greenhalgh

That the Bill be now read a second time.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): My Lords, on behalf of my noble friend Lord Howe, I beg to move that the Bill be read a second time.

It is a great privilege to open Second Reading on the Bill in your Lordships' House. This is my first Second Reading speech since I took my seat in this House in April, and I am honoured to speak on this Bill, which is so critical for our economic recovery.

Noble Lords may have seen the Prime Minister's speech of 30 June, when the Government announced that we would launch a planning policy paper this month setting out our plan for comprehensive reform of the planning system. I make clear that the Bill is not part of those ambitions for planning reform and should not be taken as a signal for what that will entail. This Bill is about implementing urgent and mostly temporary measures to provide much-needed support to businesses across our economy. We have within this House some of the country's finest experts on planning and local government, so I look forward to constructive and positive discussions on planning reform once the paper has been launched.

For now, I beg noble Lords to focus on the merits of this urgent Bill, which will provide a much-needed boost to key sectors of our economy at this extraordinary time. The measures in the Bill have been developed in collaboration with industry and key stakeholders. The Bill directly responds to asks from businesses to help them to overcome the challenges that they face. It is right and important that we now support businesses in overcoming the disruption that has resulted from the pandemic and to implement new, safer ways of working. The Bill will support businesses in four key areas of the economy: hospitality, SMEs, transport, and construction. I will take each in turn.

First, the Bill will provide critical support for the hospitality sector. Food and beverage service activity has fallen by nearly 90% in the last quarter. From last Saturday, pubs, restaurants and cafes were able to reopen while following Covid-secure guidelines. The Government want to support those businesses to make the most of summer trade and to operate in a safe way. The Bill will therefore make it easier for businesses that sell or serve food or drink to obtain a licence on a

[LORD GREENHALGH]

temporary basis to set up outdoor seating and stalls. It will do this by introducing a temporary fast-track process for obtaining a licence from the local council to place tables and chairs on the pavement outside their premises. This new process will cut the time to receive approval for a licence and will cap the application fee at £100.

We recognise that public safety and access for disabled people using pavements is of unquestionably great importance. That is why the Government have published a national condition. When that condition applies, licence holders will be required to take into account recommended minimum requirements for footway widths and distances required for access by disabled people. In addition, local authorities will be able to refuse or revoke licences where they assess that it is necessary.

The Bill also makes it easier for licensed premises to sell alcohol to customers for consumption off the premises. It temporarily and automatically extends the terms of on-sales alcohol licences to allow the sale of alcohol for consumption off the premises as well. It also suspends any relevant conditions on existing off-sales licences, including conditions that require off-sales of alcohol in sealed containers and restrictions on sales for delivery.

We recognise the need to strike a balance between supporting businesses and ensuring safety and amenity for our communities. If in a particular location these alcohol licensing arrangements were to cause problems then any responsible authority, including the police or an environmental health officer, could apply for a new off-sales expedited review. This expedited review process will allow responsible authorities to quickly alter the alcohol licensing conditions, suspend it for up to three months or remove the permission for sales of alcohol for consumption off the premises. On receipt of an application, the licensing authority must consider whether it is necessary to take interim steps to the permission granted by the Bill within 48 hours of receiving that application, and must hold a hearing within 28 days of receipt. These temporary measures to support the hospitality sector will be in force only until the end of September 2021. This will enable businesses to make the most of outdoor seating opportunities in the summer months this year and next.

Secondly, to support small businesses, the Bill introduces measures to enable lenders to continue to issue bounce-back loans quickly and at scale. The Bounce Back Loan Scheme is designed to provide loans at speed to small businesses adversely affected by the Covid-19 pandemic. So far £29 billion has been lent to small businesses under the scheme, providing a vital lifeline to many.

The effect of the Bill is to retrospectively disapply the “unfair relationships” provisions in the Consumer Credit Act 1974 for lending made under the scheme. This is necessary to remove some of the checks and processes that lenders would otherwise need to run, and which would prevent them from providing loans to small businesses at the scale and speed necessary in this crisis.

Thirdly, to support our transport sector, this Bill makes changes to driver licensing and enables changes to roadworthiness testing for commercial vehicles. It will

reduce the backlog of checks and tests that grew over the lockdown. It will help us to get goods, and indeed people, moving across the country.

The Bill introduces a temporary—and, in Great Britain, retrospective—power to issue one-year lorry or bus driving licences, rather than the standard five-year licences. This flexibility will allow a licence to be extended for a year if an applicant is unable to obtain the medical report required for a full five-year licence. This helps to alleviate pressures on doctors and the NHS.

The Bill also reforms the powers to temporarily exempt goods vehicles, buses and coaches from roadworthiness-testing requirements. This will be a permanent change but our intention is to use the reformed power only temporarily in response to the Covid-19 outbreak. This will allow for the high demand for heavy vehicle testing, which was reintroduced after lockdown only on 4 July, to be managed so that the most important vehicles are tested first.

Fourthly, the Bill will support our construction sector to get building again. It will introduce a fast-track route through the planning system to apply for a temporary extension of construction hours so that firms can plan for the safe reopening of sites. Temporarily allowing longer working hours—for example, during the evening and at weekends—will help to facilitate safe working by spreading out the working day. Importantly, local councils will have discretion to refuse requests where they consider that longer hours would have an unacceptable impact. I make it clear that this measure will not apply to construction works to an existing house, which affords a measure of protection to neighbours from disturbance. This measure will expire on 1 April 2021.

In addition, the Bill responds to calls from both the development industry and local authorities to extend planning permissions and listed building consents that lapsed during lockdown or will lapse before the end of this year. As a result of the pandemic, almost 1,200 unimplemented planning permissions for major residential development have lapsed or are at an increased risk of lapsing by the end of this year. These account for 60,000 new homes. The Bill enables the extension of these planning permissions and listed building consents to 1 April 2021, subject to any necessary environmental approvals.

There are two further planning measures included in this Bill. The first supports the Planning Inspectorate to conduct hearings and inquiries while adhering to social distancing. It enables the inspectorate to combine written representation, hearing and inquiry procedures when dealing with town and country planning appeals. This change was recommended by the independent Rosewell review, following which a pilot reduced average decision-making time from 47 weeks to 23 weeks. This measure will apply permanently to support the improved efficiency of the Planning Inspectorate.

The second responds to a request from the Mayor of London. It temporarily removes the requirement for the Mayor’s spatial development strategy to be available for public inspection and for hard copies to be available on request. In a time of social distancing, that is not practical. This requirement is replaced with a duty to make the current version of the strategy available for inspection free of charge by appropriate

electronic means. Nevertheless, the Government appreciate that not everybody will have electronic access. As a result, the Bill also requires the Mayor to take into account any guidance the Government publish on appropriate mitigation measures. This measure will expire on 31 December this year. Taken together, all these planning measures will support the recovery of our construction sector and help to get Britain building again.

Finally, the Bill contains a provision to enable the time-limited powers to be extended by secondary legislation, subject to Parliament's approval. This provides necessary flexibility, given the uncertainties around the duration of the Covid-19 pandemic and the nature of future social distancing requirements.

The package of measures in this Bill has been widely welcomed by businesses and local government at this critical and extraordinary time. The Local Government Association is supportive of the Bill, which it says will help ensure that a consistent approach can be taken so businesses can reopen as soon as possible. The Federation of Small Businesses also welcomes the Bill, which it says will help small businesses in the hospitality sector to resume trading with confidence.

These measures are necessary to alleviate some of the current challenges that businesses face and help the economy bounce back as we emerge from this pandemic. I look forward to our debate today and I commend the Bill to the House.

2.42 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, I thank the Minister for his comprehensive introduction to the Bill. A large number of Members of your Lordships' House wish to speak in this debate, and we look forward to their contributions.

When a crisis hits, effective Governments do two things: first, they deal with the immediate challenge and, secondly, they anticipate the fallout and begin working out how to tackle the consequences in the months and years ahead. It is anticipated that the UK has spent over £200 billion on a first-stage economic rescue operation but there is, as yet, no plan for economic recovery. Millions of jobs are now at risk and even a VAT cut, which is widely anticipated and would be welcome, will not of itself return our economy to pre-crisis levels of activity. The reannouncement of major infrastructure projects remains just that; most are nowhere near shovel-ready and will take many years to come on stream.

The £29 billion in Covid-19 loans to 640,000 businesses has been a significant boost to liquidity but as loans, these are not earned income. They will leave even fundamentally sound companies with huge debts, which will restrict their ability to reinvest for the future while opening them up to predatory takeovers. The current trickle of bankruptcies may turn into a flood.

I say all this because I want to make the point that while the Government have acted to protect us from the supply shock caused by the pandemic, the resolve that delivered the furlough schemes, which currently maintain 9 million people who might otherwise be out of work, needs to be shown again as we start the recovery to stimulate demand and save jobs. It will be

a long haul. The Government urgently need to come forward with a comprehensive, flexible and imaginative plan for the support and recapitalisation of viable British businesses, and the prevention of mass unemployment. But this Bill, welcome though it is, is not that plan.

I thank the Deputy Leader of the House, the noble Earl, Lord Howe, for the constructive conversations that he and my colleagues have had on the Bill. It is a short Bill and there is a large degree of agreement on it. The headline provisions, as has been said, are to enable the hospitality industry to reopen quickly and serve a greater number of customers in a safe environment. My noble friends Lord Kennedy and Lady Wilcox will be leading for us on these sections.

We welcome the temporary loosening of licensing and planning regulations to enable bars, restaurants and cafés to serve customers outside their premises. Having said that, we will question why the opportunity has not also been taken to include street-food vendors and small breweries in this legislation. In these essentially local issues, it is important that local authorities continue to have discretion in these matters because they are best placed to make the judgments about local impacts. However, we have received requests to amend Clause 11 so as to prevent increases in anti-social behaviour in town centres late at night and in the early mornings. It is also right that we raise the concerns of USDAW about the safety of staff. The government guidance is clear about the mitigation and reduction of risk that is needed if one metre-plus social distancing is in place. It is also very important that the Health and Safety Executive has the resources and powers to enforce the safety of those extended workplaces. Can the Minister confirm that that will be the case?

The introduction of more flexible planning appeals is also welcome in speeding up the processes, but we want reassurances that no legitimate voice will be excluded from being heard. Local government is worried about the cost implications of these new rules, so we urge the Government to publish a report detailing the extra costs that councils will face in processing increased volumes of planning applications at the new, reduced fee levels.

We also welcome the measures in enabling construction sites to get back to work more easily, through extended working hours. It is important, however, that communities do not feel that their interests are being ignored in this. We would like to see councils being given the discretion they need to restrict hours of operation, where there is a compelling and overriding local reason to do so. But as well as discretion, local authorities need certainty about resourcing. As was said in the other place, £10 billion-worth of costs have been loaded on to local authorities during this crisis but only £3.2 billion has so far been provided by the Government. When he comes to respond to this debate can the noble Earl, Lord Howe, explain how and when the Government are going to honour their commitment to stand behind councils and give them the funding they need, now and in the future? It is important that the Government also offer cast-iron guarantees that none of the measures in the Bill will place additional costs on councils that have to be financed by further cuts in their services elsewhere. I challenge the Minister to put this on the record.

[LORD STEVENSON OF BALMACARA]

We also welcome the changes to transport and vehicle licensing, an issue which will be handled by my noble friend Lord Tunnicliffe. I will be in the lead on the proposal to remove the “unfair relationship” provision from the Consumer Credit Act 1974. There have been many calls over the years for reform of the CCA 1974, as the safeguards are cumbersome and often inconsistent with bona fide attempts to provide flexible solutions to customers who experience temporary financial problems. That pressure has clearly been increased by the pandemic and it is right to take action now on this issue, even though it is to be hoped that the wider issues are also under review.

Bounce-back loans have been very successful in getting money out to small firms which can use them. This compares with the CBILS, where only half of the applications have been approved. We still do not know why, or how many have been rejected and how many are still in the queue. One thing that we will be asking for is that in the interests of transparency, the Government should publish data on the number of rejections and applications, and list the banks concerned. After all, if moneysavingexpert.com can do it, why cannot the Government?

I press the Government to think again about the way in which they are restarting the economy. In particular, I call for a more nuanced approach to the ending of the current support schemes. Many sections of our economy, employing hundreds of thousands of people, have opened this weekend with important social distancing restrictions in place. The hospitality industry has restarted, which is good, but at much reduced levels of revenue; these are not sustainable and may translate into a risk to hundreds and thousands of jobs. Live performances, including concerts and the theatre sector, are still forbidden and many of our most important arts organisations are on the point of closure. The announcement today of additional funding for our arts and cultural bodies is very welcome, but we urgently need the long-promised road map to the reopening of live music and theatre venues. While the buildings may be saved, what will be performed? Many directors of small limited companies—often freelancers in the creative industries—have been denied support and are really struggling as a result. The Government are taking a one-size-fits-all approach to the furlough, when it is increasingly clear that we need a differential approach. Some sectors, such as tourism and the creative industries, are more affected by the public health measures than others, so surely the economic support measures have to match that.

The Government have been talking up a new deal in recent days, and we will presumably know more after the Budget later this week. From recent debates in this House and from polling data, it is clear that the idea of a green recovery is shared widely across the nation. People want jobs to be secured and new quality jobs to be created, but they do not want the economy to return to where it was. They want tangible action on retrofitting insulation in our housing stock, manufacturing low-carbon engines, adapting our towns and cities to walking and cycling, creating green spaces, and reforestation and rewilding.

To conclude, we welcome the Bill, but its measures are modest. The Government have shown that they are willing to take action to relieve the worst impacts of the pandemic, but we face the deepest and sharpest recession, possibly for hundreds of years, and government power has to continue to be used. The decisions taken by the Government in the coming weeks will determine how many jobs are saved and how many businesses survive. The commitment to do “whatever it takes” cannot be a hollow promise. In short, we need this Bill, but we also need an extension to the furlough scheme for specific sectors, an urgent job-creation programme with a green recovery at its heart, and real action on infrastructure, not just words. I urge the Government not to step back when our economy, businesses and workers desperately need their support.

2.51 pm

Lord Shipley (LD) [V]: My Lords, I remind the House that I am a vice-president of the Local Government Association. I welcome the aims of the Bill, because it can help reduce lasting damage to the economy. The Bill is said by the Local Government Association to be a

“positive step in the journey towards economic recovery”

and I concur with its view. The broad aims of the Bill secured all-party support in the House of Commons, although it has been sent to us to examine in detail, which we must now do.

The pandemic has been unequal in its financial impact on households. Some households are in serious financial difficulty; other households with more secure incomes may have been spending less than normal. We need those with cash to spend more of it now to help generate jobs for others. This Bill is one way of encouraging that higher spending, with the obvious further benefit of generating extra tax income for local and national government.

In terms of licensing, no two places are quite the same, so a flexible approach—place by place—will be essential. For that reason, I hope the opportunity will be taken to review very soon the powers of local authorities in licensing and the powers held in Whitehall. This was needed anyway, but the pandemic has revealed anomalies. For example, decisions on the level of fees charged to licensed premises through the late-night levy were made in Whitehall. Pubs were closed for many weeks, but they still had to pay the levy because councils could not change the law. Surely councils should have the power to reduce or waive the levy fees without asking central government.

I said earlier that the Bill commands broad all-party support, and it contains many sensible proposals. That does not mean, however, that we should not scrutinise the detailed provisions of the Bill, and I hope the Minister will accept the need to look for improvements in Committee and later stages. There are a number of issues that I would wish to see probed in Committee next week and no doubt colleagues on our Benches will have others. I think we need to assess whether the costs borne by local authorities are at least neutral. There are issues around the hours of work permitted on construction sites. There are questions around the sale of alcohol in open containers to be consumed on the pavement. There are concerns about the right of

pedestrians to walk safely on the pavement, which is a particular concern for those who are visually impaired. There is a need for quarterly reviews of the practical operation of this legislation, with scope for amendment. Perhaps we should consider whether enough will be done to ensure that necessary pre-consultation can take place before a 14-day period is triggered.

Finally, I wonder whether the Minister will confirm that the housing delivery test requirements of local authorities should not apply in view of the lockdown. Will the Government temporarily suspend the presumption in favour of the five-year housing land supply and the housing delivery test? I look forward to hearing the Minister's reply and to the contributions during this Second Reading.

2.55 pm

Lord Best (CB) [V]: My Lords, my comments relate to planning. I declare my interests as a vice-president of the Town and Country Planning Association and of the Local Government Association. I fully support the planning elements in the Bill, which are sensible and should minimise potential delays in the planning process caused by the pandemic.

However, as the Minister mentioned, the Prime Minister has spoken of more radical changes to planning to speed up the drive to “build, build, build”. I commend the PM's emphasis on building back better, with more beautiful, greener homes, but there has also been talk of extending the controversial permitted development rights of housebuilders and developers so that they can bypass planning requirements and, indeed, avoid providing any affordable housing in their developments.

It is true that underresourced planning departments are sometimes slow, outwitted by well-resourced developers or overwhelmed by public hostility to a development. However, the answer is not to diminish the powers of the elected local planning authorities in the hope that the developers and housebuilders who have let us down in the past will do better if left to do as they please. Effective local planning requires adequate funding, which can be properly paid for by the developers which stand to gain so much from planning decisions.

Specifically on increasing the speed of development, we fortunately have some clear insights from the review that the Government commissioned from Sir Oliver Letwin. This explains why it takes so long for developers to actually build their developments: they only build more when they have sold what they have already built. Sir Oliver spells out that if we want much faster progress on big sites, we need to organise simultaneous development of a variety of types and tenures on these sites: homes that are affordable and for market renting, homes for older people and students, as well as plots for custom building by small builders.

Sir Oliver explains that councils could achieve this by buying sites through their own development corporations, capturing uplift in land values, and parcelling out the plots within a master plan—stronger, not weaker, planning; taking back control of development from the oligopoly of the volume housebuilders. Does the Minister agree that this positive, proactive approach should represent the direction of travel for our planning system?

2.58 pm

Lord Kirkhope of Harrogate (Con) [V]: My Lords, we should all welcome the general thrust of the Bill, especially the declared purpose of assisting businesses, especially the small and medium-sized ones, in the current crisis. For the most part, concerns from individuals and organisations about inconvenience caused by changes near to them or affecting their interests—for instance, open-air activities or the extension of hours on building sites—can be assuaged to some extent by the temporary nature of the relevant provisions and the accepted obligation already given by the Government to come back to Parliament if any extensions or retentions of these provisions are contemplated or, in their view, necessary.

However, my remarks today, like those of the previous speaker, will concentrate on the parts of the Bill that deal with planning issues. I do this in the full knowledge that the Government are currently undertaking a comprehensive review of planning law and regulations—as predicated in remarks made earlier this year by the Housing Secretary, my right honourable friend in the other place, Robert Jenrick, and my noble friend earlier—which is to be set out in due course.

As a lowly PPS in the Department of the Environment, I worked on the delivery of development corporations with my boss at the time, Sir David Trippier, to areas or zones of economic deprivation in the 1980s, and I regarded the special planning powers vested in their boards as key to revival. Such targeted zones, especially in inner cities, will in my view be necessary again in a post-Covid world. I hope my noble friend the Minister will look sympathetically with his colleagues at this possibility.

However, the reference to changing the planning appeals system in this Bill, which seems to emanate from some of the proposals for a White Paper, should be examined closely. I believe these ideas were contributed by the independent review panel, to which my noble friend referred earlier. These changes, unlike most of the Bill's contents, are to be permanent, ahead of other more comprehensive changes, so we need to be most careful in examining these things as the Bill proceeds. I assume these changes will remain as part of the fuller proposals.

The balance between developers and planners and the communities the planners serve is sensitive. Many local planning decisions are already defeated under the current appeals system because of the sheer cost of the process. This is deterring many local authorities, with limited resources and strict rules on public expenditure, from standing up to speculative developers, often in cases where the development sought might be damaging to the local environment and unwanted by local communities. Some developers with large resources are unaccountable in the same way and therefore in a privileged position.

At first sight, any simplification of the appeals process could be thought to address the inability of local authorities to resist unacceptable applications. It is vital that balancing the protection of communities and the environment with the need to build more suitable houses and other buildings is maintained and, where necessary, altered so that the default does not unduly favour the developer.

[LORD KIRKHOPE OF HARROGATE]

On that point, I hope my noble friend will appreciate the problems with Section 106 provisions, which sometimes require a developer to offer some community contribution out of his profits. This has often proven a blunt sword. I trust that, in any new proposals to come before us, such provisions will be enhanced and clarified. I know of many cases where developers have avoided their responsibilities under Section 106 and any community infrastructure levy. It is vital that planning proposals, whether in this Bill or later legislation, maintain the important balance between community cohesion and acceptance, and the need to build.

3.02 pm

Lord Blunkett (Lab) [V]: My Lords, as my noble friend Lord Stevenson said, many aspects of this Bill are simple and straightforward and are to be welcomed. However, others are precursors to the wider planning Bill which was referred to by the noble Lords, Lord Kirkhope and Lord Best.

Given that I have only four minutes, I will concentrate on those aspects which concern me and which we should be clear should not be carried forward as a long-term proposition, because one person's regulation is another person's protection. The idea that, if we just sweep away many of the blockages in regulation, the enterprise and creativity of local businesses will somehow flourish without damaging the interests of the wider community, is simply untrue. It is untrue because those regulations and requirements have been brought in over many years for a purpose: to retain the balance between economic activity and enterprise, on the one hand, and the safeguarding of people's interests on the other. We should bear that in mind.

Other aspects of this Bill slightly bemuse me. While I am totally in favour of kick-starting elements of the economy that have been so badly damaged by the lockdown, I cannot see for the life of me that licensed premises selling alcohol off-premises—as though they will all now be off-licences—will actually do very much, other than fuel the already worrying concerns about activity late at night, particularly in the major cities, which has already been referred to but which I want to reinforce. Eating and drinking outside in an orderly fashion—linked, I stress, to the premises and not detached from them—is very sensible and, in the remaining summer months and next year, could contribute to not only economic activity but a different atmosphere in cities, towns and villages.

However, it must be done in a way that does not, as has been referred to by the noble Lord, Lord Shipley, damage the interests of those who will be vulnerable to unplanned and unrestricted obstacles on pavements. I have been asked, quite understandably, by the Royal National Institute of Blind People and others to draw attention to this and to say that there must be sensible safeguards if we are not to have almost Kafkaesque episodes like something out of “Monty Python”. I have a dog; other people do not. My current dog would not take a tender morsel off the table as it passes; one of my previous dogs undoubtedly would have done. I am just trying to lighten the load a bit this afternoon.

I am most concerned about the extension of hours for construction. It is welcome that the Minister, in introducing this Second Reading, indicated that this

would not apply to neighbours. Believe me, the light pollution, noise pollution and damage cannot be justified by prolonged hours, as extension into the night will probably lead to less safety rather than more. Turning day into night is not the way to kick-start our economy. By all means, let us ensure that we have the enterprise we need to get us back on stream again, but let us also take the words of Winston Churchill from 1909: the worst should never undercut the very worst.

3.06 pm

Baroness Doocay (LD) [V]: My Lords, I will focus on those aspects of the Bill relating to tourism. Tourism generates revenues of £155 billion per annum for the UK economy, including £28 billion in export earnings. The industry employs 3 million people, making it the UK's third-largest employer. Every region has at least 100,000 tourism-related jobs. The sector has been disproportionately affected by the Covid pandemic; inbound tourist numbers are forecast to decline by 59% and expenditure by 63% this year, resulting in a loss to the UK economy of nearly £20 billion and a loss to the domestic tourism industry of a further £25 billion.

Councils have been working hard on measures to help hospitality businesses reopen, for example using town centres differently so that businesses can operate outside. However, a lot more can be done. While the Bill contains welcome new flexibility for businesses to put tables and chairs on pavements, there are at least three further measures we could take to help firms which have lost months of trading income.

First, the package travel regulations should be amended to make transport a mandatory component of package travel, thus allowing small businesses to make a combined offer of, say, accommodation in a guest house and a meal at a local pub without incurring all the responsibilities of a package holiday operator. Research suggests that this could boost domestic tourism by £2.2 billion with no loss in consumer protection.

Secondly, we should remove restrictions preventing caravan parks operating during winter. These parks have already lost between 35% and 50% of their income, and two-fifths of sites presently operate less than eight months of the year. There is an opportunity here to boost domestic tourism with year-round openings for all.

Thirdly, we should remove planning restrictions that prevent self-catering cottages being rented out as long-term lets during winter. These restrictions have a perverse impact, leaving holiday accommodation empty for many months of the year, with a knock-on effect for local pubs and restaurants, which see decreased trade. Over 80% of tourism businesses either were closed temporarily or have ceased trading altogether as a result of coronavirus. Some 92% say that their revenue has at least halved; 75% of their employees were furloughed, compared to just 24% in the jobs market as a whole. This is little short of a catastrophe for the industry.

The Government have the tools to help these businesses survive against the odds and to save jobs as the furlough scheme ebbs away. There can and should be a renaissance in domestic tourism here in the UK as well as a fresh

look at how to offer the best to people visiting from around the world. Let us not shut out trade for the sake of arbitrary planning rules. Instead, we can hand much more power to local councils to make their own decisions over how to help the industry in their parts of the country.

I would welcome an initial response from the Minister to these suggestions since I intend to table amendments in Committee on all three subjects.

3.10 pm

The Earl of Clancarty (CB) [V]: My Lords, although this Bill has the grand title of Business and Planning Bill it is something of a pot-pourri and the emphasis seems to be on consumer spending in the high street in bars and restaurants and the urgent encouragement of a single industry—construction—rather than on an industrial strategy in the round, as the noble Lord, Lord Stevenson, pointed out. However, much current thinking has it that those towns which were the worst hit by austerity are also going to be the worst hit economically by Covid, so the encouragement of new industries, such as green industries, particularly in the worst affected regions, is urgently required.

Thinking locally, what discussions are the Government having with the Local Government Association about taking these measures forward and how will councils be supported financially to do so?

Of the measures to help the hospitality industry, I particularly approve of bringing cafes more on to the street, continental style, and I hope this will be a more permanent fixture across the country. It is one of those seemingly small but significant measures that can help knit communities together, although it has been prompted, of course, by the requirement for social distancing.

I support the LGA's call for a range of different and alternative spaces, including roads and parking spaces, to be licensed when it is safe to do so.

We have heard a great deal about the need to get the hospitality sector back on its feet both in the media and in Parliament, including through this Bill, but not a great deal about the arts, which has similar problems with social distancing measures, at least not until today. The rescue package has been welcomed by arts leaders, but there must be a concern about how far £880 million in grant money will go and what will be lost in the arts, particularly as this money has come so late. I wish the Chancellor did not use the term "world beating". However, much as the arts is grateful for it, this Covid emergency package for the arts is not world beating unless your world is confined to the shores of this country.

"Planning" is a curious word because it can mean different things to different people. Does the Minister agree that the planning in the title of the Bill should be for society, for our communities, above everything else and that there will not be a conflict between this Bill and preserving our community centres and cultural venues—the buildings themselves—that would surely go against the spirit of the arts rescue package. This concern was raised by Greg Clark at Second Reading in the Commons. He warned that

"we should guard against granting planning permissions that take them"—

meaning theatres and concert halls—

"immediately out of those very valued uses."—[*Official Report*, Commons, 29/6/2020; col. 53.]

As with the hospitality sector, concomitant measures are not yet being drawn up for the arts. I use the word concomitant because of the close association between the two sectors, particularly with regard to tourism. After hospitality, the Government now need to work on getting our arts venues, theatres, concert halls and clubs open as soon as possible. The longer this is left the more trouble the arts will be in, even with the rescue package. As with all other sectors, the business aspect is suffering with a loss of revenue from tickets. Also, if the self-employment support scheme and furloughing do not continue while our performing arts venues, in particular, remain shut, then the talents of many freelancers and permanent staff will be lost, the creative economy will collapse and the arts and our culture generally will be considerably poorer as well as our standing internationally. That cannot be emphasised enough.

3.14 pm

Lord Blencathra (Con) [V]: My Lords, I congratulate my noble friend the Minister on his excellent opening speech, especially the announcement on wheelchairs and pavement access. He will make a worthwhile contribution to this House.

The Bill generally is welcome although I have a few concerns about some issues. First, as chair of the Delegated Powers Committee, I can say that it will consider the Bill on Wednesday morning and aims to report later that day, allowing a very tight window for Peers to table amendments on Wednesday on any of its recommendations if they so wish. It is a pleasure to see for a change a Bill with Henry VIII clauses all limited to changing merely the dates and which are all affirmative. However, the committee will be interested in the amount of guidance that may be given without parliamentary oversight and the apparently new concept of conditions which will have the force of law but no parliamentary approval.

I appreciate that the Government need to move quickly—there is no point in legislating for an open-air cafe society when the one week of English summer is over—but, on a personal note, I was concerned that the non-obstruction provisions in Clause 3(6) did not mention keeping sufficient space on pavements for wheelchairs and children's pushchairs to pass; nor is it specifically mentioned under the condition in Clause 5. My noble friend the Minister, the Deputy Leader, may say that this is common sense and that local authorities are bound to make that a condition. Not so—not because they are hostile to wheelchair users but because we are never thought about. Every time I have been in Paris in past years I often cannot get through on the pavement because of the tables and chairs, not to mention the thousands of electric scooters cluttering the pavements, which we will soon have too. The carnage in Paris will be repeated in London. People are apologetic, jump up and move the tables but it never crosses their mind that there would be an obstruction problem for certain pavement users when the tables were set out. The same would have happened here—not out of malice or disrespect but because of sheer thoughtlessness.

[LORD BLENCATHRA]

I was going to move an amendment in Committee to put this in the Bill, but I congratulate my noble friend and the Government on introducing this national condition. I hope that my note to his department last week threatening to move the amendment had a role to play.

I am also concerned about the possibility of 24/7 construction. For six years I suffered the noise of massive construction works carried out near Marsham Street. The last two years were not so bad as they fitted out the inside, but the first two years were pure hell as massive power hammers demolished the old buildings, with 100 decibels of noise from 8 am until 6 pm. Of course, we must get construction working flat out to catch up but there must be limits to protect local residents. It would be odd if Heathrow has to close for almost seven hours at night and has noise limits but construction sites could carry on regardless.

I am further concerned that 24/7 construction work near special wildlife sites such as SSSIs could be damaging to the species affected. I declare my interests as in the register. Local authorities must check what conditions on construction near these sites were imposed to protect the wildlife there when the application was granted, and not diminish those protections now.

In conclusion, I suggest that where there are no residents for 300 metres, construction can go on 24/7. However, where there are residents living closer than 300 metres, noisy outdoor construction should be limited to a maximum of 7 am in the morning until 10 pm at night. That is an extra five hours a day work time in residential areas. All internal and quiet work could continue 24/7. With these provisos, I support the Bill.

3.18 pm

Baroness Wilcox of Newport (Lab) [V]: My Lords, I draw the House's attention to my declared interests as a councillor, as noted in the register.

We are broadly supportive of the Bill, which will enable businesses, particularly in the hospitality sector, to reopen quickly after coronavirus restrictions. We have consistently been calling on the Government to work with local authorities and take innovative action to help businesses both expand and adapt operations to boost trade. However, the provisions to relax licensing requirements so that cafes, bars and restaurants can serve customers outside must also be accompanied by clarity on the role local authorities have to play in making decisions at a local level.

There must also be further assurances over how relaxed licensing requirements will be policed, particularly where restaurants, bars and cafes are in residential areas or where these premises open out on to the street. Councils have already been working hard on measures that can be put in place to help hospitality businesses to reopen, including relaxing requirements, and considering how town centres can be used differently to enable businesses to operate safely outside. The Bill will help to ensure a consistent approach that can be taken across the country.

However, councils need to have the power both to refuse applications where these cannot be managed safely, and to act if any issues arise following the

reopening of premises. The full responsibility and cost for making this policy work successfully does not sit with local authorities alone. With the initial burden falling on them, it is crucial that councils are supported financially to meet the costs of processing an expected large number of applications in a short period of time.

The provisions in the Bill will result in an extra workload for local authorities, whose budgets have already been stretched dangerously thin by 10 years of deep cuts, and now Covid-19 has dealt them a further blow. The Government should also publish a report detailing the extra costs accrued by councils as a result of processing increased volumes of planning applications through the new deemed consent route and additional environmental approvals. Consultation with local councils is therefore essential before making further changes.

It is right that the proposed licensing measures in the Bill are only temporary. In the long term there needs to be a comprehensive review of our outdated licensing legislation to ensure that it is fit for the future.

There is also great concern for the safety and well-being of people who work in this industry, and the Bill should require pubs to take certain steps to ensure the safety of workers. We should look at placing conditions on premises which want to apply for licences. They must first publish a risk assessment, including details of the risk from hours of operations, the use of cash transactions, provision of door security—including safe toilets—protection of BAME workers, who have statistically been shown to be at greater risk, and detail the provisions for sick pay and how they intend to implement trade union recognition for staff.

There are also concerns from the industry itself that the Bill introduces only minor changes and that the Government are ignoring the most important issues that they currently face, such as the difficulties that pubs have with rent after months of not trading, and the importance of encouraging consumer confidence to return to use the facilities of the hospitality industry. In essence, a reasonable first attempt, but could and must do better.

3.22 pm

Baroness Kramer (LD) [V]: My Lords, I will address a range of issues, all of them quite quickly. First, Section 78 of the Coronavirus Act 2020 failed to include Transport for London and at least some development agencies in its definition of local authorities. It has left these bodies with a legal minefield as they act through virtual decision meetings, and it is seriously complicating economic recovery. It should all be in scope of the Bill, so will the Minister use the Bill to correct what I assume was very much an oversight?

Secondly, so many firms I have talked to are afraid that, as they bring back their workforce and customers following government guidelines, they will still be sued if an employee or customer catches Covid. They have no faith in insurance policies after the fiasco with business interruption insurance, and they do not understand why the Government have not offered indemnity to employers who follow the guidelines. Will the Minister please respond to this issue?

Thirdly, civil society groups like Protect and WhistleblowersUK are being inundated with phone calls from employees who have witnessed furlough

fraud or the bending of safety rules, and all of this will increase as more businesses open. HMRC has set a terrible precedent in closing its fraud phone hotline and telling people to do online reporting—which of course they do not because they do not trust it, and because the forms demand so much disclosure. Will the Minister guarantee today that the HSE will keep manning its safety reporting hotline so that we can be absolutely on top of any abuse?

Lastly, the Minister referred to bounce-back loans, and I join him in being delighted that over £30 billion has been loaned to companies under the scheme. However, he will know that very many of those who have applied have been turned down, not because they are unsuitable but because the banks who have dominated these loans have no wish to add to their balance sheets. The banks have chosen not to on-lend cheap money from the term-lending facility they have with the Bank of England to enable more diverse and other players to engage extensively in the bounce-back scheme.

The British Business Bank has been rapidly trying to accredit diverse organisations to participate in lending under the bounce-back scheme, but it is slow going. Will the Minister make sure that for the future we have a structure in place that means that, when a programme and scheme like this is being put forward, it does not put the banks, frankly, in the catbird seat and enable them to do what they have been doing, which is cherry picking the customers who get these loans and leaving a very large number, particularly of small companies, in significant difficulty?

3.25 pm

Lord Carlile of Berriew (CB) [V]: My Lords, I too support the Bill as an urgent and temporary measure designed to alleviate the effects of Covid-19 and stimulate the planning system. However, can the Minister confirm clearly that these are truly intended to be temporary measures and that standards of good design, particularly for the permanent future, will be maintained and, if at all possible, enhanced? I agree with every word of my noble friend Lord Best about the dangers of relaxing the high standards of planning design that we rightly aspire to. Modern techniques allow the most attractive, low-cost homes to be built at genuinely low cost. There is no need to cut corners.

I have one concern about the Bill, as a resident of the London Borough of Hackney. Our hard-working police force, based at Stoke Newington police station, has faced unacceptable challenge from disorder in the streets and unlawful large-scale drinking. I hope that the Minister will confirm that the changes contained in the Bill simply cannot be the basis of heightening disorder—whether it is by young people or older people, it does not matter. The police should not be required to attend at these scenes; the scenes should not occur.

My third point is about the way in which planning and party politics intersect. When I first became a Member of Parliament, for the beautiful Welsh constituency of Montgomeryshire, Lord Hooson QC, who had been a Member for Montgomeryshire before me and who had led me in a number of planning appeals when I was a young barrister, spoke to me very firmly about planning. He said that there were dangers in planning applications for politicians and

political parties. He reminded me that one should never allow one's political interests to interfere with sound principle. So my final point is to ask the Minister to confirm that it is embarrassing and sometimes unethical for developers to be seen as being too close to political parties, Members of Parliament, Ministers and councillors. Planning is an objective matter—there are rules—and paying large sums of money to have dinner near someone who is thought to have influence should never be acceptable. The lessons of history—some very high-profile cases—tell us that.

3.28 pm

Lord Naseby (Con) [V]: My Lords, first, I recognise my noble friend on the Front Bench and say that it is hugely welcome that we have a senior Member on the Front Bench introducing the Bill who has a wide experience of local authorities and the areas we are talking about. The Bill is hugely welcome, and I for one say well done to the whole team that put it together in such a short time.

However, we have to recognise that it is only a start, because an avalanche of unemployment is coming down the track, and we need a spirit almost like that of the Blitz 80 years ago, which, ironically, started on 7 September 1940 and lasted until 11 May 1941. I suspect that September 2020 will last through to May 2021. It will be our challenge and it will require a herculean effort.

Much is made in debates of the V-shaped recovery. In this debate, I would rather risk doing too much now and pulling back later when the economy has fully recovered than the alternative of falling short, with too little stimulus, and allowing the economy to suffer and fall into a dangerous liquidity trap. The case for bold action, to increase the watchful public's expectation of a steady recovery, remains as strong as ever. The Bill, short as it is, is just a start, but this is about not just the speed of response but the depth too. I hope that my noble friends on the Front Bench will resist the temptation to micromanage the whole thing; that applies to amendments as well.

My focus is the construction industry; I used to be chairman of a housing committee and a director of a major construction company. The Bill principally deals with existing situations, such as permissions expiring, but I make a plea to ensure that there is close involvement with the relevant local authorities. Our objective is to speed up housebuilding now. We need a strategy to tackle the challenge of an average home costing eight times average earnings, compared to only four times in the 1990s, plus the challenge of social housing, on which all Governments have failed in the last 20 years. There is no doubt that we need about 100,000 of those homes. There is a way, which lies dormant. I refer to the New Towns Act. Why not speed up designation of new towns, or new garden towns, all over the country? We have a concept that has been proven over time—Welwyn Garden City, Milton Keynes, the development in Northampton, where I happened to be the Member of Parliament—driven by the new towns corporations, and there is no need for any new legislation. It works because all the legislation is there; relationships with local authorities are built up. It is successful and it is sitting there. Why do we not use it?

3.32 pm

Lord Hain (Lab) [V]: My Lords, although the Bill provides a welcome range of measures to help businesses post Covid-19, it also represents a missed opportunity. For example, there is no acknowledgment of the call by the trade union Unite for the Government to involve the country's 100,000 trade union health and safety representatives to help with test, track and trace, and with finding safer ways of working, to deal with the ongoing risks from Covid-19. The crisis is also an opportunity to make workplaces more productive, by encouraging closer co-operation at work and challenging both sides of industry to boost productivity by working in partnership. For example, in May, the Food and Drink Federation and the GMB, Unite, USDAW and the Bakers, Food and Allied Workers Union highlighted how partnership between food and drink manufacturers, trade unions and employees has enhanced both the safety of workers and the effective running of workplaces.

The Government should encourage employers and unions to explore new ways of working together and embracing radical change. The Covid-19 crisis has shown that very many established ways of working are outdated. Many are inflexible; they hinder, rather than help, firms' efforts to match their product or service to customers' requirements; they undermine, rather than underpin, employers' efforts to keep up with the competition; and they often alienate, rather than motivate, employees by treating them unfairly or locking them in to unrewarding routine tasks. By working together, unions and employers can deliver dramatic improvements in performance, boosting productivity and profitability, lifting living standards and enhancing job prospects. Instead of routine, robust co-operation between employers and unions, of the kind practised in Germany, Britain has low employee motivation, lagging productivity, lost competitiveness, jobs in jeopardy, shocking skills gaps, grossly unequal rewards and grotesque discrimination at work.

Instead of world-class standards of product quality and customer service, British businesses too often settle for second best. With a few notable exceptions, we have seen our market share drop and jobs disappear. The Prime Minister was right to cite Franklin Roosevelt's New Deal as an example to follow, but he omitted to mention that the New Deal also radically reformed industrial relations in the United States, bringing in the National Labor Relations Board to even up the balance of power between bosses and workers and encourage union recognition. That did not create fair pay overnight, but it took a big step in the right direction. The Business Secretary and Treasury Ministers have held a productive series of sector-by-sector meetings with trade union and business leaders. The next step should be government backing to bring both sides of industry together in sectoral bargaining, to put a floor under pay and conditions of employment, raise and protect standards, and stop responsible employers being undercut by irresponsible rivals and workers being exploited unfairly.

Winston Churchill once said, "Never let a crisis go to waste, but turn it into an opportunity"—a chance to do things that might never have seemed possible before.

3.36 pm

Baroness Randerson (LD) [V]: My Lords, I understand the temptation to take a hatchet to the—sometimes annoying—bureaucracy associated with the planning system, but one man's bureaucracy is another's fundamental democratic right. Many noble Lords will have experience of serving as a councillor, as I have, and will know that planning applications are a sensitive issue. When you add alcohol licensing to that, you have a combustible combination. The short cuts proposed here, allowing pubs and restaurants to install pavement furniture, go beyond streamlining, but some sensible amendments could make them workable. At the moment, the provisions are self-defeating. If you give people only seven days to object, they will probably object, so give them time to talk to neighbours and find out more.

There are concerns about the shortness of consultation and the method to be used. The need only to display a notice, and no legal requirement to post the application online, is plainly ridiculous in the age of Zoom. The lamp-post notice is created on a computer, so posting it online is easy. People with sight loss cannot see lamp-post notices. As the Bill is drafted, it is discriminatory, because they are the people, together with wheelchair users, whose safety is most at risk when a café springs up on the pavement, forcing them into the road. I urge the Government to rethink the methods and timing of consultation. If the local authority does not deal with the application within 10 working days, it is automatically to be granted for a year. Why should local residents have to put up with an unsuitable use of the pavement for a whole year, simply because the council did not react fast enough? Surely three months would be long enough before it is reconsidered.

Any pavement development must leave sufficient space so that people, including wheelchair users, can pass safely. Recently, councils have been reconfiguring roads to encourage more cyclists, so they may be prepared to do that for pavement cafés too. However, some new cycle lanes have obliterated existing bus lanes, and this must be prevented. In future, we will need efficient bus services more than ever. Whether for cyclists or drinkers, any road reconfiguration needs to remember the buses.

The Bill also contains amendments to the licensing and testing of goods vehicles, and grants some temporary exemptions. It amends the requirements for medical reports for older drivers of those vehicles. These are issues of road safety, and any loosening of requirements must be looked at closely, especially in relation to buses, where passenger safety is at risk. If the Bill had come to this House in April, I would have understood. Now, we are giving the Government additional powers after the event. They have already reinstated the need for MOTs. They have never asked for powers to reduce the equally onerous requirements for those needing to renew their licences at the age of 70. Once again, the Government's approach is to belatedly ask for a haphazard mismatch of additional powers, with no evidence of a strategic approach.

3.40 pm

Lord Young of Cookham (Con) [V]: My Lords, others have raised the concerns of inner-city residents about the implications of Clause 11, which will encourage

drinking in the streets into the early hours, and I hope my noble friend will consider whether the safeguards mentioned in the opening speech are in fact an adequate response.

Nearly all the measures in the Bill are temporary but I want to speak about one measure which is permanent—namely, Clause 20—as did my noble friend Lord Kirkhope. I speak as a former Minister for Planning who put the Planning and Compensation Act into law in 1991. This was meant to update the 1947 Act and provide a long-lasting framework for a modern planning system. I have lost count of the number of planning Acts since then with the same objective, and my successors seem to have fared no better, so we all hope that the proposed planning Bill trailed by my noble friend will finally take the trick.

Clause 20 implements one of the recommendations of the independent review of planning appeal inquiries, the Rosewell report. Of the 22 recommendations made last year, 16 had been implemented by March this year. It would be helpful to hear, perhaps in Committee, of the progress with the remaining six. The appeals system is one of the main blockages in the planning system and I welcome measures to speed it up and provide more homes. The main cause of appeals is the absence of adopted local plans decades after the system was introduced, and perhaps my noble friend can explain what action is being taken to get these up and running so fewer appeals are needed to fill the vacuum.

I have some specific questions for my noble friend on Clause 20. One category of decision is appeals in relation to an application to modify or discharge affordable housing requirements under Section 106BC of the 1990 Act. Affordable housing and planning appeals are a sensitive subject at the moment, so can my noble friend confirm that this proposed reform will not make it easier for developers to duck their responsibility for providing affordable homes through the “viability test”, as has been happening, mentioned by my noble friend Lord Kirkhope? Indeed, we should be making it tougher. In passing, I endorse what the noble Lord, Lord Best, said about planning and implementing Sir Oliver Letwin’s recommendations.

The Minister said that the clause would allow the Planning Inspectorate to use more than one type of procedure as part of the same appeal—part local inquiry, part written recommendations. I understand that this hybrid system, which on the face of it sounds more complicated, was tested last year, and my noble friend outlined some of the results, but can he say whether there have been any cost implications for any of the parties involved, particularly local authorities, as mentioned by the noble Lord, Lord Stevenson?

Finally, is the Secretary of State going to give guidance to the inspectorate about how the flexibility in the clause is to be used, or will the position remain as it is; namely, entirely down to the discretion of the inspectorate? Can he say when the measures in the Bill will come into effect? In the meantime, is progress being made with more virtual enquiries to avoid a pandemic backlog?

Perhaps in Committee we can have more detail of what is proposed, as suggested by the noble Lord, Lord Shipley, but in the meantime, on the basis that the intention of the clause is to speed up the provision of more homes and to “build, build, build”, I welcome it.

3.44 pm

Lord Bilimoria (CB) [V]: My Lords, the construction and hospitality industries have been severely affected by the coronavirus pandemic. Over 40% of construction sector workers were furloughed as of the middle of May, and ONS statistics published in June show that food and beverage service activities dropped by nearly 90% in the last quarter. So, for the hospitality sector, the Business and Planning Bill will support recovery by allowing pubs, restaurants and cafés to serve outside, as well as the off-premise sale of alcohol, to make the most of this summer while upholding social distancing. The Bill also makes the application process quicker for construction sites to extend their operating hours to accelerate building works, speeds up planning approvals and appeals, and digitises parts of the planning application. The Bill will support small businesses to access the finance they need during the pandemic by enabling the process for the bounce-back loan scheme to be as simple as possible, ensuring that these loans reach businesses quickly, easily and at scale.

The efforts of the British Business Bank, Her Majesty’s Treasury and approved lenders provided a critical lifeline to many businesses, saving thousands of jobs and livelihoods. There remain critical challenges ahead and banks have a vital role to play in the recovery, yet we are by no means out of the woods. There are big concerns about a finance cliff edge in October as the job retention scheme and tax deferrals end. The May PMIs continued to indicate a sharp fall in activity. The growth indicator of the CBI, of which I am president, suggests that activity fell at the fastest pace in the three months to May since the indicator began in 2003. The ONS survey on the business impact of Covid-19 reported that cash is still a huge issue, with 42% of businesses having cash reserves to last less than six months. Some £42.9 billion delivered to over 1 million businesses by the loan schemes shows how vital this finance has been and still is to business. Nearly £30 billion has been paid to almost 1 million businesses through the coronavirus business bounce-back loan scheme alone. These 100% loans are guaranteed up to £50,000, with over 80% of them being approved. Does the Minister agree that the Coronavirus Business Interruption Loan Scheme—CBILS—has not been as successful, with less than 50% approvals? However, these loans are still very necessary.

With every pound invested in construction generating £2.92 in value to the UK, according to CBI research, this activity will support economic stability and future growth in the regions across the UK through increased spending and improved productivity for other industries. The construction industry has welcomed the efforts to allow more flexible working hours. Businesses have welcomed the Government’s temporary extensions to planning permission periods and consents.

From speaking to businesses of all sizes across the country, the CBI has a clear vision for the recovery of the UK’s economy, and in a recent letter to the Chancellor, the CBI called for the next wave of government action to support and protect the economy and save jobs. Firms need to know this side of the summer—that is why I am glad that the Government are speeding through this Bill—what government support will be

[LORD BILIMORIA]

available. The need is immediate and critical. The CBI has put forward ideas to target at-scale action to kick-start growth, support viable businesses and save jobs. These include: to develop schemes to support jobs with a focus on young people and the long-term unemployed; to extend grant support for SMEs via local authorities to save businesses vital to local communities and key supply chains; to extend business rates relief to mid-sized businesses in all sectors to reduce fixed costs for the next three months; to extend the windows for new applications for the CBILS by at least a further three months; to consider further policy measures to stimulate demand in the economy. The restaurant industry, for example, is asking for VAT to be reduced temporarily to 5%. Will the Government consider sectoral VAT reductions?

To conclude, the Secretary of State for Business, Alok Sharma, said in the other place that many businesses have lost revenue as a result of measures intended to halt the spread of Covid-19. He described the purpose of the Bill as being

“to provide an adrenaline boost to key sectors of our economy”,—
[*Official Report*, Commons, 29/6/20; col. 51.]

enabling them to reopen and increase sales as some of the Covid-19 safety measures are relaxed.

3.49 pm

Lord Adonis (Lab): My Lords, this is my first opportunity in the House to welcome the noble Lord, Lord Greenhalgh, and I do so very warmly. He comes to us with a wealth of experience from local government, which is in short supply, and he is therefore very well placed to serve.

I support strongly most of what is in the Bill, subject only to the concerns that have rightly been raised about anti-social behaviour, where it looks as if the Government might need to give more reserved powers to local authorities. The problem is not what is in the Bill. I would like, in the short time I have, to raise three issues with the Minister about early action needed in this crisis in respect of matters not in the Bill.

The first is schools. Amazingly, we are opening pubs nationwide before we open schools. The headline in today's *Evening Standard* says it all:

“We are leaving a generation of children behind”.

The key requirement now is to ensure that all schools are open for all pupils in September and, where head teachers and governing bodies wish it, they should also have the power to be open for a week or two before the start of term, particularly for years 11 and 13, where pupils face public examinations and may have missed much, if not all, of this term. Legislation giving head teachers and governors the explicit power to open early before September and to require pupil attendance would, I believe, be highly appropriate in the crisis.

Secondly, there is public transport. It is still the case, as I know from using the Jubilee line every morning, that virtually no one is on public transport at the moment. I can assure the House that at 7.30 am this morning at Baker Street, coming into Westminster, I was the only person on the platform and there was only one other person in my carriage. To make public transport safe and to make it appear to be safe,

particularly in London and in cities with major commuter flows, we need to go beyond the current mask provisions to introduce staggered working and trading times for the start and end of the working day and give Transport for London and other public authorities the power to enforce them so that people can be reassured that social distancing can be maintained. The problem at the moment is not that there are too many people on public transport but that most people who need to use it will not go near it because they have a perception that it is unsafe. Until we can break that, we will not be able to get back into a virtuous circle.

Thirdly, we need to give a big boost to walking and cycling to work. There are a lot of non-legislative ways that this can be promoted. I set out a dozen measures in an article about this in the *Evening Standard* last Thursday. I shall highlight two changes where legislation could be helpful: first, to give local authorities the ability to revoke on-street parking on major roads to convert the space into cycle routes and, secondly, to provide that reasonable walking, cycling and running time to work can, for an initial trial period, be counted as part of the working day to encourage people to use these means of getting to work. To do that in the private sector would require legislation, but the Government and, in particular, the NHS could lead by example as employers without legislation by simply saying that they would allow reasonable time for walking, cycling and running to work to be counted as part of the working day, which could be a huge incentive for people to use these means of getting to work. When the Minister replies to the thousands of speakers in this debate, will he say whether he will consider this?

3.52 pm

Lord Randall of Uxbridge (Con) [V]: My Lords, I am pleased to be able to support the measures in the Bill. There are so many businesses that are potentially on the edge of a financial precipice and I am sure that, across the House, we want to see them get back to economic viability as soon as possible. I hope that the Bill and the measures contained in it will jump-start those enterprises and sectors. I am pleased that Her Majesty's Government are being innovative and flexible in their plans for the recovery.

There are a few areas I would like to explore in a little more detail. The Bill has helpful measures for flexibility in planning appeal procedures to enable more use of virtual sessions and to reduce the need for members of the public to travel to appeal examinations. However, I have some concerns. While appreciating the speed with which the Bill needs to be passed in order to maximise the assistance, particularly for those who are financially struggling, there is a lack of consultation on this new legislation. The Minister, who I welcome to his maiden Second Reading debate, said regarding planning that there will be separate legislation, but he will be aware of my continuing concerns that there may be changes to the planning system which relate to environmental matters and are of significant public interest. Can the Government commit to any consultation on any forthcoming changes they may be thinking of making? That would confirm the Government's ongoing commitment to no lessening of environmental protections for habitats and species.

I am also concerned about the provisions in Clause 16 on the ability to modify construction working hours conditions. Of course these measures are helpful in terms of economic recovery, but there appear to be no restrictions on an authority's ability to agree to applications made. With the possible changes applying to construction up to 1 April 2021, I have worries about the relaxation of current planning permission conditions restrictions on construction working hours due to nature conservation interests—for example, in relation to disturbance to birds during the harsh times of winter, during their migrations or at the start of next year's breeding season. Currently, the Bill simply states, in new Section 74B(4) inserted by Clause 16(2), that modifications can be,

“to allow construction activities to be carried out for a longer period on a particular day (which may be the whole of that day)” or

“to allow construction activities to be carried out for the whole or part of a day on which they would not otherwise be allowed to be carried out.”

There is nothing about a need to check why those restrictions were made in the first place and whether it is appropriate to allow modifications. What steps are the Government taking to ensure that wider environmental issues are not affected by the decision to extend planning permissions? As already mentioned by several speakers, there are worries about the effect of the extension of working hours on residents. I hope that my noble friend can give some reassurance on these issues.

Finally, like many others, I have some concerns around Clause 11. As we have heard, this clause deregulates off-sales under the Licensing Act 2003. The change will automatically allow any premises with an on-sales alcohol licence—bars, pubs, clubs, restaurants et cetera—to sell alcohol for consumption off the premises in open containers for the same hours as for on-sales. I worry that this will encourage drinking in the street into the early hours. I fear that that would increase anti-social behaviour in town and city centres in the late evening and early morning. The images from the weekend, when in some places social distancing was increasingly reduced as the alcohol intake increased, give me real concern. Sadly, drunken and anti-social behaviour is not unusual in some city centres.

The Government say that the police and councils have powers to issue closure notices and that the Bill proposes an expedited review process. However, there are no powers to address the cumulative effect of having many premises in close proximity, and experience shows that these powers do not work effectively. Therefore, will the Minister consider an amendment to Section 11 to limit the deregulation of off-sales to 11 pm? With those comments, I otherwise support the Bill in its response to the current crisis.

3.56 pm

Lord Paddick (LD) [V]: My Lords, I want to develop the views of the noble Lord, Lord Randall, on alcohol licensing. There is much to commend in the Bill, but we must try to eradicate the unintended consequences. The principle is right: to mitigate the effects of social distancing by allowing licensed premises to trade on adjacent pavements, to deliver alcohol and to sell alcohol to be taken away to be consumed in another building such as an office or a dwelling. The unintended

consequence of the provisions that allow unlicensed premises to act like off-licences is that they would enable those who have already had enough to drink to buy alcohol to take away with them to consume on the street, with the potential for disorder and disruption to local residents.

People travel from miles around to socialise in city centres. I am sure many people will have seen the scenes in and around Old Compton Street in Soho on Saturday night. Although such areas have some premises licensed until 3 am, the London Boroughs of Westminster and Camden are unique in London in having no 24-hour off-licences. In normal times, the rest of Greater London has hundreds, but central London has none. Presumably this is for the sake of local residents. Local authorities want revellers to go home at the end of the night rather than hang around drinking on the streets after the on-licensed premises have closed. If revellers in such locations are allowed to buy alcohol to take away when these late-night premises are about to close, there is a real danger that the disorder that we have seen recently, in which many police officers have been injured, which was caused by illegal street and block parties, could increase. If revellers are allowed to take alcohol with them when they leave when the party closes inside these late-licence premises, they are likely to continue the party outside on the street.

This legislation requires amendment to differentiate between deliveries and takeaway alcohol that are taken to another building for consumption, and street drinking outside the areas covered by pavement licences. At the very least, allowing off-sales of alcohol in open containers should be excluded. People walking down the street with pint glasses full of alcohol is a recipe for disorder and potentially for violence. The image of someone who had a broken beer glass pushed into his face is one I will never forget. Sales should preferably be not only in sealed containers but ideally in a sealed plastic bag, as currently happens with sales of duty-free alcohol in airports. This is done to prevent air rage caused by passengers who drink their duty-free alcohol on the plane rather than waiting, as intended, until they arrive at their destination. The same principle applies here. Everything possible should be done to ensure that alcohol is not consumed until the destination is reached.

At the very least, the Government should consider limiting the extension of off-sales from on-licensed premises to normal licensing hours—say 11 pm. The scenes in Soho over the weekend will have concerned many. Consider what might happen if those present are allowed to buy alcohol at 2:45 am to take away, just before the premises close. I suggest that they are far more likely to stay drinking on the street than to take their alcohol home with them. We must not allow this to happen.

4 pm

Lord Sheikh (Con) [V]: My Lords, the pandemic has severely affected the economy of the country and, of course, caused immense disruption to the lives of people and businesses. I commend the Government for implementing the job retention scheme, providing help for the self-employed and small businesses, and, furthermore, arranging government-backed loans.

[LORD SHEIKH]

However, the pandemic affected 75% of the hospitality sector and there has been a 90% reduction in its turnover. In the construction industry, smaller companies have particularly suffered; some 25% of these organisations have paused or ceased trading. I therefore welcome the Bill, which will enable us to trigger the revitalisation of our businesses and help support the well-being of the people. I welcome the provisions that relate to cafés, pubs, restaurants, licensed premises, government-backed loan schemes, vehicle testing, driving licences, construction works and planning permission.

We have more than 130,000 pubs, restaurants and cafes, which employ over 2 million people. They are the lifeblood of our high street; they not only create employment and generate income but enable people to go out and mingle with friends and relatives. I commend these organisations on their ingenuity and for revising their arrangements to comply with social distancing rules. However, I have a slight concern about the safety of the staff; I hope that this is ensured. I worry that allowing premises to have tables and chairs outside may cause nuisance on the pavements and in the neighbourhood. I am also worried about access and passage for blind and disabled people. Allowing licensed premises to make off-sales of alcohol could lead to anti-social behaviour. I ask my noble friend the Minister to comment on the issues that I have raised. Has there been any consultation with disabled and blind groups? Do local authorities have appropriate powers to deal with anti-social behaviour as a result of the changes?

I am pleased to note that there are provisions in the Bill to kick-start the construction industry, which contributes about 9% of our GDP. I understand that there are more than 1,000 unimplemented major residential planning permissions. As we propose to extend planning permissions and listed building consents, it is hoped that the construction industry may be able to build more than 60,000 new homes. As regards staggering the hours for construction work, my concern is that this could create nuisance for the neighbours. Is there a grievance mechanism to deal with complaints where there are disturbances?

I note the easing of requirements for accessing the Government's bounce-back loan schemes. In this regard, I feel that lenders should have an understanding and compromising attitude to any difficulties with regard to repayments; the customer must be regarded fairly. I ask my noble friend to comment on this point as well.

Local authorities will be involved in putting into practice the provisions set out in the Bill. Do they have the capacity and the right attitude to deal with what is being proposed? They are already under a great deal of pressure. What additional help will be provided to them by central government? Finally, I reiterate that I fully support the Bill.

4.05 pm

Lord St John of Bletso (CB) [V]: My Lords, I join in welcoming the Bill. My brief remarks concern Part 1. We are acutely cognisant that the hospitality sector has suffered one of the largest declines in economic output; many restaurants and bars have already gone into liquidation. As the economy starts to reopen,

I wholeheartedly support all innovative measures to support the recovery and save jobs while maintaining social distancing measures.

Pavement licences designed to make it easier for premises providing food and drink to serve customers outdoors through the temporary relaxation of planning procedures and alcohol licensing are an excellent initiative. But I share the concerns of many noble Lords about anti-social behaviour and take on board the point made by the noble Lord, Lord Paddick, that it may be a good idea to consider serving alcohol in plastic containers. It is well known that the fear factor, in many cases spurred on by the media, has resulted in many customers being too frightened to return to enclosed restaurants but more comfortable about eating and drinking outdoors. *Al fresco* dining is to be welcomed in its efforts to support social distancing and provide a means for those who may be anxious about venturing indoors to enjoy themselves in the relative safety of the open air. In my opinion, pavement licences open up a much-needed additional source of revenue to premises that might not otherwise have been able to open because their internal space is too tight.

For residents and others who may be concerned about the free-for-all, the provisions of the Bill are subject to strict regulatory checks and balances, which, in my opinion, provide a robust means of protection, including local consultation. But certainly, I take the point that strict measures need to be implemented against any anti-social behaviour. There is a very real need to enact the provisions of Part 1 as expeditiously as possible so that the beneficiaries of the Bill can make the most of the summer trade.

In summary, as these measures are temporary in nature, I believe that they provide a balanced and innovative approach to assisting the hospitality industry to get back on its feet while ensuring the protection of local residents. To this end, I wholeheartedly support the Second Reading and wish the Bill a speedy progress through your Lordships' House.

4.07 pm

Baroness Andrews (Lab) [V]: My Lords, for the most part, I certainly welcome the Bill. It is very much a just-in-time Bill and will help deal with immediate pressures but in no way does it offer permanent solutions; these are temporary changes for good reasons. One general point I want to reinforce is that this Bill throws into sharp relief the need for creative, long-term strategic planning for better and safer communities.

The business section of the Bill will certainly help the hospitality sector get back on its feet; it is very welcome. However, as has been alluded to, there is the very real risk of the virus picking up again if social distancing breaks down. It is a very fine balance and there is a great deal at stake, which is why these changes—an avalanche of new and extended applications, which will have to be processed at speed, monitored and, literally, policed—must be got right. They involve costs and demand vigilance but, as we all know, local authorities are barely in a position to take on new burdens. Whatever the Minister says about new funding, it goes nowhere near addressing the huge deficits and even near-bankruptcy that local authorities now face.

The Minister quoted the LGA very approvingly, but only partially. It went on to say that this cannot be a job for authorities alone and that

“it is crucial that councils are supported financially”.

I look forward to hearing what the Minister, the noble Earl, Lord Howe, will say in response to the remarks of my noble friend Lord Stevenson. I also want to reinforce the point made by the noble Lord, Lord Blencathra: when there is such a need for consistency as well as speed, why does the Bill provide for statutory guidance but, unusually, no parliamentary process to support and guarantee this?

Regarding the Bill's clauses on planning, I welcome the extension of planning permission and listed buildings consent, but again, this is just in time. Small construction firms, which have such a big contribution to make, have been the worst hit; almost a quarter of those which employ fewer than 250 people have temporarily paused or ceased trading. I am sorry that the Government failed to listen sooner to the RTPI, which has been calling for extensions since the beginning of the pandemic, and that they have failed until now to heed the warnings of the losses of over 400 residential permissions with a building commitment of 24,000 homes by the end of June. I welcome the additional flexibility being offered to the Planning Inspectorate to decide on different procedures.

Finally, I will make a more general and contextual point. For many small businesses on the high street, struggling to survive against the odds of online shopping and exorbitant business rates, Covid-19 has been the last straw. Despite great spirit and real ingenuity, as I have seen in my own town of Lewes, many shops and enterprises will fail to make it. The noble Lord, Lord Best, spoke powerfully about the need for social housing. This Bill is about the recovery of the high street and town centres. In his recent “new deal” speech, the Prime Minister talked about converting shops and offices in our high streets into housing. Change of use proposals mean that this is already happening. The evidence has been that it results in shoddy, inadequate and expensive housing, exempt from normal standards—in short, building the slums of the future while the high street is dying on its feet. This is no way to rebuild or recover.

Put simply, if we cannot save the vitality and diversity of the high street, we cannot save our towns, and that sits within a wider failure. The Prime Minister derides the whole profession and purpose of planning—newt gathering, as he puts it—but the real villains are the landholders and speculators. Covid-19 has proved beyond doubt that people need space to live safely. We should be using our planners and our local authorities as creatively as possible to build safely and beautifully for the future. We have learned to value community more; now, let us invest in it.

4.12 pm

Baroness Falkner of Margravine (Non-Afl) [V]: My Lords, I welcome most of the measures in this Bill, which I can see are a necessary step to get the economy moving again. However, I have two concerns. The first has to do with the missing element in these measures, regarding the Government instructing the public to avoid using public transport. We know that private

traffic levels have risen sharply since lockdown was eased. However, the use of public transport is very low, as the noble Lord, Lord Adonis, noted—about 16% of normal usage for the London Underground and 33% for buses in London, and less for buses outside London.

This government guidance is clearly a deterrent for people who do not have a car to return to work, yet who are being told not to use public transport, thereby contradicting efforts to get the economy moving again. When will the Government change that guidance to advise people to avoid travelling during peak periods—in order words, to be more flexible in their travel times—rather than not using public transport at all?

My other concern is to do with business bounce-back loans. While I can see and welcome the speed and agility needed to keep SMEs viable during this crisis, I am not sure about the long-term consequences of these measures. The Minister told us in his opening remarks that some £29 billion of overall business lending has been to small business. The lending institutions estimate that about 50% of these businesses are likely to default on the loans. They have been instructed by the Treasury and the British Business Bank that they will have to resort to their normal approach on the collection of the loans. This normal approach does not apply to the granting of the loans, in terms of the due diligence and creditworthiness checks, as would have been normal, and self-certification is the chosen route, along with people's private assets not being able to be held as collateral. Therefore, we could end up in a situation in which the lending institutions are in what has been described as a toxic relationship with borrowers, which is not a fair creation. They will have to massively scale up their arrears handling, particularly as mortgage holidays will also be unpayable by some borrowers.

What assessment of losses, and the viability of some of these small businesses, underpinned the Government's modelling of the default rates on these loans, given that the Government, and ultimately the taxpayer, are the lenders of last resort? What conversations are they having with regulators such as the FCA regarding setting up a dispute resolution scheme, as well as the business banking resolution service, to deal with the volumes that may be affected? Have they contemplated setting up a bad bank-type solution to move these loans off the balance sheets of the high street lenders?

I appreciate that perhaps some of these questions are too complex to be dealt with in this Bill, but I pose them because it is increasingly clear that this health emergency will be with us for some time, thus also prolonging the economic downturn. We need to spell out clearly the consequences of the risks for borrowers and lenders, and plan how they will be mitigated in time before many additional businesses are given a false hope that they can carry on a bit longer and all will be well. If hard choices must be made, they should be made with careful regard for what lies ahead.

4.16 pm

Lord Cormack (Con): My Lords, the last time that I spoke in your Lordships' Chamber was on Monday 16 March. It was a very different experience from speaking here this afternoon. I begin with a plea to all those who have charge of our proceedings: please let

[LORD CORMACK]

us get back to a normal Chamber as soon as possible. It is impossible to hold the Government to account adequately in either a virtual or a hybrid Chamber, and it is crucial that the Government are held to account. I very much hope that, come September, we will be here on a regular and proper basis.

The Bill illustrates the need for this. It has been given broad and general support by every speaker, and I welcome the Minister to his new role. He has an encyclopaedic knowledge of local government and is the man for the job, but it is the man for the job who needs holding to account. I am broadly supportive, but the devil is in the detail, as with everything. My noble friend Lord Blencathra, the noble Lord, Lord Carlile, the noble Baroness, Lady Doocey, and many others, including the noble Lord, Lord Paddick, in what he said about Soho on Saturday night, pointed out that it is crucial that a Bill such as this, temporary as it is, is properly examined, but the most important thing is that it is temporary, and that the new planning Bill has plenty of chance for discussion in your Lordships' House as well as the other place.

In the little time at my disposal, I will take up the point made by the noble Earl, Lord Clancarty. The noble Baroness, Lady Doocey, talked about tourism, and she was right. It is a vital industry. However, we must remember why the tourists come here. They do not come for our weather or—excellent as it is often is now—our food. It is very important that the hospitality industry survives, but tourists come for our arts and heritage for the most part. Survey after survey illustrates that this is the case.

Like the noble Earl, Lord Clancarty, I greatly welcome the announcement today about the arts and heritage, but I want to trawl through the detail because it is important that we all do that. However, I regret that no mention is made in the Bill of arts and heritage venues, because they are so crucial not just to the encapsulation of our history but in bringing tourists to our shores. We all know that without our historic houses and castles, our cathedrals and our churches, this country would be a much less attractive place to visit. As a deputy high steward of Lincoln Cathedral, one of the greatest cathedrals in the world and one of the triumphs of Gothic architecture, I know the dire straits that buildings of that magnitude are in. Although it will probably not be possible to incorporate this into the Bill now, I hope that we will all look carefully at today's announcement to make sure that it really does sustain those organisations which it is meant to sustain.

4.21 pm

Lord McConnell of Glenscorrodale (Lab): My Lords, I absolutely respect the choices made by others, but one of the reasons that I have travelled to London each week since the beginning of June to attend your Lordships' Chamber is because I believe very strongly that the Government and Parliament need to lead the country out of peak lockdown with confidence and clarity. That is best done if as many of us as possible are here and present to do so.

I wholeheartedly support almost every measure in the Bill and the purpose behind it. The Government are right to be leading the country out of lockdown

and trying to energise our economy again, but I am a little concerned at the pace in the devolved nations, which should be more closely involved. There should be more effort across the four Governments of the United Kingdom to be more co-ordinated in their approach to releasing business activity and moving on from peak lockdown.

In this effort, the Government are in danger of being too inconsistent and lacking in clarity. For example, I cannot understand why we are allowed—and now I think that “encouraged” is the right word—to use aeroplanes and sit next to each other in a confined space while travelling for hours on end, yet people cannot take lifeline ferries to the islands off the west coast of Scotland. I do not understand why people can pack into pubs, not only to stand too close to each other and get drunk but also to use the same toilets and other facilities, but cannot move in a single-file, one-way system at a reasonable level of numbers through our national and local museums and galleries; or use health clubs, which would be a far better use of their time than getting drunk on a Saturday night. I do not understand why people can get their hair cut, as I did on Saturday morning—but if I had wanted to, I could not have gone to a nail bar to have my nails done.

I do not understand the choices that have been made. The Culture Secretary speaking on the “Today” programme this morning showed how difficult that is to explain when he was asked a question about museums and aeroplanes. He did not have an answer. When the Government are not clear and do not show the logic behind the decisions they are announcing, that does not release economic confidence, energy and entrepreneurship; it deflates it, because people remain worried and scared. My plea to the Government when bringing forward this Bill and other measures is this: there needs to be more clarity and consistency in decision-making, so that people feel confident to take the leadership role that they are being shown and thus re-engage with the economy in ways that are absolutely essential.

I am not at all convinced by the idea that we should encourage more off-sales of alcoholic liquor, and I will come back to that during the debates on the specific clauses of the Bill, I am sure. However, while I welcome the Bill and most of the measures in it, I make the plea that not only in Whitehall but also in Holyrood, Cardiff and Belfast, the four Governments of the United Kingdom show more unity and urgency as well as much more clarity and consistency, because that is how the country will respond with the highest degree of positivity.

4.24 pm

Baroness Northover (LD) [V]: My Lords, much of this Bill is welcome, but my focus will be only on pavement licences. Some noble Lords have raised the question of alcohol and we have already seen the challenges in urban areas of people even spilling out on to roads and thus endangering themselves and others. I want to take up the issue of smoking in these new spill-out areas, and I thank ASH for its assistance on this. The noble Earl will be extremely familiar with the vital steps taken over the years to reduce the incidence of smoking and smoke-related harms; indeed,

he helped in that process. I am glad that last summer the Government announced plans for England to be smoke-free by 2030. They committed to bring forward proposals on this, but a year has passed with no such proposals. The Bill will allow the Government to show that they intend to deliver on that major public health goal.

We know how transformative it has been to have banned smoking in public places. It now seems very unpleasant and strange when we find ourselves in smoky places. Lives are being saved, especially among those who had to work in those environments. However, the ban on smoking inside public places has displaced smokers to using adjacent outdoor areas, which exposes passers-by and those going in, with staff as always worst affected. Encouragingly, people now do not like being exposed to tobacco smoke. When Greater Manchester surveyed its population, over 70% said that they wanted the areas immediately outside public buildings to be smoke-free. Pavement licences will exacerbate the problem as they are designed to make it easier for bars, restaurants and pubs to serve food and drink to customers on the pavement immediately outside their premises. While previously those wishing to avoid second-hand smoke could stay inside, remaining indoors is both more restricted and riskier because of the coronavirus. Clause 5(1) states that

“A pavement licence may be granted by a local authority subject to such conditions as it considers reasonable.”

Local authorities could therefore prohibit smoking on an ad-hoc basis, but so far councils have not taken that up, even in central London where the pavements are crowded and space is limited. For example, Liberal Democrat colleagues who support Westminster City Council’s plan for reopening Westminster’s hospitality sector have called on the council to make outside dining and drinking spaces no-smoking areas, but to no avail. They have launched a petition, which is what has alerted me to this issue. A number of local restaurants would like this provision, but they need the council to take a lead.

We know that smoke-free hospitality venues did not just happen. They required legislation which was supported by the hospitality trade because it set a level playing field. If smoking is not prohibited, these pavement areas will not be family-friendly spaces. Not only customers and staff but neighbouring premises, particularly in cramped urban areas, will be exposed to second-hand smoke. The Government should make smoke-free status a requirement for all pavement licences. It will be easy to do but, if they cannot take such a simple step forward, we will have to doubt their commitment to deliver a smoke-free England by 2030. I hope very much that the noble Earl will help us to take this forward.

4.29 pm

Lord Low of Dalston (CB) [V]: My Lords, I will speak to Part 1 of the Bill on pavement licensing, which will significantly reduce the application period—from 28 days to seven—for a business to obtain a licence to place tables, chairs and other items of furniture on the footpath. There are no requirements for the consultation to be accessible to people in the area with sight problems; the only requirement is for a written notice on the premises. If a licensing authority does

not respond within the short timeframe, the application is automatically deemed to have been successful and the licence to place furniture on the pavement will be valid for a whole year.

This is a difficult and anxious time for everyone, but, as the noble Baroness, Lady Randerson, pointed out, there are particular challenges for people who are blind or partially sighted, with social distancing measures limiting independence and increasing isolation. Many people with sight problems rely on some form of guiding to navigate different environments, which often involves some physical contact. Social distancing measures make access to this support extremely difficult.

Public attitudes are also an issue. Research from the charity Guide Dogs has found that only 22% of the general public would feel “completely comfortable” offering to help someone with sight problems while social distancing measures were in place. Additionally, instructions on how to maintain a distance, such as one-way systems and floor markings in queues, are entirely visual and largely impossible for people with sight problems to follow independently.

Against this background, the measures in the Bill could see a radical increase in the amount of street clutter and reduce the already limited space on our crowded pavements. The increase in street furniture envisaged in the Bill could force blind and partially sighted people to walk in the road, change their route, avoid travelling independently or even stay at home altogether.

There is an understandable need to allow people to socialise as safely as possible and boost our economy by encouraging spending. However, the unintended consequences of these measures will further damage the confidence of blind and partially sighted people in getting out and about safely and independently. People who use wheelchairs or mobility scooters will also be adversely affected by obstructions on our pavements. Will the Government revisit these measures, extend the consultation period and require applications to be published in accessible formats so that they are open to meaningful local scrutiny?

The proposal to allow applications to be granted automatically should the local licensing authority not respond in time is particularly concerning. Many local authorities are already struggling and, if they are overwhelmed by requests from businesses, the automatic approval process risks allowing hazardous street furniture to be permitted in inappropriate locations.

Under the public sector equality duty, local authorities are required to have due regard to advancing equality, including removing or minimising disadvantages suffered by people due to their protected characteristics. How meaningful is the opportunity given the local authority to carry out this duty if it is essentially overruled and forced to accept applications? I recognise the desire to speed up approval of pavement licences, but this must not come at the cost of the duty to consider the needs of pedestrians with disabilities.

4.33 pm

Lord Whitty (Lab) [V]: My Lords, I can support many parts of this Bill and reluctantly go along with some other parts, but it is hardly a recipe for economic recovery. I have two main points.

[LORD WHITTY]

First, I find it bizarre that the first few clauses of the Bill—which is designed to promote rapid and productive economic recovery—are all about ensuring we can all drink more alcohol for longer periods and in more places. Like the noble Lords, Lord Paddick and Lord Randall, and others, I will focus on Clause 11, the late-night drinking aspects and the pavement licensing.

I am not being puritanical about this. I like a pint and have a yearning for café society, but drinkers spilling out on to the pavement in our inner cities, drinking off-sales outside premises that have an on-sales licence—which in central London can be until 2 am, 3 am or even 6 am—will not only cause pedestrians problems but cause serious anti-social behaviour.

The noble Lord, Lord Paddick, outlined the situation in Soho in central London, where Westminster City Council has already given some temporary licences. The Met has had to break up several street parties, engage in arguments with pub staff about the extent of the tables on the pavement and deal with significant cases of drunkenness, disorder and anti-social behaviour. We also have to remember that most public toilets remain closed.

I hope the Government can review Clause 11 in particular and give the local authorities more powers—indeed, more duties—to take measures that will not lead to this kind of effect. I am particularly concerned about the inner cities and the centre of our towns.

My second point relates to the planning provisions. I am afraid that some of them are really designed to fulfil the Prime Minister's "Build, build, build" mantra without constraint. I accept that we need more housing; indeed, I have long advocated more council housing and affordable housing. I support some of the infrastructure projects, although I feel it is probably the right time to drop HS2, massive road-building programmes and the third runway at Heathrow and use the money for more socially, economically and environmentally desirable expenditures.

On housing, it should not be just a question of numbers of new dwellings. Developers, big builders and the tax system are combining to encourage demolishing buildings where refurbishment, in particular for energy-efficiency purposes, would be a better option. Developers are using new developments to blight neighbourhoods where buildings really need to be in keeping with the surroundings and the natural environment.

The Prime Minister's reported aversion to the planning system's alleged tenderness for endangered newts seems to apply to almost all protection of wildlife and biodiversity in planning. It is in contrast to his support for inebriated newts in the first part of the Bill.

This is inevitably a rushed Bill, but in some respects it is also an ill-thought-out Bill that will have negative effects on the quality of life in some of our cities and towns and on the quality of our countryside. Parts of this Bill need a serious rethink and, in the limited time we have, only the Lords proceedings can press the Government to deliver that.

4.38 pm

Lord Hayward (Con): My Lords, I should declare that for 10 years I was the chief executive of the Beer & Pub Association, so I have had some experience in

dealing with the Licensing Act 2003, when many of the points raised today were raised then. I will just touch on one or two points made previously and will come back to Soho in a second. Bournemouth, Broadstairs, the assaults on police in parts of London and Manchester, et cetera, happened before pubs were reopened, so there are other factors at play. We have to address those as well as the issues genuinely raised today.

I share the concern of the noble Lord, Lord McConnell, about clarity, but it is clearly difficult to get it right when you are dealing with so many varieties of hospitality industry. I am pleased with some of the variations from one sector to another made recently in guidance—for example, in the use of toilet facilities and the like. As the noble Lord, Lord McConnell, said, there are clearly still inherent contradictions that have to be addressed, but it is worth noting that the Government are making steps along that route.

The noble Baroness, Lady Wilcox, made reference to the arcane or archaic—I am using my words, not hers—Licensing Act. In fact, the Licensing Act was passed in 2003 and local authorities have policies between seven and 41 pages long that give guidance from which pubs, pub companies and restaurant companies need to operate.

However, I have serious sympathy for the problems relating to the blind, the partially sighted, the physically disabled who need wheelchairs, and the like. Again, I declare an interest in that I suffer from an MS-related illness and on Friday I was partially sighted for a period. I said earlier that we should look at what happened before licensed premises were open. The noble Lord, Lord Kennedy, knows Urlwin Street and Grosvenor Terrace only too well; they are roads close to where he grew up. It is not just the licensed industry that causes these problems. You cannot get a wheelchair down either of those streets, because of the street furniture placed there by the local council. So let us not address all the problems to at the hospitality industry. We need to be honest enough to look more widely.

I will comment on one or two aspects when we debate the Bill next week, but I draw Members' attention to Clause 4, headed "Duration". We are talking about introducing not rights that will last for a long period but powers for a specific period in these circumstances for the coronavirus crisis.

I have two small issues—or perhaps not so small. One is TENS, which we will return to and is a matter of intense detail and concern for small brewers. The other is the definition of "groups" in relation to hostels and the hospitality industry. People are allowed to go as two groups, but the definition we have in this country does not apply anywhere else in Europe. If four people turn up in a car or come by train together, they have travelled together. Therefore, they ought to be able to stay in a hostel. I will address these issues in greater detail when we debate the Bill, but I hope that I have raised a few small points for the Government to consider.

4.42 pm

Baroness Jones of Moulsecocomb (GP) [V]: My Lords, I have heard a lot of the debate, and a lot of the issues that I was going to raise have been dealt with already,

so I will just mention them in passing. I will also take a moment to contradict noble Lords who have said that we need to get back into the Chamber as soon as possible. Quite honestly, many of us enjoy remote working and do not want to experience disease and death. We are happy with the way things are. I understand that this might change, but we have to learn to adapt. The lack of democracy and holding our Government to account comes not from the fact that we are remote but from the fact that we are being ruled by ministerial diktat at the moment. Again and again, laws are passed that could have been brought before Parliament to be properly scrutinised but were not.

This Bill is being pushed through very fast as emergency legislation, so there really is not much time to scrutinise it. I will come back to these issues at a later stage. I will be focusing on a few specific issues. Road safety is incredibly important. We have to bear that in mind when we talk about the use of pavements. Walking and cycling are extremely important. If we are to have a continental-style cafe culture, with beautifully arranged tables and street dining, we have to ensure that these places are safe and accessible. We do not want to impose disabilities on people. We should make sure that everybody has access to these spaces.

I will also mention environmental issues. The Prime Minister's comments about newts were absolutely baseless and rather lowered the tone of the whole debate. We have to think about environmental issues when it comes to business and planning.

I have not heard community land trusts being mentioned. I would like the Government to do a little bit of research on this. Community land trusts enable communities to create the sort of housing that they want in their area, with the big advantage that it would be affordable houses that stay affordable in perpetuity. Unlike affordable houses built by councils, which can then be sold at the market rate the first time they change hands, community land trusts hold the houses for ever and allow them to be affordable to local people.

The last issue I will raise is provision of adequate toilet facilities. So many businesses have closed and, even when they are open, many are not allowing people to use their facilities. There could be real problems, especially with people drinking so much. I urge the Government to think about public toilets. Somehow in this century we do not like using them and we do not have many of them anymore. That is really something that we should consider.

4.45 pm

Baroness Thornhill (LD): My Lords, I declare my interest as a vice-president of the Local Government Association. I knew that there would be many speakers and much said, so I will confine my comments to just three quite small but specific aspects of the Bill.

First, the term "local authority", as used in the Bill, gives the role and responsibility for these now infamous pavement licences to district councils. In two-tier areas this is often the responsibility of the county council, which is the highways authority. While some, such as my former authority, have agreements in place where the county has devolved this function to district councils, for many this is new ground. They have to try to

introduce a whole new function very quickly. While they clearly have the best local knowledge, they do not have the policies, the application forms or the processes to do this—and, as we have heard, their capacity has been much diminished. Would it therefore be possible for the Bill to allow all local authorities to administer these licences, enabling local agreements for county or district councils to carry out this function, depending on what suits them best, instead of a default solely to district councils?

Secondly, as my noble friend Lord Paddick articulated very well, things go wrong—we have seen that they surely do. There is a summary review power in the Bill. This, plus existing legislation, ought to give the police and councils sufficient powers to act should problems arise—but I am not confident about this, and I will flag up a reason that I believe warrants further exploration.

In my experience of working in partnership to tame a town centre described by a tabloid as "Ibiza on acid", the real issue is what has come to be known as the cumulative impact problem, where there are several licensed premises within a compact area. The way the legislation is framed—this Bill is framed the same way—makes it difficult to use available powers to the desired effect. The whole process of reviewing the licence or pursuing a closure under anti-social behaviour legislation is predicated on proving that an individual premise is responsible for the anti-social behaviour, which, as we have heard from many noble Lords, often takes place outside in the street much later on. In my experience, the reality is that reviews often do not happen because of the difficulty of proving that the specific nuisance comes from specific premises. Yet the areas where there have been serious issues in recent days have been, in the main, exactly these sorts of areas. As we have heard from several noble Lords, Clause 11 will exacerbate this problem, so I am not reassured by the summary review power.

Finally, there are some legal uncertainties about whether the regulations in the Coronavirus Act that allow local authorities to hold decision-making meetings remotely until May 2021 preclude council meetings, including licensing hearings and planning meetings, being heard physically if they so wish and can do so safely. Some clarity is sought. Similarly, as mentioned by my noble friend Lady Kramer, the mayoral development corporations, Transport for London and others were not included in the definition of a local authority in either the enabling provisions or the subsequent regulations. They therefore cannot hold meetings remotely, which they might wish to do—in fact, urgently need to do as backlogs mount up. These are small but significant issues that I hope can be amended and clarified during the passage of the Bill, which I support.

4.50 pm

Lord Berkeley (Lab) [V]: My Lords, I am grateful for the opportunity to speak in this debate. In the short time available, I will cover two issues that concern me. The first is to do with roads, driver licensing and related matters, covered by Clauses 12 to 15, and the second is about a minor relaxation of the licensing laws.

[LORD BERKELEY]

Many noble Lords have spoken of their concern about the continuing suspension of the need for licensing or medical checks, where required. We have seen a lot of press reports recently that doctors' surgeries are not full, because people are keeping away. We do not know why that is, but I would like some evidence from the Minister that the surgeries, or wherever else these tests are done, are not capable of meeting the demands of the industry for updates of medical and other tests of drivers—particularly drivers of passenger service and heavy goods vehicles. These are safety regulations, which I hope will save lives as required, alongside the coronavirus requirements.

As one noble Baroness said, it is odd that we seem to be making roads less safe, by not requiring people to keep up their licences and medical tests, while at the same time encouraging people to drive cars more and not use public transport. The latest figure from the railways is that only 11% of pre-coronavirus passenger numbers are now travelling, so there is a long way to go.

My other issue relates to the licensing of small breweries. It may seem a small point, but one of the joys over the last few years has been having a massive variety of beers to buy in cafes, restaurants or wherever, whether on the pavement or inside. One group of breweries is unable to operate at the moment, because about one in four currently have no way to sell their products directly to the public. Some of the small ones have seen their sales reduced by 60% to 80% because of Covid, but have not received the same level of financial support as pubs and other parts of the hospitality sector. Many have been mothballed. Of course, they want access to the market before the end of the summer.

Some do not have a premises licence, and therefore cannot offer takeaway services or deliver to the public. They all have temporary events notices to offer limited services, but these are limited in time and number. They are all registered with HMRC under the Alcohol Wholesaler Registration Scheme. I would be pleased to hear the Minister's comments on this. I am proposing one or two amendments to the Bill to allow breweries that cannot sell directly to the public to do so temporarily. I hope that gets some comment from the Minister, when he winds up.

4.54 pm

Lord Campbell of Pittenweem (LD) [V]: My Lords, at this stage in the debate, much of what I might have said has already been said eloquently, but I will focus on the working-hours provisions for a moment. They provide an illustration of the tensions between the laudable objectives of the Bill and its consequences. Noble Lords are aware that the legislation gives an authority the power to approve, refuse or amend an application for variation of hours, but it cannot do any of these without investigation. Investigation will impose additional administrative burdens on planning authorities, many of which are ill-equipped to fulfil that responsibility. That will particularly be the case in areas of high activity and construction.

Noble Lords will know from experiences elsewhere that working hours are always controversial because of their impact on amenity. When the public realise

that the proposed legislation carries with it the possibility of an extension to cover a whole day, perhaps that controversy will be even greater. In the circumstances, proper account must be taken of public objection to any application. Proper opportunity must be made to ensure that that objection can be put before the local authority. As pointed out by the noble Baroness, Lady Randerson, proper notice must be given so that the public are aware of precisely what is proposed. All of this is to be achieved within 14 days of the application for extension being received by the local authority. Is there not a risk that a planning authority, inundated with multiple applications, will give little weight to public amenity or, in the worst case, simply ignore it? It may even take refuge in the deemed grant provisions, all at the expense of public amenity.

When one is considering the impact of the issue of hours, is it not right to consider that the same local authority may be, in relation to planning permission extensions or outlying planning permissions extensions, already engaged in responding to the responsibilities that the legislation imposes? It might be 28 days, but that is still a colossal burden in many circumstances. Even the most well-intentioned local authorities may find themselves having to accept damage to amenity that they would not normally support, except that they find themselves compelled to do so because of the terms of this legislation. I believe we should make it clear to the public that, sometimes, in this particular balance, the amenity of the public will have to take second place.

Let me finish with this. I understand the need for the hybrid powers now being offered to the Planning Inspectorate. When I first read about this, I found a commentary which said that such powers would allow it to do its work quickly and efficiently. In an area where the public has an interest, the words "quickly and efficiently" should always raise a red flag. It will be important to ensure that public participation is not in any way prejudiced by the exercise of these hybrid powers.

4.58 pm

The Earl of Shrewsbury (Con) [V]: My Lords, I welcome this Bill, which paves the way towards economic recovery post Covid-19. I support the points on smoking made by the noble Baroness, Lady Northover; that is very important for the comfort of customers and others surrounding them.

The Bill provides the opportunity to modernise and enhance our high streets' commercial activities, to lift many planning activities into the modern age, and to promote new job-creating construction schemes. Although the briefing notes state that the measures in the Bill to address these many issues will be temporary, I suggest to your Lordships that some should be looked at as providing a more permanent solution to the woes experienced on high streets currently.

Those woes cannot be blamed simply on the effects of the pandemic. Our high streets have been steadily declining for years, with the advent of out-of-town shopping facilities and the internet. How easy it is to sit at home and order something from eBay or Amazon or such like and have it delivered to your door the

following day—and you do not have to go into town or try to find a parking space. How can the high street compete with that?

For a long while, many of us who live in rural communities have been concerned at the demise of the high street in our rural towns. I live near Ashbourne in Derbyshire. The town is described as the gateway to the Peak District, which indeed it is, and therefore the gateway to a most popular tourist destination of outstanding natural beauty. The traffic flow through the town is vast; it comprises not just tourists, visiting the peaks with their bikes and caravans, but, as a main route in and out of a major quarrying and mineral-producing region and a vibrant agricultural region, includes quantities of large lorries and agricultural machinery, and leaves the town gridlocked, especially in the spring and summer months.

Who suffers? The street cafes, the local traders and the public houses—all small businesses. Car parks are expensive and full to overflowing. Industry, whose trucks have to go through the town, suffers considerable financial loss through long delays. A bypass to the town has been talked about for many years, and the Bill might just provide an opportunity to get those plans going again. I really hope this happens.

The Derbyshire Dales District Council has done a great job in the past couple of weeks in Ashbourne in converting the streets and pavements to be social-distancing friendly. The measures which will be enabled by the Bill might just help rural towns such as Ashbourne, where tourism, local hospitality and quality small shops are key, to pick themselves up and move forward to a brighter future.

Finally, the bounce-back loan initiative has been extremely helpful to many small firms—it is a lifeline on which I congratulate my right honourable friend Mr Sunak. However, and to their great detriment, some of the big four banks have been absolutely abysmal in their handling of applications. For example, on 5 May, the small business of which I am a director applied to HSBC to open a feeder account, with a view to applying to the BBL. Despite phone calls, the bank has yet to respond, and we are now heading towards the middle of July. In mid-June, the company applied to Clydesdale and Yorkshire Bank to open a new business account, and then applied for the loan. Within two weeks, the whole process was successfully concluded—Barclays Bank did not even answer the telephone. Will my noble friend tell me what percentage of BBL applications have not been processed in time and what percentage have been declined?

I very much welcome the Bill and wish it a speedy passage.

5.02 pm

Sitting suspended.

5.32 pm

Baroness Kennedy of Cradley (Non-Aff) [V]: My Lords, I support the overall aim of the Bill, which seeks to put in place measures to help businesses recover from the hit they have taken during the lockdown, to help protect jobs and return to healthy trading, and

to make the most of the summer months. These are measures I support. Today I will restrict my comments to pavement licences and the off-premises sale of alcohol.

With over 47,000 pubs in the UK and a high concentration of them in our cities—there are, for example, in excess of 1,300 pubs in one London borough—many local authorities are expected to process a huge number of applications in a short space of time, publicise them, consult the public, consider their responses and provide ongoing monitoring and enforcement of the pavement licence. Can the Minister give confidence today to local authorities, which are already stretched thin financially, that they will be given the resources they need to deliver this new set of responsibilities?

Many local authorities are already facilitating the greater use of outside space by pubs and restaurants. For example, Brent Council has already agreed to extend the outdoor seating capacity at Wembley Park. The Liverpool Without Walls project, from the city council and the Liverpool business improvement district, is re-imagining the city with outdoor seating, road closures and pop-up parks. These examples are sensible plans to provide additional flexibility for businesses looking to welcome customers to eat and drink as safely as possible. The proposed pavement licences are therefore an economic opportunity for many and, in general, should be welcomed—but it should be acknowledged that they might also be a potential nuisance for local residents. The Government must get the balance right. The new streamlined and quick approach to securing a pavement licence is currently skewed towards businesses. The Government should give equal weight to the public's view on any proposed licence.

Pubs are invariably in residential areas, which is why some licence conditions allow for on-street drinking but only up to a certain time of night. It is usually 9:30 pm, especially in midweek. We have already seen residents suffering in some areas. Drinking has been banned in London Fields after weeks of public urination and littering—across the green space and in people's doorways. Seven days, which is in effect five working days, is too short a time for public consultation without additional proactive measures for community engagement. What more do the Government think that they can do to ensure that local residents are aware of new licence applications?

The more that can be done to get the licence conditions right in the first place, the better it will be for residents and council enforcement officers. That is why I am particularly concerned about the default position that a licence is deemed agreed after 10 working days, should there be no response from the local authority. Does the Minister think that this default position is as fair to local residents as it is to the applicant?

The Government must also be clear on how the new licensing requirements will be monitored and enforced. The local authority will undoubtedly have to provide extra street cleaning and deal with more noise complaints, so does the Minister believe that the £100 figure meets the extra cost burden placed on local government? How was that figure calculated? I understand the need to keep cost low for applicants—these measures are, after all, designed to stabilise their businesses—but should the Government not ensure that they cover the

[BARONESS KENNEDY OF CRADLEY]

full cost to local government for the scheme? In addition, does he believe that litter clearing should be a condition of the licence, as it is with many fast-food restaurants?

Finally, I turn to the proposal for off-the-premises sales of alcohol. What is the reason for turning pubs into late-night off-licences, which will increase street drinking way into the night? Again, is this fair to local residents?

In conclusion, I support these measures, but I want to see the Government rebalance the economic consideration with the impact on local residents as regards pavement licences and off-premises sales of alcohol. I look forward to the Minister's reply.

5.37 pm

Lord Hunt of Wirral (Con) [V]: I first draw attention to my entry in the register.

My Lords, this is a timely and welcome Bill, but I believe that it could go further, as I shall explain. Whether or not we see further high tides of Covid-19 is in the hands of powers higher even than my noble friends the Ministers, but I am sure it is right that we should now focus our energies upon economic recovery and retrenchment. That is the vital principle behind the Bill. It understandably singles out hospitality as having suffered grievously during the pandemic and lockdown, along with construction. But other sectors, too, are in the direst jeopardy: perhaps most notably, live music-making and theatre.

Like many other noble Lords, I had always planned to raise concerns about the creative arts today, and I warmly welcome the Government's support package. I still fear, however, that an opportunity has been missed by not including live performance in the Bill. Theatre and music-making come in many shapes, forms and sizes. Many of our so-called crown jewels, such as the Royal National Theatre, the Royal Albert Hall and the Southbank Centre, will no doubt receive substantial support from the new government fund. I am all for that, but I hope the beneficence trickles a little further down, too. For those vast edifices of great renown are built ultimately on the foundations of smaller venues such as rooms above pubs and found spaces, and innovative, often tiny, production companies at fringe venues across the land and in the vital ecosystem of off-West End, which even boasts its own prestigious awards. So too are the television and film industries, which have done so much to sustain morale during the darkest days of lockdown. Many thousands of our finest creative talents work freelance. Getting much-needed help to them must also be an urgent, if challenging, priority.

Elsewhere in Europe, the arts are emerging from pandemic hibernation, combining live performance with social distancing. It is not ideal, but it keeps the flame alight. One obvious way for the performing arts to re-emerge with minimal risk during these clement summer months is by working outside. This Bill will allow pubs to expand into the great outdoors. Why are theatre companies not permitted to do the same? The Bill seems silent on the matter.

The man who led us through our last national crisis on this scale was, of course, Sir Winston Churchill—much admired by our current Prime Minister. In 1938, Churchill said:

“The arts are essential to any complete national life. The State owes it to itself to sustain and encourage them.”

It is also said that, when a cut in the arts budget was mooted to help the war effort, he refused and asked,

“What, then, are we fighting for?”

What we are fighting for today, once again, is not just our economy but our way of life—a way of life that must surely restore and retain the energy, inspiration and vivid diversity of the performing arts at its very heart.

5.40 pm

Lord Inglewood (Non-Aff) [V]: My Lords, it was at the beginning of March, in my capacity as chairman of the Cumbria Local Enterprise Partnership, that I spoke to your Lordships about our actions and responses to the Covid-19 plague as it was then affecting the county. I would like to touch on this again now. On that occasion, I said that the problem was simple: cash was running out and it was more cash that was needed—not next year, not next week, but now. It is as true today as it was three months ago. There is nothing remarkable about this view, but it is true, and it is to the Government's credit, despite some mixed messaging on the way, that they have grasped that point, and hence we have this Bill. It is equally to all the opposition parties' credit that they have also done so.

I believe it is a good metaphor for our national predicament to say that we are in a national shipwreck. The boat is badly damaged, but it is still afloat. We now have to get it to port, get it repaired and set sail again. This, of course, requires a different set of measures from those that, at the start of the year, were normal. We now have to crank up the economy and do it quickly, not least—as the Minister said in his opening remarks—in respect of hospitality, business and the visitor economy and associated activities, which are so important in Cumbria. If we can find a way of keeping the weather good, that would equally be a help. However, we are going to have to accept that in the next few months, it is not going to be business as usual, and we have to do our best to help those most affected survive the storm they are experiencing.

I have had an involvement with planning for much of my working life, and I believe we have to have a planning system, not because I believe in a command economy, but because, on a densely populated small island in a very complicated world, the rest of us are entitled to be protected from the excesses of selfishness, greed, thoughtlessness and philistinism. It is not the principle but the way the system has worked that has on occasions been problematic.

One aspect of the economy that this crisis has highlighted is the role of debt. Everything works well when things go well, but when things go wrong and start unravelling, as they sometimes do, it often happens very quickly. Those who lend money like to get it back. We must not, I believe, be too clever by half in our approach to bringing our economy back from this mess. Those businesses that survived the crisis must not be killed by the cure. Business—which, after all, is the source of jobs and prosperity—does all kinds of things, some of them a bit eccentric, many of them in a rather idiosyncratic way. However, commercial resilience and sustainability depend upon adequate levels of working capital and reserves. They need to be cherished.

Having said all that, there can be little doubt that this Bill, with its temporary measures, is something we should generally support at this point in our history. The immediate economic imperative must be to get our economy back working again.

5.44 pm

Lord Balfe (Con) [V]: My Lords, I begin by saying how strongly I support my noble friend Lord Cormack. Until we get back to a proper House, we are not going to be able to do a proper job. I want to speak about Part 1 of the Bill. It takes me back almost 20 years to the Bill introduced by Tessa Jowell and Tony Blair, who were going to build a café economy. Unfortunately, their idea of a café economy was based on having a *kir royale* in the south of France, whereas the reality was drunkenness in provincial towns in Britain. My wife spent four years as a local councillor trying to undo a lot of the damage of that Bill.

I am not sure whether or not I welcome the Bill, frankly. It assumes that people will go back in great numbers to restaurants. I do not think that is going to be the case; I think the drift back to restaurants will be quite gradual. I live in Cambridge; last Saturday the lockdown ended and I walked into the city, where there was no evidence that social distancing was being respected. The pubs were not absolutely crowded and there was no violence, but there was certainly no overcrowding in them either. They were pleasantly full—with people, as I say, ignoring social distancing. In short, I do not think that people will go back.

I would like to see—and I endorse what my noble friend Lord Blencathra, the noble Lord, Lord Low, and others have said about—rules on pavements. Wheelchairs and buggies must be able to get past without impediment. It should not be the case that people have to carefully move aside. That is point one. I would like that to be a part of all the applications.

I also endorse what the noble Baroness, Lady Northover, said. I think there should be a premium on there normally not being smoking outdoors, rather than the other way around. Otherwise, you will be saying to all the people who do not smoke, “If you choose to sit outside, you will be in a smoking zone.” I do not think they should be; it should be the other way around.

I have a small technical question for the Minister, which he may wish to return to next week or in writing. I live on the edge of a cumulative impact zone. We have a huge number of licensed premises and we also have a number of charity shops. Will the licensed premises—the cafés, restaurants and shops—be able to do a deal with the charity shop next door to extend over their pavement space? I can think of at least three charity shops on the main street near us that are next door to licensed premises. We need to be clear about that.

Secondly, I would like to see a deal with pubs on residential streets. Two of the streets running parallel to the road I live on have a pub on them. There are already problems with people spilling on to the pavements; what is going to be done about that?

Thirdly, I think that the whole legislation is in favour of the restaurants and the licensed premises. Local people need far more say, far more information and far greater opportunities to protest. I want to see

what the powers will be, first, of the police to object and, secondly, of people to object. How are hearings going to be held? I fear that we are rushing to judgment, we are rushing into a new system, and we are going to legislate in haste and repent at leisure.

5.48 pm

Lord Addington (LD): My Lords, I was drawn to this Bill when somebody pointed out there may be an error—or, rather, an omission—in the way the licensed premises are designed. If I read it correctly—the advantage of being elderly and long-sighted is that you actually can read when you are looking down at something—this is that premises licences are what we are talking about. Club premises licences, which most sports and social clubs have, do not seem to be in the mix. This means that a bar in a sports or social club, which is the main driver of this hub of social activity—or at least the financial driver that ensures what is going on—may well be excluded.

I ask—and we have two Ministers here, which is the advantage of being in the Chamber—if we have got this wrong, that is great, but could they let us know? If this is an error, can it be changed? We have the whole of Committee to go through and it is a small change. Can we make sure it is addressed? I see one Minister nodding and one looking concerned about looking at this to check it. I think we have all just scored a point in favour of having a physical House where you can interact, as opposed to having merely an exchange of monologues.

However, if we have that going, can we have a look at this? Sports clubs and so on are so important and are such an important deliverer, and this is how most of them are financed. It is an important factor. Can we check that and make sure that we get it right? If we do not, we will damage one of those bits of society which is already taking a pounding. Cricket has come back, but will we generate enough money for the juniors next year and for the season that is left? If there is ever a sport that is last back, it will be rugby union—why did I choose to play that sport all my life? Football, rugby league, hockey—anything that requires contact—will be slow to come back. If their bars are not working or not working at capacity, they will have another problem.

There are all sorts of schemes and you can bandy around the monetary figures, but if you have not made sure that they can sustain themselves in the way they did before, you will make a bigger problem for yourself, you will create holes in social provision, and you will miss out on something that is done by society for itself—the state has only to make sure that they can carry on functioning, not much more. I would have thought that the Liberal/Tory traditions could join in with that, and I am quite sure that the Labour Benches have no objection to it either. Can we make sure that that actually happens, have a look at this and make sure that it goes through?

Lastly, I do not know how many hours I have spent in this Chamber over the years talking about disability access. The noble Lord, Lord Balfe, beat me to this. A buggy—it used to be called a pram—and a wheelchair usually require similar accessibility aspects. You will

[LORD ADDINGTON]

be making it easier for everyone if you make sure that the pavement is accessible for a person with either one of those two things, let alone luggage on wheels, which have now joined them. Make sure that the access is there, and you may well address many of the problems here. It is not the perfect solution, but it could be better by addressing and making sure that, if you have got it wrong, you change it, and if you have got it right, let people know.

The Deputy Speaker (Baroness Garden of Frognal)

(LD): I call the noble Lord, Lord McNicol of West Kilbride. No? I call the noble Lord, Lord Wei.

5.52 pm

Lord Wei (Con) [V]: My Lords, I declare my interests on the register. Broadly, I add my voice to those of other noble Lords who have spoken in support of these measures, which are necessary given the need to get the economy rolling in the coming months. There is an opportunity this summer, as more will be staycationing in the UK, to ensure that our local traders take back some of the losses that we have seen over the spring—I will focus more on the retail side of things in my speech. In fact, one of the projects that I am engaging with at the moment is with a town in the Midlands—I will not name it just yet. We are actively exploring some of the more innovative things we can do to help the high street rebound, helping shops, restaurants, pubs, and so forth. These measures are welcome in light of enabling our citizens to come back and consume, drink and, essentially, socialise once more.

At the moment, the measures are quite limited to the responsibility of each individual pub or establishment to set out, for example, tables and chairs outside their area, and generally it is where permission has already been given or there is some kind of precedent. Some of the more innovative things we could do could involve councils doing things such as shutting down entire streets to traffic and opening up sections in the middle of streets, as we have seen in Scandinavia and elsewhere in the world, so that multiple restaurants can serve customers, who then take their food from the restaurants and eat it in the town square. Can the Minister say whether these rules intend to cover and make provision for those kinds of situations—shared eating spaces, if you like, perhaps even cordoned off so that people can meet in their support hubs? What provision is there for that within this thinking, or is this merely just for the case where there is space available outside for that establishment, which it then looks to take control over and open out into?

Another area we are seeing innovation in is drive-throughs—we are seeing an explosion of drive-through cinema. What provision is being made in any of this to enable drive-through facilities to fit in and be fast-tracked?

Finally, I will touch on the beginning of an idea, which is possibly not appropriate for this legislation but may be. It could be that what we do today, even though it is emergency and temporary, can set the scene for longer-term changes. Given that the high street was struggling massively already before Covid, one thought to be potentially explored is whether you could give free empty shop space or space that had

previously been restaurant space and so on, but on the basis that the council, the landlord or whoever is facilitating that could share royalties with the pub owner or the retailer, not just for any physical sales that happened there but for any online sales when they receive whatever support they get. They would therefore start to work in partnership with the business concerned to help it, not just to sell physically in the street but online as well. I know that this is very much about this physical streetscape, but moving forward we need to craft laws and measures that support the increasingly blended nature of businesses, whether they are pubs or other businesses, given that we will all have to check who is coming in and make appointments using apps and the internet. Can the Minister say whether any ideas around that are being explored or whether this is purely just to address the immediate, short-term nature of things?

5.56 pm

Lord Campbell-Savours (Lab) [V]: My Lords, I cautiously welcome much of what is in the Bill, which is a valid attempt to restore the economy in the most adverse of conditions. However, what I have to say today, which is genuinely supportive, should not be taken as support for the Government's wider approach to handling the pandemic, which has been a disaster, with delayed decisions undoubtedly costing thousands of lives—although that is an argument for another day.

The Bill has been broadly welcomed in the Lake District, an area on which I will concentrate my remarks. A guest house owner in Keswick in the front line put it this way on the bounce-back loan scheme amendments:

“We have taken advantage of this and it was a relatively painless exercise. We also took the £10,000 grant, the SEISS grant, and a short mortgage holiday.”

On the exemption for public service vehicles, the owner stated:

“This helps us by ensuring availability of goods and services.”

They then went on to welcome the pavement licencing and outdoor seating arrangements. Generally, there has been a good welcome for this in the Lake District. Another Keswick businessman, local councillor Tony Lywood, put it this way:

“We are all over it. Many businesses in the town are now near the edge of bankruptcy, and this bill is very timely and welcome.”

However, concern was expressed by one Keswick hotelier, who referred to guidance notes being provided by UKHospitality. Its advice is therefore important. While I need to express a little concern about its absence of comment on the issue of voids and vending, and perhaps a little vagueness on cleaning product usage, conversely, I have to recognise that it does not have the power to instruct or enforce. I know that we cannot define all these matters in the law, but the work of government should go hand in hand with the recommendations of the trade associations, where the Government seek compliance with safety requirements in the public interest. It may well be that the Government should consider enshrining in the law some aspects of UKHospitality's excellent guidance notes, if only to ensure a greater level of compliance, particularly in areas where slack trade practices could dilute government efforts in dealing with the pandemic.

UK Hospitality should be asked for its legislative recommendations; then we can pursue them in Committee. For example, its document states that

“failing to put in place ... measures to manage the risk of COVID-19, could constitute a breach of health and safety law.”

Why not remove the element of doubt enshrined in “could”? I am sure there are probably many areas in the hospitality code which, if enshrined in law, could make all the difference.

Finally, I am concerned that a second phase of the virus could completely undermine the sacrifices already made by UK business. The law should reflect such concerns. That is all I need to say at this stage.

6 pm

Lord Lansley (Con): My Lords, I draw attention to my interests in the register as chair of the Cambridgeshire Development Forum. I welcome this Bill; I also welcome my noble friend Lord Greenhalgh to his first legislative responsibilities—I hope he enjoys them.

I will talk about the element of Part 3 relating to planning—not the very welcome ability to extend construction working hours; I think local authorities had the ability to do this, but the legislation will equip and encourage them to do so on a much more uniform basis for the benefit of the industry, to keep it moving. I will talk principally about Clauses 17 and 18. If you imagine development as a pipeline of activity, the industry has lost time in it; that time was not intended to be lost under the Government’s guidance, but in practice most businesses and developers were off-site by late March and back on-site only in late June. Clauses 17 and 18 are essentially constructed around the proposition that three months were lost and that, therefore, three months must be added to the pipeline, hence the end of the December has been replaced by 1 April.

Although there is a balance to be struck between keeping development moving and allowing for the delays experienced by the industry, I think three months is insufficient for two reasons. First, when the industry has got back to work, it has not been at 100% capacity. To start off with, it was at 50%; some housebuilders had supply-chain problems; even on Friday, a number with which I checked were operating, at best, at 80% capacity. Additional time will be lost between now and the end of the year. Secondly, the three months lost were April, May and June. The three months added are January, February and March. It is obvious that these are not the best months in which to undertake and commence activity on-site in the building industry. I will come back to this in Committee, but will the Government recognise at this stage that more than three months of additional time must be inserted into the Bill?

Also, why do we have such a wide-ranging requirement for “additional environmental approval”? As things stand, all planning permissions which have expired between 23 March and probably the end of August will require additional environmental approval from local authorities to be extended or revived. That is too much. The industry will feel that it has been promised an extension that turns out to be no more than the ability to apply through a new process with its local authority. More should be done. I will question that in Committee.

Finally, on Clause 20, I share my noble friend Lord Young of Cookham’s desire to reinvigorate the process of enacting the reforms in the Rosewell review and getting the Planning Inspectorate’s time for appeals down. It had come down to about 22 weeks; we need to get it down to that and below. We also have to look hard at what these delays are leading to for local plans. There are many reasons for the delays to local plans—it is not just the Covid-19 crisis—but having so many is not good enough in a plan-led system. It is progressively making development more and more difficult.

6.04 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I welcome the Bill and will speak about pavement licences and bounce-back loans. I declare a non-financial interest: my brother owns a pub. Many in the pub trade are counting on the Bill to enable them to trade viably, and it is a pity that it did not come along faster. It will be mid-August, and a lot of summer gone, before pavement licences are issued. There are big differences between locations and what can and cannot work reasonably. There are more spaces than pavements that could adapt to temporary conversion for outside hospitality use, including areas within the boundaries of properties but not under the licence.

Last week, I did a pre-opening pub crawl, speaking to landlords and looking at the range of preparations. Surprisingly few in my area would benefit from a pavement licence. For some, there was no space on the pavement; for others, there was no need due to gardens; elsewhere it would be in the way for queuing and one-way access. What was clearly of more benefit was repurposing space, such as putting a few tables in part of the car park. It would surely make sense to accelerate licence variations on outside areas belonging to the property in the same way as for pavement licences, and I intend to table an amendment on that for Committee. Would the Minister also advise on the scope of wording in Clause 1(4)(b), which seems very wide:

“food or drink for consumption on or off the premises”?

That seems to cover any food selling, such as supermarkets. Is that intended and is it helping the hospitality industry?

Turning to the bounce-back loans and the disapplication of the CCA, I am concerned whether it is right to disapply all court interventions in Section 140B. I understand that banks have been asked not to apply the usual due diligence concerning affordability, but Section 140B covers more than affordability and relates generally to abuse of power. Why should that be disapplied? These loans last for six years and, during that time, it will be possible for the lender to engage in heavy tactics. Even though the loan is guaranteed by the Government, that does not prevent it being a pawn in other financial arrangements. I would be happier if the disapplication related only to refunds for unaffordability.

Neither should there be reach-across between the loan and other financial arrangements with the lender, such as including it in triggering events or the so-called normal approach to repayments that gave us GRG and other scandals. These are not normal loans; they are encouraged by Government and government guarantees to those struggling due to coronavirus and

[BARONESS BOWLES OF BERKHAMSTED]

are to help both them and the wider economy bounce back. Stripping the full content of Section 140B and the related FCA rules is not appropriate and is likely to keep the APPG on Fair Business Banking busy for years. Are big lenders requiring the complete disapplication of Section 140B as their price to play ball?

I shall return to this in Committee but, meanwhile, what terms, other than interest, cover the loans? The agreements seem thin—answer 20 questions and get your money—which is all the more worrying when consumer protections have been removed and there does not seem to be anything else in the agreement literature.

6.08 pm

Lord Bhatia (Non-Afl) [V]: My Lords, in view of Covid-19, the Government need the powers to allow businesses to open with certain restrictions. These are unusual times. The Government are legislating to open up the economy, with powers to shut down businesses if there is a spike in a particular geographic area or sector of the economy. The Bill will allow many sectors of the economy to open up. We have travelled the ups and downs of the effects of Covid-19 since March 2020. The Government and opposition parties must work together at this time and stop blaming each other.

The Government are establishing a fast-track procedure by which cafes, pubs and restaurants in England may apply for temporary permission from local authorities to put tables and chairs outside their premises. The weather this week is bright and warm. Many millions who have been locked up in their homes will be able to come out with their children to enjoy a pleasant day out in cafes and restaurants. Many noble Lords have rightly questioned whether local authorities will consult local residents before they allow cafes and restaurants to put tables outside their premises. I hope the Government will make the appropriate changes in the Bill.

The Government are providing funding in a variety of ways to support small businesses, particularly in the leisure and hospitality sector. Similar support is also being made available to the construction industry so that more houses can be built and more jobs created. All these measures will put money in the hands of many families, who in turn will spend their wealth, creating jobs and prosperity for everyone.

The Secretary of State rightly said that the Bill would provide an adrenaline boost to sectors of the economy affected by the Covid-19 outbreak. With all these measures, the public must take responsibility and continue to observe social distancing, wear masks and wash their hands with soap. We should not create a position whereby we begin to forget these essential precautions and allow the virus to come back. The virus is still lurking around and is invisible. The Government have the powers to shut down a particular area or town if there is a spike. They have done so in Leicester, and rightly so.

6.11 pm

Baroness Neville-Rolfe (Con) [V]: My Lords, I very much welcome this Bill relating to the promotion of economic recovery and growth. It follows the imaginative package announced by the Chancellor in March—the

furlough scheme, the VAT and rates holiday, various loans and grants and then, later, the addition of the bounce-back loans, which feature in the Bill, when a further boost was essential. I very much look forward to the Chancellor's further package before we discuss the Bill in Committee next week. With the prospect of mass unemployment, we need some more imaginative thinking—for example, as I have been suggesting, a cut in employers' national insurance.

Like others, I congratulate my noble friend Lord Greenhalgh on his speech and indeed on all his interventions in the House so far. I very much look forward to engaging with my noble friend on the more wide-ranging planning changes, as those can play an important part in future growth. However, they are not the purpose of this Bill. Indeed, I worry that too many of today's interventions have called for regulatory measures rather than for the opening up that we need to get the economy to perk up. The measures in the Bill are temporary, so we need positive suggestions to that end, as we have heard from my noble friends Lord Wei and Lord Lansley and, on some aspects, the noble Lord, Lord Stevenson, and as we have just heard from the noble Lord, Lord Bhatia.

I turn to the Bill itself. It should be easier to deal with than the corporate insolvency Bill because it contains essentially temporary provisions. However, I want to understand the sunset provisions. For example, Clause 21 contains an end date of 31 December 2020 but also a provision for a Secretary of State to make regulations substituting a later date. Clause 25 allows him or her to

“make transitional, transitory or saving provision in connection with the expiry of any provision of this Act”.

This legislation is not being adequately costed or scrutinised for permanent effect, so I am not convinced that we should leave so much power with the Executive. The Bill should lapse automatically on a certain date or dates, with new primary legislation enacted as need be.

As the House knows, I take a particular interest in the prosperity of retail, where I worked for many years, as well as in smaller businesses, which have been a dynamic and economic success, much envied in Europe. Both sectors are having a torrid time, but they have also played a heroic part in this crisis; I would single out the food stores, the distribution drivers and the postal workers, all of whom have worked through the pandemic despite the obvious risks and pioneered safer ways of working.

As always, I am grateful to the FSB for its good briefing and to the British Retail Consortium. The latter has raised two concerns on which I would appreciate the Minister's thoughts. The first is the introduction, at least for the period of the crisis, of digital age estimation and verification. There is a separate telephone app for age verification that is well-established in other countries. It requires registration, but it means there is no need for the customer to show paper ID or to remove any mask, with all the risks those entail. It can be used in some shops already, but not for alcohol or in pubs, because the Home Office has, allegedly—although this surprises me—dragged its feet.

With cities opening up and city centre stores at risk of violence, the BRC is also concerned about the slow progress of a response to a call for evidence on violence

against shop workers. I wonder whether my noble friend the Deputy Leader could use his charms to encourage progress on those two matters before we reach Committee.

Finally, I have a much wider concern: that in this crisis, we have given too much weight to medical matters relating to Covid and not quite enough to the negative impact of the measures taken. This extends from cancer treatment to the closure of swathes of the economy. On a normal economic analysis of the kind now being done at Imperial College, the balance in favour of Covid treatment and prevention away from future growth and recovery has gone too far. In due course, we will be criticised by our children for taking away their prosperity. Luckily, the Bill takes some small steps in exactly the right direction.

6.16 pm

Baroness Goudie (Lab) [V]: My Lords, this is another Bill which puts yet more pressure on local authorities. There is, however, no plan for how they will be reimbursed. The Government have said that they will stand behind councils and provide them with the funding they desperately need, but this has simply not happened. Less than a third of their costs have been met. The Bill makes only a modest contribution towards recovery. Even that contribution is not realistically supported. The Bill falls far short of what other countries are doing.

Local authorities have an essential role to play. The implementation of national policy requires local knowledge, flexibility and collaboration to ensure safety. A massive recovery in council house and affordable homebuilding must be a core element of a national economic and social recovery, with the right infrastructure and protecting the environment.

An upsurge in homelessness must be avoided. Indeed, existing homelessness must be reduced and the well-being of those in substandard and inadequate housing addressed as a priority.

Now more than ever, as we emerge from the current health crisis—but not, for some time, from its economic consequences—the theme must be to give local authorities the tools to enable them to spearhead economic, social and environmental recovery in the context of a green planning system not subject to delays.

6.18 pm

Baroness Stowell of Beeston (Non-Aff): My Lords, I support this Bill. It is right that we should ease lockdown, and it is critical that we push the economic accelerator. Jobs and livelihoods are at stake. I am particularly pleased to see the hospitality sector reopen and for people to be able to get together again in pubs and restaurants but, like other noble Lords, I have some concerns about the threat of anti-social behaviour, especially as a result of off-sales in open containers. I hope the noble Earl will provide some assurance in his response, and I have heard some interesting mitigations from other noble Lords.

Rather than dwell on that specific point, I want to use this opportunity to talk more broadly about personal responsibility as we begin once again to enjoy our liberties. The lifting of lockdown also presents an important opportunity to reinforce and, in some cases,

reset, other essential elements to help us create a better future for everyone. I am talking about our common understanding of what we should be able to expect of each other when it comes to our conduct and behaviour in a public place, and our willingness to promote and uphold a common set of standards.

These are the hallmarks of a society that works for the benefit of everyone, because they show that we share something in common with each other, whatever our background, age or the position we hold in our work. Upholding them is an expression of mutual respect. Over the last few years, political events and this pandemic have exposed the divisions that exist in our society. In recent weeks, it has felt as though some have tried to deepen them further and create new divides, with unacceptable acts of thuggery, vandalism and violence.

There is a lot that needs sorting out if we are to address the inequalities behind some of these divisions, which is why I am so pleased that we are getting on with restarting the economy. However, we will not achieve all that we need to achieve unless and until we all feel that we belong to, and are part of, a shared endeavour. The Bill temporarily lifts some burdens on business—but with those freedoms comes greater responsibility. We should recognise that landlords, restaurateurs, shopkeepers, bus drivers and anyone else responsible for public spaces are important leaders in our local communities. They, alongside the police, deserve our respect when they help to set standards and seek to uphold them. If we are relying on them, they need to know in return that they can rely on us to back them, and we should all be clear about why this is so important.

Now, more than ever, we need to support each other actively, by sticking to the same standards or rules and challenging those who do not, especially when it comes to basic manifestations such as queuing, face-coverings or things that we know are unacceptable—but are scared, these days, to challenge—such as litter, feet on seats and loud music. These small things matter. They help to prevent worse things happening, and the sense of unity that upholding them creates is critical to our success in building a stronger economy.

I notice that Clause 5 refers to the possibility of the Secretary of State setting conditions and Clause 8 to the issuing of guidance in the context of licensing. While I am not suggesting specific legislation for the sorts of things that I have just been referring to, I would none the less be grateful if the Minister could tell the House whether the Government have any plans in this area.

6.22 pm

Lord German (LD) [V]: My Lords, I wish to address the issue of support for SMEs—one of the four pillars mentioned by the Minister in his opening remarks. There are alterations to the Bounce Back Loan Scheme in this Bill; some may be sensible changes to a much-needed scheme. However, research undertaken in mid-June by just one business organisation found that only 45% of eligible businesses had been able to apply for these loans, owing to overcomplicated application systems and busy phone lines. One recurring complaint was that many leading banks were saying to their customers,

[LORD GERMAN]

incorrectly, that they had filled in the application details wrongly, or that having two signatories on the business account created a problem.

I hope the Minister can reassure the House that the measures in this Bill will ensure that these problems are overcome. However, I ask the Government to consider how Parliament should scrutinise the impact of not just the bounce-back loans but the Coronavirus Business Interruption Loan Scheme. The Government's goal is to provide a bridge over what will be, in their words, a "sharp and significant crisis", to keep people employed and businesses afloat. Parliament therefore has a duty to keep a watching eye on the impact of this support, making these schemes as effective as possible.

The Bill before us today is designed to stimulate the demand side of the economy, which could be loosely described as getting people to spend more again. There are, however, significant sectors, apart from the ones highlighted in this Bill, which will require extra help. Manufacturing SMEs can be far down the line of feeling the direct impact of the domestic consumer spending encouraged in the measures outlined. By way of example, those in the supply chain for motor vehicle manufacturing would need to see a big uptick in people buying cars before their output would reach pre-Covid-19 levels.

This is an even bigger challenge for those supplying to the aviation sector. It is estimated that 1,400 jobs to be laid off at the Airbus wing factory in Broughton will lead to six times as many job losses in companies in the supply chain—the suppliers to the suppliers, and the makers of the smallest widgets to the biggest widgets. Small companies are deeply affected by reduced order books and will need support during the time it takes for these order books to recover, and we know that this will not be as quick as in other sectors.

In its monitoring survey published last week, the manufacturers' association found that just under half of UK manufacturers plan to make employees redundant in the next six months; as might be expected, that is a marked increase from quarter 1. More than six in every 10 companies are planning to make between 6% and 25% of their staff redundant. Even with access to the furloughing scheme until October, many employers feel that they cannot use the scheme to protect jobs that may no longer exist in the future. So there is a danger of a real cliff edge of job losses in this sector, either at the end of the furlough scheme or earlier. These jobs will be lost right across the country and across all manufacturing sectors.

The primary ask from the UK manufacturing sector, with its 2.7 million employees, is for business rate relief, as has been provided for the retail and hospitality sectors. Will the Government publish the granular data for the bounce-back and CBIL loans schemes, so that Parliament and the public can analyse the impact and ensure that everything possible is being done to support manufacturing and the skilled workforce who are employed within it?

6.26 pm

Baroness Eaton (Con) [V]: My Lords, I declare my interest as a vice-president and former chair of the Local Government Association. The Bill we are considering

today is a positive step towards reopening our economy. It will help with the recovery and ensure that a consistent approach is taken across the country. I will focus my remarks on the important role that local government will play in helping reopen local economies.

During this pandemic, councils, as leaders of place, have supported businesses by, among many things, distributing hundreds of thousands in coronavirus business grant payments. They are now working hard to ensure that the hospitality sector, and other sectors, are able to reopen safely. It is essential that we begin to reopen our economy and get the country moving again. To do this, we need proper safeguards. Councils should receive powers so that they can feel confident that licensing applications that cannot be managed safely can be turned down, and that they will be able to act where issues arise following the reopening of premises.

While we need to support local pubs, restaurants and other entertainment venues, we also need to make sure that those living near to these premises are not faced with anti-social behaviour or noise pollution—a subject raised by many noble Lords today. I would welcome reassurance from the Minister on this point.

The full responsibility and cost for making this policy work successfully do not sit with local authorities alone. However, with the initial burden falling on them, it is crucial that councils are supported financially by central government to meet the cost of processing an expected large number of applications in a short period of time.

It is right that the licensing measures proposed in the Bill are temporary and designed to help and support councils during these extraordinary times. In the longer term, there is a need for a comprehensive review of our outdated licensing legislation to ensure that it is fit for the future. I know that the LGA has long been calling for this review and is ready to work with the Government on this vital programme, once the measures in this Bill have expired. I hope that the Minister will be able to make that commitment to the House today.

The Bill before us also makes it clear that an expedited review process may require a licensing hearing to be held to discuss an application. Since March 2020, licensing hearings, in common with other council meetings, have been held virtually. Last week, the Government published new public health regulations on public gatherings. I encourage the Government to continue to support councils with clear guidance around their meetings, so that we can ensure that local democracy is able to function effectively. This will be particularly key as new legislation and regulations are published over the coming months.

I would like to bring my remarks to a close by welcoming the Bill and giving it my full support. My suggestions are refinements and points of clarification that I believe it will be helpful to make. The principle and the general thrust of the Bill are of course very welcome, as it marks an important step in opening up our economy and rebuilding for the future, and I am pleased to support it.

6.30 pm

Lord Lucas (Con) [V]: My Lords, the noble Baroness, Lady Thornhill, and many others have pointed out the importance of the relationship between district and

county authorities when it comes to the highway. In the district of Eastbourne where I live, it will be the district council that bears the responsibility for our economic recovery in a town which is based on the hospitality industry. As my noble friend Lord Wei said, innovation and experimentation ought to be the order of the day. However, this crucially involves roads. They permeate a town and you cannot talk about the experience of visitors, let alone residents, without really focusing on what is going on with the roadways. As others have pointed out, this Bill involves the interface between the pavement and the roadway. If we have a café that is spilling on to the pavement, with pedestrians spilling over into the roadway, the district authority absolutely must have the power to set the standards of safety that will make sure that that safety can be delivered by procuring changes to what is happening in the roadway. This cannot wait on the county; this has to be something that the district council can do by its own motion, or least get the county to do in an expedited way rather than to the county's own timescales.

As has again been suggested by others, I too hope that we will look at expanding the Bill. Where neighbouring premises, open spaces or car parks might be thrown into service in the cause of this Bill, they should not be neglected. We should also look at encouraging, particularly in a seasonal town like Eastbourne, pop-up experiences—things that are not intended to last into the winter.

Lastly, in reply to my noble friends Lord Cormack and Lord Balfe, I am enthusiastic about this way of conducting business. I think that we have seen some real improvements in the ways in which our colleagues are now better embedded in the communities they are a part of, both in working and in living, and I have seen that being reflected in the debate today. I understand that we need to see some improvements to the systems we have at the moment, but given a bit of determination and good will, they seem to be entirely within our capabilities. I for one am in no hurry to get back to the business of commuting to Westminster with all the disconnection that that generates.

6.34 pm

Baroness Noakes (Con): My Lords, this Bill has my complete support. The coronavirus pandemic started as a health crisis, but it is now primarily an economic one. Our GDP has contracted at an unprecedented rate this year, falling by over 20% in April alone. The policy priority has to be a return to economic growth. The furlough scheme, the guaranteed business loans and the other measures have been lifelines, but they were never going to completely offset the huge economic damage that has been inflicted by the lockdown. Indeed, as those schemes start to roll off, we can expect more business failures and higher unemployment that will in turn further impact GDP. The construction and hospitality sectors have been particularly hard hit, and this Bill, while it is no panacea, makes important contributions to their revival.

A number of noble Lords have expressed reservations about the licensing and planning relaxations in this Bill. I ask them to give these temporary measures the benefit of the doubt. We have to get our economy

moving again. Once we have recouped this year's loss of GDP, we can decide from a position of relative economic security what relaxations we can keep and what must be tightened or reversed.

It has been relatively easy to scare people into staying at home, and in broad terms the lockdown has been a great public policy success. The hard task now will be to get people out again, and attitude surveys still show considerable caution. The opening of shops last month and of pubs, restaurants and—praise be!—hairdressers last weekend shows that the public can be tempted out, but not yet in the kinds of numbers that will restore our economy. We need to go even further. We need people to return to normal life, and that means returning to work.

For an economy that has about two-thirds of GDP in household consumption and 80% in the service sector, extensive working from home as a norm will end up being an own goal. I believe your Lordships' House has a role to play here. Our leaders have been frightened into a risk-averse form of upper Chamber that positively encourages noble Lords to take part from their armchairs at home. Sometimes noble Lords are even outside the UK. I believe we should set an example to the nation that life can and must return to as near normal as possible. The presumption should be that noble Lords are physically present in Parliament and vote in person; I stand with my noble friends Lord Cormack and Lord Balfe on this. Alternative participation mechanisms should be available but only for those who cannot be present for medical reasons.

We can do two things today to help our country return to economic health and prosperity. First, we can support the proposals in this Bill and speed its passage through the House and on to the statute book. Secondly, we can be a living example that working life can be very much like before, albeit modified by informed risk management and sensible risk mitigation. Noble Lords should remember that the Writ of Summons that each of us received requires us, "waiving all excuses", to be "personally present". Let us return to that in September, if not before.

6.37 pm

Baroness Ritchie of Downpatrick (Non-Affl) [V]: My Lords, Covid-19 has caused more disruption and damage to the world's economies than any event in living memory. In the UK alone, millions could lose their jobs and hundreds of billions of pounds could be wiped from the economy. This pandemic is far from over. We face the risk of localised spikes and perhaps worse, causing further grief and economic instability. The future remains volatile and uncertain, so it is vital that the Government provide all possible support.

This Business and Planning Bill presents an opportunity to kick-start our economy as it emerges from lockdown. A huge amount is at stake, so it is imperative that we get the details of the legislation right. There is a lot we need to do. People want to socialise again, quite justifiably, but we need to encourage them to do so safely. This means the Bill must provide that flexibility for the licensing laws and the facilitation of fast-track planning permission for the pavement cafés. The Government's bounce-back loans scheme is useful and

[BARONESS RITCHIE OF DOWNPATRICK]

has the potential to be of real help to business, but it should be more flexible and allow much easier access to funds.

There are other ways in which Ministers can provide hugely valuable support through this Bill. For instance, they are enabled to help ease the backlog in vehicle testing and driving licences for goods, passenger and public service vehicles. Steps such as providing an easement on construction working hours and on the expiry of planning approvals would also make a real difference.

Some of the provisions in this Bill extend to Northern Ireland, and in fact the Northern Ireland Assembly gives legislative consent to this Bill today.

There are certain areas, mentioned by the noble Baroness, Lady Neville-Rolfe, that are vital to the economy and should be included. High streets have been decimated during lockdown. On one day alone last week, 6,000 jobs were lost in the retail sector. Sadly, there are many more closures to come; indeed, there is a real fear that we could return to the high levels of unemployment last seen in the 1980s. Therefore, will the Minister give us his view about including in the Bill, albeit as a temporary measure, the expansion of business improvement districts, extending the towns fund, which currently relates to 101 towns, and rethinking permitted development rights as well as commercial rates? Perhaps he will write to me if he cannot answer those points when he winds up.

I understand that the Chancellor will deliver a speech on the economy on Wednesday. I ask the Minister to press his colleagues in the Treasury for the inclusion of fixed fiscal flexibility measures and substantial job creation plans. In the medium term, we must also draw up detailed plans for the regeneration of our town centres, supported by the Government.

I support the provisions in the Bill, but feel that there are opportunities for other areas, including the retail sector, to be included, because they are a vital part of business, a vital part of planning and a vital part of the economy.

6.42 pm

Lord Moynihan (Con): My Lords, my noble friend in sport, the noble Lord, Lord Addington, gave a powerful speech on the implications of this Bill for sports clubs, so I will amend what I was going to say and focus on the detail behind his thesis, with which I fully agree. As many noble Lords have said, the purpose of the Bill is to introduce measures to help businesses adjust to new ways of working as the country recovers from the disruption caused by Covid-19. The measures support the transition from immediate crisis response and lockdown into recovery and getting the economy moving again. The measures support businesses to implement safer ways of working to manage the ongoing risks from Covid-19, particularly the need for social distancing. It is an approach which, conceptually, was supported by direct financial support for the arts this morning, which was welcomed by all. We desperately need the same for sport, especially clubs that do not benefit from the professionalism of the top level of sport.

Clause 11 is designed to amend the Licensing Act 2003 and associated regulations, to allow licensed premises to serve alcohol for takeaways while being open for on-site delivery at the same time. This is designed to allow pubs to make up revenue lost as a result of social distancing restrictions. However, the Act also applies to club premises certificates. These alcohol sales licences are slightly different; they apply largely to sports club bars and social clubs. The legislation before us explicitly excludes these venues and does not allow them to make the same changes as pubs. This can be seen in the table on page 16 of the Bill, which shows that club premises licences are specifically not included. This means that sports club bars and social clubs will not be allowed to sell takeaway alcohol, despite facing the very same revenue-losing restrictions as pubs.

The Royal Yachting Association predicts that 95% of its club bars have a club premises certificate, and as such, will lose revenue. The RFU, referred to by my noble friend in sport, the noble Lord, Lord Addington, is also concerned that a great number of rugby clubs will face the same problems. Given the losses that grass roots sports clubs have been facing and the continued cessation of activity for many of those clubs, including cricket clubs, it seems wholly unfair to penalise them further when their bars are allowed to open.

I hope that this explanation is helpful to the Minister, to whom I gave advance notice. We are asking the Government to look again and include club premises certificates in the Bill. If not, we could see the loss of a number of sports clubs up and down the country, and in that context, I look forward to the Minister's reply.

6.45 pm

Lord Holmes of Richmond (Non-Affl) [V]: My Lords, I congratulate the Minister on the clear, coherent manner in which he introduced this debate. The House has great fortune in having him on the Front Bench. I offer my support to the Bill. We need to get the economy moving and, although it is not a provision of the Bill, we need to get our young people back into education as soon as possible.

I shall cover two elements related to the Bill: inclusion and small breweries. I stand alongside the comments of my noble friend Lord Blencathra and my friend the noble Lord, Lord Blunkett, about pavements and public spaces. We must ensure that we build back together or we will not build back much that is worth while. The measures are temporary, but inclusion and accessibility are about every moment and they count just as much for temporary fixes as for anything else. It is vital that we get our economy moving again, but it should not come at the expense of the exclusion of disabled people from our high streets and local communities. That exclusion is utterly avoidable. It would be invidious if we took regulatory barriers away temporarily only to replace them for disabled people and those with young children in pushchairs with impassable physical barriers. Economic growth and equality are not mutually exclusive or, indeed, diametrically opposed. They walk hand in hand. This makes great moral, legal and business sense. In fact, the greater the level of inclusion, the greater the level of social and economic activity. There is only one economy, there is

only one United Kingdom—it flourishes and we are all at our best when everything is underpinned by dignity, inclusion and respect. I thank all the organisations that do so much good work on accessibility and inclusion, not least the Guide Dogs for the Blind Association and the RNIB.

The changes to the licensing requirements are welcome, but hundreds of small independent breweries find themselves locked out and unable to take part in this unlocking of the economy. They find themselves having extremely tough times for want of small, doable legislative changes. It is imperative that they have a successful summer, otherwise they may have no autumn or winter. We could do such a service for these small independent breweries if we just make these small legislative changes to enable them to sell to the public, which they are currently unable to do. The innovation and ingenuity that we have seen from small independent breweries, particularly in the past decade, have brought vast sectors and areas of the public to not just the product but the approach and the methods of brewing, and often these breweries put themselves right in the heart of the community.

Small legislative changes will make such a big difference to our small independent breweries. We owe it to them to make those changes. Does the Minister agree, and does he agree that everything that we do not just in this Bill but across all our activities should be predicated on inclusion?

6.49 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, I take this opportunity to welcome the Bill and to congratulate my noble friend on his maiden Second Reading speech, which he made so eloquently. I declare an interest as chairman of the board of PASS, the Proof of Age Standards Scheme. We are also looking at the possibility of proof of age going forward digitally, which I think will have great scope within this Bill. While we can look at the proposals in more detail in Committee, this is a question of reaching a balance between the rights of businesses to operate and to recover from what has been a very difficult period and the rights of residents, which I would like to consider under three different aspects. I also want to refer to the report of the ad-hoc licensing committee; we looked at the Licensing Act 2003 and made a number of recommendations which I would like to consider in Committee.

Looking at the fast-track approach for cafés and bars and the opportunity to place chairs and tables on the pavements outside, I know that the 90% fall in consumption of food and drink has been felt keenly, and the knock-on effect on farming is worthy of note as well. When looking at outside spaces, in addition to pavements, will the noble Earl consider car parks and parking spaces where practicable? In terms of serving off-licence, I echo the concerns raised by other noble Lords about plastic being used rather than glass. Also, would he look at the issue of serving people who are already intoxicated and the recommendation that we came up with of having young people acting as volunteers, trying to encourage those of their own age not to drink any more when perhaps they are already slightly tipsy?

I realise that this is a temporary measure, but will the noble Earl confirm that there will be consultation on the guidance going forward, particularly as relates to construction, and that regard will be given to residents, particularly those working at home at this time who might find longer hours to be just one step too far?

Local authorities have asked for a number of issues to be taken into consideration—for one, the extra burden that is going to be placed on them. They request that clear and comprehensive guidance will be given and ask what regard will be given to the fees levied. I have a concern that the fees be appropriate and not disproportionate. They also ask that when the committees meet, they can now start meeting in physical or at least hybrid form, recognising the social distance. I hope that the Government agree.

When it comes to the wider reforms on planning, I hope that the noble Earl will look at some of the recommendations that the ad-hoc committee made, such as licensing committees being merged with planning committees, which has a lot to commend itself. The planning going forward, particularly as regards construction sites where it should be flexible, should be done on a site-by-site basis. Many of my other comments will be for the wider reforms or for Committee.

6.54 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, I congratulate my noble friend on introducing the legislation with such clarity. I welcome it and I think it gives a much-needed adrenaline boost, as was noted by my right honourable friend Alok Sharma in the House of Commons. Principally, of course, it is helping the hospitality sector, which has suffered such a massive drop of some 90% in business because of the virus. It is right that we fast-track these pavement licences and that there is a reasonable fee but, like the noble Lords, Lord Blunkett and Lord Low, and my noble friends Lord Blencathra and Lord Holmes, I think we need to be very careful about access issues and to ensure that appropriate measures are taken to protect access for the partially sighted, the blind, people in wheelchairs and so on. That is absolutely right.

Like others, I have some concerns relating to Clause 11 about off-sales, particularly late into the night. We know that drink and social distance do not mix. We should very much bear that in mind when we try to square the circle of opening up the economy while recognising the dangers that still exist from the virus; we ignore it at our peril. The British Beer and Pub Association has noted that 25% of pubs are still not able to reopen, even with one-metre social distancing, so encouraging the opening up of pavement licences is something I very much welcome.

The position on convenience stores appears a bit confused. The Association of Convenience Stores, which covers shops such as the Co-op, Nisa, Budgens, SPAR, petrol forecourts and lots of independent businesses, is not convinced that they are covered by this legislation. It seems to me that they are, in Clause 1(4)(b), but I hope that my noble friend Lord Howe will confirm that when he sums up. We should ensure that that is the case, because we need to be innovative and broaden our approach. We need to open up the economy.

[LORD BOURNE OF ABERYSTWYTH]

I share my noble friend Lord Hunt of Wirral's welcome of today's announcement of help for the arts, but note that we need a road map as well for continued regeneration of arts and culture venues, as we do for sports, as we just heard from my noble friend Lord Moynihan. I hope that is also something we can turn our attention to. I very much support what my noble friends Lord Wei and Lord Lucas said about the need for an innovative approach to try to regenerate and revitalise our town centres with drive-through cinemas and drive-through facilities, and to open up towns with more markets, food approaches and so on. We should look at that. We need to be innovative and to make sure that we really do get the economy humming again.

The legislation is welcome in many other ways: I very much welcome the flexibilities for the construction sector and for planning permission. They are very sensible, as is the flexibility for driving licences. We need to ensure that we fund our local authorities, considering the extra burden that they are taking on. We owe them that to ensure that we all go forward together. Subject to that, I very much welcome the legislation. It shows some imagination. We perhaps need to show even more imagination as we try to open up our economy and get it moving yet again.

The Deputy Speaker (Lord Alderdice) (LD): I call the next speaker, the noble Baroness, Lady Pinnock. Oh, could you unmute? I am afraid we cannot hear you.

Baroness Penn (Con): My Lords, I beg to move that the House adjourn for five minutes to resolve the technical issue.

6.58 pm

Sitting suspended.

7.02 pm

Baroness Pinnock (LD) [V]: My Lords, now that the technical issues have been resolved, I draw the attention of the House to my interests as a councillor in Kirklees and as a vice-president of the Local Government Association. I thank the noble Earl, Lord Howe, for his ever-helpful approach. We have had an excellent and well-informed debate on the proposals in the Bill and my hope is that he will be able to respond positively to the many concerns that have been raised.

Liberal Democrats on these Benches understand and support the general thrust of the Bill, which is to provide additional flexibility to some specified businesses that have been hit hard by lockdown in the early months of the pandemic. We also appreciate that the Government want to provide these new flexibilities as soon as possible. However, that should not result in the measures included in the Bill not being given the full level of scrutiny for which this House is responsible. My colleagues and other noble Lords from across the House have raised questions and concerns on a number of issues which require answers from the Government.

Part 1 enables pubs, bars, and cafés to apply for pavement licences to expand on the amount of seating available and provide some recompense for a reduction

in the customers permitted within the premises. My noble friend Lady Thornhill has drawn attention to the confusion of responsibilities for licence applications in two-tier local authorities, which needs to be resolved. My noble friends Lady Randerson and Lady Bowles have spoken on this issue and suggested variations on the measures in the Bill. The RNIB and Guide Dogs have raised concerns, as have local councils and disability organisations. They are all concerned that people with visual impairments, in wheelchairs or pushing buggies will find that they are unable to pass safely on the pavement. Reassurances must be provided that the needs of businesses will not surmount the needs of pedestrians.

Part 1 also includes one of the more controversial proposals, which is to permit sales from pubs and bars of alcohol in "open containers". My noble friend Lord Paddick has spoken eloquently, and from his vast experience, on the topic. This measure really does require modification to minimise the problems that could well follow in town and city centres, putting additional pressure on the police and councils. It is not right to pass the additional costs created by businesses on to these public services without providing appropriate financial compensation. Noble Lords from across the House have voiced anxieties on this provision. It requires changes in the Bill.

On Part 2, my noble friends Lady Kramer, Lady Bowles and Lord German have explained why they have concerns about the Bill regarding the loan scheme and highlighted issues about insurance and whistleblowing. We look forward to the Minister responding constructively to their expert comments. My noble friend Lady Randerson has also voiced concerns about the renewal of driving licences for bus drivers. I look forward to the response on this vital safety question.

Part 3 relates to changes to planning legislation. The elements that relate to extending permissions are welcome, both for planning authorities and for developers. However, one part of this provision, for automatic extension involving environmental conditions in a planning consent, has to be reconsidered, in order that vital environmental protections are not overridden in the name of construction for the short term, while enabling destruction of our natural environment in the long term. This is not in tune with the Government's claims of "building green".

Every planning consent includes conditions on hours of working. They are there for a purpose. They provide a safeguard for neighbours; extension of hours has to be with the consent of those it affects. The Bill fails to give enough emphasis to the views of neighbours and gives the impression that construction needs are more important, especially as it is possible for developers to apply for a construction period of 24 hours a day. My noble friend Lady Randerson rightly warned that one man's bureaucracy is another man's democratic right, and this applies particularly to planning.

My noble friend Lord Shipley asked whether a pre-consultation period can be included, so that the narrow windows for applications make for more transparency and inclusivity. He also asked the Government to disapply the current requirements on councils for the housing delivery test, for which there are draconian consequences where not met. Will the

Minister give assurances on this issue? My noble friend Lady Doocey raised planning issues regarding tourism and I look forward to the Minister's response.

Planning appeals are a crucial part of the planning process and, as the noble Lord, Lord Kirkhope, stated, these are already weighted heavily in favour of developers. It is to be regretted that this is the one change that is to be permanent. It should be a temporary change along with the other measures, with any permanent change being included in the next planning Bill.

My noble friend Lady Kramer also raised what must be a government oversight: TfL, and other London development agencies, are not included in the Covid legislation on virtual decision-making. I am confident that the Government will want to rectify this omission to enable those bodies to make decisions openly and transparently.

The majority of these changes affect local government, yet they incur additional costs without additional funding. It is already clear that many councils have huge financial pressures, even after the latest funding announcement from the Government. The extra costs for councils in the Bill need to be reimbursed.

In conclusion, there are important changes in this Bill, which are largely supported. However, the measures are piecemeal and apply to a narrow section of local businesses. The Bill cannot be seen as part of a more thought-through response. In that sense, it is very much a wasted opportunity for setting out a clear strategy that will provide some hope, both to communities and to businesses. I look forward to the Minister's response.

7.10 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I first draw the attention of the House to my relevant registered interest as a vice-president of the Local Government Association.

This has been an interesting debate on important issues contained in the Bill. The position of the official Opposition is that we support the Bill in general but have reservations on a number of issues, which we will raise during the Bill's passage through the House. At the outset, I want to make it clear that if we fail in our endeavours to persuade the Government, we will seek to Divide the House at Report on our amendments that deal with issues that we think are important.

The balance to be struck here is one that supports businesses in the hospitality sector and elsewhere to get back on their feet but, at the same time, gives a voice to local residents and does not lead to a second spike in Covid-19 infections. That is very difficult to achieve, and the Government do not have a good record with regard to the pandemic: the worst death rate in the whole of Europe; the scandal of care home deaths; the testing shambles; the track and trace app that was to be world-beating by 1 June, but does not work; and the procurement offers that were turned down. The devastation caused to families by the loss of loved ones has been heartbreaking.

Moving on to specific areas of the Bill, Part 1 deals with the consumption of food and drink outdoors. The Bill introduces a new legal framework for issuing licences which will enable food and drink businesses to put removable furniture on the pavement adjacent to

their premises in order to sell food and drink. What is important here is the ability to manage carefully a number of different and conflicting issues and objectives. These include the need for the business to reopen, the desire for customers to enjoy meeting friends and family in a local pub or restaurant in a socially distant and responsible manner, the need to maintain the accessibility of the public highway for all users, the concerns of local residents about excessive and unreasonable noise causing nuisance and annoyance, litter, poor behaviour in general, and the ability of the local authority enforcement teams and the police to take effective action.

There are resource implications for these changes, and the proposed £100 licence fee that local authorities can charge will of course not cover the costs that they will incur. In responding to the debate, can the noble Earl explain how local authorities will be reimbursed for the additional costs they incur? The Government have a track record of loading additional burdens on to local authorities and providing woefully inadequate resources. Local government finances are in a perilous state, and this is just not acceptable.

My noble friend Lord Stevenson of Balmacara raised issues of concern about street vendors and small breweries, which have, in effect, been left out of the provisions of the Bill. I fully support the points he made.

My noble friends Lady Goudie, Lady Wilcox of Newport and Lady Kennedy of Cradley highlighted the role that local authorities will play in delivering the vast majority of the proposals in the Bill and the need to properly support local authorities, and the police, in delivering the framework in order to get it right.

There are similar concerns about Clause 11 in Part 1, which many noble Lords have highlighted. It deals with alcohol licensing, off-sales and getting the balance right between supporting business and protecting residents from additional nuisance. What we have before us fails to do that at present. The problem is that, when you have a number of licensed premises together, as many noble Lords have mentioned, local residents already suffer that nuisance. In many ways they accept it, but the off-sale proposals could make it even worse. The issue is not confined to Soho—I know there was a lot of coverage there over the weekend—but applies to other parts of London and many other cities and towns, which all have their entertainment areas and high streets where people go to enjoy themselves.

We must be clear that the problem is not just noise; it is people urinating in the street, defecating in bushes and behaving disgustingly. The Government need to restrict off-sales to 11 pm. That is more than reasonable. I endorse the comments of the noble Lords, Lord Paddick and Lord Randall of Uxbridge; no matter how long the on-sale licence is for, 11 pm should be the end for off-sales. That is a reasonable, proportionate measure that I hope the Government will embrace.

The noble Lord, Lord Carlile of Berriew, also has my full support. He referred to the unacceptable behaviour that has taken place in London Fields in the London Borough of Hackney. I endorse all his comments; we must ensure that people are not subjected to more disgusting behaviour. My noble friend Lord Whitty

[LORD KENNEDY OF SOUTHWARK]

rightly raised the similar concern that we are encouraging more drinking on our streets but not dealing with its possible consequences.

In preparing for this debate, I talked to a number of organisations, including USDAW and the Bakers, Food and Allied Workers' Union. There are huge concerns about the safety of staff working in the sector, who risk dealing with people who have consumed too much alcohol and are incapable of socially distancing. Keeping staff safe from the risks to their health when at work, from the handling of cash to the role of door staff, needs to be dealt with by the Government. It is very difficult, as we all know, when someone has had too much to drink to get them to understand how they need to behave. My noble friend Lady Wilcox referred to that in particular.

We need some clarity from the Government on the situation regarding toilets. The law is very limited here, with only four provisions in the Public Health Act on keeping toilets clean in establishments serving food to be consumed on the premises. Local authorities do the enforcement work through visits to premises, but we need a clear commitment from the Government to provide guidance on the cleaning and maintenance of toilets with sufficient frequency to ensure the protection of customers, and staff, who are always the ones doing the cleaning. This is not easy because, as I have said, people who are drinking will want to use the toilet more. We need to ensure we get this right.

There are also issues around public toilets, as considerable numbers of them have been closed in recent years and with this Bill we are encouraging more off-sales and off-the-premises drinking. We need to ensure that there is clear guidance from the Government or other bodies, ensuring that we get this right. They should seek advice from organisations such as the British Toilet Association. I think it is very clear what can and cannot be done.

Regarding Part 2, my noble friend Lord Stevenson of Balmacara referred to the bounce-back loan scheme. I endorse his comments and will not speak further on that part of the Bill. Similarly, I endorse the comments of, and concerns raised by, a number of noble Lords, including the noble Baroness, Lady Randerson, regarding Clauses 13, 14 and 15.

Part 3 deals with the planning system and puts in place temporary measures. I welcome most of the proposals before us—I actually had an Oral Question on planning issues a few weeks ago. I first want to raise an important omission also raised by the noble Baroness, Lady Kramer, about mayoral development corporations and bodies such as the London Legacy Development Corporation and TfL, which are planning authorities but have not been included under the definition of a local authority and so will have real difficulties moving forward. That is an unintentional omission by the Government; I hope the Minister can look at that before Committee. I hope we can get an amendment agreed which corrects that error.

I was pleased to learn that these measures are not a precursor to further changes to the planning system. Many in this House and elsewhere are of the view that certain parts of the Government are strangely obsessed with planning and reform, rather than dealing with

the hundreds of thousands of planning permission applications that have been approved and are sitting there, with not a single brick being laid or a single shovel being put into the ground.

The noble Lord, Lord Best, raised concerns that future reforms will include extensions to permitted development rights, which would not get more affordable or green homes built, or address the real problems. We have said we need to “build, build, build”, but we must also build well, build green and build with a long-term future in sight.

I agree with the noble Lord, Lord Randall of Uxbridge, that the environmental considerations of our planning system are vital and should not be lost in any future reviews. My noble friend Lady Andrews outlined the problems facing local authorities, businesses and the high street. I hope the noble Earl will address those points when he responds shortly. I agree with my noble friend Lord Blunkett that we need to strip away any plans to support entrepreneurs and innovation to the detriment of residents and communities. This false premise should be resisted and is no basis for achieving what the Government want to achieve.

My noble friend Lord Blunkett, the noble Baroness, Lady Randerson, the noble Lord, Lord Low of Dalston, and others raised the concerns of the RNIB and wheelchair users. It is important for the noble Earl to respond to those points in respect of how we move forward. We should also be aware of the blight that extended hours of construction could cause residents, the noise of construction sites working many more hours than normal and the problem of vehicle movements. Again, I hope the noble Earl assures the House about what the Government are doing.

In conclusion, we support the Bill but want to see movement from the Government on a number of issues highlighted by me and other noble Lords in this House today.

7.21 pm

Earl Howe (Con): My Lords, this has been a constructive debate and I am grateful, as ever, for your Lordships' detailed engagement with the measures in the Bill. I congratulate my noble friend Lord Greenhalgh on making his first speech in this House in physical form. He set out succinctly the measures that the Bill seeks to introduce. I therefore intend to focus mainly on responding to questions and comments posed in the debate. Those that I do not have time to cover today—and there will be several, for which I apologise in advance—I will answer in writing.

Before I turn to those matters, it might help if I addressed some of the cross-cutting issues that your Lordships have highlighted. The first is the wider context. This is an important Bill, but I am the first to acknowledge that its scope is deliberately focused. It does not pretend to cover the whole waterfront of the UK economy. That is why my right honourable friend the Chancellor will make a summer economic update to the House of Commons on 8 July, outlining the next stage in our plan to secure Britain's recovery, building on the Prime Minister's speech. It is clear that the long-term plans and big decisions are for the Autumn Budget and spending review, but there are things we can and should do now to give the country the boost it needs.

The first phase has seen us help families and businesses through the crisis. As the economy opens up, we will move into a new phase. I cannot confirm the details in advance, but we have done the right thing by helping people through the crisis and we will do the same as we come out of it. The noble Baroness, Lady Wilcox, indicated her view that support for the economy has been insufficient. I remind her that the Government have provided unprecedented support to help businesses through the lockdown. Over £350 billion of government-backed and guaranteed loans have been made available to businesses and individuals, as well as a range of support schemes, including business rate holidays, tax deferrals and the job retention scheme. Of course, we will continue to keep under review what further support should be provided to businesses.

I can say, particularly in answer to the noble Lord, Lord Stevenson, that our recovery from Covid-19 should be clean and resilient, making our economy match fit for tomorrow's challenges and not yesterday's. This means reducing risk and increasing our resilience to the threat that climate change poses to the UK's prosperity and security, as well as the linked challenges of biodiversity and public health. Action to support net zero can deliver jobs and opportunities across the country, as demonstrated by our success to date—with growth up by 75% and emissions down by 43% over the last three decades and more than 460,000 people employed in low-carbon businesses and their supply chains. This is a win-win area.

A number of noble Lords, including the noble Lords, Lord Stevenson and Lord Kennedy of Southwark, the noble Baronesses, Lady Wilcox and Lady Andrews, the noble Earl, Lord Clancarty, and my noble friend Lord Sheikh, raised concerns about the impact of these measures on local authorities, taken in the round. First, I note that the Local Government Association has been consulted and has welcomed the proposals on pavement licensing and planning extensions. Licensing proposals have also been discussed with local government and the police. Secondly, I remind the House that the Government have provided £3.7 billion to local authorities through un-ring-fenced grants to address pressures they face in response to the Covid-19 pandemic. This includes the extra £500 million announced on 2 July. This further funding provision demonstrates the Government's continued commitment to making sure that councils have the resources they need to continue to support their communities through this challenging time.

On pavement licences in particular, our measures will create a more streamlined process and may take away some of the current administrative costs associated with processing applications. For example—and in answer to the noble Baroness, Lady Randerson—we have taken steps to ensure that local authorities can impose their own conditions up front across all licences, which should help mitigate concerns about automatic deeming of licences. However, we recognise that elements of the new fast-track process may have resourcing implications. We are undertaking a new burdens assessment to assess what support local authorities need to implement this new temporary process and whether any additional funding will be necessary.

As regards planning consents, let us bear in mind that the measures in the Bill are temporary and together do not amount to a significant new financial burden on local authorities this financial year.

The noble Baroness, Lady Thornhill, expressed concern about the unclear situation, as she sees it, of councils returning to open public meetings. During the pandemic the Government have temporarily removed the legal requirement for local authorities to hold public meetings in person. While social distancing restrictions remain in place, we have provided councils with flexibility to hold meetings in a manner that ensures the decision-making process remains accessible to their residents. The local authority remote meetings regulations enable all meetings to be held remotely. They do not preclude either physical meetings or a hybrid form of meeting, where these can be held in accordance with public health regulations and guidance. The Government have amended the health protection regulations to allow indoor gatherings of more than 30 persons; these apply to meetings taking place in council buildings from 4 July.

The noble Baroness, Lady Randerson, expressed concerns about the shortness of consultation, there being no legal requirement to post applications online and having only lamp-post notifications. She felt that was discriminatory against those with visual impairments. Local authorities are required to publish, in such a manner as they consider appropriate, applications, material accompanying them and the fact that representations may be made. The draft guidance makes it clear that authorities might consider using digital means of publicity, such as on their website or via an online portal, and that in deciding what action to take to publish, they should consider the needs of those who might find it more difficult to access online publications.

The noble Lord, Lord Shipley, called for a quarterly review, rather as is built into the Coronavirus Act. We recognise the importance of keeping the measures under review and will closely monitor their effects. However, we think that a rolling parliamentary review would compromise the stability we seek to provide to businesses and local authorities in the recovery stage of the pandemic. Almost all the measures in the Bill are temporary; they have temporary effect or apply to temporary schemes. The end dates we have set out in the Bill are designed to be restricted to what is proportionate and necessary, while giving businesses, local authorities and government agencies the certainty they need to plan their activities over the coming months. We think that subjecting the measures to an unpredictable cliff edge through parliamentary review will undermine this certainty.

On the Bill's specific provisions, we are all aware of the serious effect coronavirus has had on the hospitality sector. Even as restaurants, bars, pubs and cafés open up again, social distancing requirements will significantly reduce their capacity, and we want to help these businesses recover quickly. Measures in the Bill will help by allowing easier use of outdoor space to accommodate more customers safely while summer weather allows. I am grateful for the comments of the noble Baroness, Lady Kennedy of Cradley, the noble Lords, Lord Bhatia

[EARL HOWE]

and Lord Campbell-Savours, and my noble friends Lord Inglewood, Lord Bourne and Lady Noakes in this context.

The Local Government Association and several individual councils have been consulted on pavement licence proposals, as have the Disabled Persons Transport Advisory Committee and the Cycling and Walking Infrastructure Group, which—my noble friend Lord Sheikh in particular will be pleased to hear—recognised the importance of allowing businesses to open safely while ensuring highway accessibility. The proposals have been welcomed by the LGA, UKHospitality and the British Beer and Pub Association. In addition, measures on alcohol licensing have been discussed with local government, trade, police and licensing experts.

Noble Lords, including my noble friends Lord Holmes, Lord Blencathra and Lord Balfe, the noble Lords, Lord Blunkett, Lord Low and Lord Addington, and the noble Baronesses, Lady Randerson and Lady Pinnock, were understandably keen to know how our pavement licensing provisions might affect pedestrians and those with mobility impairments and visual impairments. I agree that this is an important point and that we should never lose sight of the inclusion agenda.

We are publishing a national condition which requires licence holders to maintain clear routes of access. This includes taking account of the needs of disabled people and, in particular, section 3.1 of the Department for Transport's *Inclusive Mobility* guidance. This sets out the recommended minimum footway widths and distances required for access by mobility-impaired and visually impaired people. I say to my noble friends Lady Eaton and Lord Lucas, and the noble Baroness, Lady Randerson, that any licences granted will be subject to local and national conditions, and the legislation contains robust enforcement procedures. Local authorities can revoke licences where they give rise to matters of public safety, highways obstruction, anti-social behaviour and public nuisance, as well as on a number of other grounds.

A number of noble Lords, including the noble Lords, Lord Stevenson, Lord Blunkett, Lord Carlile, Lord St John, Lord Paddick and Lord Kennedy, the noble Baroness, Lady Wilcox, and my noble friend Lord Balfe, understandably raised concerns about possible unwanted effects of the alcohol licensing provisions in terms of anti-social behaviour and disorder. We have established two main safeguards in designing these provisions, to ensure that any issues that arise can be dealt with swiftly and robustly. First, it is worth reiterating that the measures in the legislation will not apply to premises whose off-sales permissions have been removed, either voluntarily on a variation or on review, within the last three years.

Secondly, the Bill will introduce an expedited review process for automatically granted permissions. This can be used where there are problems of crime and disorder, public nuisance or public safety arising from how premises use the new permission. In this case, any responsible authority, including the police or environmental health, can apply for an off-sales expedited review. On receipt of this application, the relevant licensing authority must consider whether it is necessary

to take interim steps within 48 hours, and must determine the review within 28 days. Interim steps can include: changing the hours in which off-sales are permitted; adding new conditions in relation to public nuisance, such as to prevent noise nuisance; and suspending the off-sales permission. As I have said, a review can result in the automatically granted off-sales permission being removed.

Beyond the provisions in the Bill, my noble friend Lord Balfe in particular may wish to note that the police also have the power, under Section 76 of the Anti-social Behaviour, Crime and Policing Act 2014, to issue a closure notice if there are reasonable grounds to believe that the use of a premises has resulted, or is likely to result, in nuisance to members of the public or that there has been, or is likely to be, disorder near the premises that is associated with the use of the premises. Having mentioned that, I am sure we can all identify with the very good points made by my noble friend Lady Stowell of Beeston regarding the relationship between the police and the public.

I shall sum up these protections with an example. If local residents complain to the police about disorder relating to a particular bar or restaurant, the police might first consider taking immediate steps to close the premises using their anti-social behaviour powers, but they could also request an expedited review, which could result in steps to prevent ongoing issues at the premises by toughening the terms of the premises licence.

My noble friend Lord Sheikh, the noble Lords, Lord Stevenson and Lord Kennedy, and the noble Baroness, Lady Wilcox, all referred to the importance of keeping hospitality workers safe. The Government are clear that workers should not be forced into an unsafe workplace and that the health and safety of workers should not be put at risk. To this end, we have published Covid-19 secure guidance for keeping workers and customers safe in restaurants, pubs, bars and takeaway services. The guidance sets out how to open workplaces safely while minimising the risk of spreading Covid-19 and gives practical considerations for how that can be applied to hospitality businesses. The guidance is non-statutory and does not change legal obligations relating to health and safety, employment or equalities, but it will help businesses to manage the risks for their employees through social distancing, hygiene and fixed teams or partnering.

Businesses must also carry out an appropriate Covid-19 risk assessment in consultation with unions or employees. Employers should share the results of their risk assessment with their workforce and are encouraged to display a notification that they have complied with the Government's guidance on managing the risks of Covid-19. Employees can raise any concerns by contacting their employer representative or trade union or by contacting the Health and Safety Executive by phone or online form.

I appreciate that noble Lords may be interested to know the specifics of the guidance and therefore encourage them to read the guidance in full on the GOV.UK website. Due to the comprehensive nature of the publication, I cannot relay all its recommendations to the House. However, I reassure noble Lords that a considerable range of practical steps are provided to help to keep workers safe. The noble Baroness, Lady Jones,

will be pleased to hear that that includes setting clear use and cleaning guidance for toilets to ensure that they are kept clean and social distancing is achieved as much as possible. I should add that the Health and Safety Executive has been given an extra budget of £14 million for extra call centre employees, inspectors and equipment to help businesses to manage the necessary changes.

The noble Baroness, Lady Northover, raised some very interesting points about second-hand smoke on pavements. With regard to pavement licensing, the local authority can impose locally-set conditions on licences. The draft guidance provides that, when authorities are determining applications and setting conditions, issues that they will want to consider include public health and safety, while the conditions can include restricting smoking in areas not designated for smokers.

The noble Lord, Lord Hain, called for new ways of working following Covid-19 that are arrived at through robust dialogue with unions and employees. The Government have worked constructively with the unions throughout the pandemic. We recognise that responsible trade unions can play a constructive role in maintaining positive industrial relations and that collective bargaining remains an important form of negotiation in the workplace. However, we believe that where possible industrial relations should be undertaken on a voluntary basis, not mandated by the state. Collective bargaining is largely a matter for individual employers, their employees and their trade unions. If workers want a union to represent them, they have the means to secure that through the CAC statutory recognition procedure.

The noble Baroness, Lady Doocey, called for a revival of holidaymaking and tourism. I am sure she will agree that supporting hospitality is a key part of supporting tourism. The pavement and alcohol licensing measures in the Bill will help restaurants, bars and pubs to get ready for the summer. The more places where people can eat and drink, the better the local tourism offer and the more likely people are to take the brilliant staycations our tourism industry offers. She and other noble Lords, especially my noble friend Lord Hunt of Wirral, will have seen yesterday's announcement of more than £1.5 billion to support cultural assets of international, national and regional importance, and that money will directly help the tourism industry. The announcement has been widely welcomed, as I am sure noble Lords are aware, by the arts sector.

More widely, we announced the cultural renewal task force on 20 May. We have since published guidance on reopening holiday accommodation and the visitor economy to give businesses the ability to plan with confidence to reopen. On 3 June, we announced a £10 million kick-starting tourism package. This will give small businesses in tourist destinations grants of up to £5,000 to help them adapt their businesses following the pandemic. That is only one of a number of measures that we have taken.

The noble Lord, Lord Addington, and my noble friend Lord Moynihan asked about the status of sports clubs and whether they can benefit from the alcohol licensing measure. The Licensing Act 2003 provides

for club premises to sell alcohol by retail to club guests, but only for consumption on the premises. I am afraid that this is not changed by the Bill. The Bill is focused on the wider hospitality sector. However, all clubs can apply for a variation of their licence to serve alcohol off the premises if they wish. Sports and physical activity facilities play a crucial role in supporting adults and children to be active. The Government are in discussions with representatives from the sport and physical activities sector about the steps required to reopen sports venues and facilities, including swimming pools, as soon as it is safe to do so, and we will update the public when possible. As with all aspects of the Government's response to Covid-19, we will be guided by the science to ensure that, as restrictions are eased, people can return to activity safely.

The noble Lord, Lord Berkeley, and others, including the noble Lord, Lord Stevenson, asked whether temporary licences could be issued for small breweries to sell to the public. The provisions in the Bill do not grant any new licences. The proposal that a brewery should be given a premises licence without any scrutiny by the local licensing authority, the police or the public goes too far, I am afraid. It is vital that the conditions on which a permanent premises licence is granted receive careful consideration from agencies with a knowledge of local issues and the licensee. The suggestion that a premises licence could be granted through a purely administrative procedure or a minor variation would deprive the responsible authorities and the public of a voice.

My noble friend Lady Neville-Rolfe asked about age verification. I will write to her on that topic.

The noble Lord, Lord Adonis, made some very powerful points, one of which was to question why schools should not be more fully open than they are when we are taking these measures in relation to pubs. While pubs reopened this weekend, he will know that schools are already open and more than 1.5 million pupils have been welcomed back. Since 1 June, primary schools have been welcoming back children in nursery, reception, year 1 and year 6, alongside priority groups. Since 15 June, secondary schools and colleges have been offering some face-to-face support for pupils in year 10 and year 12, who will sit key exams next year.

I will write to noble Lords who raised the issue of hospitality businesses that do not have premises and on any other topics in relation to that part of the Bill that I have not covered.

The Bounce Back Loan Scheme has, by common consent, been a lifeline to small businesses during the crisis. Over 900,000 have benefited to date, and I am grateful for the comments of the noble Lord, Lord Bilimoria, and others on this measure. The provisions in this Bill allow for the majority of bounce-back loans to be issued within just 24 hours, rather than the usual five to 10 days. They also help lenders to process applications at a much greater scale, and the measures have been welcomed by UK Finance.

The noble Lord, Lord Stevenson, asked why the Government do not publish data on the number of applications to and rejections from the Bounce Back Loan Scheme. We have in fact been publishing relevant data on the Covid business lending schemes on a

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weekly basis since 12 May. This includes data on the number of applications received and the number and value of facilities approved to date for the Bounce Back Loan Scheme, CBILS and CLBILS. In publishing this data, we aim to support the information needs of society in general and of course the stakeholders. The Government are considering what further data may be available in the future while balancing the sensitive commercial nature of this information for lenders.

The noble Baroness, Lady Bowles of Berkhamsted, raised her concerns about protections for business. We need to remember that these are unprecedented times, which is reflected in the 100% guarantee that we are providing to lenders. Under the scheme, businesses cannot borrow more than 25% of their turnover, which should help to ensure that the loan is sustainable. In addition, to enable firms to get back on their feet, borrowers are not required to make any repayments for the first 12 months, and the Government will cover the first 12 months of interest payable. The scheme also has an affordable flat rate of interest and borrowers have six years to repay the loan.

However, businesses do need to take responsibility for what is in their interests. The terms of the loan are very clear in the application that businesses will fill in as part of securing a loan. Any business taking on a loan such as this should think carefully about whether debt is the right answer for them and about their ability over the long term to pay it back.

The noble Baronesses, Lady Falkner of Margravine and Lady Bowles, spoke about the prospect of defaults. The scheme supports the smallest businesses, which are the backbone of our economy, as rightly emphasised by my noble friend Lord Inglewood. The Government said from the start that they would do “whatever it takes” to support business; this scheme delivers on that promise and is in addition to the support the Government offers through business grants, the coronavirus job retention scheme and tax deferrals.

However, we have also made clear that bounce-back loans are loans and not grants. Borrowers must make every reasonable effort to repay these on time. The scheme being 100% government-guaranteed means that, should some borrowers default, lenders will not be burdened with debts. However, the Government expect lenders to seek to recover the loans where feasible and we are convening workshops in the coming weeks to discuss this in more detail with the accredited lenders.

I will write to the noble Lord, Lord Berkeley, on the issues he raised on HGV licensing and move to another topic raised by noble Lords, which is construction working hours and planning. I am grateful to those noble Lords, and especially my noble friend Lady Noakes, who expressed support for the measures designed to assist the construction industry. Like the hospitality industry, the construction sector has been hit hard by coronavirus: over 40% of the workforce has been furloughed. The Bill helps them to get back to work safely, and the measures have been extensively discussed with representatives of the development industry.

To the noble Lord, Lord Whitty, who expressed concerns, I stress the point that these measures are temporary. The Bill will make it quicker to extend site

opening hours, allowing for better social distancing and catching up on lost work time, and there is strong support across industry and local planning authorities for the provisions.

Having said that, I of course take on board the points powerfully made by the noble Baroness, Lady Andrews, on the wider context, especially the future of the high street. I agree that there is a balance to be struck between using up spare capacity for housing on the high street and motivating the retail sector, but I say to her and to my noble friend Lord Wei that we strongly support the revival of the high street so that it becomes a place where people want to go. We need to look constructively at flexibilities to further that aim.

The noble Lord, Lord Campbell of Pittenweem, said that, in his view, the 14-day timescale was too short for consultation. He will recognise that, as so often, this measure has to strike a balance. We consider the timescale to strike a fair balance between allowing time for necessary engagement, for example with local councillors, and enabling developers to obtain a fast-tracked decision, particularly so that they can make use of the additional daylight hours available in the summer months. Local authorities know their areas well. We are confident that they will be able to judge the impact on local businesses and residents in the majority of cases, particularly since we have prepared guidance to support this decision. They retain the discretion to refuse where there would be an unacceptable impact.

A number of noble Lords, including my noble friend Lord Randall, expressed concerns about noise and nuisance during extended construction hours. I understand that concern. First, authorities will have discretion to refuse extensions to working hours where they consider that longer hours would have an unacceptable impact. They also have a range of enforcement powers available to them. Secondly, many sites will already have construction management plans, which will include mitigation measures against dust, vibration, noise and so forth. Thirdly, my noble friend Lady McIntosh will note that developers are, as ever, encouraged to work closely with the local community and their local authority and to undertake works which may be noisy and affect residents during normal working hours.

I will write to the noble Lord, Lord Best, on his proposal that the presumption in favour of sanctions in relation to the five-year housing land supply and the housing delivery test be suspended. I have an extensive note, but, unfortunately, there is not time for me to put it into *Hansard*. Equally, I will write to my noble friend Lord Blencathra on the potential for 24-hour construction and the need, as he saw it, to limit that facility.

I will cover a point raised by my noble friend Lord Randall, who was concerned about the environmental impact of extended construction hours. Local authorities will need to carefully consider applications where, for example, the development is subject to an environmental impact assessment or there are habitats issues. They will have discretion to refuse applications for extended construction hours where they believe that a development would have a significant environmental impact that has not previously been assessed.

I will write to my noble friend Lord Naseby on new towns and garden towns. I will also write to my noble friend Lord Young of Cookham, who raised two very important points about local plans and hybrid appeals. I apologise that there is no time to cover the note I have now.

Equally, I shall write to my noble friend Lord Lansley on the point he made about a three-month extension to planning consents not being enough, and to the noble Lord, Lord Adonis, on cycle lanes and parking bays. I shall also write to the noble Baroness, Lady Doocey, about caravan and self-catering accommodation being open for the winter, and to the noble Baroness, Lady Kramer, about the bodies with planning powers which are not covered in the Bill, such as mayoral development corporations, Transport for London and the London legacy corporations.

Once again, I am grateful for the excellent and constructive contributions from noble Lords who have spoken. In summary, the Government believe that this

Bill is urgent and necessary. It will help businesses in hard-hit sectors get back to work safely and without delay. Almost all its provisions are temporary. They have been developed in consultation with businesses, local government and other interested parties. It is very important that these provisions come into force as soon as possible. If we are not able to make the changes before the summer, benefits for the hospitality sector will be greatly reduced and approval backlogs may again become an issue in construction and in vehicle licensing and testing.

We are entering a new phase in the response to coronavirus. The immediate crisis is abating; now we need to help businesses and the economy to rebound. This Bill will play an important role in achieving that aim. I beg to move.

Bill read a second time and committed to a Committee of the Whole House.

House adjourned at 7.56 pm.