

Levelling-up and Regeneration Bill

COMMONS DISAGREEMENT, REASON, INSISTENCE AND AMENDMENT IN LIEU

[The page and line references are to HL Bill 84, the Bill as first printed for the Lords]

After Clause 70

LORDS AMENDMENT 22

22 After Clause 70, insert the following new Clause –

“Local authorities to be allowed to meet virtually

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- (2) For the purposes of any such enactment, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that the member in remote attendance is able at that time –
 - (a) to hear, and where practicable see, and be heard and, where practicable, seen by the other members in attendance,
 - (b) to hear, and where practicable see, and be heard and, where practicable, seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - (c) to be heard and, where practicable, seen by any other members of the public attending the meeting.
- (4) In this section any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.
- (5) The provision made in this section applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting and any such prohibition or restriction has no effect.

- (6) A local authority may make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority, which may include provision for –
- (a) voting,
 - (b) member and public access to documents, and
 - (c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.”

COMMONS REASON

The Commons disagree to Lords Amendment 22 for the following Reason –

- 22A** *Because local authorities should continue to meet in person to ensure good governance.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 22, to which the Commons have disagreed for their Reason 22A, and propose Amendment 22B in lieu –

- 22B** After Clause 70, insert the following new Clause –

“Local authorities: hybrid meetings

- (1) A Minister of the Crown may by regulations establish arrangements whereby, in circumstances specified in those regulations, a meeting of a local authority is not limited to a meeting of persons all of whom are present in the same place.
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

COMMONS REASON

The Commons disagree to Lords Amendment 22B for the following Reason –

- 22C** *Because local authorities should continue to meet in person to ensure good governance.*

After Clause 87

**This is our amendment 191
- now Lords amendment 45**

LORDS AMENDMENT 45

- 45** After Clause 87, insert the following new Clause –

“Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

- (1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy, planning policy or advice relating to the development or use of land,

- (b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.
- (2) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 84 (interpretation of chapter 1)) must have special regard to the mitigation of, and adaptation to, climate change.
- (3) For the purposes of interpretation of this section, Part 3 of this Act, and Schedules 7 and 11 to this Act –
 - “the mitigation of climate change” includes the achievement of –
 - (a) the target for 2050 set out in section 1 of the Climate Change Act 2008,
 - (b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and
 - (c) sections 1 to 3 of the Environment Act 2021 (environmental targets) where applicable to the mitigation of climate change;
 - “adaptation to climate change” includes –
 - (a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.”

The commons chuck it out...

COMMONS REASON

The Commons disagree to Lords Amendment 45 for the following Reason –

- 45A** *Because it is not appropriate to place a duty on the Secretary of State to have special regard to the mitigation of, and adaptation to, climate change, in preparing the policies or advice concerned.*

The Lords actually put it back ...

LORDS INSISTENCE

The Lords insist on their Amendment 45 for Reason 45B –

- 45B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons insists on its disagreement with the Lords in their Amendment 45, but proposes amendment 45C as an amendment in lieu –

And Gove was forced into a concession ...

- 45C** Clause 87, page 95, line 11, at end insert –

- “(2A) The Secretary of State must have regard to the need to mitigate, and adapt to, climate change –
 - (a) in preparing a policy which is to be designated as a national development management policy, or

(b) in modifying a national development management policy.”