

Vol. 787  
No. 64



Thursday  
7 December 2017

PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Royal Assent.....	1149
Questions	
Homelessness: Emergency Housing.....	1149
Social Care: Sleep-in Payments.....	1152
Youth Orchestras.....	1154
Brexit: Negotiations.....	1156
Business of the House	
<i>Timing of Debates</i> .....	1159
Better Regulation	
<i>Motion to Take Note</i> .....	1159
Social Care	
<i>Statement</i> .....	1196
Israel: United States Diplomatic Representation	
<i>Statement</i> .....	1207
Zimbabwe	
<i>Question for Short Debate</i> .....	1211
Plans to Improve the Natural Environment and Animal Welfare	
<i>Motion to Take Note</i> .....	1225
Islam: Tenets	
<i>Question for Short Debate</i> .....	1261

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at  
<https://hansard.parliament.uk/lords/2017-12-07>*

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

<b>Abbreviation</b>	<b>Party/Group</b>
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
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

© Parliamentary Copyright House of Lords 2017,  
*this publication may be reproduced under the terms of the Open Parliament licence,  
which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

# House of Lords

Thursday 7 December 2017

11 am

Prayers—read by the Lord Bishop of Worcester.

## Royal Assent

11.06 am

The following Act was given Royal Assent:  
European Union (Approvals) Act.

## Homelessness: Emergency Housing Question

11.07 am

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what steps they are taking to support councils to provide emergency housing to help those who have been made unintentionally homeless.

**Baroness Gardner of Parkes (Con):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper and remind the House of my interests as declared in the register.

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, homelessness prevention is at the centre of our approach to protecting the most vulnerable. That is why we are implementing the most ambitious legislative reform in decades: the Homelessness Reduction Act. We have also allocated more than £1 billion to tackle homelessness and rough sleeping through to 2020. This includes providing more than £402 million in flexible homelessness support grant, which local authorities can use more strategically to prevent and tackle homelessness, including for the provision of temporary accommodation.

**Baroness Gardner of Parkes:** I welcome the announcement that the Minister has made, but I am very concerned about the loss of housing in London. The Mayor of London wrote last year to the Home Affairs Select Committee raising concerns that letting properties in the capital on a short-term basis all the year round could lead to a loss of accommodation. We admire the work done by organisations such as Crisis and The Passage and those that look after people for Christmas only, but does the Minister agree that this is a much greater problem than just at Christmas? Homelessness has become desperate. I have come into contact with people recently and tried to help them, and I know that it is extremely difficult.

**Lord Bourne of Aberystwyth:** My Lords, my noble friend is right about some of the particular challenges faced by London. She is also absolutely right to pay tribute to Crisis and Shelter, both of which are represented

on the advisory board that we have just set up in relation to tackling the problem of rough sleeping. We have put £28 million into that and are funding three pilots in the country, as well as the £20 million rough sleeping grant that already exists.

**Lord Beecham (Lab):** My Lords, I have by sheer coincidence this week been approached by a young woman in my ward in Newcastle, a 22 year-old with a small child, who has been the tenant of a property for three years, paying her rent regularly and actually improving the property. She has now received notice to quit within three months from her landlord. What advice does the Minister suggest that I give to her and what action will the Government take to protect tenants in such a position from landlords taking action of this kind?

**Lord Bourne of Aberystwyth:** My Lords, I am not acquainted with the case that the noble Lord mentioned, but I would be very happy to have a look at it if he wants to share the details with me. We are spending an awful lot of money on homelessness prevention, which is important in this regard. We have trailblazing areas—I think from memory that Newcastle may be one of them. Certainly Gateshead is—but that might not be music to the noble Lord's ear. I will gladly look at the case that he refers to if he would like to share it with me.

**Lord Bird (CB):** Is it possible that we could something more along the lines of an emergency? Wherever you go in our cities, and whatever Crisis and Shelter do, there are people out there who are distressed and many of them are mentally ill. It is an absolute disgrace and it has nothing to do with human rights. We really have to move very quickly because these people are dying before our eyes.

**Lord Bourne of Aberystwyth:** My Lords, first, I pay tribute to the massive work that the noble Lord does in this area. He and I visited Sheffield together to see some project work that was going on there—the Cathedral Archer project and others are considerable projects. I agree that there are complex problems attached to this; it is not straightforward. Some of these pilots will look at the complex nature of the problem, with wraparound help for example for people who have left the armed services, who are often homeless. We are working with the Ministry of Justice as well in relation to ex-offenders who have a homelessness problem and are often rough sleeping. The noble Lord is absolutely right in the points that he makes.

**Lord Shipley (LD):** My Lords—

**Lord Spicer (Con):** My Lords—

**Lord Taylor of Holbeach (Con):** My Lords, it is the Liberal Democrats' turn.

**Lord Shipley:** My Lords, I remind the House of my registered interests. May I remind the Minister that in the Budget, the Government committed themselves to eliminating rough sleeping only by 2027? Why will it take 10 years?

**Lord Bourne of Aberystwyth:** My Lords, the noble Lord is right about that. We have committed to halving it by 2022. It is a massive and complex problem, as I have indicated. I think it is a realistic timetable for a national problem—it is not just associated with our cities—but obviously we will be watching it. The noble Lord will hold our feet to the fire to make sure that we have halved it by 2022—but it is a realistic timetable.

**The Lord Bishop of St Albans:** My Lords, we have heard a great deal about urban areas in cities and the capital, but what about rural areas? What are Her Majesty's Government doing to address the issue of homelessness in the countryside, where there has been a 52% increase in rough sleeping in our rural areas?

**Lord Bourne of Aberystwyth:** My Lords, I thank the right reverend Prelate for mentioning rural Britain. He is absolutely right that it is an important issue outside the cities and suburbs. We have trailblazer areas in relation to the prevention of homelessness throughout the country: I can think, for example, of Ryedale in Yorkshire and Uttlesford in rural Essex. There are certainly pockets—more than pockets: they are areas—of rural England where this is a real problem. We are putting in resources and are well aware of the problem. I thank the Church and in particular the cathedrals for all that they do in relation to homelessness and for the help that they provide. I have had the opportunity to see that at first hand over the last year and I thank the right reverend Prelate for his question.

**Lord Spicer:** As the Minister who set up the rough sleepers' allowance almost 30 years ago and, as it happens, having helped to set up Crisis—Crisis at Christmas as it was then called—around 50 years ago, I must confess that I have reservations about our policy of giving out cash on the streets to almost anybody who asks for it. Will my noble friend therefore say what controls there are on this policy? Who gets the money, how much and why?

**Lord Bourne of Aberystwyth:** First, my noble friend will be aware that the why is because there are many people who are homeless or rough sleeping who need it. The projects are very carefully monitored and chosen. The projects that have been selected for the rough sleeping grant, for example, are very carefully monitored. They are providing a good service in helping people who are, through no fault of their own, sleeping rough to ensure that they get somewhere on a temporary, and then hopefully a permanent, basis. I applaud the work that the noble Lord did in setting this up, particularly in London where it was first a problem before it spread more nationally. Some of that early pioneering work has helped us concentrate resources and improve on what was done initially.

**Lord Kinnock (Lab):** Does the Minister agree that one of the major causes of the rise in homelessness is the shortage of supply of housing and the huge rise in the cost, particularly in the rented sector? Will the Government try to address at least that part of the problem by engaging in a programme of massive

building of prefabricated housing? As someone who was brought up very happily until my late teens in a comfortable and affordable prefab, I strongly recommend to him that that is a rapid and effective way of addressing a fundamental problem of this 21st century.

**Lord Bourne of Aberystwyth:** My Lords, I certainly agree that it is a factor. It is a very complex area, as the noble Lord will appreciate, so it is not simply a question of supply. Very often people are coming out of a secure environment such as the Armed Forces or prison and seeking somewhere permanent. The noble Lord is right that it is part of the issue. He will be aware that we are engaged in the most ambitious housebuilding programme for a generation, with a target of 300,000 new homes per annum by the middle of the 2020s. He is right about the importance of modern methods of construction—as we prefer to call these homes now, rather than “prefabs”. About 15% of new homes use modern methods of construction—but he is right that we could get that up and we are looking at doing that.

## Social Care: Sleep-in Payments

### Question

11.16 am

Asked by **Baroness Hollins**

To ask Her Majesty's Government what steps they are taking to support (1) the care sector, and (2) those receiving care, in the light of the retrospective change in guidance on the application of the national minimum wage to sleep-in shifts for care workers.

**Baroness Hollins (CB):** I beg leave to ask the Question standing in my name on the Order Paper, and I remind the House of my interests.

**The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con):** My Lords, we recognise that the historic liabilities associated with the national minimum wage for sleep-in shifts present a challenge to the financial position of many care providers. The Government have been working with representatives of the social care sector to understand how liabilities for back pay for sleep-in shifts impact on the provision of care for vulnerable people. We are exploring options to minimise any impact on individuals and the sector.

**Baroness Hollins:** The Minister will be aware of the considerable stress and anxiety faced by people with learning disabilities and their families about the likely loss of service providers. People with personal budgets who directly employ support staff fear being made bankrupt if they are found to owe arrears to them. We have been aware of this issue for some time now. Will the Government commit to funding these historical liabilities for sleep-in shifts and end the stress and anxiety which is now prevalent within this sector?

**Lord O'Shaughnessy:** We absolutely recognise the pressures that this has caused for providers of all kinds, whether they are large providers of social care or those with personal budgets in receipt of direct payments. I should point out that HMRC is working

with local authorities where they are providing funding for direct care, so it is not just a discussion between individuals and HMRC. Local authorities are involved as well because they clearly need to look at the budgets they are providing to make sure they are adequate to pay for existing costs. We are looking at all the issues around historic liabilities, but I am afraid that I cannot give the noble Baroness the commitment she is asking for today.

**Lord Wigley (PC):** My Lords, I declare my links with Mencap as shown in the register of interests. Will the Minister tell us what contingencies the Government have put in place to fund the services received by people with a learning disability to cover their financial difficulties arising from the Government's decision not to fund historic liabilities on account of sleep-in shifts?

**Lord O'Shaughnessy:** It is not our position that they will not be funded. That is one of the options being explored at the moment. A huge amount of work is going on with providers and all parts of government. In the end, however, the Care Act 2014 means that local authorities have a responsibility to take on the commissioning of and, ultimately, provision for providers, if they are looking at exiting the market, to make sure there is proper and comprehensive provision in the local area.

**Baroness Wheeler (Lab):** My Lords, it is absolutely right that sleep-ins are defined as working time and therefore subject to payment of the national minimum wage. However, the Government's November compliance scheme proposal not only failed to offer support for hard-pressed providers but also means that thousands of care workers, who are among the lowest paid in society, could be waiting until March 2019 to get paid what is owed to them. Does the Minister agree that these low-paid workers should not have to pay the price for the Government's £6 billion cuts in social care or their failure to take action on addressing the social care funding crisis?

**Lord O'Shaughnessy:** I am grateful that the noble Baroness has raised the compliance scheme. For those providers that enter it, the scheme offers the opportunity to take 12 months for self-review and then report to HMRC, which will then allow a further three months for the providers to pay. That gives a 15-month leeway compared with the usual default enforcement period of 28 days. There is clearly a balance to be struck between the financial challenges posed to providers and the money that staff, rightly, need to take. I think that the compliance scheme provides that balance so that we can do it in a way that is sustainable.

**Lord Tebbit (Con):** My Lords, I declare an interest in that my wife requires 24-hour care. I am sure that my noble friend is aware of the impact of the backdating of this decision on so many people, not least charities such as Mencap, which will become seriously financially embarrassed unless some help is forthcoming. The amounts are enormous to such charities, but they are really pretty small beer compared with overseas aid, for example, and I hope the Government will look to their priorities in that respect.

**Lord O'Shaughnessy:** I absolutely recognise the picture that my noble friend paints. We know the impact of the decision on back-dated pay on those providers of social care of all kinds—charities, families and others. We are looking carefully at this, and there is a market analysis going on at the moment to find out the number of affected providers, the number of affected staff and the overall cost implications. Discussions are taking place with the European Commission to make sure that whatever route we take, we know it will be legally possible.

**Baroness Barker (LD):** My Lords, these providers have been hit this year with a bill of £400 million. HMRC has given a one-month deferment of its decision, which is not enough time for them either to raise the money or to make alternative arrangements. Does the Minister agree that this can only be solved satisfactorily, without detriment to people with learning disabilities and people who are cared for, if there is a rescheduling of the liabilities? Are the Government looking, with HMRC, at drawing up a longer deferment schedule to allow them to raise the money?

**Lord O'Shaughnessy:** Again, I would point the noble Baroness in the direction of the social care compliance scheme that has been set up, which allows precisely that deferral of payments. It allows for a period of up to 15 months for assessments to take place while providers work with HMRC to provide the payment. I should also point out that although HMRC would usually levy fines in the case of underpayment of taxes after 28 days, those fines have been waived in these cases, as one would expect.

## Youth Orchestras

### Question

11.23 am

*Tabled by Baroness Bonham-Carter of Yarnbury*

To ask Her Majesty's Government what assessment they have made of the number of youth orchestras in the United Kingdom and the frequency of their performances, and what steps they are taking to support youth orchestras, particularly in the light of Brexit.

**Lord Storey (LD):** My Lords, on behalf of my noble friend Lady Bonham-Carter of Yarnbury, and at her request, I beg leave to ask the Question standing in her name on the Order Paper.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con):** My Lords, the Government support a number of national young music organisations, including the national youth music orchestra, with over £1 million of public funding a year confirmed until 2020. These organisations undertook at least 125 performances across the country in 2016-17. The Government remain committed to supporting our orchestras and classical music organisations across the country and at all scales. Music, as well as art and design, is a compulsory subject in the national curriculum for five to 14 year-olds.



[LORD ASHTON OF HYDE]

**Lord Storey:** I thank the Minister for his reply and the importance the Government attach to these orchestras. Will the Minister give the House an assurance that, if we were to leave the EU, the finance given to youth orchestras and to other cultural institutions, for example for touring, will continue?

**Lord Ashton of Hyde:** I can confirm that, when we leave the EU, the existing amounts that we spend on British youth orchestras will continue. For example, the total Arts Council investment, which includes music, has been guaranteed until 2020.

**Lord Howell of Guildford (Con):** My Lords, one answer to the noble Baroness's concern is the Commonwealth Youth Orchestra, which I think the Government currently support, and I hope they will continue to do so strongly.

**Lord Ashton of Hyde:** I agree with my noble friend.

**Baroness McIntosh of Hudnall (Lab):** I am sure the Minister is aware that youth orchestras in this country, and indeed elsewhere, perform to an extremely high standard, and that the young people who participate put in hours and hours of work although not all—fewer than half of them—actually anticipate having a career as a professional musician. What we need in order to keep those standards up is a good supply of young people who have the skills to take part. What proportion of children and young people in the maintained sector have affordable access to music tuition for long enough to bed in the skills that they need to perform to that standard?

**Lord Ashton of Hyde:** I cannot give exactly the proportions that the noble Baroness has asked for. I can say that we have music education hubs, which were established after the Henley review into music education in 2011. There are 120 music education hubs in place, and they are funded by the Department for Education and overseen by Arts Council England. They create joined-up, high-quality music opportunities for all children and young people in and out of school, and the Government spend £75 million a year on this.

**Baroness Finlay of Llandaff (CB):** My Lords, I declare my interest as patron of the South Glamorgan Youth Orchestra, now the Cardiff County and Vale of Glamorgan Youth Orchestra. Do the Government recognise the importance of music in intellectual development, with a crossover into the sciences and mathematical skills, and therefore that it is very important to have feeder orchestras from junior schools, school transition and so on finally feeding into youth orchestras? Some children do not achieve that but they achieve the intellectual development necessary to underpin our national development of skills.

**Lord Ashton of Hyde:** I agree with the noble Baroness. I think we realise that music has particular relevance to mathematics and science. That is why music is a compulsory subject in the national curriculum and why we continue to invest in music in our schools.

**Baroness Smith of Basildon (Lab):** My Lords, this takes me back to my trumpet-playing days at school, which I will not inflict on your Lordships' House.

The Minister has heard from across the House great pride in our youth orchestras. Not only is our cultural and social life enriched by them but the economic life of the country gains. I have heard the Minister talk about the funding for youth orchestras, but do the notes in his folder tell him that since 2010 this Government have taken £48 million away from the arts councils that support them? I accept that he understands the importance of this. Does he not therefore think it is time to ensure that every primary school in the country has money available so that they can enhance the cultural life of all pupils?

**Lord Ashton of Hyde:** I am tempted to bring my trumpet in to have a duet with the noble Baroness, but I am sure she is better at it than I am. I have said that we agree that art and music are important, which is why they are part of the national curriculum. Arts Council England has increased funding for music since 2014-15, so in the difficult choices that have had to be made we think we have sustained our support for the arts. We recognise that the arts, including music, are important as part of an overall education.

**Lord Lexden (Con):** What reassurance can the Government offer the National Youth String Orchestra, of which I am patron, whose concern over things like insurance cover and the movement of musical instruments across borders after Brexit have led it to consider abandoning its customary European tours?

**Lord Ashton of Hyde:** I think the orchestra should check with its insurance broker because I am not sure whether that is a critical factor for travelling orchestras. Much more important is the visa requirements that will be needed after Brexit, and we are working hard with the Home Office to ensure that they are acceptable. The other measure that we are taking is the orchestra tax relief, which allows orchestras to travel.

**The Earl of Clancarty (CB):** My Lords, is the Minister concerned at the continuing fall in income from the National Lottery—the lottery benefiting youth orchestras alongside other areas of the art—and, if so, what measures might be taken to reverse this trend?

**Lord Ashton of Hyde:** The noble Earl is a doughty champion of the arts, for which I pay tribute to him. Of course we are concerned that lottery receipts are reducing. I believe work is under way to look at that. I do not have the information to hand but the Minister responsible in my department is looking at it very closely.

## Brexit: Negotiations

### Question

11.30 am

Asked by **Lord Robathan**

To ask Her Majesty's Government what are their red lines in their negotiations with the European Union over Brexit.

**Baroness Goldie (Con):** My Lords, the Prime Minister has set out the goals for our future relationship with the EU—to create a long-term relationship through

which the EU and UK can work together for the mutual benefit of all our citizens—and the Government are conducting these negotiations with that ambition, with due regard to not undermining our position by providing a continuing exposition of our negotiating position.

**Lord Robathan (Con):** My Lords, we can probably all agree that things, shall we say, could have gone better in Brussels on Monday. Will my noble friend reassure the House that the Government remain unwavering in their commitment to honour the decision made by the British people in the referendum last June to leave the EU, and that they furthermore stand by the manifesto pledge, for which nearly 14 million people voted only in June, to leave both the single market and the customs union?

**Baroness Goldie:** I can certainly say to my noble friend that, while I cannot go into red lines which are germane to the negotiating process, our clear objectives have been frequently restated: leaving the EU, leaving the single market, leaving the customs union, restoring the supremacy of the British judicial system, preserving the integrity of the United Kingdom and forging a strong relationship with the EU for the future with an ambitious free trade arrangement.

**Lord Davies of Stamford (Lab):** My Lords, anyone who has been involved in negotiations knows that one of the most important things at the outset is to establish the good faith of all the parties—in other words, their ability to conclude the deal that they are purporting to negotiate. Last week, the Commission and the Irish Government clearly assumed that the Prime Minister was negotiating on behalf of the United Kingdom. Actually, she was not: she was negotiating ad referendum to the DUP. In those circumstances, why did she not explain the position to her counterparties on the other side of the table, and why did she not get the DUP alongside, negotiating on their behalf?

**Baroness Goldie:** The Prime Minister is negotiating for the national interest of the United Kingdom and all its parts with rigour and determination—a determination, I may say, acknowledged by no less a person than President Juncker, who described her as a tough negotiator. That is what I want in Brussels; thank goodness, that is what we have in Brussels.

**Lord Lamont of Lerwick (Con):** My Lords, does my noble friend agree that there are many border crossing points between the EU and territory which is outside both the customs union and the single market—namely in Switzerland? Many of these borders are not just soft but completely imperceptible, because Switzerland has trading agreements with the EU. Does that not illustrate what the Government have always said: that the issue of the Irish border can be finally and substantively solved only in the context of the trade negotiations, part two?

**Baroness Goldie:** I agree with my noble friend that the trade negotiations are critical to the end point, the final shape of what we want to see. We have always been clear that we do not want a hard border between Northern Ireland and the Republic of Ireland and

that we want to ensure that the particular needs of Northern Ireland are recognised, but equally we are clear that whatever solution we come up with must be a solution for the whole United Kingdom.

**Baroness Ludford (LD):** My Lords, should not the only red line that the Government be working to be the prosperity and well-being of the British people, not the dogmatic obsessions of the Brexiteers? When will the Cabinet discuss and decide on a sensible policy, which the Chancellor admits it has not done yet, one backed by evidence, which the Brexit Secretary admitted yesterday it has not got?

**Baroness Goldie:** I think that there are two strands to that question. What was the phrase, “dogmatic”—

**Baroness Ludford:** Dogmatic obsessions of Brexiteers.

**Baroness Goldie:** Yes, well that is interesting coming from where it comes from, that observation. I repeat what I said. The Prime Minister is on record as negotiating—and, I think indeed, with what has been achieved—is demonstrably illustrating that she is negotiating for the good of the whole United Kingdom, and I applaud that.

On the specific issue of the impact or sectoral analyses to which the noble Baroness referred, the Government have always been very clear that we do not have a series of impact assessments. We never have had that. But we have been clear that we have had a series of sectoral analyses, and we have taken time—

**Noble Lords:** Oh!

**Baroness Goldie:** Well, anyone who takes the trouble to go into the Reading Room—which, given the interest in this Chamber, I would expect to be stowed out, with a queue back into the street—will find details of those analyses. We have been clear that it is an overall programme of work that we are engaged on; it is comprehensive, and the sectoral analyses are simply one part of it. It is not exhaustive or the final say on any of these issues.

**Lord Bridges of Headley (Con):** My Lords, following up on the question from my noble friend Lord Lamont, paragraph 5 of the EU guidelines for the negotiations, which were published on 29 April, makes it abundantly clear that the overall understanding on the framework for the future relationship between the UK and the EU would be dealt with solely in the second phase of the negotiations. Given that, would my noble friend give the assurance and remind the House that the EU cannot insist on any reference to that future relationship as part of the agreement currently being negotiated on citizens’ rights, the budget or the Irish border?

**Baroness Goldie:** I think that my noble friend will understand, and understand better than anyone, that I am very hesitant to dwell on details of negotiations. Everyone will understand that they are at a sensitive and very critical stage. You can lay me over that Table and flail me with *Dods Parliamentary Companion*, but I am not going to be drawn on detail.

**Baroness Hayter of Kentish Town (Lab):** My Lords, the truth is that, whoever we trade with, we will have to go along with their regulations. If we trade with the Americans, we will have to go along with their regulations. Given that there is this great big market of 500 million near us, could the Minister distance herself and her Government from the extraordinary comments of Jacob Rees-Mogg that the regulatory divergence between the UK and EU should be an indelible red line?

**Baroness Goldie:** At the risk of being tedious, I say to the noble Baroness that negotiations are currently at a very sensitive stage, and it is important that I am not drawn into terminology which can lead to profound misunderstanding. What I want to see happen is the now recognised mutual good will from all parties. We see the mutuality of interest in getting a deal, and I want to see that crystallised during the negotiations—and I am positive that something positive will be coming out of that.

## Business of the House

### *Timing of Debates*

11.38 am

*Moved by Lord Taylor of Holbeach*

That the debates on the Motions in the names of Baroness Neville-Rolfe and the Earl of Caithness set down for today shall each be limited to 2½ hours.

*Motion agreed.*

## Better Regulation

### *Motion to Take Note*

11.39 am

*Moved by Baroness Neville-Rolfe*

To move that this House takes note of Her Majesty's Government's plans to ensure that regulation is balanced, cost-effective, easy to understand, and properly enforced.

**Baroness Neville-Rolfe (Con):** My Lords, I am sponsoring this debate because regulation plays an important part in all our lives, both for good and, unfortunately, sometimes for ill. In recent decades, successive Governments have recognised the cost of regulation and sought to minimise it while still gaining the associated benefit. Recent initiatives are very well explained in the report that the House of Lords Library has helpfully produced for this debate. I thank the Library for it most warmly; it will prove invaluable, and not only for this debate.

To be clear, I fully agree that important steps have been taken in recent years to ensure regulation is justified and proportionate. Despite this, as is often the case in human affairs, we need to run to stand still. Even so, and despite the apparent political consensus I have described in favour of reducing the burden of

regulation, I sometimes detect a common view that regulation is virtuous in principle and that those of us concerned to reduce it are somehow working for an ignoble cause. I believe that to be profoundly mistaken. Regulation in general is, I agree, a necessity. But specific examples are frequently unnecessary; regulation often inhibits freedom and economic activity, making us all poorer. Therein lies the rub. There is nothing for it but to try to find the correct balance, and the way forward is rarely completely obvious.

Today, I do not want to run through the history of regulatory policy, but to raise concerns and to make some general observations that have occurred to me ever since, as a civil servant, I headed the deregulation task force under my noble friend Lord Heseltine. Identifying ongoing problems can be a first step to finding a remedy. In particular, I want to bring to the House's attention the possible link which I believe exists between disappointing productivity and bad, or poorly enforced, regulation. Then I will turn to the issue of what steps we can take to improve matters. This will be especially important very soon, when we are faced with the tide of regulatory implementation arising from Brexit. We need to find a way of scrutinising it well in this House.

I start with the problem—indeed, puzzle—of low productivity, which has been extensively addressed in this House and in the other place during the Budget debates. The flatlining in productivity that we have seen since 2008 is something of a mystery, like TS Eliot's cat. I have been reading closely the official papers on the matter from the ONS—not a task yielding a laugh a minute. A brief summary might be that the problem exists, but the exact cause or causes have not been proved. Likely culprits identified by informed observers include poor education and skills, inadequate infrastructure, insufficient housing and R&D, and the impact of digital on revenue and national income statistics.

I believe, however, that the wrong kind of regulation, an excess of it and a tendency to dream up new regulations in response to crises are also contributors. Rather than enforce existing regulations properly and learn from our mistakes in the kind of continuous improvement that I know from my time in retail, too often we see a failure to monitor existing rules and then very costly and intrusive regulation. My objection to the wrong sort of regulation is that it is inefficient, diverting of effort, irritating, time wasting and often expensive for those regulated.

My first example is Grenfell Tower. This was an appalling tragedy of a kind that should not occur. The facts are being carefully examined and there will be a forensic report, but I highlight three apparent regulatory failures from which we might learn. The most serious to my mind was to bring in for tower blocks building regulations that exempted the refitting of old blocks from the requirement to install sprinklers, as required in new blocks. The second was to require new cladding with a focus on energy saving to meet public sector climate change targets, and not to think enough about fire safety. The third was to have a Cinderella system of enforcement of the fire safety rules rather than well-trained professionals.



Cinderella enforcement has been an issue in many of the regulatory scandals of my lifetime, examples of which are Nestlé baby milk contamination, which closed the relevant Cumbrian factory for ever; local authority enforcement of BSE rules; and foot and mouth. For success you need a good enforcement system, and the Health and Safety Commission and, later, the Food Standards Agency have done a reasonable job, with trained staff and a system of simple, easy to understand guidance and a policy of issuing improvement notices before businesses face prosecution. Sadly, local environmental health and trading standards are not given the priority they should be.

Another good way to achieve compliance is to have industry schemes that act as an incentive to virtuous behaviour. An example—a good one, I hope; and I declare this and my other interests in the register—is the red tractor assurance scheme appearing on some £13 billion-worth of British agricultural produce. Had my noble friend Lord Lindsay been able to be here, he would, I know, have talked more broadly about other UKAS-accredited conformity schemes, because they have been used successfully for many years to support government regulatory policy and a risk-based approach in a wide range of important areas such as environmental management, food safety and quality, and healthcare services.

My second example is financial services. The UK's establishment of the Financial Services Authority was, to my mind, a mistake. My experience at Tesco was despair at the micromanagement it imposed on the detailed wording of consumer products while apparently neglecting investment banking and sub-prime. Regulators should have economic spectacles: they should care about growth and innovation in the economy, but they should also be wary of wealth creation that seems too good to be true. After the crisis, all that changed and, arguably, there has been regulatory overreaction—all very well meant, no doubt—and a double banking of UK and EU regulation. This growth of regulation has been introduced in part to tackle money laundering, but it is sometimes done without regard to common sense. My husband has looked after the affairs of an elderly aunt confined to a nursing home for many years, yet he is often asked to provide proof of her existence and her bona fides.

Having said all that, the new financial services regime is much better than it was in the FSA era. The FCA and the PRA are now in effect part of the Bank of England and can attract better staff as a consequence. They are more strategic and did well in the weeks after the Brexit vote. The FCA has rightly been praised for its work on fintech, with the regulatory sandbox providing a light regulatory regime for start-ups, which has impressed internationally. They now face a new difficulty: the need to secure some form of bespoke deal in the Brexit context. Because of the importance of a Brexit deal for financial services, there is no appetite for lighter regulation. Indeed, I worry that the rules could end up being more onerous. The risk then must be that global operators will decide to move business to New York or Singapore. We need to be a force for good in regulation in the EU while we remain in it, and in supranational discussions and bodies thereafter. Our influence is important.

My third example is product safety. I have previously highlighted the case of Whirlpool tumble driers that burst into flames. Whirlpool, a US company, was in my opinion slow to take its safety responsibility seriously when it emerged that there were 5 million dangerous machines in British homes. I understand that about half have been fixed. We know from debates on the then Consumer Rights Bill in 2014 that the product recall system in this country is not up to scratch. There is a simple solution—central resource and central responsibility, not for all consumer safety, which rightly sits with local authorities, but where we have major national product recalls as faced by Peterborough with Whirlpool. We need a major, centralised enforcement effort in such cases. I was rather hoping that the Minister might agree.

My fourth example, very briefly, is Volkswagen, which was again an appalling example of poor enforcement, not the wrong basic standards or laws. We do not have time to go into this case in detail, but I wonder whether the problem was in allowing manufacturers to set the performance tests rather than requiring independent certification.

Finally, I am following the Data Protection Bill through our House at present and I predict that the scale of the new burden it imposes will eventually cause a backlash of complaint. New rules will apply to pretty well every business or private sector organisation in the country, regardless of size, which collects or holds data about identifiable individuals—that is most small businesses and charities; not a happy situation. We must do what we can to help them.

What do we do about all this? I speak as someone who has spent half my life fighting red tape, sometimes with success. When I ran the Deregulation Unit aeons ago, we had a mantra which I think we could revive: “Fewer, better, simpler”. As Winston Churchill said,

“If you have ten thousand regulations you destroy all respect for the law”.

The Federation of Small Businesses says that regulation is a top priority for its members. In a recent survey, two-thirds of them thought that the costs outweighed the benefits in terms of reduced profitability, productivity, innovation and so on. They are especially concerned about the flow of new regulation and a *de minimis* rule that might be coming in for impact assessment. I hope the Minister will be able to provide them with some reassurance.

What else can we do together to make things better? First, we should recognise that regulation, while often necessary, is a cost that hits the bottom line of businesses and diverts management effort. We should be up-front about this. We need impact assessments available to Ministers and senior officials on new rules and regulations before key decisions are taken. The assessments should be realistic and simple and should reflect dialogue and consultation with the real economy, and quote the names of companies or bodies affected and what they think. The independent Regulatory Policy Committee has done good work on economic assessments and business impact, as the NAO has acknowledged. However, it lacks political edge and is somewhat undermined by the fact that its processes do not apply to burdens coming from the EU, to tax or to the national living wage.

[BARONESS NEVILLE-ROLFE]

The NAO suggests that when these are added in, the regulatory burden has actually been increasing, despite the various targets such as one in, two or three out. Perhaps proposals with increased regulatory costs might be required to be approved by a Minister, as is the case with expenditure proposals. He or she could be defined as a champion of lower regulatory costs. A good system is all the more necessary given the great tidal wave of replacement regulation coming our way with Brexit. The process needs to be refreshed, and the moment for that has come.

Secondly, and linked to that, we need to be champions of good, simple, inexpensive regulation across Europe and in international fora.

Thirdly—and this would appeal to most politicians in free countries—we should think small first. It is sometimes possible to have exemptions, such as the VAT ceiling, but we should ensure that administration for smaller firms is clear, simple and online and that charges are lower. Indeed, they often might not be worth imposing at all when you allow for the administration costs. At Tesco every invoice cost £25, so in many cases it paid to be generous. There are millions of SMEs, small charities, trusts and small public bodies such as parish councils and primary schools, who will love us if we can make the regulatory burden easier.

Fourthly, regulation must be easy to understand. The growth in complexity is good for the lawyers and consultants, but in the modern world there is no excuse for a lack of simple clear rules and information.

That brings me to my final recommendation: enforcement matters. As my tale of Grenfell Tower showed, enforcing and resourcing our regulatory systems needs to be an essential part of our deregulatory approach. Again, the Brexit changes give us an opportunity to review this aspect.

I note in closing that unfortunately, none of these ideas appears in the recently published industrial strategy. Indeed, regulation barely gets a mention, despite its importance to productivity. Robert Bork, a famous US lawyer and judge, said that:

“As government regulations grow slowly, we become used to the harness. Habit is a powerful force, and we no longer feel as intensely”,

yet what is proposed would have been “utterly intolerable” in former ages. That could be a prescient warning.

11.53 am

**Baroness Andrews (Lab):** I am grateful to the noble Baroness for creating another opportunity to discuss this very important matter. I agree with much of what she said. We have never been at a more important time in carrying out our role to regulate properly, proportionately, wisely and transparently. I am going to pursue a rather different tack this morning.

Even under normal circumstances, the minimum that we should be able to expect from the Government in their approach to regulation is not merely that it is proportionate, providing the right level of safeguarding and reducing the sort of risks that need to be reduced, but that it is transparent enough for everyone to have confidence in and robust enough to invite and withstand scrutiny. I hope that the Minister agrees.

My questions to the Minister today—there are quite a lot—will test whether these assumptions still hold in the light of what the Government plan to do to reduce the scope and functions of the only independent verification body which advises the Government about regulation: the Regulatory Policy Committee, created in 2009. In July I led a debate on regulation, which followed many of the same lines as the noble Baroness. This afternoon it is different. At the end of the debate, the Minister responded to me, in an unsatisfactory way, that the system of regulation was under review. Naively, I thought that that might mean a review which could lead to some improvement. There is common and cross-party agreement that we need to improve the system—to strip out what is redundant, ambiguous and obstructive—and to standardise practice without losing quality. That was the line taken by the Public Accounts Committee recently, when it said that the Government should adopt a more proportionate and efficient better-regulation system.

What has happened in fact, and which is deeply alarming to noble Lords across this House and to industry, is the opposite. Possibly under cover of the challenges of Brexit, possibly driven by it, the Government are planning to reduce the powers of the one independent body which is set up precisely to ensure that regulatory changes planned—whether to create or annul regulations—have the impacts claimed for them. We are talking only about business impact statements here—the very basic currency which has governed the accelerated approach to deregulation in recent years. These changes are planned and are under the radar. Apart from a letter to the chair of the PAC delivered last week, none of them has been publicly revealed, let alone discussed or consulted upon, not even with business interests. Each of them reduces a different part in the process of careful scrutiny and each has massive implications for small businesses—and very much for this House and the way it conducts scrutiny.

The three changes are, first, that the Government plan, as the noble Baroness, Lady Neville-Rolfe, said, to impose a *de minimis* bar of £5 million on what the RPC will look at in the future. This will have the following effect. Between 2015 and 2017, the RPC looked at 700 measures. Had this new regime been in place over the past year, it would have looked at only 18 measures, and it would be for government departments to self-certify those measures as to which side of the *de minimis* they fall on. This will reduce the work of the RPC by 90%. Had these measures been in place in recent years, the RPC would not have been able to review important regulations relating to fracking, night-flight restrictions, gender pay-gap reporting, pesticides and water quality, to name just a few. That is only one sort of impact.

The Federation of Small Businesses has been in touch with me as well. It says:

“There are rumours that government are introducing a higher *de minimis* threshold for scrutiny of impact statements”.

How right it is. In its briefing, it asks me to ask the Minister to provide clarity on this and when he will consult on it. Can the Minister ensure that in the wind-up he answers this question? The federation agrees:

“Our members cite the cumulative burden of regulation as a key problem, and so we are concerned that this change will allow more regulation to slip through the net unscrutinised, adding to the burden rather than reducing it”.

Exactly. Changes which look minor in themselves, which affect every hairdresser in the country, may well not add up to £5 million so will not be scrutinised—but they affect every hairdresser. That is what the FSB wants information about.

The second change is related to that. The Government have changed the terms on which measures of any size can be examined. With the introduction of *de minimis*, the RPC was concerned—rightly—that controversial measures could slip through, so it was working with the BRE to introduce powers of call-in to pick up controversial measures that would have a perverse consequence, whatever that might be. This, I understand, has now been abandoned as an idea. There will be no provision to call in any controversial measures that fall below the minimum. In a letter that I have seen, sent by the Minister to Cabinet colleagues, this is simply described as being,

“to enable the BRE to work with Departments to avoid unnecessary parliamentary handling risks”.

Thirdly, the Government have decided to abandon the mandatory first stage of consultation, which was developed by the RPC to spot and iron out mistakes, to the advantage of business and societal groups. This would provide greater departmental autonomy, with only one final cliff edge of confrontation. This proposition had been put forward before but was rejected by the then Cabinet Office Minister, Oliver Letwin. Business is very unhappy.

These are my questions for the noble Lord. Can he explain why the Government are reducing the power of the RPC to a minimal, possibly unsustainable, level at a point when its regulatory function needs to be at its most alert? Can he confirm that these changes are not under consideration but are well past that stage and that, unlike what he said to me in an Answer last week, have been put into effect without public consideration, debate or review? Can he explain why this has not been brought to the attention of Parliament, let alone our scrutiny committees that deal with secondary legislation? Can he explain why he has not consulted business? Can he tell me what the job description of the new chair of the RPC, announced yesterday, in place of the gentleman who has been doing the job for many years, Michael Gibbons, will consist of? Does Mr Browne understand that, if these changes go ahead, there will be virtually no job to do?

I have already put one question to the Minister from the FSB, and here are two more. When will the Government consult on a new business impact target, which is required within a year of a new Parliament? We are now half way through it. When can we expect confirmation of the appointment of the independent validation body? Those are all questions well within the scope of the Minister, and I expect a reply at the end of the debate.

Finally, exactly what role and process do the Government now envisage for the RPC in relation to the Brexit process—not just in terms of the transposition of EU regulations but in terms of the generation of new regulations as a result of the negotiations or

beyond? Are we to understand that this scrap of a body that will be left is to be charged with this crucial part of our future, or will more changes, of which we have not been informed, be sprung on us? When I heard about these changes, I found it very hard to believe that even this Government would make them without informing their eyes in business—the people who have to implement them—and this House.

I have mentioned Brexit and the chilling effect it is having across government. It is also a potential means of evasion and excuse and of doing things that might go unnoticed. We must be exceptionally alert to this. The RPC has been entirely dignified and silent about its treatment. This is no way to treat good public servants whose only concern is for good public policy. We ought to be able to look for a regulatory system which is robust but is also concerned with the social—not just business—impacts, and which is statutorily based and protected, and championed by a leading Minister.

This is not a personal agenda; these are issues of enormous interest across the House and outside, and I look forward very much to the Minister’s response.

12.03 pm

**Lord Stoneham of Droxford (LD):** I, too, thank the noble Baroness, Lady Neville-Rolfe, for leading this debate. She has huge experience in this field, starting as a government official, then working at Tesco, particularly in retailing and consumer protection law. I suspect that she spent a lot of her life in Europe dealing with regulatory matters, and she has now gained the skill of leading legislation in this House.

Those of us who have spent a lifetime in industry should and do understand the importance of regulation to ensure that fair and free competition exists and that staff and consumers are protected. I have worked in three industries—the coal industry, construction and newspapers. The one Act in my generation that stands out is the Health and Safety Act. I worked for the Coal Board in the 1970s and had the task of drafting the letters for the chairman of the Coal Board to send to the families of miners who were killed in accidents. I reckon that they averaged about 40 a year. Looking back, it was an unacceptable figure, but it shows that we required in this country a substantial movement in health and safety practice. In the coal industry, we probably used to assume that accidents were inevitable, but in my working career I have never assumed that any accident should happen.

Construction has already been mentioned in this debate. Compared with 40 years ago, construction has undergone a transformation. Grenfell is obviously a failure, and we will find out much more from the investigation currently taking place. However, it is not a question of less regulation but of getting better regulation to deal with some of the problems that will clearly be unearthed when the inquiry is conducted and completed. Every incident that we have in health and safety has to be tested and examined so that we can develop regulation and improve what we are doing. Just as important as regulation is the culture, which is one of the things that the Health and Safety Act changed. I particularly admire the culture of the aviation sector with its drive to examine every incident and



[LORD STONEHAM OF DROXFORD]  
encourage a culture of no scope for improvement in its safety audits—because it knows the consequences of having a margin of error.

My principal industry of newspapers was not unsafe. But I particularly appreciated the area of competition regulation in a sector that was consolidating through mergers at the time. There were considerable opportunities for price fixing, collusion and muzzling competitive forces. They were endemic—but for the fact that there were regulations and competitive authorities to keep an eye on what was being done.

As someone who has worked in industry through most of my career, I certainly believe in keeping regulation simple, up-to-date and easily understood. But it needs to be said, as was stated in the briefing material, that the OECD regards this country as having relatively low levels of regulation compared with other member states. One of the principal sources of comparative advantage for this nation in attracting foreign investment is the system of fairly low-level regulation compared with other countries. That is what has attracted foreign investment into this country, from companies needing to sell their goods in the European market.

It is particularly important for small businesses that we keep regulation simple and effective, because they have the most difficulty in keeping up with regulation. We need their powers of innovation, growth and transformation to contribute to our economy. I certainly am not one of those who propose—indeed, we should strongly oppose—any concept that this country should develop down a Singapore route, with less regulation and unrestricted free enterprise, as a way of developing comparative advantage once and if we come out of the EU.

The coalition made some progress in trying to simplify our regulation policies. There are times when you need slightly more PR-type initiatives such as “one in, two out” or “one in, three out”, because that is a quite effective way of bringing about change in organisations that are not facing up to the need for it. But actually you need more effective long-term measures rather than simply changing the name of the campaign from “Cutting Red Tape” to the “Red Tape Challenge”. Having business impact targets and trying to improve government departments from within are important initiatives.

However, there are a number of problems, one of which is that in order to set realistic targets, you need to include in them the things that matter. I know that the Government have resisted this for a long time, but tax administration being outside the initial impact assessments is ludicrous because most small businesses certainly see the burdens of tax administration as being probably the largest impact that they have to face. They are not going to take much notice of campaigns that try to sideline the things that add most to their costs. Although I support them, we also have to include the national living wage and the national minimum wage so as to indicate where burdens are being put on business in order to get a true impact analysis of what regulation is doing—even when there are downsides to measures that most of us strongly support.

Finally, I want to say a little about the global dimension. The future for this country is very much about international trade and data. This week, I took myself off to look at the impact studies that the Government have produced. It was an amazing experience. You must make an appointment and be met at the Treasury. You have to give up your phone and sign your life away and promise that you will behave yourself, and then you get to see these studies. There is absolutely nothing new in those studies apart from emphasising the huge complexity of what the Government are leading us into with Brexit.

One phrase did catch my imagination. I started at A and looked at agriculture. It stated: “A key consideration is that the cross-border trade between Northern Ireland and Ireland is particularly complex and sensitive. The food and drink industry between the UK and Ireland is fully integrated and treated as a single trading unit by business”. Some 10 European systems apply across the agricultural sector, along with 15 relevant agencies. Good regulation will be vital to the flow of goods in the future. Regulation is particularly essential in this industry because when there is a problem, it helps to have good regulation so that businesses can recover quickly and continue to have free movement.

The Government are facing a huge task of converting all the European regulations which apparently are now going to come under our own auspices; it will be a huge enterprise. When moving house, most people clear out the loft first—but we will have a system where the withdrawal Bill will come in, then we will amend it so that we have a transition Bill, and presumably then we will then have to work through all the regulations to ensure that we are in control. What we also have to decide is which European regulatory agencies will apply and which we will participate in. We are half way to Brexit, with 18 months to go. Do the Government have a plan as to which of these agencies they are going to participate in and which they will duplicate? In my experience, it can take two or three years to set up a new department or regulatory agency, and I think that the country deserves to know.

The country could do with increasing scrutiny of regulation, but in a debate with the noble Baroness, Lady Neville-Rolfe, when she was in the Government and defending against various amendments that we had proposed, I said that she was Stonewall Jackson in her defence of the Government. However, I warned her at the time that Stonewall Jackson was killed by his own troops. For all her aspirations on regulation, the difficulty is that, with the huge mountain of work that the Brexit operation will involve, simplifying regulation will be put very much on the back burner.

12.15 pm

**Lord Whitty (Lab):** My Lords, I heartily thank the noble Baroness for introducing the debate with her usual clarity—not that I agree with everything that she says. I agree with a fair part of it, but there are some aspects with which I do not.

As she said, five months ago, we had a debate on regulation in the name of my noble friend Lady Andrews. That was almost directly in the wake of Grenfell Tower, which, as she said, was a lethal cocktail of



failure of regulation, regulators and enforcers to fulfil what is generally regarded as the first duty of the state: to protect its people. In that context, I gave a fairly fundamentalist speech to your Lordships about the attack on regulation, which was often under the guise of better regulation. I declared myself then to be a defender of the nanny state, and I remain unashamedly so. In these slightly more relaxed times, perhaps I should explain that I was in favour of a nanny state that was strict, fair and child-friendly, rather than the opposite. Nevertheless, I stand by my words. I can do no other.

Yet I recognise the need both for constant vigilance about the nature, quality and quantity of regulation, and for the real and positive better regulation agenda. I understand that to be the noble Baroness's agenda. We need regulation that is accessible, not overly complex, clearly focused on outcome, intelligible and proportionate. Noble Lords will notice that I use the term "proportionate" rather than "balanced", as in the noble Baroness's Motion. They are not the same thing. "Proportionate" means not excessively costly or restrictive, relative to the prime objective of the regulation. "Balanced" implies that there is a trade-off between the objective and other objectives—particularly economic costs. That is not the objective of regulation. For example, if a substance or process can be lethal then we need to stop endangering human—or in some cases, animal or plant—life. That is the focus and objective of regulatory intervention in the first place. We should do so based on risk and in the most efficient and cost-effective way, but not by compromising the prime objective. Therefore, it is a question not of balance, but of proportion and adopting the most cost-effective and best available technology to meet the objective. Later today, there is a debate on the natural environment in which I will make a few remarks about pesticides. I will leave those remarks for noble Lords who can stand two interventions by me on the same day.

In a wider context, I am concerned about the Government's approach to transposing a whole corpus of EU law into British law. The European Union (Withdrawal) Bill will be before your Lordships in the new year—quite how early is not yet entirely clear. It is time to put up a few markers. I fear the combination of the unprecedented need to rewrite and change the status of such a wide swathe of law and the political tendency influencing the Government—I was going to say within the Government—and of those who seek to use a post-Brexit scenario to move to a UK economy based on minimal regulation, perhaps under the guise of better regulation. They denounce the nanny Euro-state and put our physical security, fair treatment at work and in society, and the future of our landscape and biodiversity at risk, in order to cut regulatory costs. They insist on light-touch regulation or thin self-regulation and reduce the powers of regulators and cut their resources—allegedly so that the UK can compete in a ruthless world market. That is not my vision of post-Brexit Britain, but it is one that has an uncomfortable resonance in some circles not far from the centre of power—for the people more comfortable with regulatory alignment between the UK and Texas than between Armagh and Dundalk.

Already over the last decade, under successive Governments of all hues, we have seen examples of cuts in the powers and independence of, for example, the Health and Safety Executive and the Environment Agency. More recently we have seen a serious diminution in the resources at local level for trading standards, as the noble Baroness said. Under the guise of better regulation, we have also seen what I regard as quite absurd mechanistic formulae of one in, three out, supposedly to reduce the burden on business, but in fact introducing another completely nonsensical trade-off.

In the Brexit Bill we see the necessary literal transfer of the wording of directives and regulations, but without, as it currently stands, the guiding principles of European regulation that exist in the treaties or, in some cases, in the preambles of directives and regulations. We are withdrawing from the treaties and English lawyers do not like the concept of preambles, but we miss some very important principles by not translating them into English and Scottish law, for example on fundamental rights, sustainability and the precautionary principle, which, as the Bill stands, are not being transferred, although the detailed regulations are. Nor is it clear from the Bill how the regulations, which hitherto have largely relied on European-level enforcement, are to be enforced on the British economy and public institutions post Brexit. I hope your Lordships will have the opportunity to get that right when we receive the Bill.

However, let me be a bit more positive about the agenda that the noble Baroness has set out. Indeed, over her lifetime she and the noble Lord, Lord Curry, who is about to speak, have spent a long time looking at the positive side of better regulation—a painstaking process of updating, simplifying, reducing overlap; challenging half-baked cases for new regulations, of which there are far too many; cutting complexity, and, yes, avoiding unnecessary cost, particularly the administrative cost on small businesses. That is not so much the cost of compliance as it is the overhead burden of administration.

To help the process, successive Governments have established a precise, independent and effective method of checking and doing the necessary weeding, certification and assessing of proposals from departments for new or revised regulations. It has not been comprehensive, but where government departments have allowed it to operate it has been successful and has helped to ensure that new regulations have been more cost-effective, accessible and workable. My noble friend Lady Andrews has already referred to the unfortunate rumours we have heard that part of that apparatus is being chopped off at the knees and that the role of the Better Regulation Executive and in particular the Regulatory Policy Committee is likely to be reduced—presumably, to put it benignly, in order not to jam up the process of transferral of European regulations through the Brexit process. I repeat my noble friend's anxiety, because these processes have gained the confidence not only of those who are pressing for regulations but of those who would normally be very apprehensive about them, in particular small businesses. We are in danger of this process losing that confidence.

I worry that we are entering a period where people see the post-Brexit fate of this country as an offshore, low-regulation, low-tax, low-enforcement economy

[LORD WHITTY]

and society. By contrast, if your Lordships are interested, I have a whole list of areas where we should have better, more substantial regulation. On the environment, it should be on soil protection, air and water quality, and pesticides and fertilisers. In housing it should be on the private rented sector in particular and on building regulations. In the legal services, we should have a rather more independent system of regulation not wedded to the professional bodies.

So I, too, have an agenda which may appear to go in the opposite direction to that of the noble Baroness, but I hope that any new regulations in that area meet many of the principles that she has expounded today. I hope that the better regulation process hereafter, in particular through the tedious and complicated process of transferring European regulations into our own laws, meets genuine better regulation objectives and is not, in effect, putting our society at greater risk.

12.25 pm

**Lord Curry of Kirkharle (CB):** My Lords, I welcome this debate and am grateful to the noble Baroness, Lady Neville-Rolfe. I must begin by declaring my interests. I farm in Northumberland and, as the noble Lord, Lord Whitty, said, I chaired the Better Regulation Executive from 2010 to the end of 2015. In that time, I was responsible for the adoption of the one-in, one-out and one-in, two-out processes, as well as the Red Tape Challenge and focus on enforcement programmes. Collectively, these initiatives led to a reduction in regulatory costs for business of around £2 billion per year, as confirmed by the Regulatory Policy Committee—a significant development for the business community at that time. When I took the chair in 2010, 62% of businesses regarded regulation as an obstacle to progress. Five years later, this figure had dropped to 51%. The programme was successful and brought greater discipline to government departments and their legislative ambitions. It definitely stemmed the flow of new regulations. I supported then, and still do now, the principle of establishing a business impact target introduced in the Small Business, Enterprise and Employment Act 2015, which we debated at length in this House. However, this needs to be realistic, and the cranking-up of the challenge from one in, two out to one in, three out in 2016 was a step too far.

The noble Baroness, Lady Neville-Rolfe, referred to the tragic Grenfell Tower disaster. The building where our own apartment is, a 10-minute walk from here, apparently has 40% coverage with the same offending panels and in construction may have contravened building regulations. It was rebuilt in 2003, long before the one-in, two-out policy was introduced in 2011. I question whether there is still a systemic issue within the construction industry.

I am absolutely clear that the programme we put in place did not put lives at risk or undermine confidence in our regulatory systems. In fact, as was stated by the noble Lord, Lord Whitty, it is perfectly possible to remove regulatory burdens that benefit employers, businesses, employees and citizens by adopting smarter processes and better targeted inspections. Enforcement can actually be enhanced.

Today's debate focuses on the need for regulation to be balanced or proportionate, cost effective, easy to understand and properly enforced, and I support that objective. We need to protect UK citizens, their health and well-being, our environment and natural capital, while creating a favourable business environment. This will be even more important post Brexit. It is crucial that businesses continue to want to reside here in the United Kingdom, to build capacity here and to contribute to our economy after March 2019.

According to the World Bank, the UK is currently the seventh most favourable country in the world in terms of ease of doing business—this is an important benchmark for us—and we want to ensure that we continue to be at the forefront of global business, positioning ourselves as the best place in Europe. This must be in terms of the ease of establishing a business as well as the ease of growing a business.

As the EU withdrawal bill is going through the Commons and heading in our direction, it puts us, as the Prime Minister has said, in an unprecedented position. We have no choice initially but to translate EU legislation into domestic law, but we should take the opportunity to simplify, consolidate and reduce the volume of guidance notes wherever possible to suit our circumstances here in the United Kingdom. However, we must also recognise that we will not be able to access important markets unless we have appropriate regulation in place. Having concurrent regulation with the European Union will help to pave the way for our future trading relationship. The wishful thinking of some Brexiteers that we can demolish regulation at a stroke when we leave the European Union and still trade on the global stage is naive. We need to strike a balance. It will be important to have at least equivalent standards with other countries and the EU if we want to maintain our business relationships. In fact, we need to present ourselves as having high standards of compliance and make a virtue of our regulatory standards. Our own British public expect us to have meaningful and appropriate regulatory standards in place.

Given my particular interest in the agricultural sector, which I am delighted has been mentioned twice already, I could not speak on this topic without referring to the impact on agriculture. I fully agree with comments about the red tractor scheme; these voluntary schemes provide valuable evidence of the status of farm businesses and allow for a policy of earned recognition to be applied to inspection regimes. There is no question that this issue of regulation and bureaucracy is one of the reasons that many people voted to leave the European Union, particularly the farming community. The assumption is that about 40% voted to leave.

In the design of our post-EU agricultural policy, we need to make sure that we reduce the complexity and bureaucracy which has been a feature of the common agricultural policy. We have a chance to create simpler, less onerous structures and we need to take that opportunity. We must resist the temptation to surrender to complex admin systems. The Defra Secretary of State, Michael Gove, has stated that he will establish a new environmental regulator to replace the accountability currently residing with the European Commission to hold government to account. I support this requirement

but in doing so government must review the regulatory landscape, in parallel with this decision, and seriously question whether we need three environmental regulators. How confusing would that be?

Finally, I will comment on the structure in place to manage and administer the Government's regulatory policy. The Better Regulation Executive has a hugely important role but it does not have executive powers, so the title is slightly misleading. The Regulatory Policy Committee also has a crucial function, as was highlighted by the noble Baroness, Lady Andrews, and the noble Lord, Lord Whitty, in auditing economic impact assessments. It is essential in monitoring the business impact target but does not have influence on policy and is not truly independent. Both bodies are subject to the whims of Ministers. The responsibility within government is split between BEIS and the Cabinet Office, while the BRE has not had an independent chair since I stood down in 2015. This structure does not provide sufficient independent challenge. It provides less than in the past, it is potentially confusing and there is overlap. It should be reviewed as a matter of urgency, particularly in light of the huge workload as a result of the withdrawal Bill. As has been mentioned earlier, EU regulation has been exempted from the current scrutiny by the RPC. This will not be the case when we leave the European Union.

When I chaired the BRE, I firmly believed that tax administration should have been included in the target and subjected to the same RPC scrutiny. I still believe that and firmly agree with the Federation of Small Businesses. My view is that we need an even more effective structure to monitor regulation going forward than we have today, not a lesser one.

12.33 pm

**Baroness Altmann (Con):** My Lords, I congratulate my noble friend Lady Neville-Rolfe on securing this important debate. The Government are right to want to reduce regulatory burdens and I commend their intention to do so. I also agree that if we are to have mountains of statutory instruments placed before Parliament as a result of Brexit, somehow the time devoted to new regulatory legislation will need to be controlled. There are only a limited number of hours available. I support the Government's aim to introduce a more proportionate and efficient system. A somewhat more permissive and hopefully simplified regime is understandable. However, we must be concerned to ensure that we do not then allow all departments a free-for-all to certify measures as having an impact on business of below £5 million and thus bypass scrutiny.

As the noble Baroness, Lady Andrews, rightly outlined, there is concern if the impact assessments coming before the Regulatory Policy Committee are truly going to fall from around 700 to around 18. We must surely not reduce our efforts to protect the public, so random assessments of departments' measures that are not put before the Regulatory Policy Committee are surely absolutely essential. Indeed, rather than diluting the RPC, I wonder whether we should beef up its powers and whether now is the time to consider putting it on a statutory footing, as I believe happens in other countries such as Germany, Norway and the

Netherlands, or awarding it independent verification body status. Will my noble friend let us know whether such measures might be under consideration?

In addition, will my noble friend reassure the House that, when making impact assessments, the impact on the public will be more carefully assessed than appears often to have been the case in the past? Additionally, I believe that although there is a laudable intention to ensure that regulation is regularly scrutinised to ensure that it is working as intended, the promised post-implementation reviews have been relatively few and far between. The purpose of regulation is largely to protect the public and wider society, so the absence of sufficient checks is surely of concern when deciding about the impact of regulation.

I am particularly concerned that departments may pay too little attention to the wider impacts on the general public. The department's answer to Question HL3424, asked by the noble Baroness, Lady Andrews, states that,

"societal impacts ... are agreed by senior civil service analysts and ... signed off by Chief Economists".

Is that really good enough? Surely the impacts on the wider public are crucial and require more independent input from user groups and others who are perhaps better placed, and certainly well placed, to judge the impact of those regulations. Perhaps we need to find ways to ensure that departments are incentivised to consider and produce such reports.

Regulations should also bear in mind the people who are using them and who are supposed to benefit from them. For example, it turned out that product warnings that something could be fatal were not well understood by the public and that changing the wording to "Solvent abuse can kill suddenly" was rather more effective.

The original idea was that we need regulation, but it would wither away in most sectors to be replaced by competition. However, in many cases there is just too much asymmetry between the parties involved and the public, so ordinary consumers need the protection of well-designed regulation to ensure that they are treated fairly.

An excellent example of such asymmetry in both information and power is, of course, in my area of pensions. Failure of regulation has too often had dire consequences. For example, it is almost 10 years to the day since the Labour Government, thanks to the noble Lord, Lord Hain, who was then Secretary of State at DWP, agreed to compensate steelworkers and 150,000 others who had lost their entire occupational pensions. Despite years of contributions and assurances that they were protected by legislation, it was discovered that those regulations designed to protect them had actually stripped them of their pensions entirely. The regulations were well-meaning, but failed. There are, of course, many other examples.

Too often, it seems that provider companies may have captured the regulators or the regulatory thinking. It is also important to listen to small firms, as my noble friend Lady Neville-Rolfe rightly said, and the impact on wider society must not be ignored. In that context, excessive complexity not only hinders economic activity and creates unnecessary burdens but also prevents consumers understanding what is going on and what regulations are meant to achieve.



[BARONESS ALTMANN]

However, there is little incentive to ensure simplicity or to avoid adding further to our already complicated web of legislation. A good example of how complexity can be damaging, particularly to small businesses, is in the area of automatic enrolment, where the rules are unbelievably complicated. For a large firm that can pay consultants to manage it all, it is fine, but for a small firm the complexities often cause enormous cost and concern. Simplification is an aim that I hope many departments will follow as we move forward, but there are too many examples in the pensions arena of where complexity has been introduced. I hope that departments will take note of that need for simplification.

Governments must ensure effective oversight of regulated industry, whether energy, nuclear, infrastructure and so on, and there are bound to be some interactions between political considerations and the regulations. Indeed, the complexities of competition and technological advances mean that it is important that Governments ensure regulated industries are operating to achieve the desired policy objectives. But for this to work well, transparency is vital, and transparency can be hindered by that complexity—or, indeed, by the frequent changes that so often occur.

Another example is in the residential landlord sector, where I must declare an interest as a private landlord. There are many important regulations—on gas, electricity and furniture safety, for example—but, despite this, there is inadequate enforcement by local authorities, as has been highlighted by other noble Lords. It is true that many councils have introduced licensing schemes to try to enforce the regulatory requirements, but the unscrupulous landlords do not join in.

In legal services, again the Treasury rightly says that independent regulation is important to make sure markets for essential services work fairly. However, the legal services profession is calling for regulation to be independent of the profession, in order to address not only any possible conflicts of interest but even the perception of such conflicts. The Competition and Markets Authority looked into the legal profession and confirmed that the independence of a regulator from the providers is a key principle that should be taken into account in any review of the framework. Can my noble friend the Minister say when the promised consultation on regulatory independence will be published?

Finally, we have skilled drafters and a professional Civil Service committed to reform and innovation and to effective regulation. But a note for civil servants raised a wry smile when I came across it the other day. After saying, rightly, that regulations should always be,

“transparent, targeted, consistent, and in proportion to the risk”—absolutely correct—and calling for,

“incentives to encourage those causing the risk to change their behaviour”,

it goes on to say:

“Watch out, by the way, for the implications for middle class journalists. For instance, when designing policies affecting employees, think carefully about their impact on au pairs. Or when changing education policy, how will it affect Montessori schools? You attack the freedom of the press at your peril!”.

I hope, in the context of Brexit, that if we do proceed with this enormous task, the interests of the public will be paramount, rather than us just worrying about the media.

12.44 pm

**Baroness Donaghy (Lab):** My Lords, I remember that, when the noble Lord, Lord O’Neill of Gatley, put productivity centre stage, I said in a debate on the economy:

“I congratulate the Minister on emphasising the importance of productivity. If I were his public relations adviser, I would caution against setting himself up as such an easy target”.—[*Official Report*, 10/9/15; col. 1497.]

The noble Lord now sits in wistful self-imposed exile on the Cross Benches; admittedly, that is not related to productivity.

So when I saw that the noble Baroness, Lady Neville-Rolfe, had initiated a debate on regulation, I felt like handing out the same cautionary advice to her. As the Minister who steered the Trade Union Act through this House, I will say that trying to advocate that the Government should pursue a balanced approach to regulation is very bold. However, I doubt that she would want me as a public relations adviser. I will say that it is typical of her frank, human and no-nonsense approach that she has initiated this debate in the sure and certain knowledge that some of us will be in disagreement. In July this year my noble friend Lady Andrews initiated a debate, which has already been referred to, on deregulation. I think her speech was definitive on that subject.

I have direct experience of employment regulation, both as a trade unionist—a member of NALGO and Unison—and subsequently as chair of ACAS; I had in-depth experience of health and safety in the construction industry when I produced a report for the Labour Government on fatalities in that industry; I have taken an active interest in the scourge of short lets in London and the work of trading standards officers; and I live, like millions of others, in an area that is rife with fly-tipping and air pollution, so I hope that I can be allowed an element of indignation that this Government claim to have a balanced approach to regulation. They have created a wasteland where lack of public funding means that even existing protections are not pursued.

The Government charged for employment tribunals, which led to a 79% drop in overall claims, and they are now having to pay back the money. This will be no compensation to those who could not afford to pursue their case. Citizens Advice says that seven in 10 potentially successful cases were not pursued by employees—mainly women and the low-paid. Since April 2016, tribunal enforcement officers have been able to impose financial penalties on defaulting employers in the minority of cases where the applicant won their case but the employer did not pay up. BEIS confirmed that there had been 60 penalty notices as a result of 164 warning notices for failing to comply with employment tribunal orders. In the period of April 2016 to February 2017 the total paid out by employers on these fines was £83,000—not each; that is the total—yet the myth of large payouts is still perpetrated by the press.



The Government reduced protections for workers in small business by amending the Health and Safety at Work Act. Trading Standards has lost 60% of its staff, meaning that tracking down faulty or fake goods is more difficult. That means that bad companies can get away with faults in their products with virtual immunity, while good companies are undercut by fake goods when what they want is a level playing field.

The Government deregulated lettings, and the impact in London on short lets is changing the nature of settled residential blocks, to the detriment of existing residents. The Government maintain that they are supporting a sustainable environment, yet new homes no longer have to be carbon-rated.

Last month, as my noble friends Lady Andrews and Lord Whitty have already said, the Government agreed to introduce with immediate effect a *de minimis* threshold for the independent scrutiny of regulatory impact assessments. Departments will no longer have to submit an RIA to the independent Regulatory Policy Committee for regulatory provisions where the direct business impact of the measure is less than £5 million per annum. Anything under that threshold will be handled by the departments—which, it is said, should be more proportionate to the scale of the regulation's impact.

As has been said, the Regulatory Policy Committee is an advisory, non-departmental public body with eight independent committee members from business, civil society—in this context, the TUC—the legal profession, academia and two professional economists. The committee verifies the impact of all regulatory proposals in relation to the business impact target, including non-qualifying proposals. It comments on the quality of evidence, not the policy itself.

The committee had already expressed concern at the continually varying standards of impact assessments and the general disregard for regulatory impacts on wider society. The latest change to a *de minimis* approach reduces the role of the Regulatory Policy Committee to a rump. I wonder whether this is a deliberate tactic to push the committee members into resignation mode. I am sure that the Minister is far too gentle a creature to collect scalps, but he has said that this more permissive regime will enable timely delivery of legislation, especially that related to EU exit. I find that very worrying. It looks like a clarion call to the buccaneers. What assurances can he give us that the Government will at least adhere to existing standards and that Parliament will still have the opportunity to scrutinise future regulatory changes in a meaningful way?

My report on the underlying causes of fatal accidents in construction nearly nine years ago recommended a regulation imposing a duty of care on persons carrying out work to do so safely. This regulation would have been enforced by building control surveyors and officers. I said:

“This would extend their enforcement from the safety of what is built to include the safety of the building process”.

I made that recommendation in the context that many areas of construction—particularly, but not exclusively, the small building or refurbishment sector—were,

“out of sight below the Plimsoll line”.

Companies striving for excellence felt let down by those who did not pursue the same standards, and were crying out for a level playing field. I felt that more local oversight would be an important step towards improving safety standards in the hard-to-reach sector. The remit of building control would be extended to include health and safety requirements and integrate them into the building process. The role of the building control surveyor would be to check that the safeguards were included in the particulars of how a client intended to build—and, if they were not, to advise accordingly.

At the time, the Department for Communities and Local Government was consulting on the future of building control. I understood the emphasis at the time on sustainability, but I went on to say that, “safer construction sites and safe maintenance of completed buildings is no less important and there is an opportunity here to make a step change in construction safety”.

I regret that my recommendation was not accepted and, while not claiming a direct link, the Lakanal House fire, which happened in the same year as my report and in which six people died, led to recommendations by the coroner which, nine years later, have still not been actioned. I watched the smoke from the building from my street, and it made a lasting impression on me. Let us hope that we are not still waiting on action from the Grenfell Tower tragedy in nine years' time.

In preparation for my report, I spent a number of days with the Health and Safety Inspectorate. Its impact is disproportionate to its numbers. I accept that it is impossible to deal with health and safety simply by increasing the number of inspectors to thousands, but I never expected that the HSE would be cut to ribbons or that the number of inspectors and inspections would be cut. Of that the Government should be ashamed.

In conclusion, the Government have taken away the means for proper enforcement. They have pursued a policy of cost cutting rather than cost effectiveness, and the balance of their regulatory approach has led to a more unfair and a less safe society.

12.54 pm

**Baroness Deech (CB):** My Lords, I declare an interest as a regulator of long standing—a “quango queen”, if you like—having been involved with the Human Fertilisation and Embryology Authority, the BBC, the Office of the Independent Adjudicator for Higher Education and, most recently, as chair of the Bar Standards Board. I found them all worth while, because I had some familiarity with, respect for and interest in the organisations involved. The current belief is that only a lay person can be trusted to regulate a profession. I am not convinced; I have found that understanding and communicating with the profession are more important and that a professional person, such as a doctor or lawyer, is likely to be far more unforgiving and demand higher standards of their fellow professionals than a lay person, for they know how much is at stake for the reputation of their profession.

My conclusion is that the structure of governance, much discussed in relation to the BBC, for example, is less important than the quality of the persons set to regulate. Once you have too many strangers to the

[BARONESS DEECH]

profession on the board, they take refuge in that meaningless jargon that gives the impression that they are doing something—drill down, low-hanging fruit, going forward, heads-up, pathway, challenging; noble Lords get the drift.

My other conclusion is that regulatory bodies, more specifically bodies that regulate regulatory bodies, have run wild. It is true that the Public Bodies Act 2011 set in train a movement to abolish some bodies and merge others, with some success, and that leaving the EU will save us £471 million in annual budgetary contributions to 21 EU agencies that will be completely redundant for UK purposes, according to a recent report by Fieldfisher. But the Government seem intent to row back on some of the good work by continuing to establish more bodies. We read a great deal about the failures of the relevant regulatory bodies in uncovering failing schools and hospitals; the most notable failure in recent years was the Financial Services Authority in relation to the financial crash of 2008. It is now reborn as two separate bodies, and there is a lesson to be learned there from the shortcomings of one overarching body, possibly too distant from the institutions it was to oversee.

My remarks will relate mostly to regulation of the legal profession, but one may generalise from that. In relation to the structure of regulation under the Legal Services Act 2007, there are too many bodies jostling to be master. The Legal Services Consumer Panel is now in competition with the Competition and Markets Authority, both investigating the market for legal services—although, as someone once said, why should there be only one competition authority? Not only that, but we are to have a new body, the Office for Professional Body Anti-Money Laundering Supervision, to oversee the adequacy of the anti-money laundering supervisory arrangements of the 22 professional body anti-money laundering supervisors listed in Schedule 1 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. Costs will be covered by the many accountancy and legal bodies affected, adding, in the end, to the costs that have to be met by the client, in addition to the already considerable costs run up and passed on by more immediate legal regulation. Even so, the legal groups involved deny that there is any evidence pointing to legal-sector involvement in money laundering, and that this new exercise is therefore unnecessary.

Muscling into the field as well are the Regulatory Policy Committee, the Cabinet Reducing Regulation Sub-Committee, the Better Regulation Executive and the Regulatory Futures Review. This pointed out that the annual spend of the 45 regulatory bodies reviewed was £2.54 billion, of which half is grant funded. It could have looked at over 90 bodies, with a total expenditure of £4 billion, ranging from civil aviation to the Human Tissue Authority. Many were set up in response to disastrous events, such as sports-ground accidents. The review and the executive call for regulated self-assurance—as I said, trust the professionals to police themselves; the chairs of the front-line regulators should not be ruled out because they have legal qualifications. We need fewer business regulations and to reduce the costs, as they called for. The Legal

Services Board, established under the 2007 Act, certainly goes far beyond that. It over-enforces and places burdens on lawyers which are passed on to their clients.

The Legal Services Board grew from an OFT report in 2000 about market competition and the Clementi report of 2004 on the regulatory framework of the legal services, which was regarded as self-serving and overcomplex. By the time the 2007 Act came into force, it was all already out of date because of the financial crash. The Clementi report highlighted consumerism, but recent events have taught us that the protection of innocent victims, the public interest and the highest ethical standards on the part of lawyers and bankers are more important than free market competition. Now we have legal services regulation—which is overregulation, duplication, interfering and sometimes without regard to the good practices of the professions—under the umbrella of the Legal Services Board.

Now that we are leaving the EU the legal profession is standing up to promote its past and future strengths and successes, with London as the choice of venue for litigation. That Brexit strategy needs a profession whose standards and integrity are beyond doubt and which is not seen as dominated by government. Yet, ever since the Legal Services Act, the perspective from the rest of Europe and North America has been that the legal profession suffers from government interference. I was shocked at a European conference when a delegate from an eastern European country only newly liberated from communism said to me that it was shameful that the British legal profession had come under government domination. There should be accountability only to Parliament, not to the Government, on the part of the Legal Services Board, and no government hand in appointments to the board.

The Legal Services Board presides over eight professional regulators with very different functions and characters. They apply to them the eight regulatory objectives in Section 1 of the Legal Services Act, which have no hierarchy. The Act is badly crafted, for there is no clear focus, and mission creep was bound to happen; one objective can be played off against another. Professional standards, although listed, seem to come low down. The fact that the Legal Services Board entertained the notion of abolishing the cab-rank rule and allowing referral fees went completely against the hallmark of the independent profession of the Bar, whose ethos underpins the rule of the law and citizens' rights. Outcomes-focused regulation, as pushed, scarcely hits the mark. In its first programme of work in 2010, the Legal Services Board promised that, by 2013, legal services regulators in the UK would be seen as world leaders—the opposite, sadly, is true, as I have shown.

Reform is urgently needed, even though the Ministry of Justice reviews have shied away from legislative change. Indeed, at one stage, the Legal Services Board itself stated that its goal was to make its own existence unnecessary. But rare is the quango that self-destructs. The legal regulators' own working party recommended one single regulator for the entire legal profession, which would make an oversight regulator redundant. It recommended the complete separation of the representative bodies and the regulatory arms because

the professions cannot be seen to police themselves. This is a good principle. The Advertising Standards Authority is sadly an exception, in that it is a self-regulating body funded by the advertisers. Will the Minister start reform of this body?

The unregulated sector in law has a problem. There is an unregulated sector versus a reserved activities focus and it is both confusing and possibly harmful for the public. At the same time, it may pose overly onerous regulation on those who in fact need it least. There is no logic to which legal activities are regulated and which are not. I hope that the Minister will tell us that this needs review, too.

The Ipsos MORI veracity index shows a steady climb in the number who trust lawyers—up to 54%—while politicians remain steadily at the bottom. When I was a regulator, I said that I was more regulated against than regulating. This has to stop, and legal regulation is more than ripe for total overhaul.

1.04 pm

**Lord Haskel (Lab):** When President Jack Kennedy said that you do politics with the people not to the people, I always thought that what he had in mind was regulation. I agree with the noble Baroness, Lady Neville-Rolfe, when she said that regulation has to be well thought through, well explained and balanced and has to do the job. I add that neither should regulations be an excuse for skeleton Bills or for getting primary legislation through by stealth and hoping that nobody will notice.

After David Cameron's Government promised an outright ban on fracking in national parks, many considered that they reversed that promise by smuggling a statutory instrument through Parliament. It is regulation that maintains the public good, sets standards, deals with market failure and encourages good business behaviour, and it is often executed through secondary legislation because it is quick. It is the bureaucracy, the cost and working with regulations that are the source of constant dispute and debate between business and the Government, as many noble Lords have explained.

The noble Lord, Lord Stoneham, gave examples from his experience. I suppose that I ought to own up that I benefited from regulation. My company made technical textiles; we developed fabrics that satisfied the very stringent safety standards required in civil aircraft, hotels and public places. Satisfying these regulations helped us to become a supplier to major aircraft manufacturers and hotel chains. Building such a niche is an important element in growing a business—and, yes, I benefited.

Frequently, in an effort to reduce regulation, there is a policy of one in and two or even three out—three out is probably a step too far, as the noble Lord, Lord Curry, said. Many of us feel that this numbers game and the constant pressure to reduce regulation has led to a reduction in standards. As the excellent Library brief said, the Grenfell Tower tragedy is probably an example of this. As a result, regulation is coming under much more scrutiny. Over the years, there have been efforts to minimise regulation, reduce the cost and quantify its effect but, on virtually every occasion, exclusions and the ill-defined scope and poor research

have thrown doubt on the numbers. Noble Lords will remember the Red Tape Challenge and the Better Regulation Task Force. All these efforts eventually became discredited—the national minimum wage, for example, was excluded from a business impact target. We certainly need to improve the system, as my noble friend Lady Andrews said.

This is why the success or failure of regulation very much depends on parliamentary scrutiny. Central to this work is your Lordships' Secondary Legislation Scrutiny Committee and Delegated Powers Committee. I declare an interest as a member of the Secondary Legislation Scrutiny Committee. We expect a government department to offer well-considered and easily understandable explanations to justify any statutory instrument and its likely impact, whether economic, social or environmental. The public should have an opportunity to respond. This is why your Lordships' committee has maintained pressure on the Government to do exactly that.

The noble Baroness, Lady Neville-Rolfe, called for a champion. It was partly as a result of the pressure of this House that each department now has a Minister with special responsibility for secondary legislation, with a senior responsible owner—a senior civil servant—accountable for both process and quality. The Parliamentary Business and Legislation Committee in the Cabinet Office now overviews all secondary legislation across government. Only last month, we were told that Stephen Barclay MP is now acting as the secondary legislation champion at the Treasury, and we were given assurances that there is now a focus on better management within all departments.

I agree with the noble Baroness, Lady Altmann, that the Government's administrative convenience must not take priority over the interests of the potential respondents to regulation, because poorly prepared regulation can hold back growth and productivity. Perhaps the record occurred in February 2013, when the Department of Health laid regulations to govern the use of tendering in the procurement of NHS services. Your Lordships' committee received 2,000 submissions, most of which indicated a belief that the regulations did not match up to ministerial undertakings. Quite rightly, the committee reported the SI on the grounds that it might imperfectly achieve its policy objective and, of course, it was eventually changed.

Other noble Lords have spoken about the European Union (Withdrawal) Bill, and the problems which arise from incorporating EU regulations into UK law. Clause 7 of that Bill allows Ministers to use secondary legislation to help achieve this. The number of secondary instruments to be scrutinised will easily double or possibly treble. Last year, your Lordships' Secondary Legislation Scrutiny Committee scrutinised 1,200 SIs. In addition, there will be new regulations for trading with the rest of the world when we are outside the EU. Indeed, ending the flood of regulations from Europe was central to the Brexit campaign. However, it looks as if we are going to have a lot more work as a result of that. Much of the domestication of the *acquis* will be done through statutory instruments. I repeat that the procedure of explanatory memorandum impact assessments and costs will have to be carefully worked



[LORD HASKEL]

out on each one so that Parliament and the public can judge whether the resulting SI is equivalent to the effect of the EU derived legislation or has to be changed. I add that your Lordships' committee would not be able to carry out this work effectively without the support of its experienced and hard-working staff.

Several noble Lords have referred to the current concern of the Secondary Legislation Scrutiny Committee—namely, that two weeks ago, the Minister wrote to the Public Accounts Committee in another place, saying that where the impact is less than £5 million his department's analysis will be more proportionate. Presumably he is trying to reduce the government workload. I will not repeat the questions put by the noble Baroness, Lady Andrews and others, but quite rightly the committee has written to the Minister, saying that, irrespective of this threshold, standards have to be maintained. They have to be maintained because this is our major check on the Government. I hope that the Government will give us an assurance that these standards will be maintained; otherwise, the Government—any Government—can look forward to more pressure from your Lordships, because regulation has to be done with the people, not to the people.

1.14 pm

**Baroness Henig (Lab):** My Lords, I am honoured to be listed twice in this debate. I feel a bit like New York—so good they named it twice. I first draw attention to my interests as listed in the Lords register, and to the fact that for six years, from 2007 to 2013, I was the chair of the regulatory body for private security.

I commend the noble Baroness, Lady Neville-Rolfe, for introducing this important debate. I hope that she is not regretting it in any way. I strongly agree with her that proportionate regulation is very important—proportionate, that is, to the risk involved; a point made, I think, by the noble Lord, Whitty, with which I strongly agree.

I make the point about regulation being proportionate to risk because I want to speak about regulation in the private security industry, where two factors have dramatically increased the level of potential risk to the public. The first is the change in the number of private security guards, as against police officers, patrolling public space and buildings. As the numbers of police officers have consistently fallen since 2010, the numbers of security guards on the front line have risen, and they far outnumber the police as the front line of defence in our main shopping areas, streets and crowded places.

The second factor, which I need hardly emphasise, is the escalating threat of terrorist activity—to a level which is critically high in terms of risk to the public. The question arises therefore: is the basic regulation introduced to govern private security in 2003 still appropriate, effective and proportionate to the risks now entailed in 2017? The answer to that question has to be no, so what is being done about it?

It is incredible to recall that, as recently as 2010, the then Government declared their intention to abolish the Security Industry Authority—the regulatory body—and deregulate the private security industry. As a

result, there was a huge outcry from the major industry bodies themselves and the businesses and their representatives, who told the Government how effective seven years of regulation had already been in raising standards and driving criminals from the sector. Commendably, they succeeded in getting the Government to change their mind. However, they also argued that regulation in the sector needed to develop, that as well as requiring individuals working in the industry to be licensed, businesses needed to be regulated and that we needed to stop unscrupulous operators lowering standards and undercutting quality operators. They argued that the four days of basic training needed to be revisited and that the stringent requirements for companies in the approved contractor scheme should be extended to all businesses.

Importantly, this was businesses not complaining about red tape but taking the lead in being forward-looking and calling for appropriate changes in regulation. The Home Office agreed with them, and the Minister for home affairs in the House of Lords—now a very senior Member of this House—told us in 2011 in this House, and told the industry, that the changes it was calling for would definitely be brought in before the end of the last Parliament. He said that business licensing would definitely happen. However, nothing happened. After this morning's debate, I cannot help wondering whether the noble Lord, Lord Curry, and the Better Regulation Executive had anything to do with that.

At the same time, the Leveson inquiry revealed another major weakness in the sector—the unscrupulous and often criminal activity of some private investigators. Regulation of that sector was included in the Private Security Industry Act 2001, but was postponed by the Government in 2010. After Leveson, the then Home Secretary—now the Prime Minister—promised that such regulation, which was strongly backed by the bodies representing private investigators, would be introduced as soon as possible and certainly by the end of the Parliament. Again, nothing happened.

When I raised both of these issues in this House in 2015, I was assured by the noble Lord, Lord Bates, that they would be a high priority for the new Government. Of course, they were not: that was just more false promises. Clearly we have a situation where regulation deemed essential by one government department—in this case, the Home Office—can be blocked by another, even in the face of escalating security threats and rising terrorist activity.

In 2016, a triennial review of the Security Industry Authority was completed; the report and recommendations were handed over to the Home Office. Nearly a year and a half later, we have heard nothing about this, despite Written Questions to the Home Office asking what has happened. I wonder whether the delay and the disappearance of the report have anything to do with my understanding that the independent reviewer has recommended both the licensing of private security businesses and the regulation of private investigators.

Given the risks and threats that we all now face, this is just not good enough. The security guards on the front line against terror have had basic training, and



they will do their best: we have seen that in many brave actions this year. However, counterterrorism training, for example, though available, is voluntary. It is not yet an integral part of the four days of basic training that security guards receive. It should be: the Minister in charge of counterterrorism in the Home Office wants it to be. What has to happen to turn intentions such as this into action?

For some years now, the Scottish Government have insisted that security contracts in the Scottish public sector are awarded only to approved contractors, which is to say those who operate to the highest standards. That is surely appropriate to protect the public. The Government in England and Wales, not surprisingly, have not followed suit, so I am truly grateful to the noble Baroness opposite for raising the whole issue of regulation. I suggest to her that she deploy her considerable talents to persuading government colleagues in the trade department and the Cabinet Office that proportionate and effective regulation matters, that it should be taken seriously and that, without it, public safety is being endangered every day.

1.22 pm

**Lord Stunell (LD):** My Lords, it is a delight to respond to this debate but first I need to declare two interests. I was a member of the Liberal Democrat negotiating team that ensured that “one in, one out” was inserted into the coalition agreement back in 2010. I then went on to become a Minister in the Department for Communities and Local Government with responsibility for, among other things, building regulations, which have been mentioned in this debate.

I congratulate the noble Baroness, Lady Neville-Rolfe, who has done the House a service by bringing this debate forward. It is not, perhaps, one of the sexy, high-profile issues that we might see in the press. I do not think that a debate on regulation is going to be reported on the front page of the newspapers in the current news environment, but it has been extremely important and will have a major impact on the way that events will pan out should we leave the European Union. Many contributors to the debate have illustrated the point that being for or against regulation is not a sensible point of view; rather, it is about making sure that regulations are pragmatic and proportional. I noticed that the noble Baroness said she was in favour of good regulations and against bad or poorly enforced ones. I should have thought that that was not very controversial.

I want to pick out one point from the noble Baroness's case, relating to Grenfell Tower. It would be a great mistake for this House to second-guess what inquiries might or might not say about that, but I have already asked the Minister a Question and have had a reply about the failure to implement one part of the current building regulation regime which would have allowed there to be a signed person on-site with responsibility for saying that there had been compliance with regulations. That, perhaps, would have made the process of finding out who was responsible quite a lot easier.

I drew out from what the noble Baroness said that independent certification was a clear need. She said that in relation to Volkswagen, and she said it in relation to

drying machines. Some of us might say that about Brexit. On Tuesday I shall see whether my experience is the same as my noble friend's when I look at the construction industry in particular. Regulations need to be understandable and enforceable.

The noble Baroness, Lady Andrews, posed some of the key questions to the Minister in this debate. If we are to have regulations that are proportional and effective, preventing them coming before the RPC seems an extremely strange way of going about it. I hope the Minister will find time to give some answers that the noble Baroness and a large number of other speakers have raised in the debate.

I particularly commend the noble Lord, Lord Curry, whose experience is probably unmatched in this House as a former chair of the BRE executive. I think he brought a dose of realism, based on practical experience, and he also said that there was not enough independent challenge in the system. That, again, raises the question of what is happening to the RPC.

The noble Baroness, Lady Henig, in a good contribution on security, listed all the occasions when she has received firm assurances from Ministers in this House that she should not worry and things will be fine in the end. I hope that in his reply today—when he tells us that everything is lovely and we should be satisfied that Ministers will always use their best judgment and best endeavours—the Minister will bear in mind some of the problems that the noble Baroness, Lady Henig, set out.

Good regulation should be about limiting the capacity to do harm—harm by individuals and harm by corporate bodies. That includes physical harm as well as the financial cost to a person who would otherwise be a victim, hindering their capacity to thrive. It is therefore not sound to talk of regulation as simply putting right market failure. We have traffic regulations which say which side of the road we can drive on, but that is not about market failure. We should also understand that the costs to those who are regulated is often easily offset by the savings to those benefiting from the regulations. The House of Lords briefing has drawn attention to the NAO report in September and to the Competition and Markets Authority. The latter has been commented on a little unfavourably in this debate. However, for every pound it spends, it saves consumers £10. We need to understand that proportionality is not simply about cost and not simply about markets. There cannot be mileage in a mindset that dismisses all regulation as the work of the devil and the enemy of growth. On the other hand, neither can it be said that all regulation is good, proportionate and fair and works exactly as it should. As a former Minister and someone who received advice from civil servants I know that regulations are easily generated but that their downsides are often difficult to predict, particularly for those who stay inside the departmental bubble.

That is why successive Governments have pushed hard to get things costed and checked out in advance. That is why we have impact assessments—and as someone who signed a number of those in my ministerial career I can say that they ask many questions, such as: “Have you looked at alternatives? Why are you not following the alternatives? Has there been a consultation?”

[LORD STUNELL]

What was the outcome of the consultation?”. Moreover, nothing goes forward—in my time, at least—without the RPC putting its imprimatur on it. It was not a trivial process at all.

What is going to come in its place is something that is gutted and stuffed. The threshold is going to be raised from £1 million to £5 million. Perhaps it is also important to note that that is £5 million net, so bearing in mind that this is self-certified, a department could say, “Well, it might look like £10 million but actually there’s £5 million on the other side that you can’t see, so it comes in below the threshold”. The RPC will have no capacity to call that decision in or to challenge it in any way at all. That is perhaps one foretaste of the risks we run if this system goes ahead. We had another foretaste yesterday in the debate on the Sanctions and Anti-Money Laundering Bill where, as the noble Lord, Lord Ahmad, said from the Dispatch Box, the proposition is that Ministers should be left to fill in all the blanks in accordance with their overall duties as Ministers. Naturally, all that will go absolutely fine.

That certification is not so much self-certification as self-satisfaction. I listened to some members of the RPC this week, and it is clear that business does not like the loss of that monitoring process. It fears uncoded and untested changes that are made by well-meaning civil servants and nodded through by busy Ministers who are only too happy to cut a month’s faffing-about with the RPC to get something done quickly. The consumer watchdogs do not like it either because of the risk to standards, about which a number of noble Lords have spoken. Surely the move towards a self-certified, unmonitored and unsupervised process in the hope that the overall duty of care or fitness for purpose rules will be sufficient is shot down in the light of banking regulation and Grenfell Tower regulation. In different ways, those two catastrophes were prompted by a failure of regulation. It was left to the good intentions of people who did not put things into practice.

There are therefore some strategic points for the Minister to consider. As I hope the noble Baroness, Lady Neville-Rolfe, will agree, he needs to understand that pragmatism, proportionality and risk should be taken into account rather than an ideological aversion to regulation or, indeed, ideological commitment to a precise number of regulations. There should be holistic costings of all the measures that government proposes and this House considers, with rigorous testing of the propositions by either the RPC or a better and stronger alternative. We also need to make sure that taxation and other matters are clearly taken into account. Finally, and for immediate action, will the Minister please tell us what the Government will do to reverse the drastic cuts to the RPC and the damage that that will do to the capacity of Ministers and this House to keep track of where regulation exists and what it is doing to our country?

1.32 pm

**Lord Mendelsohn (Lab):** My Lords, I will make a declaration of interest. I am indeed meant to be a beneficiary of successful deregulation over the last few years, when we have had successive figures about how

much has been deregulated to the benefit of businesses. I calculate that on that basis, I should be some £200,000 better off. I am not, but I am meant to be a beneficiary of successful deregulation. I have experience of regulation because I am now a PEP and treated as one with every bank account I have to deal with. However, I benefit from regulation, because I am regulated in one of my businesses by the FCA. While people may whinge about it, it provides an important architecture for businesses and our business benefits from it.

I congratulate the noble Baroness, Lady Neville-Rolfe, who has been a great champion of these issues and has a tremendous track record. I agree with much of what she said, and her prescriptions are similar to the things I will say; in fact, I may have been influenced by her in the first place. However, I disagree with her on one point. She argued that productivity is being held back by a surfeit of poorly enforced regulation and other forms of regulation. I do not believe this to be the case. The noble Lord, Lord Stoneham, made the point in his excellent speech that the OECD classifies us as one of the low-regulation countries and that low regulation is frequently cited as one of the reasons why we have high levels of foreign direct investment—whatever the arguments about that are. There is no evidence that there is an impairment of productivity caused by regulation. In fact, the opposite is more readily identifiable from the evidence. More regulated countries, including the US and other parts of Europe, are able to exercise greater levels of productivity by sometimes better use of management, skill and innovation and use of capital features. So that is not an argument. Some of this is not about the economic issues, although they are important.

It is worth acknowledging that we have had some excellent contributions. We miss certain voices, which have been prominent in this debate, such as that of the noble Earl, Lord Lindsay, but some interesting points have also been made about different industries. The noble Baroness, Lady Deech, talked about legal services. I suspect that the rise in trust in the law may well be as a result of the regulator she complains about. However, it is certainly encouraging that the level of trust in such an important sector as legal services is increasing.

My noble friend Lady Donaghy made an interesting speech about the construction industry, and my noble friend Lady Henig made an important contribution about one of the most successful models of regulation in this country: the security industry. I have direct experience of a company which, when the regulations came in, did not believe that they would be taken seriously, and went to the wall as a result. That was a jolly good thing. The SIA has done a wonderful job. I regret that the Government have not been more forthcoming on points which are clear about how that industry has developed a regulatory structure of great strength as a result. I know of many cases that support that. There are stories about companies, even brand names such as Kroll, and some of its alleged conduct. Especially in this modern digital world, it should come under a proper form of regulation.

The economic case for ensuring that we get regulation right is not as strong as the other case based on safety risk and other sorts of market failures. That is not to say that it is not important, but when the Federation

of Small Businesses tells us that 20% of small businesses said that regulation was one of their top issues, that means that 80% said that it was not. We understand the relative importance of this. When businesses say that tax administration rates and other sorts of issues are more important, it indicates the level of priority.

The fact that we can do something is a case for doing it, but we need to put the importance of regulation in its context. Where it is most required is to deal with issues such as defining standards, competitive dynamics, failures, risk, imbalances, and those sorts of things—many of which my noble friend Lord Whitty talked about. We have to consider that regulation has to have a clear purpose and be easy to understand; there should be much more obligation on regulators to make sure that their regulations are understood.

We have touched on some key issues. The architecture of how we make sure we get good regulation is really important. I share the deep concern of others who wonder how the Government's interpretation of how they should respond to the Public Accounts Committee's exhortation to improve and streamline regulation, or even their understanding of their own manifesto to get better regulation, can in any way be helped by undermining the useful architecture that is evolving in our country. The idea that the Regulatory Policy Committee should change in the way that the Government suggest, whether over the *de minimis* issue, giving government departments the authority to be able to define, however they wish, to establish the level of impacts or the assessments, or the controversial requirements such as the first-stage consultations, are problems, and I urge the Government to think again about how they look at the Regulatory Policy Committee. There is consensus on that. I agree with the noble Lord, Lord Curry, that it is time to strengthen, not weaken, the structures we have, and the noble Baroness, Lady Altmann, also made an excellent case. We need to ensure not just that we do not give departments absolute and unfettered ability to define this process but we should look at putting it on a more independent and possibly statutory footing. The definitive case was made unbelievably well by my noble friend Lady Andrews, and I urge the Minister to prioritise her questions when he answers. My noble friend Lord Haskel properly identified the statutory instruments, which are becoming an ever increasing problem in this House; they are being used in particular for departmental convenience and not for the public interest.

What is to be done? Of course, we have to beef up the independent structures, as endorsed by the National Audit Office, and we need to include EU tax administration, the national living wage and the national minimum wage. We have to be truthful about the impacts. It is essential that we get a handle on what is happening, particularly as we go through Brexit. It is crucial to think small first and be easily understood, along the lines of what the noble Baroness, Lady Neville-Rolfe, said. It is also utterly crucial that we enforce the regulations that we have. I declare my interest as a landlord. The number of landlords who are prosecuted as against the number of complaints that are made shows that we probably do not enforce the regulations properly. The Residential Landlords Association found in 2016-17 that only 496 landlords

were prosecuted but there were 105,359 complaints. I would be interested in knowing how we can process these complaints effectively.

I turn to the subject of the national minimum wage and the categories of workers. Each year 70,000 internships are unpaid, all breaching the national minimum wage rules, yet alongside the entirety of the issues surrounding the national minimum wage, there have been only 13 prosecutions. I worry about this because Grenfell raises a number of particularly tragic issues. As a result of Grenfell, we decided to look at fire safety in relation to the short-term renting of private homes, such as those offered through Airbnb. It seems that the Government believed that the fire safety order of 2005 covered this. The problem was that none of the agencies—the Government, the local authorities, the fire brigade or the fire safety authorities—thought that they had responsibility for it, so no one was doing anything. Counsel to the Health and Safety Executive then provided us with an opinion saying that the safety order—the law that the Government think applies—does not apply. There is a regulatory break, so there is no regulation whatever. This is a major issue and I would like the Government to clarify the position. There is also the major question of who enforces the enforcers. We have a big problem with the gap there and I would like to see the Government try to address it.

Questions were raised about the European Union. We have to get some understanding of how the changes will affect us. There is a variety of EU regulations and I would be interested in knowing which UK bodies will assume the investigatory role of the European Commission. What work have the Government done on that? How many bodies do they estimate will need to transition?

Finally—I make this point now, as I do in all my contributions—I would be very grateful if the Minister could give one clear answer or proper guidance on how we should measure the Government's achievements on better regulation. It is very important that this is not just about exhortation; anything that we can use to test what better regulation means would be very welcome.

1.42 pm

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley)**

**(Con):** My Lords, I join the noble Lord, Lord Mendelsohn, and other noble Lords in offering my congratulations to my noble friend on securing this debate. As others have made clear, she brings much experience to this field, having served as a civil servant on the better regulation unit with our noble friend Lord Heseltine, in the private sector and as a Minister. I welcome this opportunity to discuss a topic that continues to be a high priority for the Government. It is one in which my noble friend has a long interest.

I am new to this subject but I am grateful for the accreditation that I got from the noble Baroness, Lady Donaghy, who described me as “a gentle soul”—at least I think those were the words she used. She tells me she said “a gentle creature; “soul” is probably too generous a word. As a gentle creature, I hope that I



[LORD HENLEY]

can at least bring the appropriate steel to these matters where necessary. I stress that I am new to the better regulation portfolio. I have yet to meet Anthony Browne, the incoming chair of the Regulatory Policy Committee, but I hope to do so shortly—possibly next week, depending on his and my diary commitments. However, I certainly pay tribute to the outgoing chair, Michael Gibbons, who has done an excellent job for the committee since its inception in 2009. He has completed two stints, serving for eight years, and I and the rest of the Government pay tribute to him for that.

I also completely understand that regulatory reform has become a much more sensitive and emotive issue in the light of the Grenfell tragedy. In due course we will certainly want to reflect on the current inquiries, but at this stage I do not want to say anything that might pre-empt or second-guess what might come out of them. We obviously await the outcome with concern and interest, but at this stage the Government are looking anew at regulation and considering in this Parliament what the better regulation framework should look like.

I also make it clear that our regulatory reform agenda does not come at the cost of people's safety, and nor would it ever do so. Our aim is to deliver smart, proportionate and balanced regulation, while ensuring that essential protections are retained. The noble Lord, Lord Whitty, preferred the word "proportionate"; my noble friend used the word "balanced". I agree that words are important but I believe that both "balanced" and "proportionate" can be used. It is important to make it clear that we want to have the appropriate regulation while ensuring, as I said, that essential protections are retained. Regulation should also be proportionate to achieve the outcome required and at an appropriate cost to the business that bears it; this provides an environment that supports the generation of growth, competitiveness and jobs, as my noble friend alluded to.

It is also appropriate that we make it clear that we will decide in due course, in this Parliament, how the better regulation system will operate. The noble Lord, Lord Haskel, referred to the work of the Secondary Legislation Scrutiny Committee, an important committee that does very useful work in this field. My first experience of any committee was the Joint Committee on Statutory Instruments. I think the noble Lord has also served on it and, as he will remember, it had no role in looking at the merits of secondary legislation; it could look only at its vires and so on. In that sense, it sometimes felt like an outer Siberia of committees. The Secondary Legislation Scrutiny Committee has a more effective role in this area. We would certainly want to make sure that not just that committee, but Parliament as a whole, has a proper role to play. However, I think the Government can provide the appropriate assurance that this will not be achieved through reducing necessary public protection.

As we consider how the better regulation system will operate, we will continue to discuss these matters. We have discussed them before and will continue to do so with others in due course. I give an assurance to the noble Baroness, Lady Andrews, that we have discussed such changes with various business groups, despite

what she said. Officials have met the key business groups over the last two months. Only last week I attended a meeting with the FSB, the CBI, the EEF and the IoD, and I understand that the *de minimis* rule was mentioned following recent conversations. I seek to reassure business that any changes that we allow will also allow closer scrutiny of the most important measures.

**Baroness Andrews:** The Minister has answered my question in part, but does that mean he will reconsider establishing a call-in process? Business is most concerned that these measures will fall under the barrier of £5 million and will not be looked at.

**Lord Henley:** Final decisions have not been made; the noble Baroness will have to be patient in these matters. She referred to a letter from me to colleagues in government, but obviously we will not comment on leaked documents.

**Baroness Andrews:** My Lords, the letter came to me in good faith by mistake. It was not a leaked document.

**Lord Henley:** I do not know how the noble Baroness received it, but she will be aware that it was an internal letter from me to colleagues within government. As far as I am concerned, that amounts to a leaked document.

**Lord Haskel:** I can shed a little light on the subject. The letter was from the Minister to the Public Accounts Committee in another place.

**Lord Henley:** I think the noble Lord is referring to another letter. The postal service has been quite busy. I will come to the comments of the Public Accounts Committee in due course. I am referring to what amounts to a leaked document.

**Lord Stunell:** The Minister talks about coming back to this in due course, but I understand that the new regime is in place now. Is there a hiatus between the new regime and him coming back to consider matters?

**Lord Henley:** The noble Lord is correct that the new regime is in place, but that does not mean that all proposals are finalised; these matters can always be considered in the light of representations made, even by the noble Lord. He and I were in the coalition Government together; we worked together in the past. I am sure we can take account of comments made here, and I would be more than happy to listen to him.

I want to make it clear—not commenting on leaked documents—that our proposals actually increase scrutiny by bringing significant deregulation measures into scope. They focus the system on measures with large impacts. This brings me to the Public Accounts Committee, whose recommendations it is worth commenting on. The 2016 report said:

"The Better Regulation Executive's rules for assessing and validating the expected impact of a regulation are the same, regardless of the scale of the regulation's impact. The Better Regulation Executive ... has established a complex bureaucracy across Whitehall that diverts departments' resources away from potentially more productive efforts ... Of the 95 regulations that the Regulatory Policy Committee has scrutinised during this Parliament, 64 of them have an individual expected net impact of less than £5 million".

The committee then recommended that we should change the rules to allow a more proportionate approach whereby significantly more effort can be applied to the assessment and validation of the small number of regulations with the greatest impact. That is what we are doing with the *de minimis* rule.

That is why we took this action and why I wrote to the Public Accounts Committee only last month to inform it that we intended to follow its recommendations and adopt a more proportionate and efficient better regulation system by introducing that threshold. Obviously, we can always reconsider those matters, but that is why I wrote. It will allow the RPC to focus on the measures that matter most. If it had been in force in the last Parliament, 90% of the costs would still be subject to independent scrutiny.

It is only right that regulation should be kept under constant review as products and technology change. Where regulatory requirements are not clear or easily understood, it can lead to confusion and potentially an increased risk to the public. Over the last 20 years, Governments have been working on getting the delicate balance of proportionality right and the costs and benefits of regulation right. That has included the establishment of the Regulatory Policy Committee, as I mentioned earlier, which gives independent scrutiny of the evidence for regulatory changes when they are debated in Parliament.

There were previous government initiatives to review the stock of legislation. Going back to the beginning of the coalition Government, which the noble Lords, Lord Stoneham and Lord Stunnell, will remember, there were the Red Tape Challenge and the cutting red tape reviews. The noble Lord, Lord Stunnell, took credit for introducing the one-in, one-out measure, which I think he accepted served a useful purpose in encouraging the process, even if another noble Lord—I think it was the noble Lord, Lord Whitty—did not like the idea and said that it led to getting rid of something purely for the sake of it. But it encouraged the others and served a useful purpose.

Those reviews sought views from the public to help identify outdated, unnecessary or overly complex legislation and led in due course, as both noble Lords and others will remember, to the Small Business, Enterprise and Employment Act 2015. My noble friend will remember that because she took the legislation through the House. It introduced a requirement for the Government to set a business impact target, focused on the economic impact of regulatory change on business activities, and the need to report annually on its achievements against that target.

These initiatives have delivered some real improvements in how people, businesses and public bodies are regulated, and have also encouraged a cultural shift in government departments towards more appropriate and smarter regulation. The one-in, one-out or one-in, two-out proposals played a part in that. For example, my own department's business perceptions survey last year showed a decline in the proportion of businesses that believed that the overall level of regulation in the UK was an obstacle to their success. It went down to 49% in 2016, from 62% in 2009.

As I said earlier, the Public Accounts Committee produced a number of recommendations about how we can further improve our regulation system, following the report from the National Audit Office last year. We have been reflecting on those conclusions, including ideas about how to make our approach more proportionate.

**Lord Mendelsohn:** Will the Minister clarify the changes to the RPC that are in effect? Is he suggesting that the change to the regime is more permissive, less permissive or exactly the same as what stood before? To be clear on the purpose, is he saying that the changes were directly as a result of those suggestions from other committees? Were some of the changes requested by departments to have freedom and flexibility, or were they in any way related to the pressures in the system as a result of the EU exit?

**Lord Henley:** My Lords, I do not accept that the EU exit has led to those changes. I said that the Public Accounts Committee had made some recommendations. We considered those and brought in the *de minimis* rule. We are not bound to keep that. We could change it if necessary, but it gives the RPC a freer hand in what it does and allows it to focus its efforts more appropriately on the job that it does very well.

I can also give an assurance, since there was some criticism of our attitude to the RPC, that we are still committed to it and its work. We are making sure that it has the appropriate number of members. It currently has eight members and it will continue to have eight members. Announcements will be made in due course as to whether some members have been reappointed, or where necessary new members will be brought in, so that it can continue to do its work.

I am beginning to run out of time and I do not want to deprive my noble friend of the chance to say a few words at the end of the debate. However, I should like to deal with one or two of the other questions that have been raised.

I think I have more or less touched on it, but the noble Lord, Lord Haskel, referred to the letter from my noble friend Lord Trefgarne, the chair of his committee, about the threshold. We acknowledge the good work of the committee and I am aware of the letter from my noble friend. I think that it was received in the department on 28 November and I intend to respond to it shortly. I can reassure the noble Lord that the department will continue to provide appropriate analysis of its policies to the committee.

Perhaps I may also give an assurance to my noble friend Lord Altmann on pensions auto-enrolment. As a former member of the Department for Work and Pensions, where I have also served, she will know that auto-enrolment has been a great success. Some 8 million people have now enrolled and the Government are conducting a review to build on this success and make sure that the programme works in the long term. The review will be led by the Department for Work and Pensions supported by an external advisory body. I am told that it will report by the end of 2017, so my noble friend does not have to wait for long because that really does mean pretty soon.

[LORD HENLEY]

Concern was expressed by my noble friend Lady Neville-Rolfe and the noble Baroness, Lady Andrews, about the RPC's processing not applying to tax or the national minimum wage. I can give them an assurance that HMRC has a separate body, known as the Administrative Burdens Advisory Body, to consider reducing the burden of tax administration, so there is a role for it which provides scrutiny.

Lastly, the noble Lord, Lord Stoneham, was concerned about what plans we have for EU exit. This is a concern that comes up in every Question and debate in the House. We have made it quite clear that the withdrawal Bill will be designed to ensure that EU exit will take place with certainty and that we maintain continuity and control. The Bill will help to maximise certainty for business on what regulation will apply on exit and to maintain important protections for consumers.

As always, I apologise for the fact that I have not been able to address every point that has been put before me, but again as always I promise to write to noble Lords on any issues that I have not addressed. I end by thanking my noble friend once more for introducing this debate.

2.03 pm

**Baroness Neville-Rolfe:** My Lords, I am delighted to have led such a constructive and interesting debate with a lot of fine examples. In response to the noble Baroness, Lady Henig, I have no regrets at all about tackling this subject.

Indeed, there has been some important common ground on this often disputed subject: for example, on simplification; on the battle against complexity; on a risk-based approach, which we probably should say should be proportionate and balanced; on enforcement of the law—to my mind, investing in enforcement is a good investment—and on thinking small first. It is not a sexy area, in the words of the noble Lord, Lord Stunell, but it is an important one, especially in the Brexit context. I was very glad to hear from my noble friend the Minister of the progress made, not least on culture, and I look forward to hearing from him in due course on the vexed issue of tumble-driers.

Many noble Lords referred to the plans to reduce the powers and reach of the Regulatory Policy Committee. This, it seems, is still a rumour, but it is a profound disappointment to me because it is not a step in the right direction. Many others have said this, including my noble friend Lady Altmann and the noble Lords, Lord Curry, Lord Haskel and Lord Mendelsohn. However, I think that we should be generous to the Government. It may be that, in the light of this debate, they will think about what can be done at this moment of Brexit to keep the flow of unnecessary regulation in check and ensure not only that necessary safety standards but also economic impacts are taken into account in the decisions we make in the interests of prosperity and productivity.

It was a pleasure to hear from the noble Lord, Lord Stoneham, and the noble Lord, Lord Whitty. I think that he is quite wrong. My fear is—and this is one of the reasons I voted to remain—that without a detailed debate in Brussels, we will actually regulate more heavily.

I have run out of time, but I would like to thank all noble Lords who have taken part in the debate. Let us hope that our efforts today will move the dial.

*Motion agreed.*

## Social Care Statement

2.05 pm

**The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con):** My Lords, with the permission of the House, I shall now repeat a Statement on social care made in another place by my honourable friend the Parliamentary Under-Secretary of State with responsibility for care and mental health. The Statement is as follows:

“This Oral Statement is the Government's response to the recent Opposition Day debate on social care on Wednesday 25 October. Since that debate, the Government have announced further plans for the Green Paper on care and support for older people on 16 November. This Oral Statement reiterates the substance of that announcement while providing further detail to the House in some specific areas.

An ageing society means that we need to reach a longer-term sustainable settlement for social care. This is why the Government have committed to publishing a Green Paper by summer 2018, setting out our proposals for reform. An inter-ministerial group is overseeing this work. It builds on the additional £2 billion over the next three years that we have already provided to meet social care needs. In developing the Green Paper, it is right that we take the time needed to debate the many complex issues and listen to the perspectives of experts and care users, building consensus around reforms that can succeed. This is why we are starting a process of initial engagement over the coming months through which the Government will work with experts, stakeholders and users to shape the long-term reforms that will be proposed in the Green Paper.

The Government have asked a range of independent experts in this area to provide their views, including the leads of the two most recent reviews on social care, Andrew Dilnot and Kate Barker. We are also engaging closely with key stakeholders, along with people who use services and their carers. The Government will be hosting a number of round tables to hear a range of perspectives from those representing different constituencies, including carers, service recipients and providers, health services, financial services providers, local government and working age adults. Once the Green Paper is published, it will be subject to a full public consultation.

The Government also recognise that there is broad agreement across Parliament that reform of social care is a priority and look forward to working with parliamentarians to hear a range of views. We have already written to the chairs of the relevant all-party parliamentary groups to invite them to meet with us to discuss their priorities and perspectives for reform.

The Prime Minister has been clear that the consultation will include proposals to place a limit on the care costs that individuals face. To allow for a fuller engagement and development of the approach, with reforms to the



care system and the way it is paid for considered in the round, we will not be taking forward the previous Government's plans to implement a cap on care costs in 2020. Further details on the Government's plans will be set out after we have consulted on the options.

The Green Paper will focus primarily on the reform of care for older people, but will consider elements of the adult care system that are common to all recipients of social care. We are committed to ensuring that people with disabilities and complex conditions are able to live healthy, independent lives and to participate fully in society.

Many of the issues and questions about the sustainability of the care system will be relevant to adults of all ages. To ensure that issues specific to working age adults with care needs alone are considered in their own right, the Government have committed to taking forward a parallel programme of work on working age social care which is being led jointly by the Department of Health and the Department for Communities and Local Government. This work will also be overseen by the inter-ministerial group to ensure close alignment with the Green Paper.

Carers are vital partners in the health and social care system. It would not make sense to pursue strategic issues related to carers in isolation from the wider work on the future of social care. They will therefore be a key part of this Green Paper. A sustainable settlement for social care will not be possible without focusing on how our society supports carers. I am committed to making sure that the issues raised with us through the call for evidence on carers in 2016 are central to any proposals for the wider social care system. Alongside this, we must continue to work to improve the experience of carers today. The Government remain fully committed to supporting carers to provide care as they would wish and to do so in a way that supports their own health and well-being, employment and life chances.

Ahead of the Green Paper's publication, the Department of Health will also publish an action plan for carers in the new year, setting out priorities for a cross-government programme of work to support carers over the next two years. In the short and medium term, we are taking important steps to ensure that we have a stable adult social care sector. We are promoting quality care across the system and supporting the wider networks and services that keep people living independently for longer.

It is important to recognise that quality across the adult social care sector remains good overall. The October 2017 *State of Care* report found that 80% of adult social care settings had been rated as good or outstanding. However, the Care Quality Commission also underlined that there are substantial variations in the quality of care, depending on where people live. The Department of Health is working with the adult social care sector to implement "Quality Matters"—a shared commitment to take action to achieve high-quality, person-centred adult social care. Through our programme of sector-led improvement, we are supporting councils to make savings and improve services by promoting good practices, including new approaches.

Looking beyond social care provision, it is important to highlight the broader support and services that help people to live independently. This means that well-adapted, specialised housing is becoming increasingly important. The disabled facilities grant is a means-tested grant to help meet the cost of adapting a property for the needs of a person with a disability or support need. The autumn 2017 Budget provided an additional £42 million for the rest of the 2017-18 financial year, taking funding for this year to £473 million.

Getting social care right means a better system that everyone can have confidence in, where people understand their responsibilities, can prepare for the future, and know that the care they receive will be of a high standard and help them maintain their independence and well-being. The Government want to take the time to consult and build consensus on a long-term, sustainable settlement for the future, which includes looking at the quality of care being delivered, the funding of the system and how it will be paid for in the round".

2.12 pm

**Baroness Wheeler (Lab):** I thank the Minister for reading out the Statement in response to the October Labour Opposition debate on the social care funding crisis.

We are told that the Statement builds on the extra £2 billion over the next three years provided by the Government to "meet social care needs". However, for the record, the Minister will know that independent think tanks such as the Nuffield Trust and the King's Fund, care providers across the social care sector, voluntary organisations such as Age UK, and organisations representing the staff who deliver the services have all shown clearly the inadequacy of this sum to meet existing and rising demand and to address the funding crisis. Government cuts to local authority budgets have meant cuts to adult social care funding since 2010, which are set to reach £6.3 billion by March 2018. That is the scale of the funding gap that needs to be addressed, and we know that social care did not get even a mention in the Budget. Can the Minister explain to the House why such a key issue was left out?

On the Green Paper and the Government's preparations for yet another round of consultation, the Minister will accept that this stop/start Green Paper has been a very long time coming, particularly when viewed in the light of the agreed Care Act provisions that were first promised for full implementation in 2016. On 16 November, the Minister told the House that a group of independent experts, including Andrew Dilnot and Kate Barker, would support government engagement with stakeholders. Today's Statement says that these two are among a range of experts who will "provide their views". An inter-ministerial group has also been set up. What role will these key experts—who have widespread respect and authority among key stakeholders—play in overseeing the review and consultation? Will they be involved at the heart of the review or will they just feed their views to Ministers?

The Minister will know that it is particularly upsetting for those of us who were involved in the painstaking work on the Care Act to be lectured again about how complex the issues are and on the need to "build

[BARONESS WHEELER] consensus around reforms". That consensus was part of the Care Act and the Government chose not to go ahead with it. We know, too, that they consulted on their proposed care "floor" during the general election; it was roundly rejected by the electorate, causing huge despair and consternation among the millions of disabled people and their carers struggling to cope. Meanwhile, many people are still faced with the catastrophic and rising costs of paying for care.

I mention carers specifically. The Minister is right to acknowledge that they are vital partners in the health and social care system, but the reality is that they have now been waiting nearly two years for the national carers strategy to be updated, refreshed or called to action, with promised deadlines being set back time after time. Last summer, carers were finally told that the strategy would be morphed into the end-of-the-year Green Paper. It was not a satisfactory situation, but carers organisations put huge effort and time into consulting with carers across the country to meet the deadline—only to then receive the announcement of the delay of the Green Paper to summer 2018.

Katy Styles, a carer and campaigner for the Motor Neurone Disease Association, contributed to that consultation and hoped that her voice would be heard. She said:

"Not publishing the National Carers Strategy has made me extremely angry. It sends a message that carers' lives are unimportant. It sends a message that Government thinks we can carry on as we are. It sends a message that my own time is of little worth".

We now have the promise of an action plan in the new year. Does the Minister acknowledge that he now has to be straight and play fair with carers and provide them with a date for the action plan? Can he be more specific about the scope and funding that will be allocated to the action plan?

Finally, Age UK estimates that there are 1.2 million people currently living with unmet care needs and that almost a quarter of all adult social care services receive the poorest safety rating from the Care Quality Commission. Can the Minister tell the House how the Statement will help people going without essential daily care, such as help with washing, dressing and toileting, to receive a better quality of care?

**Lord O'Shaughnessy:** I thank the noble Baroness for her response and her questions; I will deal with them in order.

First, she asked about funding. She is quite right to point out the £2 billion of extra funding that was announced in the March Budget; of course, we have had two Budgets this year, so extra funding was included in a Budget this year. I should also point out that that was the latest tranche of additional funding, which totals over £9 billion over three years, taking into account the additional funding announced in recent financial Statements. The precise purpose of the funding is to address the fact that we have a growing and ageing population. The number of people requiring care packages is rising, and often the complexity of those packages is becoming more acute—hence the need for more funding, as we all recognise.

Experts will be fully engaged in the Green Paper, providing advice to Ministers and supporting engagement. There is no point in having such an august group and not drawing on their expertise. I do not think that there is any contradiction in the way that I have described their role. We would not want to involve those people—and they would not want to be involved—if they were not going to be listened to.

On carers, I acknowledge the delay in the carers strategy and I understand that that must be frustrating for those who have invested so much time in it. I have two things to say in response. First, it is right that the position of carers is considered in the round, with care costs. Secondly, that is why the action plan is important: it provides a staging post between now and the intention to introduce fully fledged policy proposals in due course. I am afraid that I do not have a specific date or a funding package for that, but I will write to the noble Baroness with as much detail as I can find and place a copy in the Library.

**Baroness Jolly (LD):** My Lords, I too thank the Minister for repeating the Statement. I declare my interest as chairman of a learning disability charity, providing services to around 2,000 adults in England.

On the long-awaited Green Paper, I welcome the Government involving independent respected experts in the field, including Andrew Dilnot, Kate Barker and Caroline Abrahams. However, we are sorry that the Green Paper will not have any element of care for working-age adults when published.

I want to raise a few issues that were mentioned by the Minister in the other place in her answers to MPs. She called for all party groups to be involved and said that there could be no change without consensus. That is exactly what I wanted to hear and it makes sense. The Minister knows our views on this.

On carers, in a debate earlier this week the noble Baroness, Lady Pitkeathley, talked about the worth of carers being equivalent to the NHS budget. I also praise carers and I am delighted that they will be involved in this review, but I am somewhat disappointed, along with the noble Baroness, Lady Wheeler. They went through quite a lot of consultation for the carers strategy and there is a certain amount of irritation that they might have to revisit all this work. If they have caring responsibilities, it is not always easy for them to get to a central place. I hope some mechanism can be found to ensure that that is captured, but also to see whether anything should be changed.

The Minister also agreed that health and social care cannot be considered independent of each other—another area of agreement. Will the Government consider introducing a statutory, independent budget monitoring agency for health and care similar to the Office for Budget Responsibility? This would report every three years on how much money the system needs to deliver safe and sustainable treatment of care. It could even be the first stage in the integration of health and care.

With the delay of the Green Paper, it is unthinkable that the Government are now leaving the social care sector in this state of uncertainty. They have completely failed to address the critical crisis in social care and now there are more than a million vulnerable older

people without the support they need. With a funding gap, as we heard just now, of at least £2 billion by 2020, I wonder how much worse things will have to get before the Government will act. To put that in a more balanced way, does the Minister have any sense, whatever the outcomes may be from the Green Paper, of when we might want to see some of those becoming reality? Local authorities will also tell you that they are desperate for a solution. I echo what I said before: how long does the Minister reckon we will have to wait to see something change?

**Lord O'Shaughnessy:** Again, I thank the noble Baroness for those questions. I will try to deal with them in order. As I set out in the repeat of the Statement, there will be a parallel programme for working age adults. It is important to note that that feeds into the same inter-ministerial group. I emphasise that in terms of its profile in the overall work programme. It is of course separate from social care for older people, but it is a parallel programme.

The noble Baroness is quite right about the need to build consensus. We all know how much we need sustainable reform in this sector. Governments of all hues have tried it. We really do need to get there now. I cannot give her timings at this point of course, but it is becoming urgent as our population changes.

I completely agree with the noble Baroness on carers. I pay tribute to those carers of all ages, including young ones, who take on extraordinary responsibilities and dedicate their lives to caring for others. It is an amazing thing to do. I recognise her frustrations at the delay. I hope contributing to the Green Paper should not involve much additional work, although inevitably there will need to be some updating. As I said, I will write to noble Lords to give more details about the carers action plan, which is intended to be a bridge between now and the consequences of the Green Paper and the options it lays out.

Finally, we do not agree, as the noble Baroness knows, that there is a need for such a body on health and social care. She is of course right about integration. That is why metro mayors, such as the one in Manchester, are taking on these combined responsibilities. It is why integration is built into the better care fund. This is a direction we need to push down to provide proper, holistic, wraparound care for older people.

2.23 pm

**Baroness Finlay of Llandaff (CB):** My Lords, I declare my interests as vice-president of Hospice UK and my role with the Royal College of Emergency Medicine. I will ask the Minister three short questions. Will the voluntary sector be closely involved, given that there is a £1 billion contribution to care from hospices and the voluntary sector, which looked after 212,000 patients last year, providing health and social care that otherwise would have fallen to statutory funders? Secondly, given that falls are the major cause of deterioration in the health of older people, and the lack of social care in preventing falls and in being able to take people out of hospital afterwards, will the Minister assure me that this will look at the flow through hospitals and the requirements of social care provision in an integrated way? Thirdly, while the

Minister has mentioned young carers, will he specifically provide assurance that this will also look at child carers, some of whom might be at primary school age? They are often forgotten when people look at the burden on carers because they are, in a way, invisible apart from in the school sector.

**Lord O'Shaughnessy:** I can absolutely provide that reassurance on the voluntary sector. The noble Baroness is quite right to highlight the vital role it plays—it is essential and critical to this sector. On falls, she will know just how important reducing falls is. The disabled facilities grant is increasing. It is not a well-known bit of government spending and not talked about much, but it amounts to about half a billion pounds a year. It can have a really big impact by keeping people in their homes for up to four years longer, reducing falls by 40%. It is something we have had the opportunity to discuss in this House recently. It is critical. She is quite right to focus on the frontier between health and social care and making sure that it flows and works well.

On child carers, I will write with more details about what the action plan covers, but clearly we will make sure that it looks at all carers, because a carer could be of almost any age. As she pointed out, it includes very young children as well as people in their 80s and 90s. A true carers approach would encompass all of them.

**Baroness Verma (Con):** My Lords, I thank my noble friend for the Statement. I refer to my registered interests. I will ask my noble friend about two issues. The first is respite care, which seems too often to be missed, particularly when there are reduced services. Services have been cut back for many service users. When family members have to manage the burden we need to have some discussions on extra respite support. Secondly—I am a broken record on this—we need seriously to look at the value we put on paying care workers a proper return on the work they do, given the extra responsibilities being put on them all the time.

**Lord O'Shaughnessy:** I am grateful to my noble friend for raising both those points. She is quite right about respite care. Local authorities have a duty to provide it, but I also note that there is pressure on the system. Indeed, the issue of one particular respite home, Nascot Lawn, has been raised. It is something I am interested in and I am looking at it. I will take that point away. We are trying to look at the care service in the round, so respite care must be part of that.

My noble friend is right about paying care workers properly. We have increased the national minimum wage, now moving on to the national living wage, precisely to provide a proper recompense for people who work in that sector and, critically, to start to provide a proper career structure so that people can move on, add to their skills and progress while staying in the caring profession.

**Lord Bradley (Lab):** My Lords, I was pleased to be a member of the Select Committee on the Long-Term Sustainability of the NHS, the title of which was extended to include social care. The consultation seems to be constructed to continue the siloing of social care



[LORD BRADLEY]

away from the broader care system between the NHS and social care. Will the Minister confirm that the whole relationship and integration of the NHS and social care will be included in the consultation? Will he confirm when the Government will respond to our Select Committee report, which was published last April?

**Lord O'Shaughnessy:** I thank the noble Lord for raising that point. I apologise again for the lateness of our response to the Lords committee. What I hope is now the final version is with me for approval, and I hope it will be provided very soon.

On the Green Paper, we all want more integration between health and social care. We know that is important for the people who are increasingly using those services who are in older age, have comorbidities and are moving in and out of different settings of the time. Social care is paid for on a different basis from the NHS. That is critical. We have to get a sustainable financial basis on which we distribute social care while thinking about how it interacts with the health service. The Green Paper is trying to crack a nut that, frankly, has eluded Governments for the last 20 years.

**Baroness Brinton (LD):** My Lords, I am grateful to the Minister for referring to Nascot Lawn. I was not going to raise it today because that is about care for severely disabled children under 18, but I want to pick up on my noble friend's point about adult care for people with disabilities and long-term conditions. As we know, their care needs are very different from end-of-life needs. Both the current social care system and the Dilnot proposals were focused on end-of-life care, so I welcome the parallel work stream, but will it operate to exactly the same timescale and report back?

I have a further question on housing. Your Lordships' House will remember that the recommendations of the Lords Select Committee on the Equality Act 2010 and Disability included a whole chapter on housing. It is not just about the disabled facilities grant, which is important; it is also about Building Regulations ensuring that enough of our homes are built so that, as people age and their needs change, houses can be adapted easily if need be. Will that recommendation be forwarded to the group to look at?

**Lord O'Shaughnessy:** Once again, I thank the noble Baroness for raising this issue and I am pleased that she supports the parallel work stream. I will come back to her with details on the timing—I am afraid that I do not have those with me today—but I stress the importance given to it and the fact that it is reporting to the inter-ministerial group is significant.

The noble Baroness's question on housing goes slightly beyond my remit. I know that building regs have changed over time to encourage more homes to be built, but I will have to come back to her with more details on that point.

**Lord Ramsbotham (CB):** My Lords, sadly, the fastest-growing part of the prison population is the elderly. The lack of provision for them is one of the disgraces in the current prison system. Has the Minister considered, as part of the carers strategy, whether prisoners might be employed and trained as carers for the elderly, because that might transform the situation?

**Lord O'Shaughnessy:** That is a novel suggestion. We usually talk about young people going off the rails, but I did not realise that that was true of the prison population. I have not heard such a proposal. I shall certainly take it back to my colleague, the Parliamentary Under-Secretary of State for Community Health, who is leading the carers strategy, so that we can look at whether it might be possible.

**Baroness Altmann (Con):** My Lords, in the context of our demographics, with the current baby-boomer generation foreseeably entering the age at which they will need care in the next 10 to 15 years, no money has been set aside, either at public sector or at the private sector level, to cope with the rising costs of care. Councils have increasingly rationed care so that they exclude preventive expenditure to help people avoid extreme need. Whatever happens with this review, does my noble friend agree that families will need money set aside if they are going to pay for care? There is no automatic provision. There is a state pension; there are huge incentives for private pension provision, but there is nothing to build up money that would pay for care. Will my noble friend comment on the urgency of helping families understand the importance of, for example, using some of their ISAs as an allocated fund for future care? People in their 60s and 70s have ISAs and pensions. Perhaps we might allow tax-free pension withdrawals for care, so that, at some point soon, we help families put money into a fund that can last into their 80s and 90s and be there for care—in case it is needed—or perhaps be passed on to the next generation, thus starting an ethic of saving for care as well as pensions.

**Lord O'Shaughnessy:** As ever, my noble friend makes excellent and wise suggestions, which I am grateful for. She highlights an important point, which is that social care is a co-funded service for most people. Most people make a contribution to their social care and the state will often make a contribution, too. Therefore, vehicles that allow people to save up in advance, whether through pensions, ISAs or the other means that my noble friend has suggested, are an excellent idea. I am sure that they will be part of considering the financial sustainability and build on products that are already in the market, whether equity release or deferred payments, so that people can go into their old age with confidence that, whatever their care needs, they will be able to afford them.

**Lord Howarth of Newport (Lab):** My Lords, I think I heard the Minister mention in the Statement that his ministerial colleague had written to chairs of relevant all-party parliamentary groups to invite their participation in preparatory work in the department leading up to the publication of the Green Paper. Does he think there may have been an oversight here, because, as co-chair of the All-Party Parliamentary Group on Arts, Health and Wellbeing, I have received no such letter? I know that the Minister has seen the report of the APPG entitled, *Creative Health: The Arts for Health and Wellbeing*, and was kind enough to speak warmly of it in the House last week. Will he and his colleagues in the department study the substantial evidence presented in that report that engagement

with the arts can confer considerable benefits in the field of social care in terms both of quality of life for people receiving care and their carers, whether family members or professional carers, and of value for money? Will he investigate the possibility of the APPG on Arts, Health and Wellbeing being involved in the process that he has mentioned?

**Lord O'Shaughnessy:** I will certainly be happy to do that. I absolutely endorse the ultimate finding of that report about the valuable contribution that the arts have to make. I shall investigate whether a letter has perhaps gone astray.

**Lord Elystan-Morgan (CB):** Have Her Majesty's Government given any thought to a far-off, divine event, by which I mean the total merger of the services aspect of social services with the NHS, thus cancelling out a great deal of imperial rivalry between the two bodies? At a personal level, such rivalry often means a whole platoon of people beating a path to a patient's door, unco-ordinated with each other and duplicating each other's services.

**Lord O'Shaughnessy:** I think that everyone in this House endorses the idea that health and social care should be better integrated. That statement is easy to make but difficult to achieve, as I think we would all agree, not least because the funding bases are very different. The NHS is taxpayer funded and free at the point of use; social care is funded on a different basis. That is one of the factors, as well as the bodies responsible for commissioning and so on. A practical way forward is to seek integration at a local level. That is happening now, for example, in Greater Manchester, which has powers over both services and is looking to integrate, and it lies at the heart of NHS England's five-year forward view, which is about bringing services together in 44 areas, known as STP areas, to provide that level of integration. Patients do not want to have to flit through different bodies all the time. They want a sense that there is one service looking after them throughout their needs.

**Lord Trefgarne (Con):** My Lords, perhaps I may underline the words of the noble Lord, Lord Ramsbotham, a few moments ago about the care for very elderly prisoners in our system. I have heard some shocking stories of failures in that regard. I hope that my noble friend can make some inquiries.

**Lord O'Shaughnessy:** Yes, I will certainly do so.

**Baroness Donaghy (Lab):** My Lords, in the absence of my noble friend Lady Pitkeathley and the noble Lord, Lord Warner, I feel a sense of responsibility for seeking an assurance that all the evidence and issues that have been submitted to the various reports, not least Dilnot and the Carers reports, will be put together as part of the consideration and that we will not reinvent the wheel. This is a well-trodden path; some of us are quite disappointed that we have got only to Green Paper stage. As my noble friend Lady Pitkeathley said only on Monday, we know what the problem is and what the answers are, so why cannot we just get on with it? Can we have an assurance that all that work will not be wasted?

**Lord O'Shaughnessy:** I am happy to provide that assurance. Inevitably, there is economic modelling that will need to be updated from previous reviews. It is the reason that, in particular, Dame Kate Barker and Sir Andrew Dilnot have been invited to play a role as well as others, as I am sure the noble Baroness knows. We do not want to have to reinvent the wheel and we know what we want to achieve. The difficulty is that, as Governments have found throughout the years, it is easier to say that than to do it. We all want to get through that process and hopefully achieve it this time.

**Baroness Uddin (Non-Affl):** My Lords, in the light of all the previous comments I want to raise a couple of issues. I welcome having another look at social care in general and the fact that the Minister says that the Government are looking at integrated care. That is not the experience of men, women and children on the ground; I declare an interest in that I have a son with autism but I receive no service, so I do not really need to declare that. I think an awful lot of parents are like myself and my husband: their families manage it themselves. The level of support for social care for adults with autism or learning disability has been decimated over the last 10 years in various ways. How will this new approach to social care ensure that there is some reverse, so that there is dignity and honour for those individuals who go through the social care process and system?

Does the Minister agree that it is really important to ensure that there will be some reparation, almost, for the loss of services in the past so that adults, particularly those with learning disability and autism, have access to services such as simply going to the library? My noble friend Lord Howarth mentioned the arts earlier but there is also music, as was pointed out earlier in the Chamber. There is a variety of ways in which social care is now more innovative, and that access should be available to service receivers in all parts.

My final point is about the communities that do not automatically understand the new approach or the latest fads and reports. They do not follow the system. How will we ensure that all kinds of communities understand that there is an approach to integrated social care, and that they will not be left behind simply because they do not understand the system or are not au fait with it, or if they are not politically correct and shouting the loudest?

**Lord O'Shaughnessy:** The noble Baroness put it beautifully in saying that the people we are talking about, who are on the receiving end of care, need to be treated with dignity and honour. I wholeheartedly agree with her.

I will separate integrated care into older people and working-age adults, as the noble Baroness said. On older people—and on health and care in general—I encourage her again to look at the five-year forward view and the plan for integration. In the recent Budget, we funded more than £200 million of capital programmes to help move a handful of local areas to what are called accountable care systems. That is where you look at the health of a population, which is quite an

[LORD O'SHAUGHNESSY]  
important step forward towards integrated care. I agree with her that that is not necessarily the everyday experience.

On disabled working-age adults, we may talk about the ageing and growing population but I believe that they are the fastest-growing group of care users. There is of course excellent work going on at the local authority level; I had the privilege many years ago to chair a special school in Wandsworth and saw the fantastic work it did with a peripatetic autism service there. But I know that there is huge variation, which is why the parallel programme of work that I talked about is so important.

Finally, the noble Baroness talked about hard-to-reach communities, and I could not agree more on that. One of the ways of reaching them is to engage with those who give voice to those communities. I would be delighted to discuss that with her, to make sure that we are listening to every voice we can as we move ahead.

**Baroness Tonge (Non-Aff):** My Lords, way back in the early 1980s when I was working as a community doctor, I was also chair of social services in my borough. The main topic of conversation and angst then was how to combine health and social care budgets, so that patients could receive proper care. How many more decades do we have to wait for this country to get its act together and do something about it? Other countries in Europe have good social care; why cannot we?

**Lord O'Shaughnessy:** First, I think we do have good social care in this country. That was the CQC's finding, and it is important for us to recognise that we are building from a position of strength. Secondly, I agree with the noble Baroness on her point about integration. It has taken too long and that is what we are all focused on doing. I hope that she will join in this process, so that we can build a true consensus as we move ahead.

## Israel: United States Diplomatic Representation *Statement*

2.44 pm

**Baroness Goldie (Con):** My Lords, with the leave of the House I should like to repeat a Statement made today in the other place in response to an Urgent Question in relation to Jerusalem. The Statement is as follows:

“We disagree with the United States' decision to move its embassy to Jerusalem and recognise Jerusalem as the Israeli capital before a final status agreement. We believe it is unhelpful in terms of prospects for peace in the region. The British Embassy to Israel is based in Tel Aviv and we have no plans to move it. Our position on the status of Jerusalem is clear and long standing: it should be determined in a negotiated settlement between the Israelis and the Palestinians, and Jerusalem should ultimately be the shared capital of the Israeli and Palestinian states. In line with relevant Security Council resolutions, we regard east Jerusalem as part of the Occupied Palestinian Territories.

We share President Trump's desire to bring an end to this conflict. We welcome his commitment today to a two-state solution, negotiated between the parties, and note the importance of his clear acknowledgement that the final status of Jerusalem, including the sovereign boundaries within the city, must be subject to negotiations between the Israelis and the Palestinians. We encourage the United States Administration to now bring forward detailed proposals for an Israeli-Palestinian settlement. To have the best chances of success, the peace process must be conducted in an atmosphere free from violence. We call on all parties to work together to maintain calm”.

2.46 pm

**Lord Collins of Highbury (Lab):** My Lords, I thank the noble Baroness for repeating the Answer to the Urgent Question. Through this act, Donald Trump has abandoned America's role as a peace-broker between the Israeli and Palestinian leaderships, and done serious damage to his country's relationships with other regional powers. I therefore welcome the Government's Statement and the convening of the United Nations Security Council tomorrow. Alistair Burt said in the other House that all the Government's efforts were to support the move towards statehood for the Palestinians. He also said that this unilateral act would lead to a new role for others to play. Just what steps are the Government taking to work immediately with our other allies to try to fill the mediation role which the United States has now deserted?

**Baroness Goldie:** I thank the noble Lord for his question. As I say, the position of the United Kingdom is consistent, clear and long standing: the status of Jerusalem should be determined in a negotiated settlement between the Israelis and the Palestinians. Jerusalem should ultimately form a shared capital between the Israeli and Palestinian states. We have made clear our disagreement with the decision of the United States. We are simply anxious that nothing should be done to possibly inflame tensions in the area, because the United Kingdom is committed to the Middle East peace process. Just to be absolutely clear, we support a negotiated settlement leading to a safe and secure Israel, living alongside a viable and sovereign Palestinian state, based on the 1967 borders with agreed land swaps, with Jerusalem as the shared capital of both states and with a just, fair, agreed and realistic settlement for refugees. We shall work with our international partners to try to facilitate the attainment of that objective.

**Lord Hannay of Chiswick (CB):** My Lords, will the Minister confirm that it is the view of Her Majesty's Government, and of the UN Security Council, that east Jerusalem is occupied territory? Will the Government not now consider this an opportune moment to follow the recommendation of your Lordships' International Relations Committee and recognise Palestine as a state?

**Baroness Goldie:** I thank the noble Lord for his question. Again, we have always taken the view that there has to be a precursor to such recognition, which



is a negotiated settlement that offers the prospect of peace. Sadly, that is not where we are at the current time.

**Lord Alderdice (LD):** My Lords, I thank the noble Baroness for repeating the response given in another place, but I hope she will understand that for many of us it is not an adequate response to the situation we find ourselves in. Many of my colleagues on these Benches still harbour hopes of a two-state solution. I have said on a number of occasions that I believe it is dead, and it may be, as some have suggested, that the President of the United States has just buried it. He has not so much released a genie from a bottle as unleashed the demons of the region—and by his actions, not his words. Do Her Majesty's Government understand that words and disagreement are no longer enough? It is necessary to take action, and the only action this country can reasonably take is the one identified by the noble Lord, Lord Hannay: to recognise the Palestinian state immediately, unequivocally and, if necessary, unilaterally because anything else will simply not be understood by the Arab world—indeed, by the Muslim world as a whole—and we will find ourselves conniving at terrible actions simply because we were not prepared to move and do something.

**Baroness Goldie:** The noble Lord will not be surprised to learn that I disagree with him. The position of the United Kingdom Government is very clear regarding our approach to the Middle East peace process, and to the Israeli and Palestinian states and authorities. We are also clear that we can play a role in facilitating. On the question asked by the noble Lord, Lord Collins, we do act in concert with international organisations and are pleased to do so, but we can be merely facilitators. We cannot interfere or be coercive.

**Baroness Warsi (Con):** My Lords, will my noble friend answer the question asked by the noble Lord, Lord Hannay, and confirm that east Jerusalem is, in fact, occupied territory? In the light of the fact that this issue will affect communities across the UK too, will she commend the statement made by Jewish Voice UK? It stated:

“We at @J\_VoiceUK would like to make clear that we are bitterly disappointed in @realDonaldTrump's decision to recognise #Jerusalem as Israel's capital and move the embassy. He has effectively alienated the entire Palestinian people”.

**Baroness Goldie:** I do not want to reiterate to the noble Baroness points that I have already made. The United Kingdom's position is very clear. We believe that at the heart of this there has to be a negotiated settlement. We are disappointed by the United States' decision, and that disappointment has been conveyed to the United States. We do not think it was a particularly helpful intervention. At the same time, we are very clear as the United Kingdom about what we are able to do and what we want to continue to do. I think what everyone in the Chamber wants to be reassured about is that the peace process is still alive, that there can be hope and that there are powers in the world acting in concert which want to make that peace process a reality.

**Baroness Uddin (Non-Afl):** My Lords, I, too, ask the noble Baroness to clarify whether the Government consider east Jerusalem to be occupied territory. I welcome the Answer that she repeated as a Statement. I hope the implication is that there is no impact from the Trump decision, and I hope Britain will stand steadfast against any complicity in destabilising the region. I am almost hanging on to the thread when I say that Britain itself has not played an adequate role in creating a peaceful Middle East. In the light of the Prime Minister's brazen support for the Prime Minister of Israel in celebrating Balfour's naked declaration, does she believe the prospect of peace in the Middle East and a free Palestine has been lost for ever?

**Baroness Goldie:** I think I can really deal with only the last part of the noble Baroness' question. The answer to it is no. We think the peace process is relevant and important and that there is international will and resolve to make it become a reality. We may disagree with the United States' approach in this matter, and we made that disagreement clear, but that does not in any way detract from our willingness and our desire as a Government to do everything we can to support the continuance of the peace process, and to do that in a positive and optimistic manner.

**Lord Blencathra (Con):** My Lords, I give a warm welcome to President Trump's announcement. Am I not right in thinking that in the past 50 years Israel has suffered three massive, unprovoked attacks by its Arab neighbours who have tried to wipe off the face of the earth and is under constant attack by the terrorist organisations Hamas and Hezbollah? In these circumstances, why are we taking advice from Israel's enemies on where the United States puts its embassy?

**Baroness Goldie:** I refute the suggestion made by my noble friend that we are taking advice from enemies of Israel. I have made it clear that we do not agree with the decision of the United States. It is not a decision that we intend to support. We shall retain our embassy in Tel Aviv. The overstraddling and all-important issue about this—and this is where I disagree with the previous question from the noble Baroness—is that I do not think this is detrimental to the peace process. If there is resolve on the part of Governments and powers to contribute to that process in whatever way they can, it can become a reality.

**Baroness Deech (CB):** Does the Minister agree that it is time for a dose of realism? One hundred or so countries have recognised Palestine without it making any difference. Given that Israel has the right to choose its own capital, just as the United Kingdom does, and that all the instruments of government are in Jerusalem, what is the point of having an embassy far away? It is as if Chancellor Merkel had an embassy in Belfast.

**Baroness Goldie:** The United Kingdom Government decide where our embassy will be. In Israel, it will be in Tel Aviv.

**Viscount Waverley (CB):** My Lords, is it not now very clear that the President is being advised by the wrong set of people and that soliciting opinions from a family member with close links to President Netanyahu

[VISCOUNT WAVERLEY]

to the exclusion of professionals is going to lead to unmitigated disaster and—I echo others in your Lordships' House today—bordering on serious instability?

**Baroness Goldie:** The noble Viscount will understand that it is not for the United Kingdom Government to tell the United States Government what to do. The United States has made its decision in this respect. President Trump has indicated that he still believes in a negotiated two-state solution. It is helpful to hear that. Clearly, he wants to contribute to the peace process if he can. People may have different views about the decision that he has made in relation to his attitude to Jerusalem and the location of the US embassy, but at the same time there is evidence that President Trump wants to make a positive contribution to the peace process.

## Zimbabwe

### *Question for Short Debate*

2.57 pm

*Asked by Lord Luce*

To ask Her Majesty's Government what assessment they have made of the situation in Zimbabwe; and what plans they have to work internationally to facilitate the recovery of that country.

**Lord Luce (CB):** My Lords, I welcome this opportunity to debate recent dramatic events in Zimbabwe. I look forward to hearing the views of other noble Lords, not least those of the noble Baroness, Lady Anelay, who served with distinction as a Minister in the Foreign and Commonwealth Office. I am grateful to the Minister for answering this debate.

No one who observed the events leading up to the resignation of President Mugabe and the swearing-in of President Mnangagwa could fail to be deeply moved by the peaceful, restrained, cheerful and tolerant way in which Zimbabweans reacted to the army intervention and by their desire to see a peaceful change of presidency. They have set a wonderful example to other countries, but now their expressions of hope for the future present a challenge to the new Government because, sadly for Zimbabweans, over 37 years of rule Mr Mugabe increasingly demonstrated Lord Acton's famous saying that all power corrupts and absolute power corrupts absolutely. The effect on the people of Zimbabwe has been disastrous. That exercise of power, corruption and violence has reduced a country rich in natural resources to poverty and devastation.

It is important to refer briefly to the past before looking to the future. I was Minister for Africa in the Thatcher Government formed in 1979. By that stage, the country had faced a devastating civil war with more than 25,000 people, black and white, having lost their lives. It followed the unilateral declaration of independence led by Ian Smith, who had refused to contemplate African-majority rule in his lifetime. By 1979, the country was exhausted by conflict. The international community looked to the UK to assert authority, end the war and negotiate majority rule and independence for the country.

The Lancaster House conference, under the outstanding leadership of the noble Lord, Lord Carrington, led to an agreed constitution and broadly free and fair elections in 1980. Mr Mugabe became Prime Minister with a clear majority. He started with the good will and support of Britain and the international community. We had created conditions which seemed to offer the people of Zimbabwe an opportunity to achieve peace and prosperity.

Now, after 37 years as Prime Minister and later President, Mr Mugabe has left a country devastated by violent and despotic rule. His actions ranged from the massacre of 20,000 Ndebele in the 1980s, the looting of mineral and other resources, and the rigging of elections, to confiscation without compensation of 4,000 farmers' land, destroying the lives of thousands of farm workers. All this has reduced a once relatively wealthy country to conditions of extreme poverty, hyperinflation and unemployment.

Today, according to the World Bank, 63% of households are below the poverty level of \$2.50 a day; 25% of children are orphans; 33% of women have experienced sexual violence; growth is only 0.7%; and unemployment is over 80%. Moreover, some 3 million to 5 million Zimbabweans have emigrated, mainly to South Africa, but with some 113,000 in the United Kingdom. Despite all this, there are still 20,000 British nationals in Zimbabwe, ready to play an active part in its recovery. The country is burdened with \$9 billion of debt, the infrastructure has been ruined and, above all, agricultural production, in a country once described as the bread-basket of Africa, has collapsed.

Zimbabwe is now at a critical turning point. The people are hoping for a better future, bringing jobs, prosperity and democratic participation. What are the prospects? I look forward to hearing the Government's assessment and views about what tangible indications of progress will enable us to work with the African Union, South Africa, China, the US, the EU, multilateral bodies such the IMF, and others in response to any appeals for help and support. The record of the new President and his colleagues is not encouraging. Is the ZANU-PF elite likely to share power? I suppose the inevitable question is, "If the so-called crocodile were to be a leopard, would he change his spots?"

Africa is capable of producing great leaders. Look at the contrast between Mandela and Mugabe. Mandela had powers of leadership, inspiration and forgiveness which set an example to the whole world. The African continent has a dramatically expanding population and an encouraging overall record of economic growth this century. The sub-Saharan continent has seen annual economic growth of 5.4% between 2000 and 2010, and over 3% since then.

Zimbabwe's neighbour Botswana is a good example of a peaceful democratic country. Given leadership, time and a clear plan of reconstruction, Zimbabwe can be the same, but only if the President and Government can rise to the opportunity by taking courageous measures of political and economic reform. Can the Government tell us what they consider the key decisions are that Zimbabwe needs to take to fulfil the people's hopes and enable the international community to help them? It is a good starting point for Britain that DfID

has consistently provided humanitarian aid to the people over recent years. What measures are now needed to restart the economy and restore confidence in the future?

It would have helped if Zimbabwe had started with a transitional Government of national unity. Instead they have a cabinet of the ZANU-PF elite, with army chiefs in key positions. But the President, at his inauguration, said:

“We want to grow our economy, we want peace, we want jobs”.

He also said that he wants prosperity and democracy. International bodies and the community will be looking for the restoration of the rule of law, an independent judiciary, land reform and respect for property rights. The Government will need to repeal the law which discourages foreign investment. Measures for economic reform are essential. But there will be no longer-term improvement unless plans are also made to restore the integrity of the electoral system, preventing vote-rigging and ensuring participatory democracy, which includes free and fair elections.

Reconstruction will take a long time but the international community, with Britain playing a constructive role, must establish the benchmarks for these reforms and a consistent plan of action before it can step in to help. If the Zimbabweans of the diaspora, with all their acquired skills, begin to return to Zimbabwe, a positive signal will be given to the world.

I am glad that the Commonwealth has already indicated that Zimbabwe will be welcomed back after 15 years of absence, provided it applies to join and demonstrates in due course its commitment to the principles of the Commonwealth. The Commonwealth Local Government Forum still maintains a useful link with Zimbabwe by working for participatory democracy at urban and rural level. The new Government of Zimbabwe should be reminded that in 1991 the Commonwealth Heads of Government Meeting was held in Harare, at which all members, including Zimbabwe, recommitted themselves to the principles of democracy, the rule of law, a free press and freedom of speech. Now it needs only to abide by the Harare declaration to be welcomed back into the Commonwealth. Do the Government support Commonwealth ambitions to welcome Zimbabwe back into the association once the criteria are satisfied?

Zimbabweans live in hope of a better life. Can the international community, led by the African Union and South Africa, persuade the new Government that they have an opportunity to save their country and to set it on a new path? To achieve that, the Zimbabwe Government have to show that they put their people's interest above everything else. It will be a long process of reconciliation and building of trust.

The people of Zimbabwe face a long haul. They are looking for a Government who will need the courage to dismantle the corrupt power of the elite of ZANU-PF and to move in stages towards appropriate systems of democracy and the rule of law. The diaspora, with its new skills, will be ready to return if encouraged by reforms. The international community, with Britain playing a constructive role, stands ready to help. But the will has to come from the Government

and people of Zimbabwe. These long-suffering people deserve a better future. I look forward to the Minister's response.

3.07 pm

**Baroness Anelay of St Johns (Con):** My Lords, Zimbabwe is a country where the majority of people are in severe poverty but where the leaders have revelled in their own personal wealth. There is a new President, so what happens next?

The UK is strategically placed on the international stage to accelerate its work at the United Nations, with the African Union and like-minded countries, to help Zimbabwe develop the essential foundations of development and prosperity. Those foundations are respect for human rights and the rule of law. Evidence shows that countries which respect them tend to be more prosperous, democratic and stable. Corruption is less likely to take root.

As this short debate falls within the 16 Days of Activism to eradicate violence against women and girls, I particularly congratulate our embassy in Harare for the work it has already done in facilitating action against gender-based violence and in support of women's empowerment. But we could do more to give it the opportunity to translate objectives into reality as it works with the Government of Zimbabwe.

Despite the provisions of the 2013 constitution, violence against women and girls remains widespread, and perpetrators continue to benefit from impunity. Victims of rape rarely report it, due to stigma, societal attitudes, and corruption in law enforcement and the judiciary. Police sometimes have not acted on reported rape cases if the perpetrators were aligned with ZANU-PF or if the rape was used as a political tool against non-ZANU-PF members.

Where the Zimbabwe Government have done so little to help victims, we have stepped in. We have already worked alongside Sweden, for example, to provide support for medical, legal and psychosocial services to survivors at Gwanda hospital in Matabeleland South province. I look forward to hearing from the Minister how we will do so much more to use our Engaging Africa policy to enable Zimbabwe to build a prosperous future in the interests of all its people.

3.09 pm

**Lord Anderson of Swansea (Lab):** My Lords, in my two minutes I shall make two points. Under Mugabe, Zimbabwe declined from bread-basket to basket case. It is mired in the corruption and cronyism that have led to national bankruptcy—and it need not have been. As the noble Lord, Lord Luce, said, south of the Limpopo is South Africa, where President Mandela's national reconciliation gave a very different model. I visited Zimbabwe regularly in the 1980s and saw the apparent prosperity. I confess to having been rather starry-eyed about Mugabe. But I was in good company; so were the international community, the IFIs and even white farmers, who were ready to give him the benefit of the doubt in spite of the Matabeleland massacres. Democracies decline gradually but, as we have seen in Zimbabwe, dictatorships end in apopleptic fits.



[LORD ANDERSON OF SWANSEA]

Secondly, given that we all want Zimbabwe to move towards a prosperous democracy, how should we now respond? Cynics will no doubt say that the crocodile cannot change its scales and that people who are now ringing the bells will soon be wringing their hands. It is true that the President arrives with much negative baggage, and we should respond with caution and conditionality. Next year's elections are vital. Private investors will be wary but the IMF, the World Bank, the EU, the Commonwealth, China and South Africa—remembering that the Zulus are cousins of the Ndebele—should be ready to help.

We must proceed with hope. Much is positive. The infrastructure and tourist potential are good, and there is much good will to the UK. My final question is: how do we encourage the many talented Zimbabweans of the diaspora to return and help rebuild their country? Many of course will have built new lives for themselves and their families outside Zimbabwe, including in the UK. What incentives and guarantees, including possibly subsidising their salaries, can we provide? The diaspora can make a major contribution to the new Zimbabwe.

3.11 pm

**Lord St John of Bletso (CB):** My Lords, there is no doubt that President Emmerson Mnangagwa has a monumental task to dig his country out of the economic hole into which it fell during the 37 years that it was led by Robert Mugabe. With unemployment at over 80%, there are high expectations that Mnangagwa can deliver a new vision. Just this afternoon, the Finance Minister, Patrick Chinamasa, delivered a progressive, thoughtful and encouraging budget. Clearly, job creation and agricultural reform are going to be high on the economic agenda, but restoring confidence has to be the key objective to attract investment—not just international investment but, most importantly, the confidence of the Zimbabwean people so that they can be encouraged to invest in rebuilding their country. Zimbabweans are talented and industrious people, and they must take the lead.

Zimbabwe's GDP per capita is approximately \$1,000, compared to \$6,000 in Botswana. Some economists believe that Zimbabwe should adopt the Singapore model that was successfully implemented by its first Prime Minister, Lee Kuan Yew. By doing so, Zimbabwe could transform itself and catch Botswana up in just 16 years. The country needs not just economic support but technical support in justice, health, education, police and other services. Restoring trust after so many years of repression will be a massive challenge, and I welcome the appointment of the special adviser to the President on issues of national healing and reconciliation, similar to what President Nelson Mandela did in South Africa. Finally, I hope that this new chapter in Zimbabwe will herald the country rejoining the Commonwealth.

3.13 pm

**The Lord Bishop of Southwark:** My Lords, I have come to your Lordships' House today from Lambeth Palace, where I have been chairing the Zimbabwe round table. Also present at that meeting was the

Bishop of Harare, the right reverend Dr Chad Gandiya, who is staying with me on his brief visit to this country. Yesterday Bishop Chad met with Rory Stewart, the Africa Minister. My conversations with Bishop Chad have further informed my own thinking on Zimbabwe—a country with which I have a long association, particularly through close links between my diocese and four of the five Anglican dioceses in Zimbabwe.

I shall set out two priorities that I hope will be borne in mind by Her Majesty's Government in approaching the situation in Zimbabwe, and I am encouraged that the Prime Minister has described this nation as Zimbabwe's oldest friend. The first is the need for vigilance. It remains to be seen whether the recent events, though thankfully peaceful, are a change for the country as a whole or simply an internal reordering of ZANU-PF. Whether the army will intervene again is also unknown. Zimbabwe is still in transition. In this connection, I shall quote the wise words of another Zimbabwean bishop, the Bishop of Matabeleland, the right reverend Cleophas Lunga, who wrote to me last month:

"I believe that inadequate transitions create reoccurrences of conflicts and reconciliation becomes elusive".

Reconciliation and accountability are therefore both needed now in equal and urgent measure to encourage governance that is focused on serving the people rather than self-serving.

Secondly, I wish to highlight the constructive role that the churches in Zimbabwe have played and will continue to play—in particular the Anglican Church. The Anglican Church in Zimbabwe has both a national reach and a rich network of local relationships. It has implemented successful development programmes and will continue to do so. It is also well connected with the wider Anglican Communion, particularly in this country. It is and will continue to be an effective partner for all who wish to see Zimbabwe flourish, with justice and freedom for all. We must use well this opportunity to help Zimbabwe to achieve the better tomorrow that has been so long and forbearingly awaited.

3.16 pm

**Lord Goodlad (Con):** My Lords, the change of regime is an opportunity for the lives of Zimbabweans, in Zimbabwe and in exile, to be transformed. The British Government can help with governance reform, with our Chinese friends and others. There is no greater opportunity than now to revive trade and investment opportunities, and to that end our voice in the International Monetary Fund will be very important. I share the view that Zimbabwe's readmission to the Commonwealth is desirable and I hope that the necessary conditions and processes can be achieved.

Finally, I hope that the change of regime may help the process of resolving the problem of the pensions owed to former Crown servants who responded to the British Government's request to stay at their post at the time of UDI, which they did, and at the time of the Lancaster House conference, which they did. As we have already discussed in and debated in this House, not least thanks to the late Lord Waddington, the pensioners have not been paid. They are grateful

to Rory Stewart, the Minister for Africa, and his predecessors, particularly my noble friend Lady Anelay, for their attention to this issue, and to the officials in the Foreign Office and DfID for their commitment to finding a solution to this very difficult problem. Sir Nicholas Soames has tabled Early Day Motions in the Commons on this subject and the noble Lord, Lord Luce, a former vice-president of the now dissolved Overseas Service Pensioners' Association, has worked to resolve the matter. I hope that the new arrangements will allow a just solution to be achieved.

3.19 pm

**Lord Loomba (CB):** My Lords, notwithstanding what has gone on in the past, I welcome the new Prime Minister's words on creating a democratic society that will seek to solve the difficult problems in the country. While I understand that the British Government will not interfere in the affairs of Zimbabwe, but stand ready to assist the country and its people if the promises made come to fruition, it is imperative that safeguards are in place to help the many women and girls living in Zimbabwe. With an estimated population of just over 51% female, their voices need to be heard at this time of upheaval and change. More importantly, preparations need to include women and girls in any new progress towards a better-run country run for the benefit of all its citizens, whatever their gender.

The Human Rights Watch *World Report 2017* found routine human rights abuses against women, girls and widows where,

"widows are routinely evicted from their marital homes and their property confiscated with little recourse to the formal justice system".

At this moment, with the ruling party in power and even some military personnel given positions in the newly formed Government of Zimbabwe, what is the next move for the UK Government? What safeguards are in place and what may DfID do to help the women and girls of Zimbabwe who—like many women and girls, including widows, in many other countries—shoulder many of the injustices and hardships that a regime such as the previous Administration impose on their people?

3.21 pm

**Lord Hayward (Con):** My Lords, I support what the noble Lord, Lord Luce, said in his opening remarks, which were an elegant and eloquent analysis of the problems faced by Zimbabwe and the international community in its efforts to offer assistance. He used the phrase "move in stages", and I think that is what we have to bear in mind. Many people would like fast changes in all sorts of different directions. It will not happen in that form. We must recognise that we will move in stages to help a country and population in dire need of assistance.

The first stage that the international community should give serious consideration to is the question of international debt, so that the moment that the international community is asked, it can step forward to help financially. Many people, organisations and companies will offer their assistance from outside Zimbabwe. We have to listen to and recognise the

needs of the local population. That should be our priority case—recognising that there will be all sorts of offers—because they are the people who have suffered for so long. One thing that has already been identified is finding ways to bring the diaspora back to Zimbabwe, because they have abilities which could and should be used.

Another criterion, as well as helping the population of the country above proffers of assistance from all sorts of people from outside, is that any assistance should be judged on the basis on which it brings the Ndebele and the Shona together. That is key, because it will develop the country more effectively.

We all in this Chamber wish Zimbabwe well and hope to see it change and, as an international community, we should offer assistance, not impose it.

3.23 pm

**Lord Hughes of Woodside (Lab):** My Lords, the number of speakers in this debate demonstrates clearly the seriousness with which this House takes events in Zimbabwe and how much it cares about the people of Zimbabwe. I hope that whoever organises government business will take note of this and that, soon after the Christmas Recess, we can have a proper, full debate on this issue, of which there are many facets.

Once it became clear that President Mugabe was standing down, euphoria spread throughout the country. I am by nature a political optimist, but in this case I remain a political pessimist. Nothing which has happened changes my mind. No effort has been made to try to recover some of the millions looted by Mugabe and his cohorts, there is nothing to show that the Government have changed. There was heady talk at one stage of a Government of national unity with ZANU and ZAPU working together. It simply has not happened. We are faced with an extremely difficult situation. I understand that endemic corruption cannot be disposed of quickly: you cannot flick a switch to change things or turn the tap off, it will take time. What do we do with that time?

Suggestions have been made that Zimbabwe might be welcomed back into the Commonwealth. Under no circumstances should we welcome Zimbabwe back unless there is proper change. There is a short time between now and the election. We do not know what will happen, but we in this country must hold our nerve, not fall for the blandishments that things have changed. We have got rid of Mugabe and put in his place the crocodile. I would prefer neither of them, so I hope that the Government will take this seriously so that we can debate it further, with greater clarity, in future.

3.26 pm

**Lord Blencathra (Con):** My Lords, perhaps it is because we are originally from near each other in the Highlands that I share the pessimism of the noble Lord, Lord Hughes. I fear that we are guilty of wishful thinking on Zimbabwe. There has been no regime change; evil still prevails. I had hoped that Mugabe would have died 20 years ago and been given a warm welcome in that special place in hell reserved for genocidal monsters. That might have spared Zimbabweans some of the years of starvation and cruelty which they

[LORD BLENCATHRA]

have suffered, but only if all of his vile regime was brought down with him. But dying 20 years ago would not have saved the 20,000 people of the Matabele who were hacked to death, burnt alive or thrown down the wells by him and the commanders of the North Korean-trained Fifth Brigade. That genocide happened within two years of Mugabe taking power.

Mugabe ordered the genocide, but who masterminded it? Why, none other than Emmerson Mnangagwa, the new President. All the senior army officers are desperate to keep the land, property and goods that they have looted. That is why they have moved against Mugabe, not because they want a new democracy.

Let us have no rose-tinted spectacles about Zimbabwe rejoining the Commonwealth or lifting sanctions in the near future. Indeed, I think we need hundreds more sanctions against all the leaders of this vile regime in Zimbabwe. Mnangagwa and all his ZANU-PF cronies are equally evil as the Mugabe family. There must be no concessions to Zimbabwe at the moment, but a redoubling of our efforts to bring them down and get them before the International Criminal Court charged with genocide and crimes against humanity. Mladic and Milosevic killed 7,000 in Bosnia. They were evil. They went before the criminal court. Mugabe and his cronies killed 20,000 Matabele.

It is only then that Zimbabwe can emerge from the darkness of mass murder, looting and starvation into a new world of hope.

3.28 pm

**Viscount Waverley (CB):** My Lords, it would be an unmitigated disaster if the transition of leadership did not deliver positively for the kindly, long-suffering peoples of Zimbabwe. We must all harness our best endeavours to draw attention to the short, medium and long-term needs of that country and then assist in any practical way possible. The re-establishing of the agricultural and tourism sectors would be a natural first step to create immediate economic order.

Urgently needed is more investment in farming, as well as imaginative ways to bring in expertise and capital to make the new generation of smallholder farms more productive. I envisage joint ventures or other forms of co-operation agreements, with emphasis on local content. For example, a German farm company is working on outgrowth schemes. It supplies seeds and fertilisers, invests in irrigation and some processing and then takes its fees out of export earnings. The key is to guarantee a minimum price but share in the proceeds. This model works well in Colombia, which endures similar challenges.

There is likely to be a land audit next year. Consolidation of the title deed system would offer new farmers collateral to raise finance. This would require co-operation from displaced commercial farmers who have issued claims against new owners. The tobacco market has shrunk, so commercial farmers have to find new cash crops. Food supplies to the region would be a good target, with emphasis on processing and added-value industries. Then there is the revitalising of the tourist and mining industries, possibly the assistance of immediate aid and longer-term assistance for capital development and professional aid. However,

addressing essential human rights and electoral improvements should proceed in tandem. Let that be a prime focus of Governments and NGOs. The Ghanaian and Namibian Presidents' remarks are to be welcomed, but Zimbabwe's future progress requires more than warm words. These patient peoples must be supported to guard against any further slippage on their path and destiny to a future of truly representative democracy, for which the military's role should be recognised.

3.30 pm

**The Earl of Caithness (Con):** My Lords, I have friends in Zimbabwe who are still farming. They have a legal right to farm—that has been confirmed by the courts and by letter from the Government—and they have struggled under immense difficulties. Over the past months, they have been intimidated physically and verbally. Their access road to the farm has been shut off; they have had squatters on their land; their trees have been cut down and their cattle have been stolen—they have to lock every animal up at night. Their dogs are regularly stoned. There is chanting at the gates outside the house. But then there was a ray of sunshine. I got a text this week from my friends, who said that there were not enough hallelujahs in the "Hallelujah Chorus". The squatters have gone; they have been moved on. There are no pigs or goats, or people cutting down their trees. My friend has started planting again. The army moved in. Everything that he asked the police or courts to do, they did not do; he was left out. But now, with the change of regime, the army seem to be bringing back some measure of the rule of law. It is a small beacon of light in a very dark situation—but at least, for the first time in a debate on Zimbabwe, I am able to tell you that there is a ray of light.

3.31 pm

**Lord Chidgey (LD):** My Lords, President Emmerson Mnangagwa has appointed a new 22-member Cabinet but, sadly, it is full of old ZANU-PF faces. Zimbabwe's army chief, Constantino Chiwenga, having orchestrated the military takeover last month, is expected to be elevated to the vice-presidency. Mnangagwa has been criticised for the controversial appointment of Perence Shiri as Minister of Agriculture and Land Affairs, despite his notoriety for having led a military operation against opponents of Robert Mugabe in the early 1980s. There are no opposition figures or prominent technocrats from outside government, despite huge public expectation that the Cabinet will have new blood, skills, and competences to spearhead Zimbabwe's reform agenda and economic recovery.

The opposition leader, Tendai Biti, said that until the appointments were made, Zimbabweans had given the power grab the benefit of the doubt. "We did so", he said,

"in the genuine, perhaps naive, view that the country could actually move forward. We craved for change, peace and stability in our country. How wrong we were".

There is no greater hope for change than among the Marange villagers. They are deeply concerned that the wealth realised from the diamond fields by the Zimbabwe Consolidated Diamond Company did not benefit the villages in any way. Thousands of villagers have signed



petitions, protesting at violence against the women of Marange, the senseless killing of civilians, and shocking levels of cruelty perpetrated by security personnel. They are calling for President Mnangagwa to set up an investigation into the human rights abuses. That would be a start.

Many observers believe that events in Zimbabwe will be a warning to other long-serving leaders that they should not assume that they can act as *de facto* monarchies, handing over power to their families as death approaches. Officials there dryly commented:

“Leadership is not sexually transmitted”,

when Mugabe’s plan to hand over power to Grace spectacularly nosedived. With 13 long-standing African rulers now aged between 65 and 84, there will be more transitions taking place, one way or another. We can only hope that Zimbabwe will lead the way through democracy and the rule of law.

3.34 pm

**Lord Collins of Highbury (Lab):** My Lords, after Mugabe’s brutal 37 years in office, there is only one rightful way for Zimbabwe to achieve a legitimate Government, and that is through free and fair elections. Rory Stewart, the Minister for Africa, visited Harare shortly after Mugabe’s departure and met the new president, Emmerson Mnangagwa, the Opposition and civil society. What response did he get to his call for a full programme of political and economic reform, with human rights and rule of law being prioritised? Ten days ago, the Foreign Secretary Boris Johnson met EU and African Union leaders, after which he said that he was encouraged by the new president’s words on reforming the economy. However, last week Mnangagwa announced a fresh Cabinet, with key roles given to veterans of the ruling ZANU-PF party and senior soldiers, and no posts for the Opposition. Clearly, that did not meet his promise to reach out to all patriotic Zimbabweans.

Just hours before the Cabinet announcement, Boris Johnson said the UK could take steps to stabilise Zimbabwe’s currency system and extend a loan to help it clear the World Bank and African Development Bank debts, but he said that such support depended on “democratic progress”. What is the Minister’s assessment of the new Cabinet, and how does she think it will affect the hopes for democratic, economic and human rights reform?

3.36 pm

**Baroness Goldie (Con):** My Lords, I thank all noble Lords and the noble Lord Luce for tabling this debate, and for the insightful contributions. They have emanated from authoritative sources, and have greatly helped the quality of the debate. Recent weeks have been momentous for Zimbabwe, and I take this opportunity to set out what the UK Government think that that could mean for the future of the country and how we are working with our partners to encourage this to be a moment for reform and recovery.

President Mugabe ruled Zimbabwe for 37 years. To put that in context, we have seen six British Prime Ministers in that time. President Mugabe’s rule was

characterised by economic mismanagement and political oppression. Almost two-thirds of Zimbabweans are now living below the poverty line, existing each day on less than the cost of the cup of coffee many of us will have bought today. The noble Lord, Lord Luce, eloquently raised those matters. Mugabe’s resignation on 21 November, prompted by action from the Zimbabwean military, is a huge moment for the country. The world has seen on television screens and newspaper front pages what it means to the people, with jubilation on the streets of Harare and across the country. This moment offers an opportunity for Zimbabwe to forge a new path, free from misrule. The key question now is whether this moment will be seized. Will we see Zimbabwe put back on to a positive track?

The United Kingdom has always been committed to the people of Zimbabwe. We want the new president’s approach to be guided by the interests of all Zimbabweans, and we are working to encourage that. We have a clear message: the international community stands ready to support Zimbabwe, but this will happen only if we see a break from the past and genuine political and economic reform. The noble Lord, Lord Luce, rightly identified that imperative. The noble Lord, Lord Collins, raised the recent visit of my right honourable friend the Minister for Africa, Rory Stewart, who visited Harare on 23 to 24 November, the first United Kingdom Minister to visit Zimbabwe in almost two decades and the first Minister from a Foreign Government to meet newly inaugurated President Mnangagwa. Let me say to the noble Lord, Lord Collins, that the Minister was clear with the president that the only way for Zimbabwe to have a legitimate Government was through free and fair elections. On his visit, the Minister also met opposition leaders, human rights activists and civil rights groups to hear their vision for their country.

The noble Lord, Lord Collins, was interested in the United Kingdom’s impression of the new President. Well, if the new leadership demonstrates a commitment to political and economic reform then the United Kingdom stands ready to do all we can to support Zimbabwe’s recovery. We need to see free, fair and democratic elections, and we welcome President Mnangagwa’s commitment to holding them next year.

The visions that the opposition leaders, human rights activists and civil rights groups set out to the Minister were full of hope. They were optimistic that this moment offered a chance for a better future for all Zimbabweans, not just an elite group. They were clear that the constitution was central to this vision and that elections would be the first test of the intentions of the new Government. Under the constitution, elections will be held in the summer of next year. The next few months are critical for ensuring that those elections are a credible democratic process. Zimbabweans must be allowed to participate without fear of violence or reprisal, they must be able to challenge those in power and they must go to the polling station with the knowledge that, for the first time in decades, their voice, and therefore their vote, counts.

The transformation required in how elections are conducted can come only from within Zimbabwe, but there is an important role for the international community to help the country choose the right path. That is why we have been working with the region and our partners

[BARONESS GOLDIE]

in the EU to ensure that we are consistent in our messaging to President Mnangagwa and his Government about what we believe should be their priorities.

The noble Lord, Lord Luce, posed the question about what Her Majesty's Government think are the key decisions that Zimbabwe needs to take. They are: free and fair elections; economic reforms and a renewed openness to foreign trade and investment in order to boost the living standards of all Zimbabweans; and a genuine commitment to upholding human rights. The noble Lord, Lord Chidgey, raised that issue and I think we all understand exactly what he was referring to. This needs more than warm words; it has to be demonstrated by a tangible illustration of it actually happening.

My noble friend Lady Anelay, in connection with the broad issue of human rights, raised the very important matters of gender-based violence and the question of women's empowerment. She argues that we can do more to use our Engaging Africa policy to assist that objective. I was extremely interested in her observations and I will certainly bring that to the attention of my colleagues—perhaps I could have a meeting with her to explore the potential of that approach. I know that the noble Lord, Lord Loomba, also raised this issue.

We have also been working with the international community to consider what we can do to incentivise and support these reforms. If we see positive action from the Zimbabwean Government, the UK stands ready to assist. The Foreign Secretary had useful discussions on this with regional leaders at the EU-AU summit last week and with the Zimbabwean delegation.

We have been encouraged by President Mnangagwa's words during his inauguration speech when he promised to reform the economy and give investors the security of title that they need if Zimbabwe is to fulfil its potential and create the jobs that are so sorely needed. He made a solemn pledge to,

“serve ... everyone who ... considers Zimbabwe their home”,

and to hold free and fair elections. For as long as the President acts on his words, then Britain is willing to work alongside him and offer all the support that we can.

In the remaining time, let me deal with some of the specific contributions that arose. In relation to whether Zimbabwe will be invited to rejoin the Commonwealth, which was raised by the noble Lords, Lord Luce and Lord Hughes, and my noble friend Lord Blencathra, it would have to first indicate to the Commonwealth Secretariat that it would like to return. The final decision is for all Commonwealth members, not the UK alone. The UK would be willing to support re-entry, provided Zimbabwe meets the admission requirements, including demonstrating commitment to free and fair elections. The noble Lord, Lord Hughes, and my noble friend Lord Blencathra spoke about what needs to be demonstrated—well, my noble friend mentioned pessimism but I will be more charitable and say realism. I hope this reassures both noble Lords that there is no free pass here; there are steps that must be observed.

On the matter of general UK support, which was raised by the noble Lords, Lord Anderson of Swansea and Lord Loomba, DfID, on the part of the UK Government, has programmes promoting democratic

and economic governance in Zimbabwe. We stand ready to support any new Administration who seek to improve human rights, transparency and domestic accountability.

The right reverend Prelate the Bishop of Southwark made a powerful contribution. He said that the United Kingdom is Zimbabwe's oldest friend and talked about vigilance and the role of the churches. I was very struck with the words that he quoted from his colleague the Bishop of Matabeleland; there was a great deal of wisdom in these words and I am sure that they will have been noted across the Chamber and in *Hansard* for others to read.

My noble friend Lord Goodlad raised the important issue of former Crown servants and their pensions—those people who gave stalwart service to the country of Zimbabwe. I know that my right honourable friend Rory Stewart is aware of this issue. I say to my noble friend Lord Goodlad that I think it is important it is on the radar and I know that it will be looked at closely.

My noble friend Lord Hayward raised the issue of the economic situation in Zimbabwe. There is no doubt that Zimbabwe faces its most serious economic crisis since 2008 because of the simultaneous cash, liquidity and fiscal crisis, difficulties in getting hard currency, the declining value of local bond notes, which has resulted in fuel shortage and widespread panic-buying of essential goods. I was struck by the wise words of my noble friend that we should offer assistance and not impose. That reflects entirely what the United Kingdom Government feel.

I also listened with interest to the noble Viscount, Lord Waverley, and the suggestions that he made on the economy. These sounded very constructive and will certainly be of interest.

My noble friend Lord Caithness made what I thought was perhaps the most optimistic contribution in the debate. Initially I thought he was perhaps coming from the stable of the noble Lord, Lord Hughes, and my noble friend Lord Blencathra. Then my spirits lifted because it was very clear from that contribution that there is hope, and the transformation in the lives of the friends to whom he referred was quite remarkable. We all hope that may be the harbinger of things to come.

In conclusion, the events of the last few weeks have been momentous, not just for Zimbabwe but for Africa. The country has an opportunity to set itself on a new path, free from oppression and economic hardship. Zimbabwe is currently financially crippled, but it is a country full of natural riches and, most importantly, highly capable people, full of hope and in themselves, as far as I can gather, determined and committed to the future of their country. The noble Lord, Lord Luce, encapsulated that very powerfully. The UK has long supported the people of Zimbabwe and we stand ready to help them make this hope a reality.

**Lord Trefgarne (Con):** My Lords, before my noble friend sits down, will she follow up the remarks made by my noble friend Lord Goodlad with regard to the pensions of those in the former Zimbabwe Civil Service? I gave certain undertakings from that Dispatch Box on this matter back in 1980. Are they being honoured?

**Baroness Goldie:** I can only offer to do what I indicated to my noble friend Lord Goodlad I would do; my colleagues in the Foreign and Commonwealth Office are aware of this issue, as is the Minister for Africa, Rory Stewart. I will make sure that the noble Lord's concerns are reiterated.

## Plans to Improve the Natural Environment and Animal Welfare

### *Motion to Take Note*

3.48 pm

*Moved by The Earl of Caithness*

That this House takes note of Her Majesty's Government's plans to improve the natural environment and animal welfare.

**The Earl of Caithness (Con):** My Lords, I declare my interests as in the register, and that I serve on the committee looking at the Natural Environment and Rural Communities Act 2006. The committee is still taking evidence, and the views I express are entirely my own.

Life on this planet depends on air, water and soil. Ours is the first Government to make a firm commitment, "to leave the natural environment in a better state than we inherited it",

so they need to take action on these three fundamentals.

In England, in addition to Defra, Natural England and the Environment Agency are the statutory bodies protecting the environment. Natural England has the general purpose of ensuring that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. The Environment Agency is responsible, *inter alia*, for regulating major industry and waste and water quality and resources. It is extraordinary that there is no duty on the Environment Agency to report on how it is improving the natural environment. Will the Government ensure that all public bodies have that duty in the future?

Clear, transparent, scientific-based evidence is vital so that the right policies are put in place. It was on such evidence that Mrs Thatcher was the first to lead the world in the campaign against hydrofluorocarbon greenhouse gases. I was delighted to read that the Government are continuing her policy, and recently we became one of the first nations to complete ratification of the Kigali amendment to the UN Montreal Protocol.

About 70% of the surface of our planet is water, of which over 96% is salt water. The environmental quality of our oceans is essential and a very real concern. Overfishing is certainly one problem; pollution is another. Oceans are the dumping ground for the run-off from our rivers and what we put in them. Plastic, one of our great inventions, is also one of our worse pollutants. Plastic litter has more than doubled on our beaches since 1994. One in three fish in the English Channel contains pieces of plastic and, by 2050, the oceans will contain more plastic than fish by weight. The environmental charge on plastic bags and the promised action on microbeads are welcome actions by the Government.

In comparison to air and water, nothing has been done about that other fundamental asset—soil. We know that 95% of food production relies on healthy soils. Antibiotics come from soil, as does a quarter of the world's biodiversity. The red warning light is blazing at us. Loss of topsoil and agricultural land is a problem across the world, especially at a time of rising populations.

Over the last 200 years, we have lost 84% of our fertile topsoil in East Anglia. It is estimated that what remains could be eradicated in the next 30 to 60 years. In the lives of our children and grandchildren, the bread-basket of the UK could become an infertile wasteland, with few farms and very limited biodiversity.

On average, soil degradation costs the economy of England and Wales £1.2 billion every year, and that will rise. Soil has to be a top priority from now on, and we need an action plan quickly. Farming, especially arable farming, will have to change.

Fortunately, for the last 25 years, the Allerton farm project run by the Game & Wildlife Conservation Trust has carried out detailed science-based work and research which demonstrates conclusively that commercial farming can be undertaken, and the land managed, in alignment with ecological needs. As it fits intrinsically with the need for our farms to be more productive while restoring the soil, will my noble friend the Minister use this project as a template for the whole country in the proposed environmental 25-year plan, and when will it be published?

I hope that conservation covenants will also be part of that plan. No farmer should receive taxpayer support unless the farm is in a conservation covenant or is part of the Countryside Stewardship Scheme. It is positive news that Natural England is working with the Rural Payments Agency to overhaul delivery to make that scheme simpler and more effective.

In our lifetime, our biodiversity has continued to decline, as have the numbers of our songbirds. The latest *State of the UK's Birds* report was released on Tuesday and makes depressing reading. I know that the CAP has contributed to that but nevertheless, for Natural England and the many NGOs involved, these are two glaring failures. Natural England's policy document of last year, *Conservation 21*, presents an opportunity to improve the situation in the future, but more needs to be done.

Again, the Allerton project has scientifically demonstrated what to me was obvious. Our wildlife needs our support to flourish. If we provide the right habitat, a better food supply and sensible control of predators, then all wildlife can and will flourish. Without all three of these actions, bird numbers decline. In this country, we have wiped out the apex predators, which has helped lead to a massive increase in the numbers of the mesopredators. To keep the balance, humans have to take over the role that apex predators have played. A good example of predator control policy success is in South Georgia, one of our Overseas Territories. As a result of this project, the most southerly songbird in the world, the South Georgia pipit, nested again on the mainland of South Georgia in 2015 for the first time in living memory.

We are told that the curlew in the lowlands of England will be extinct within eight years. SongBird Survival and the Game and Wildlife Conservation



[THE EARL OF CAITHNESS]

Trust accept that there should be robust, properly targeted predator control. Other NGOs should do the same or accept responsibility for the continued decline and extinction of some species. Will the Minister instruct Natural England to follow the Scottish Government's example and introduce a predator control option in future agri-environment schemes?

I hope that natural capital will also feature in the 25-year plan, as it can help make the change from the current inefficient support to farmers to one where landowners and land managers receive public money for public goods. In itself, it is not a cure-all remedy, but it should be a part of Defra's toolkit of measures to ensure that there is always a net gain for the environment.

Any Government must be held to account against a clear set of environmental standards. In previous debates, I have called for such a body when we leave the EU, so I warmly welcome the Secretary of State's announcement on 12 November that a new, independent, expert and adequately resourced body is planned to do this and that there will be a consultation in the new year.

Private gardens in the UK, especially in urban areas, are an essential part of the green lungs of the environment and equate to the size of the county of Somerset, bigger than all of the country's nature reserves put together. Research shows that, in Greater London, gardens equivalent to the size of two and a half Hyde Parks are lost every year. This continuing loss of habitat is putting biodiversity and wildlife at even greater risk. Where is the line to be drawn, and are the mayor's plans further endangering our urban environment?

This leads me to the important question of the rural-proofing of central and local government policies. There has been an improvement, but there is still a long way to go before it is truly embedded in every policy decision, especially planning. Our planning system is letting the environment down. Planning should be altered to ensure a net gain for the environment, as that offers the chance to reverse the dynamic of development versus the environment. Obtaining permission to plant 600,000 trees in Northumberland has taken more than two years and cost more than £100,000. I hope that my noble friend will agree that that is too long and too expensive, and deters those who might want to introduce similar schemes; and thus I hope he will take action.

I turn now to the second part of my Motion, on animal welfare. I congratulate the Government for confirming that they are committed to the very highest standards of animal welfare and that animal sentience will be properly and legally recognised when we leave the EU. The Government are going to modernise statutory welfare codes and increase the maximum sentence for animal cruelty offences. I also welcome CCTV in slaughterhouses, but can the Minister confirm that, in the UK, all animals are properly stunned before slaughter?

High standards are also being encouraged by the farming industry. Although other countries have assurance schemes, none of them is audited to the same degree or to the same standard as farming's red tractor scheme. A key factor in achieving good animal welfare is having well-trained staff. It is reassuring that red tractor

standards require that certain tasks that might affect animal welfare, such as giving injections, are only performed by staff who have been properly trained and deemed by a vet to be competent to carry out the procedure. Should some of these schemes be made compulsory for all farmers? I admit to injecting sheep when I was a jackaroo in Australia. I certainly was not trained to do it, but I wish I had been; it would be better if we all were.

Food cost as a percentage of the average UK household budget has remained steady for over 15 years but is likely to rise as we build in even higher standards than other countries. However, this might put our farmers at a competitive disadvantage in our new trade deals. Are the Government aware that not just trade but fair trade is required?

We in this country are fortunate to be able to have this debate. The environment is an expensive mistress and not many countries have the resources available to spend on it that we do. We want and need secure, sustainably produced food; clean waters in our aquifers and rivers; restored soils with natural fertility created by healthy biota; a resilient, diverse countryside teeming with wildlife, actively managed, accessible to all, supporting health and well-being for everyone. Such a biologically healthy landscape, resilient to disease and one that can adapt to and mitigate climate change through its ecosystem restoration is also one from which we can all benefit.

However, we cannot achieve our aims by just letting Governments simply impose and police rules and regulations. For real and lasting change, the behaviour of all of us, as individuals, needs to alter. I beg to move.

4.01 pm

**Lord Whitty (Lab):** My Lords, I thank the noble Earl for his introduction and for setting out the starkness of the challenge but also the possibilities of our succeeding in it. My intervention will be a little more depressive. I have the terrible feeling that the likely post-Brexit changes in our regulatory structure are likely to undermine what appear to be the noble Earl's objectives and those spelled out by Michael Gove, the Secretary of State. I start, for example, with the interrelationship between what regulatory aspects of farming and land use apply here in a new and different trading pattern.

It is certainly true that the CAP, particularly in its earlier stages, was pretty detrimental to much of our natural capital, with overintensive use. However, in recent years the EU's environmental objectives have countervailed that. Indeed, the CAP itself, through its cross-compliance arrangements, has moved closer to protecting the environment as a natural good. Legislation such as the habitats directive, the birds directive and the water framework directive will all need to be transposed into our own legislation, but they have been positive and will continue to be.

On animal welfare, mainly the UK has pushed EU standards higher, but we need to ensure that we can maintain them. If we are to move into a different trading pattern and the EU ceases to be our major trading partner, and we abandon near-alignment with EU legislation and instead seek to do deals around the world, particularly with America and South America, where the standards are considerably lower, our exporters

there will have to meet standards different from those of imports here from America, Brazil or Australia, and will not meet the same standards of environmental objectives and animal welfare. If we prioritise those markets, there will be big pressure for us to down-prioritise our own environmental welfare standards.

The other aspect is the withdrawal Bill and how we deal with it. Yes, the EU legislation will be transposed one way or another into UK law as regards individual regulations, and of course we have already transposed most of the directives in one way or another. However, the whole element of the regime protecting the environment that exists in EU law will not be so transposed. First, there is the question of enforcement. The noble Earl referred to Michael Gove's commitment to a new statutory environmental body but it is not clear what powers that will have. It will have not only to deliver the strategy for a better environment and protection of our natural capital, but will also have to be the main enforcement mechanism for duties which have hitherto been conducted by EU-level institutions. Can the Minister enlighten us about any further thinking in relation to that body? When will we see what is proposed, and will we see it at the same time as the 25-year plan or are we expecting it earlier?

In relation to the withdrawal Bill, while we are transposing the letter of many regulations, some of the key principles are not being so transposed either because they are found in the treaties, from which we are withdrawing and to which we will no longer be a party, or because they are in the preambles to directives and regulations, which English law does not like and does not transpose. In the environmental field, these include such vital principles as the precautionary principle, the principle that the polluter pays and general principles of sustainability, and, in the animal welfare area, the principle that farm and pet animals and most wildlife are sentient beings. In default of these principles being explicitly transposed into English and UK law, can the Minister please tell us how they will be observed, enforced and used as guidance in the interpretation of regulation post Brexit?

Of course, not all existing EU or UK legislation is conducive to preserving or enhancing our natural landscape and protecting our wildlife—some does quite the opposite. Take pesticides regulation, for example. The use of chemically based pesticides, often on an industrial scale, can be damaging to our soil. Pesticides and fertilisers have had a greater effect than excessive ploughing on the deteriorating quality of our soils over the past 200 years, referred to by the noble Earl, as well as on our waters and water-based wildlife, and on our air, posing a threat to human beings and wildlife as a result, with direct and indirect reductions in biodiversity.

More targeted use of chemical-based pesticides does not remove those threats, although it reduces them. Ultimately, only a major move from chemical-based pesticides and herbicides will reverse the negative effects on health, biodiversity, soil and water. However, I am afraid that at EU level, at UK level and, even more so, in the councils of some of our potential future trading partners, the influence of large chemical companies is likely to mean that such a move is blocked. I ask the

Minister what the plans are for pesticide regulation post Brexit and for the development of less intensive, less chemically based crop management measures.

The repatriation of agricultural policy to the UK, whether Westminster, Cardiff, Edinburgh or Belfast, gives us the opportunity to move away from current hectare-based subsidies towards overall environmental management, so that farmers, foresters and land managers are brought into a system which, as the noble Earl said, rewards them for contributing to the public good with better land management—better management of the water system and better landscape protection. Therefore, we can move away from the basic farm payment to support for sustainable land management.

However, that switch will be difficult. The Government need to do it gradually. They need to plan for it and farmers need time to adapt to it. It should also be done in a way that continues to recognise that food production is still a major policy objective and that land managers have a major role to play in it. In my view, we should probably keep in aggregate roughly the same quantum as under the CAP to support land managers, but it should be differentially distributed, contributing to environmental objectives, and probably be geared more to smaller farmers than to large-scale landowners.

I would like to hear the Minister's reaction to those points and would particularly like to hear when we will see the 25-year plan.

4.08 pm

**Lord Teverson (LD):** My Lords, I note, first, that I am a board member of the Marine Management Organisation.

Normally in these debates I have to remind people that there is a marine environment and that it is as important as the land environment, but the noble Earl has already stressed the marine environment. Perhaps because of David Attenborough and his current series, we are all rather more aware of marine than we were in the past.

I will make a couple of points in that area. The first is about our future management of stocks. Although certain parts of the industry may be quite strong in their bravado about the quantity of fish resources in European waters that are within in the UK EEZ, none of the precious stocks takes any notice of political boundaries and—to state the obvious—they circulate. Their spawning grounds are often in other areas of the North Sea or western waters. It is really important for the Government to make absolutely clear that, in our future relationships if Brexit happens, our decisions are not only science-based but that we continue to make decisions about fisheries, quotas and the technical methods in liaison with other European states—whether Norway and the Faroes outside the European Union or our current European partners. That is essential. There is no room for competitive removal of stocks from within our waters in future years.

The other area that knows no boundaries is plastics. I will not go into that any further because other noble Lords have mentioned it, but I welcome the Government's intention to stop one-use plastics, which will be of huge benefit not just to marine life but to our terrestrial environment and ecology as well.

[LORD TEVERSON]

However, I want to bring to the House's attention, although it may not be needed, one bit of really good news that has happened recently. It is the decision by the international community, particularly in the far north of the planet, to declare the Arctic Ocean as a non-fishing zone until scientific evidence—which I doubt will ever justify it—can be considered to decide what happens. This is a major step forward. I was privileged to chair the Arctic Committee of this House a couple of years ago and it was one of our key recommendations. I will be interested to hear from the Minister whether we will be a signatory to that agreement or how we will help it to be implemented, because it is a very positive step. It is the one time perhaps that the world has decided to do something before the problem arises rather than afterwards.

I welcome very much the Secretary of State's intention to replace the current methods of enforcing environmental law at European and national level such as the Commission and the European Court of Justice. The Energy and Environment Sub-Committee that I chair today received a letter from the Secretary of State going through that. But, as the noble Lord, Lord Whitty, said, we do not know yet what those powers will be; I understand that this is going out for consultation in the new year. We must make no mistake that the real power of the Commission and the European Court of Justice, particularly the Commission, is the power of infraction. Ministers are concerned that they are not found to have failed to implement or go against European or national laws, and are concerned about the fines enforced. The power of any organisation to fine will determine whether it cuts the mustard or not. It is unlikely that the organisation will have those imperatives but that is what is needed. It would be wrong if we did not implement our own laws that have been agreed and passed by Parliament.

No one has yet mentioned clean air although I am sure that other noble Lords will do, but we have been extremely laggardly in terms of applying our own legislation. It has a direct effect on people's health and on us as we go about our business in the capital and other cities. I hope that the Minister will be able to say something about the progress of addressing that breach as it returns to British courts.

On animal welfare, again I welcome the various pronouncements made by the Secretary of State, but I regret that the amendment tabled in the House of Commons to recognise the sentience of animals was rejected and I do not agree that our current legislation covers this point broadly enough. It is something that we will have to consider when the withdrawal Bill arrives in this House. But the real problem I have on the animal welfare side is much as the noble Lord, Lord Whitty, has said. I am sure that the Minister will encourage us not to have any fears in this area, but if the Secretary of State for International Trade or Ministers in DExEU were talking to us, I suspect that we might be given a different message. If we seek to make trade deals, particularly with South America, the United States, Australia and New Zealand, which have already contested some of our agreements in the WTO over tariff-rate quotas, we will find it very difficult indeed to maintain our animal welfare standards. They are

not recognised by the WTO as valid barriers and ways to exclude trade, so we will find it difficult to reconcile the different views that exist around the Cabinet table. Until those views at Cabinet level are reconciled, I do not think we can take it for granted that the Defra view, which I applaud in many ways, will be the one that finally holds sway.

I was going to talk about EU vets. Again, I welcome the introduction of video cameras in abattoirs and it will be a great step forward when that happens. However, we need the 95% of our meat hygiene vets who are European Union citizens to believe that they are welcome in this country and can continue to give us the benefit of their knowledge, resources and scientific skill.

4.16 pm

**Lord Blencathra (Con):** My Lords, I congratulate my noble friend on his absolutely superb opening speech. I agreed with 99% of it and I particularly liked his stress on soil. Many years ago I used to listen to "Gardeners' Question Time" with a Yorkshire gardener called Geoffrey Smith. No matter what he was asked, whether it was about aphids on roses or leaf drop, he would always say, "The answer lies in the soil, laddie"—even if it was a woman asking the question.

The 1% where I disagreed with my noble friend was on the need for a super-duper new environment agency. I will pop out in a wee while and fetch from my desk a superb op-ed piece from the *Times* written by my noble friend Lord Ridley. It points out that we already have all the best environment agencies in the world and that we do not need to create any more. However, almost every day we hear a new pronouncement by a worthy and knowledgeable body on the sort of animal welfare and countryside environmental regime that it wants to see once we are in charge of our own policy once again.

I read all of these reports and articles and I am concerned that far too many people and organisations have unrealistic ideas about how the whole countryside can be transformed overnight into a paradise where all farmers are farming organically but still making a profit, where they are running their farms as if they were in the upper tier of the Countryside Stewardship scheme, where all endangered wildlife returns to pre-war levels, where all non-native invasive species are exterminated and where there is unlimited money to satisfy the aspirations of every single-issue pressure group that is dictating how the countryside should be run. It is unrealistic and it cannot happen in the real world.

However, today I will focus briefly on animal welfare issues. I, too, welcome the introduction of cameras in slaughterhouses and I hope that ministry vets will be ruthless in closing down any and all halal slaughterhouses which are flagrantly breaching the law by slaughtering animals without even the slightest pretext of stunning. I know that this is a sensitive issue and I respect religious rights and freedoms, but the rest of us have the right not to eat meat which has been killed in this way. The public would be appalled if they knew about the massive amount of halal meat which actually gets into non-Muslim food chain.

The Government have said, quite rightly, that we will be able to enhance even more our animal welfare



rules once we are out of the EU. Let us absolutely clear about one thing: the UK already has the tightest and most humane animal welfare rules in the whole of the EU, the whole of Europe and possibly even the whole world. While I am happy to consider tightening them further, we must not then let in meat products which have been produced under systems that we have banned here.

Way back in the late 1980s, I was a MAFF Minister. We were under enormous pressure to ban sow crates and tethers. We resisted, on the basis that the whole EU should do it, but the majority in the Commons was for a ban. So we had to ban them, and the rest of the EU looked on and laughed at our stupidity. What was the effect of the unilateral ban? Quite simply, more British pig farmers went out of business and we imported more pigmeat from the EU—produced under the same so-called cruel system that we had banned here.

One thing I learned in MAFF—now Defra—is that we have the finest vets in the world and some great chief veterinary officers. I liked the CVO's statement last week that there was nothing wrong with proper battery cages. But apparently the supermarkets have said that they will not sell any eggs produced in battery cages in future—or will they? Is this another big lie? They said that they were not selling any of the eggs from Holland that were contaminated with the insecticide fipronil, but that was true only to the extent that they were not selling them in boxes of six or a dozen—all the poisonous eggs were in their ready-made sandwiches and meals.

So, if the supermarkets decide that they will not sell battery-cage eggs, putting some of our farmers out of business, they must not be allowed to import battery-produced eggs and hide them in ready meals and salads. I suggest that the same principle must go for all other foodstuffs. We need to concentrate on the real issues of trade, not on fripperies such as chlorine-washed chicken; so long as it is labelled and people have a choice, I do not see what the problem is. Quite frankly, I would prefer to eat chlorine-washed chicken than some of the stuff that was slopping about on the floor of the 2 Sisters Food factories that we read about a couple of months ago.

Similarly, if we ban live animal exports, we must ensure that we do not permit live animal imports. Let us be clear: we can move live animals round this country safely, without any problem. We can move them just across the Channel and still enforce standards of watering and feeding, and treat them humanely. However, we cannot enforce the rules in the rest of Europe, where animals are driven across Europe for days on end and are not fed, not watered and are treated cruelly. Of course, any ban on live exports should apply only to animals for slaughter and not to breeding or pedigree animals, where we need an exchange under the highest possible welfare standards. Perhaps, when we are in charge of our policy again, we can bring back the wonderful minimum value rule for horses, whereby horses or ponies worth under £300 could not be exported live for slaughter.

I believe in completely free trade—but it must also be fair, as other noble Lords have said. If we impose higher welfare standards on our farmers, there must

be no question of any food or food products coming into this country that are produced under systems that we have banned here because we think that they are cruel. Brexit gives us a chance to impose that high level playing field across the board.

4.22 pm

**Baroness Jones of Moulsecoomb (GP):** My Lords, it is always very useful for me to follow the noble Lord, Lord Blencathra, because it pushes up my adrenaline levels, which is obviously very good for speaking. So I thank him for that. I thank also the noble Earl, Lord Caithness, for securing the debate and allowing us to air our concerns before the Brexit legislation comes to your Lordships' House.

Noble Lords have mentioned that we are now at a crossroads and that it is incredibly important for the natural environment and animal welfare to figure strongly in our minds as we go through the processes of the next few months. We will face a number of choices on these issues and it is clear that there is a lot of divergence. Do we improve our environmental and animal protections and safeguard nature, or do we burn them in a bonfire of red tape to secure trade deals with the USA and Donald Trump? Do we bring in tough new laws that recognise animals as sentient beings deserving of legal protection, or do we regulate so that we can swap our battery-caged eggs for their chlorinated chickens?

We have educated consumers; I think that there will be an outcry if our food standards drop to any extent. Then, there is the most important choice of all: do we leave for our children a healthy planet—an abundant, thriving natural world—or do we continue to damage, devalue and destroy the very living systems on which all of us depend for survival? The noble Earl mentioned the loss of biodiversity. Here in Britain we have lost 50% of our wildlife since 1967—and that is speeding up; we are losing more and more.

We have to make stark choices over the coming months. We have to recognise that our decisions will have an impact downstream in not just a few years' time, but decades' time. We will be held to account. The noble Lord, Lord Teverson, made a point about air pollution. I have been working on air pollution since the year 2000. I raised the issue with then Mayor of London, Ken Livingstone, and with the second Mayor of London, Boris Johnson. Not very much was done. Now it is a crisis. Greens look ahead. We have policies that other political parties will pick up in 10 or 20 years' time. Perhaps they should take some advice now about things that will be real crises in a decade or so.

I cautiously welcome the commitments the Government have made already on the direction of travel for environmental policy. They have committed to making this the first generation that leaves the natural world in a better condition than we inherited it—I find it quite difficult to read that without smiling. The Secretary of State seems to have a genuinely held commitment to the environment, making pledges that Greens like me might once have been laughed at for being “naive” and “idealistic”. I have heard him talk about reforming the CAP, for example, so that it addresses market failures and ensures that “ecosystem

[BARONESS JONES OF MOULSECOOMB] services”—those essential things that nature provides for free—and “public goods” are properly valued. We have the opportunity to create a system that properly rewards sound environmental stewardship and punishes an “industrial farming at all costs” approach. We can create a system that works for small farmers, small holdings and lifestyle farmers, as well as bigger farmers, and allows small farmers to use their land to do much more than just produce food—to encourage biodiversity and to improve the soil. But it is early days and the so-called “greenest Government ever” have quite a test ahead of them on their environmental principles.

The noble Earl closed with the point that we all have a responsibility as individuals, which is absolutely true of course, but the Government have to help us. They can make it easy for us to do the right things. The plastic bag tax is a classic example: 5p has made all the difference to whether people use single-use plastic bags. The Government have a real opportunity to do similar things to help us grow in the right way. We also have to remember that most political parties think in terms of constant growth being an asset and a good thing. That is not true. It goes against all common sense. We have a finite planet and resources. We have to understand that when we put in place all our legislation.

When the going gets tough, we cannot allow Ministers to make grandiose policy pledges without any real delivery plan, as has happened so many times in the past, and then scurry away when reality bites so we cannot see them again and cannot hold them to account. The Secretary of State told me recently to judge him by his actions, not his words. I like his words so far, but I will judge his actions fairly. If he does not live up to what he is saying, I will judge him very harshly indeed. I will be very happy if my caution is unnecessary. I hope we can have a very good dialogue when we consider the Brexit legislation and that the Government will be in listening, not just in transmit, mode.

The noble Lord, Lord Whitty, referred to the EU withdrawal Bill. It will be a key battleground for many of us. There will be a lot of amendments on the issues we are discussing in order to retain a positive environment here in Britain and animal rules, many of which are currently enforced by the EU. Maintaining the polluter pays principle, for example, is fundamental, as is recognising animal sentience. The news is that there will be a Statement on this issue; I look forward to hearing it. We have to have robust, independent enforcement mechanisms. It is simply not true that we have enough enforcement. Once funding comes from the Government, nothing is independent. We need some sort of mechanism that enforces the law.

It is going to be quite exciting here: I think a lot of amendments on these issues will be forced to a vote, and the Government will lose some of them. Ministers will no doubt say that the withdrawal Bill is not the place to raise these issues because they do not fit in. My question is: if not then, when? What the Government could do is publish their plans for alternative legislation before the Bill comes to this House. That would be a positive thing to do and help us understand the direction of travel.

I have read that MPs have been briefed by Gavin Barwell, Mrs May’s chief of staff, that care for the environment is to be the unifying principle across a range of policies designed to rehabilitate the Conservative Party’s reputation. That is wonderful. If the Government are honest in their claim to care about our environment, they should deal with the issue of plastic. The noble Earl mentioned a very useful fact which I will use in future and pretend is my own—the point at which the amount of plastic will outweigh the number of fish in the sea. A plastic bottle deposit scheme, for example, would be such a positive thing. Recycling rates are falling in the UK—they fell last year—so we are not the caring, responsible country we often like to think we are. These issues are far too important for us to leave to the whims of the Government.

I challenge the Government to set out their legislative plans for the environment and animal protection ahead of the withdrawal Bill coming to the House. I ask the Minister to make that commitment today.

4.31 pm

**Baroness Hodgson of Abinger (Con):** My Lords, I thank my noble friend Lord Caithness for introducing this debate on two very important subjects. The natural environment and animal welfare are interlinked in many ways. The trend of recent years towards mass-produced food and factory farming has had a detrimental impact on the environment, antibiotic resistance, climate change and animal welfare. Brexit gives us a golden opportunity for change.

How a nation treats its animals is a litmus test of its humanity. We in the UK like to think of ourselves as a nation of animal lovers. Indeed, I understand that Members in the other place receive huge postbags about animal welfare.

I want to focus today on animals in agriculture, where the welfare challenges come from the push for ever cheaper food which influences the way that animals are farmed. I must declare an interest: I served on the Farm Animal Welfare Council for nine years and during that time served on several working groups that travelled around the country going to farms. In the main, I was struck by how much farmers cared for their animals. However, there are some areas of farming where it is a struggle to make ends meet. The cost of employing people today means that farming has become more isolated, with a high incidence of depression in some cases. Calling for improved animal welfare means calling also for support for farmers post Brexit, where they need it, and ensuring that they are able to make a decent livelihood. We need to ensure that supermarkets, where most of our food is bought, give farmers fair prices and do not put over-high mark-up on their products.

While we live in a global society, dependence on the internet for communications and the dangers posed by cyberwarfare to transit of goods mean that the more we can produce our own food the better. Producing our own food means supporting our farmers and creating employment here. After all, they are the front-line custodians of our countryside as well as of what we put on our plate.

Much of our animal welfare legislation is driven by EU law, and Brexit will mean this reverts to national legislation. Under the Lisbon treaty, animals are considered sentient beings. That means that it is acknowledged that animals are not inanimate goods but can feel fear, hunger, pleasure and pain. The EU withdrawal Bill removes this classification—I know that there has been considerable discussion about this in the other place. While I know that we have reassurance from the Government that, post Brexit, our animal welfare laws will be strengthened, I do not see why the Bill cannot be amended to include this. There has been enormous support for it from many in the veterinary profession and we need to listen to them.

As my noble friend Lord Blencathra has already said, it is no good having high welfare standards for animals raised in the UK if we allow the import of animals not raised to those standards, which is the situation at the moment. This undermines our farmers and makes a mockery of our welfare legislation. All meat entering the UK should have been raised to UK standards. This should apply to not just fresh meat but, as my noble friend said, processed meats—ham, pâté and salamis—and pies and suchlike that contain meat. We should require our supermarkets to trace their products, to ensure that they are all raised to the high standards we require.

I welcome the fact that the Government's *Industrial Strategy* White Paper contains positive recognition of the importance of UK food production to the country's economic prosperity, including the intention to, "put the UK at the forefront of the global move to high-efficiency agriculture",

and to,

"grow the markets for innovative technologies and techniques", such as the use of drones. However, I strongly believe that farming methods need to be looked at. Generally, where animals are being routinely vaccinated it is because they are kept in crowded, stressful situations. This may well be contributing to the transfer of resistant bacteria to people. Ensuring that animals can perform their natural behaviours and using antibiotics only therapeutically is surely a sensible, long-term preventive step to help protect our own health as individuals, communities and a nation.

On the issue of health, I also want to raise the benefits of encouraging a reduction in the consumption of red and processed meat—something that has been linked to decreasing the incidence of heart disease, obesity and certain cancers. This has an impact on not just our health but our environment. Overall, the livestock sector accounts for between 8% and 18% of global emissions, about as much pollution as comes out of the world's car exhausts. The UN's Food and Agriculture Organization estimates that the world's domesticated ruminants—cattle and sheep—release annually 100 million tonnes of methane, a greenhouse gas 25 times more powerful than carbon dioxide.

So which areas of welfare could be improved upon? I would like to see live export for slaughter, which has been mentioned already, banned. In these days of chilled lorries it is inexcusable to travel animals to the continent for slaughter. This causes them much stress and fear, while many of the continental slaughterhouses do not conform to the standards that we would like to

see here. This should be stopped. EU legislation has caused many local slaughterhouses in the UK to be closed down. This has meant that even here in the UK, animals can end up being travelled for many hours. Does my noble friend the Minister agree that this area should be looked into? Slaughtering animals at the nearest point to production is best.

While I am on the issue of slaughter, we need labelling to identify meat from animals slaughtered without stunning. While I too respect religious practices, those of us who do not wish to eat meat slaughtered without stunning should be able to buy meat in this country, confident that it has been properly stunned and slaughtered in the kindest way.

I am conscious of time so would like to add a few of my other concerns to the Minister's list. In pig farming, I am concerned about the enforcement of legislation around tail docking and straw provision. I would like to see a move towards free-farrowing systems as the norm. Today's dairy cow can be a very stressed animal. Every dairy cow should be able to go outside; their calves are usually separated within 24 hours of birth. However, a high-yielding cow produces enough milk for six calves, so could there not be a system designed to enhance a cow's life by enabling her to mother? Where sheep are castrated surgically, I would like to see analgesia and pain relief used. Stocking densities for broiler chickens should be looked into, too.

While I recognise that there may be cost issues surrounding higher standards of our food production, animal welfare and our natural environment must not be compromised. As I said earlier, the farming community is the custodian of our countryside. Our natural environment, food quality and quantity and animal welfare are all interwoven. We cannot afford not to get it right and we all have our part to play.

4.38 pm

**Lord Hunt of Chesterton (Lab):** My Lords, this is an important debate and I welcome its introduction by the noble Earl, Lord Caithness. It touches on the future of the natural environment in the UK and around the world. I declare my interest as director of a small environmental company and president of ACOPS, an NGO.

Her Majesty's Government have a responsible role, nationally and internationally. As the noble Earl pointed out, this is about large-scale and small-scale phenomena.

This debate rightly considers animals as well the traditional areas of environmental science—plants, oceans, the atmosphere and the natural environment. Particularly when thinking of urban areas or arid lands, natural life is a vital part of the process and the environment, but often in very small areas. It is a great improvement that nature in urban areas is now more important, but it is not always consistent with the fact that areas of green space available to schools in urban areas have been progressively reduced. I hope the Minister will be able to touch on that point.

The importance of the natural environment has steadily increased in politics as the general public have become more concerned about its deterioration, as scientific monitoring data has confirmed some of the worries and fears. The public are also very well aware



[LORD HUNT OF CHESTERTON]

of the loss of biodiversity and amenity. Many species are no longer available and the amenities that many people recall—rock pools on beaches and clean beaches—have deteriorated.

The political and scientific organisations concerned with the environment have changed over the past 50 years, both nationally and internationally. Where necessary, organisations have come and gone, depending upon different types of pollutant. The UK set up its first royal commission to cover the environment in the 1960s, but it no longer exists, and the other broad environmental body set up by the Conservative Prime Minister Mr Major has also gone. As the noble Earl, Lord Caithness, pointed out, we have an excellent roll of contributions by Natural England and the Environment Agency, but the point of the original royal commission was that it looked at the whole process, many sources of pollutant and many scientific aspects, and we should consider that again. Looking at the manifestos of the Conservatives and the Labour Party, I did not see the suggestion of an overarching organisation which, as a scientist, I think is necessary.

The worst direct damage to the natural environment has led to action in the past and turned countries that were considered to be highly polluting, such as Japan, into model countries. The change in Japan was stimulated by the effects of water pollution in Minamata, and in the UK it was the London smog or even the River Thames in the 19th century. It has taken longer for people and organisations to respond to longer-term environmental damage. For example, radiological pollution from nuclear accidents has a very long-term effect, and it took decades before long-range acid rain began to be controlled. Polluted waters similarly cause great problems around the world and there continues to be a problem in rivers and coastal waters. Ozone in the stratosphere has already been mentioned. That was quite a success in the sense that it was identified and that has led to the Montreal protocol; however, there are continuing problems. There was an interesting article in *Nature* last week about the risk of some organisations suggesting that we put particles in the atmosphere as a means of controlling the dangers of excess carbon dioxide and climate change. One has to look at the different processes.

Air pollution from vehicles, shipping and fossil fuel energy is coming from different sources. It has immediate and sometimes local impacts on health. Those suffering with breathing issues, such as asthmatics, are particularly sensitive to the air pollution in cities. As we all saw last week, pollution can sometimes be bad enough to affect really healthy people, such as the cricket players in Delhi. I once, long ago, did a study in Lancashire and there was a headline in the local newspaper, “Air pollution stops play”. I could taste it without needing instruments, as I could stick my tongue out and measure the sulphurous rain that was coming down in southern Lancashire.

The question, then, is how these new types of pollution should be dealt with and by whom. The solution for certain types of pollutants comes from a combination of scientific understanding, government regulation and action by business to produce non-polluting products. Where appropriate, people’s involvement is

also critical. Sometimes these combinations are successful, for a limited period, for example with air pollution caused by damage from fossil fuels. But then, problems arose when certain scientific and industrial organisations pointed out that vehicles that at one time seemed to be clean and to be contributing to low carbon were actually contributing to NO<sub>x</sub> and other emissions. These complicated interactions of different processes require different organisations. We need to consider how to have overview of all those organisations.

If your Lordships read the *Guardian* or another newspaper this morning, you would have read about the problems with the solid waste the UK sends to China. The Chinese Government no longer want it as much, which suggests that we need to have whole new industries to deal with the question of waste. We had a meeting here in the House of Lords a couple of years ago, organised by ACOPS. Many of the organisations were concerned about plastic, but it was noticeable that the representative from the chemical industry was lukewarm about the kind of changes that might happen. The Government will need to play a very strong role to push this forward.

Last week, the International Maritime Organization, at which the Department for Transport is the UK representative, met here in London to set up its working group on reducing carbon emissions from ships’ diesel engines. Shipping now produces as much as 13% of total carbon emissions, about three times more than aviation. Much shipping is involved in transporting plastic waste, so dealing with our waste differently would be one way to reduce carbon emissions.

4.48 pm

**The Earl of Shrewsbury (Con):** My Lords, I congratulate my noble friend on securing this important debate today. He made an excellent speech, as did my noble friend Lord Blencathra. I declare an interest as a former farmer, a former president of the Staffordshire and Birmingham Agricultural Society and a current member of the National Farmers’ Union and the GWCT.

Brexit presents a once-in-a-generation opportunity to put in place policies that work for farmers, the environment and consumers, and to address animal welfare issues. Thus states the NFU, and I am in complete agreement. Agriculture and its associated businesses form the UK’s largest manufacturing sector. A friend of mine whom I met with today—a very serious lawyer, Sir Nigel Knowles—confirmed to me that the industry generates over £112 billion for the UK economy and provides employment for more than 3.9 million people. Horticulture, including vegetable and salad production, is reliant on considerable numbers of foreign workers, and therefore the industry has a major interest in any future policies post Brexit regarding immigration. Without the availability of these workers, that sector will encounter very serious problems.

Many farmers with whom I discuss current farming affairs voted to leave, but nevertheless are very concerned about life without subsidies as currently paid to them. In recent years we have seen wealthy individuals and corporations investing heavily in agricultural land, very often in the UK’s prime growing regions. Completely unrealistic prices have been achieved: as much as up to £20,000 per acre, I believe, in Lincolnshire, with an

average today, I think, of about £10,000 per acre. Please feel free to label me a complete cynic—many on my side do, I think—but, even with the single farm payment, such a land cost cannot possibly enable the landowner to make a return. In my view, it is part of wider tax planning issues. They are attracted by that but it has very little to do with genuine investment in farming. I believe that, post Brexit, such landowners should receive no subsidies. After all, their operations are geared to be superefficient, with the latest in modern machinery and various technologies outside the reach of small and medium-sized farmers.

When I was a student on a farm in the early 1970s, my boss, an exceptional but often grumpy Shropshire farmer called Rowland Ward, who was a pioneer in many agricultural areas, told me that one could not make a decent living farming under 200 acres. Today I believe that figure is more like 2,000 acres. Today many counties have sold off their agricultural smallholdings, smallholdings that provided an entry into agriculture for countless young people in the past. The young would-be farmer finds it nigh on impossible to get a foot on the farming ladder these days, yet they are the basic future and seed-corn for farming. Maybe they could be beneficiaries of a suitable new scheme to encourage them into farming on their own.

I firmly believe that there must be government support for agriculture in rural areas but geared towards assisting the small to medium-sized farmer and grower who is the backbone of UK agriculture. Coupled with this must be schemes to encourage farmers and landowners to improve their environment, protecting soil and water resources for future generations along the lines of the Campaign for the Farmed Environment. We need to produce more homegrown food, and to achieve that we must have sustainable and improving natural resources. We must establish an improved habitat, and on that note I wonder whether now is a great opportunity to amend the Wildlife and Countryside Act to rebalance man's management of modern-day nature in what is a very changing environment, and indeed much changed from the time when the current Act was passed.

We need to encourage growth in the numbers of songbirds and other species through a range of measures, not least by controlling predators to sustainable numbers. Buzzards are everywhere; I counted nine in the area over the wood behind my house last Sunday. They do not just pick up carrion; magpies play havoc with the local songbird population while goosanders, mergansers and cormorant numbers have exploded over recent years with dire consequences for the stocks of their prey species, namely salmonids and other fish. From these comments, noble Lords will no doubt realise that I am unlikely to be on Chris Packham's Christmas card list.

I believe the Environment Agency should be broken up, with waste issues being transferred to local authorities, and the National Rivers Authority should be re-established to oversee and police the country's water resources and deal with issues relating to flooding. This worked very well in the past.

A special case should be made for the less-favoured and challenging farming areas and their communities. These are some of the most beautiful and iconic parts

of our nation and support a wide range of flora and fauna. Income in these areas is derived from farming certain breeds of livestock with special qualities and producing specialist wools, meats and cheeses. Tourism is a major driver of those far-off local economies, an integral part of which are the shooting and fishing sports that attract substantial sums of foreign and home-based money, supporting local people with employment, hotels, B&Bs, filling stations and shops, to name but a few. I recommend noble Lords to take a trip to towns like Leyburn and Hawes and see what they have done.

Recently the BBC's "Countryfile" programme featured a small community in a less-favoured hill area in the north of England where, threatened with the demise of their rural bus service and closure of their post office and shop, pub and filling station, and therefore faced with the possible exodus of local inhabitants, the community resolved to get together and run the lot. The bus service and filling station help to subsidise the loss-making parts of the enterprise. Surely this is the way forward in such communities, so why do the Government not consider setting up a scheme to soft-fund such initiatives with seed capital? Such a scheme could perhaps be part-funded by a levy on wind turbines.

This country is a world leader in animal welfare. We produce and sell, at home and abroad, our finest beef, lamb, pork and other meats, which we produce to the highest standards. So why on earth will the Government not ban non pre-stunned ritual slaughter? The veterinary profession judges it to be cruel, many of the public are appalled by it and I personally find it completely abhorrent. I would never send an animal of mine to such an end. Both the NFU and the Government seem keen to ignore the issue, possibly because we export to countries that require meat that is ritually slaughtered. However, this is a serious animal welfare problem that simply must be addressed. What discussions on this issue have my noble friend and his department had with the various religious groups that require ritual slaughter, and what was the outcome of those discussions?

In conclusion, we in this country have the most superb opportunity to improve and support agriculture, the natural environment, our rural communities and animal welfare post Brexit. We must grab it with both hands.

4.55 pm

**Lord Lexden (Con):** My Lords, I hope that my noble friend Lord Caithness will not be displeased if I add a little on the issues of animal welfare that have featured so far in his debate, which he introduced so effectively.

There are so many types and breeds of animals for whose improved welfare we should strive as we prepare for Brexit and the prospect of stronger powers here at Westminster to use on their behalf, for they are vital to our welfare. Our domestic pets deserve the highest place on the agenda for improvement and change. They give love and friendship to so many. They serve disabled people with unstinting loyalty, giving them freedom to work and enjoy recreations that would otherwise be denied to them. As people live longer and need close companionship, our pets will become ever more important.

[LORD LEXDEN]

Many great men have recognised the significance of the bond between humankind and the animals we take into our homes. Dogs, cats and budgerigars vied for Winston Churchill's considerable affections. Indeed, if he had had his way, pigs—whom he greatly admired—would also have been invited to join the Chartwell menagerie, within careful limits.

I personally know of no one to whom our domestic pets in general and cats in particular matter more than my noble friend Lord Black of Brentwood. Unfortunately, he is precluded from speaking in this debate by engagement elsewhere. I speak for him as well as myself. Years ago, during a general election campaign in the Thatcher era, my noble friend and I amused ourselves by drawing up a manifesto setting out the measures that would be needed to attract the support of animals if these dear creatures had the vote. What would have to be in such a manifesto today to get cats to put their cross against a Tory candidate? They would rightly look for stringent measures to keep dread diseases away from our shores. Enhanced border checks of cats and kittens are required, along with a central register of feline immigrants and tick and tapeworm treatment to prevent the import of foreign infections.

No less important to fluffy voters would be a crackdown on appalling breeding practices that bring to birth cats sentenced to a lifetime of pain by disfiguring features such as a flat face. It is time to stop the unregulated breeding of cats, which our country has hitherto permitted. The Government should back a public education campaign to highlight the sheer wickedness of insupportable breeding practices. Next, cats parted by misfortune from their owners would want to be reunited as quickly as possible with them. In microchipping, we have the answer to that devastating separation. It should be made compulsory. As for other menaces that cats want curbed, they would welcome the forthcoming consultation on air weapon licences and the prospect that fewer of their number will be peppered cruelly by shots fired by guns for which, at the moment, no licences are required in England.

The wise election candidate in search of votes from domestic animals would give strong backing to a revision of the pet travel scheme, known generally as the pet passport. It has many benefits, but dogs as well as cats need action to deal with the sharp rise in the number of very young, badly abused immigrants. Many puppies arrive in Britain unvaccinated, having travelled in appalling conditions, to be sold online. Investigations over the years by the Dogs Trust have shown how puppies, sometimes under the age of 15 weeks, are often sedated to smuggle them across borders and how data on passports is falsified. The abuse of the pet passport must be tackled urgently, with tough new penalties on illegal trading. Too many of these poor creatures are sold from puppy farms here in the UK via normal-looking homes which are, in fact, just a shopfront for unscrupulous puppy-dealing rings. Young canine voters would welcome what has already been done to crack down on irresponsible advertising in this area but would want more to be done to educate their potential owners, especially at this time of year, about the dangers—and to get

potential owners to ensure that they are buying a healthy, happy and vaccinated puppy from a responsible breeder.

Some 17 million cats and dogs in every part of our country bring joy to nearly half of all households. The vast majority of them are loved and cared for by responsible owners, but there are some whose start in life is cruel, who become stray or abandoned, and who are mistreated or injured. I look forward to hearing from my noble friend who, I know, is a champion of their interests, what the Government are doing to improve their welfare. I hope that I have almost persuaded noble Lords that our much-loved, sentient pets should be given the vote.

5 pm

**Baroness Miller of Chilthorne Domer (LD):** My Lords, I thank the noble Earl, Lord Caithness, for his introduction to this debate, and for securing it. I welcomed his emphasis on matters of soil. I think that the only thing that he did not mention was the lack of soil scientists. For years, academics have not really pursued soil science, and it has really been lacking in graduates, postgraduates and professors. Could the Minister comment on that? The noble Earl mentioned private gardens. The other thing that he needs to bear in mind is what an enemy neatness is to all sorts of biodiversity and wildlife. There is nowhere for a hedgehog to shelter; a thrush cannot get a worm out of Astroturf. The obsession with neatness needs to come to an end, if we are to have any sort of wildlife in our gardens.

I do not intend to say anything more about animal sentience today, other than to ask the Minister whether he feels, having heard the sentiments around the Chamber, that the Government are storing up trouble for themselves by resisting including the concept of animal sentience in the withdrawal Bill. Is it a technical resistance, or do they think that it will have negative implications in the event of a trade deal with countries with low-welfare regimes? Surely it cannot be that the Conservative Government are still keeping one eye on a hunting Bill.

I very much like the idea of a manifesto for animals, as proposed by the noble Lord, Lord Lexden. He mentioned pet passports several times, and I would add to the list the fact that the Government have not resolved the issue of the pet passport yet. I am sure that all his animal voters will worry considerably that they will spend six months in quarantine in future if the matter is not resolved. Indeed, during our debate on animal welfare, the Minister was kind enough to say that it was very much work in hand. Does he have any updates to add to that?

On the natural environment, we tend to mark the turning of the seasons very much by birds—the first day of spring is the cuckoo; one swallow does not a summer make; and fieldfares for autumn. I join other noble Lords in mentioning that the most recent *The State of the UK's Birds* showed terrible declines; migratory and farmland species are still under particular pressures. I hope that, despite our possible withdrawal from the EU, we will continue to be a very active member of the convention on migratory species. The UK is a signatory in its own right, as well as with the EU. Of the migratory birds that come to our shores, coastal shore



birds are some of the most threatened. We must ensure that we continue to play our part in protecting their habitats. The birds and habitats directive has played a crucial role till now; we would have had even steeper declines if we had not had that. How will that be replaced? What sort of legal protection will there be for these essential feeding and breeding grounds?

I listened carefully to the speech of the noble Lord, Lord Blencathra—I am sorry that he is not in his place at the moment—and it seemed to me that it was a bit of a counsel of despair. He seemed to say that, particularly for larger farmers, it was really unrealistic to imagine that we could have much of a change and that those of us who look forward to a big change in the way that our land is used are living in la-la land.

I wish that the noble Lord had attended with me a very interesting seminar that was run this morning by the National Trust and Green Alliance and with farmers. Together, they have done a tranche of very interesting work into payments for ecosystems services, especially soil and water, and how those payments could be a powerful tool to improve the environmental performance of farming. Of course this is not an original idea but what was interesting is the depth of the studies that they have done with farmers, water companies and the private sector. It involves several shifts—not drastic, radical ones—in farming methods, with increased use of cover crops, reduced application of nitrate fertilisers and a spring wheat, winter barley regime. All those put together can have a dramatic outcome in reduced costs for water companies, and so for consumers; in cleaning out nitrates from drinking water; in increased profits for farmers; in greater resilience in the supply chain, and in an improved environmental footprint for food companies. I hope the Minister will be able to look at the ideas which the National Trust and Green Alliance have laid out in their publication on protecting our assets and be able to work with them to take this further.

Another great example of a shift in thinking which has resulted in multiple benefits comes from the group of farmers who set up the pasture-fed livestock initiative. It seems such an obvious idea for an island that is ideally suited to growing grass, and it was for those farmers themselves. Livestock forage on grass. Oddly, very few animals are fed on pasture alone these days. Cereals and soya produce fatter animals faster, but with a much higher carbon footprint of course, and an undoubted loss of flavour and texture. The fact that Welsh lamb is so prized is due to its still ranging extensively on a rich mixture of grasses and herbs—unlike the bland meat that you can get from grain-fed sheep, which just does not compare. The same goes for beef.

There are also really good welfare reasons why this regime scores so highly. One example is poultry kept under trees. *Farmers Weekly* did a study last year and found that, as opposed to poultry kept in a bare field, those kept under trees had improved ranging, less injurious feather-pecking incidents and fewer egg seconds. So there were welfare and economic benefits. The environmentally best systems are providing better produce, better welfare and lower carbon footprints. Consumers would really like to search them out but the trouble is that they have been let down by the failure of successive

Governments to get behind labelling schemes that make absolutely clear what the production methods involved are. If we exit the EU, the Government must urgently get behind an effort to label British produce accurately and properly according to its production method.

5.08 pm

**Lord Suri (Con):** My Lords, the natural environment is one of the most precious things that we can claim custody of, and passing it onto our descendants in good shape ought to be a top priority of any Government. In many ways, I am disappointed that being seen as responsible stewards of the environment is something that the left monopolises. There is nothing more authentically conservative than wanting to pass on what we were given in better shape than we found it.

To this end, I am delighted with the actions of the current Secretary of State. I do not recall seeing such a flurry of new policy in his brief since my party entered power, and I wholeheartedly support his initiatives. Some of them are certainly long overdue, such as the issue of putting CCTV in slaughterhouses. It is worth putting in a word about the story published some weeks ago about the Government allegedly rejecting animal sentience. It was, frankly, untrue. The MPs who voted against transcribing an EU measure into British law were not voting against animal sentience, which involves an obligation already recognised. The rapid spread of that false information—according to some estimates, it was viewed by 2 million people—is very concerning. I fear that the damage may already have been done, which is a shame. Thankfully, the other place will, I hope, soon pass some new animal welfare policies which I think could allay people's fears.

I turn to a long-standing strategy laid out for our marine environment. The establishment of marine protected areas around our overseas territories has been an incredible success and a real achievement of this Government. Protecting 4 million square kilometres of ocean is a legacy for us all to be proud of, but there is more to do.

The most recent Environmental Audit Committee report on marine territories warned:

“British seabirds off the Chagos Islands are better protected than they would be flying off Cornwall”.

The 2015 manifesto committed to completing a network of marine conservation zones all around the UK, but not all the recommended sites have been designated. When will this work be finished and in place?

We should also discuss the Brexit dividend that can be realised by good policy. To make the best use of our many powers, Ministers will have to be proactive in probing each new responsibility, and I think Defra will have the most of any department.

As regards farming, the chance for a full overhaul of the common agricultural policy is a golden opportunity to realise some benefits and orient our subsidies towards paying for sustainability, not landholding. The most frustrating aspect of a policy essentially designed to subsidise continental farming has been the relentless grinding down of smaller, sustainable farming in favour of larger and more commercial landholdings.

[LORD SURI]

We will, of course, need to subsidise farmers after Brexit to maintain our food security. As my noble friend Lord Cameron reminded us last month, we are only ever nine meals away from anarchy, but we ought to pay based on responsible land management. Too many large farmers treat their lands as private goods. In reality, they ought to have to work to justify the sums paid out, and they can do that by providing a public service.

In conclusion, I would like to ask my noble friend: when will a comprehensive plan be laid out for the Government's new agricultural subsidy policy post Brexit?

5.13 pm

**Lord Framlingham (Con):** My Lords, I apologise to the House that I was a minute or two late for the start of this debate due to circumstances beyond my control.

I am grateful to the noble Earl for obtaining this debate. I should like to devote my remarks to trees and woodland. The natural world naturally wants to grow, reproduce and expand. It is, of course, affected and restricted by climate, disease and natural competitors, but its greatest enemy by far is man—us.

The 25-year plan, when it is finally produced, will no doubt produce some excellent guidance, but we already have a plethora of reports and policy statements from various organisations. What really matters is what we do on a daily basis. The word “improve” in the title of this debate sounds very positive, but in this modern world it is not so much what you do that matters; it is what you do not do.

If you care for the environment, you do not build HS2, a high-speed railway, right through the heart of a relatively small country with an existing rail network. It is hugely expensive and increasingly discredited and opposed. For the next 16 years, throughout any plan that is produced, HS2 will be gobbling and trampling its way through our countryside, removing trees, and damaging and destroying 98 irreplaceable ancient woodlands. It will be a constant reminder of a massive blunder made by government. It is truly an infrastructural albatross.

Trees should never be felled without good reason. At the moment, more than 50 horse chestnuts on Tooting Common and more than 70 lime trees in Sheffield are being felled without any reasonable justification. Not only is this a worry, but it highlights the lack of power of tree officers in local authorities. I am convinced that to properly protect our trees, particularly in urban areas, the role of the arboricultural officer in local authorities should be enhanced and respected.

Whenever we plant trees, it is essential to make adequate financial provision for maintaining them. The Government's excellent pledge to plant 11 million trees in the course of this Parliament is very welcome, but unless they are properly looked after, many will die and both time and money will have been wasted. Planning permission should never be granted unless tree planting and landscaping have been included in the scheme and—just as importantly—guarantees are given that they will actually be carried out.

We must place the highest possible priority on the protection of our ancient woodlands and the expansion of woodlands in general. The Woodland Trust's latest briefing makes depressing reading. It says that the rate at which new woodland is created is “at an all-time low” and that we are probably entering a state of deforestation. This must not be allowed to happen.

Every local authority ought to map its ancient woodlands and maintain a register of them. This would greatly simplify their identification and protection when planning proposals are made. In terms of planning, I understand that some 709 woodlands are currently at risk. As far as our ancient woodlands are concerned, we need to change the wording in the planning guidance to say that loss or destruction of ancient woodlands becomes—and these are the crucial words—“wholly exceptional”, thereby putting them on a par with our built heritage. Perhaps the Minister, who I am sure will agree with this, will comment on it when he comes to wind up or later on.

Finally, and perhaps most urgently, we need to improve our biosecurity. We have had Dutch elm disease and, more recently, ash dieback. There are many other very nasty diseases, any of which could be devastating to our native trees, just waiting to take advantage of any gaps in our system of importing and transporting trees. Speaking at a symposium on biosecurity recently, the chief plant health officer, Dr Nicola Spence, said her top pest and disease concerns currently were xylella, plane wilt, longhorn beetles, pine processionary moth, emerald ash borer and the birch bark borer. That is quite a list. Of these, she said that she was very, very concerned about xylella. This is a disease of olives and other plants. It is difficult to detect, although we have developed good skills for doing that, which others should copy. Importantly, she said:

“It is crazy moving high-risk hosts unchecked”.

We must look at this whole area afresh and urgently in the light of Brexit and tighten our rules. Other countries are not as careful as we are, and we must take advantage of being an island. We need more awareness and more restrictions on imports, and possibly bans in some areas. Perhaps a quarantine system should be considered. We should grow much more of the trees we need. Public awareness is vital in spotting disease, and I urge the Minister to ensure that his civil servants keep excellent lines of communication open with the Arboricultural Association, whose members, I suspect, will be the first to detect any problems.

Many nurseries, landscapes and garden designers, aware of these dangers, are already deciding to limit or stop the importing of trees. They are now awaiting a lead from government, and will be interested in the Minister's response. The Woodland Trust, the Arboricultural Association and the Forestry Commission have produced position statements on biosecurity, supported by Defra and the industry as a whole. I will leave the last word to the Woodland Trust, which says in its policy statement:

“It is far more practical, cost effective and beneficial to the environment to prevent a pest or disease epidemic than deal with the consequences of an outbreak”.

5.20 pm

**Viscount Ridley (Con):** My Lords, with the indulgence of the House I will speak briefly in the gap. I had not put my name down because I did not think that I would make it to the start of the debate, but as it happens I just made it. I will speak briefly and will confine myself to one point; I promise not to be what my noble friend Lord Framlingham might call a Back-Bench borer.

My point is simply to say that we must not on this issue sound like what Spiro Agnew called the “nattering nabobs of negativism”. We have heard negative things about the environment throughout this afternoon, and all too often this is how we talk about the environment, in terms of things getting worse. While there is a lot wrong with the environmental condition of the planet and the country, some things are going in the right direction, and we should build our policy on the successes there have been.

When I was a child, the River Tyne had no salmon in it or otters or ospreys, but now it has all three. That is a dramatic improvement that I have seen in my lifetime. I now farm my own farm in such a way that tree sparrows have come back. I have planted the largest wildflower meadow in the north of England, which I am proud of; it is absolutely buzzing with bees and other things. We also have hares and curlews breeding again. So you can improve the environment while farming—not profitably, in my case, but at least not with significant losses.

I spent a glorious couple of dawns this spring in Weardale watching the lekking display of the blackcock. If none of your Lordships have seen this, it is our British bird of paradise. These males gather together and do sex and violence for about three hours in the dawn light. The place I went to had five males 10 years ago; it now has over 100. The noise of the curlews calling was continuous—there was literally not a moment during those dawns when you could not hear a curlew in the background. That is largely because of gamekeepers in that area. My noble friend Lord Caithness mentioned Allerton, where the Game & Wildlife Conservation Trust is showing that profitable farming can live alongside great conservation and great improvement in soil quality. I was taken there recently by Alastair Leake of the trust in Loddington, who dug his spade into the ground and showed me how deep the worms go there because of low-till or min-till agriculture.

My noble friend mentioned South Georgia; I was lucky enough to go there last year and it is a paradise of wildlife: there are unbelievable numbers of king penguins, fur seals, elephant seals, albatrosses and petrels. But it is not a pristine wilderness—it is a restored masterpiece. A hundred years ago there were no fur seals, almost no elephant seals, hardly any king penguins and no whales—we saw right whales and humpback whales around the coast. Why? Because we used those things as a renewable energy resource. That is what we were doing to that ecosystem. We have now restored it, so it can be done.

We should remember to build our policy on the environment on the success stories of how we have solved these problems rather than simply continue to talk about them as if they were insoluble and as if there was nothing we can do.

5.24 pm

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I thank the noble Earl, Lord Caithness, for securing this debate. We have heard some deeply thought-provoking speeches this afternoon—I particularly liked the one we just heard from the noble Viscount, Lord Ridley. There is much to celebrate and look forward to.

As the UK prepares to leave the EU, the welfare of animals is at a critical crossroads. Selecting the route ahead will determine the welfare of billions of animals. We have a once-in-a-lifetime opportunity to confirm or reject our country’s reputation as a global leader in animal welfare science and standards.

I welcome the comments of the noble Earl, Lord Caithness, on microbeads. This is an essential step forward. Soil protection is equally important, as is changing the culture of farming. I also join the noble Lord, Lord Whitty, in asking when exactly the 25-year plan will be published.

I shall concentrate my speech largely on two animal welfare issues. I acknowledge that the Government have accepted the arguments made on both sides of the House and by animal charities for increasing the maximum sentence for animal cruelty offences from six months’ to five years’ imprisonment. This is a great step forward. I concur with the comments of the noble Lord, Lord Lexden, on imported pets. As we approach Christmas, many parents will be tempted to buy their children a puppy as a present. It is important to have a proper licensing regime for pedigree dog breeding so that those who fully embrace the care and quality of their dogs and puppies are not tainted by those who smuggle in puppies from abroad. Owners need to know that their puppy has been well cared for and is not unwell. Owners can find that their dog does not thrive. They end up spending many hundreds of pounds on veterinary bills because the dog has had a very bad start in life.

The number of illegally imported puppies has been rising year on year. In 2014, officials found 208 “illegally landed” dogs, and that number rose to 688 in 2016. If there were a proper licensing system for pedigree dog breeders, owners would have confidence that the licence number of the breeder they were obtaining their puppy from would provide some security regarding the dog’s welfare.

The health and well-being of illegally imported animals cannot be guaranteed, and charities have suggested that many may have been bred in horrendous conditions. Liberal Democrats are concerned about the possible implications for animal welfare in the UK as a result of the Brexit vote. Approximately 80% of our animal welfare rules are part of European law. EU laws cover issues such as farm animal transportation standards, animal slaughter standards, consumer information laws, a ban on cosmetic testing on animals, and so on. They are all issues of great importance, and I look forward to the Minister’s response.

The task of transferring EU laws on agriculture, the environment and animal welfare into UK law is enormous, as the noble Lord, Lord Whitty, has already told us. We know little about the new environmental



[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE] standards body, which, again, has already been referred to. Can the Minister give us some more information on that body?

I now turn to the issue of battery-raised hens. I am indebted to Compassion in World Farming for its extensive briefing on a number of issues. Barren battery cages for laying hens have been prohibited in the UK since 2012, but the use of enriched cages is permitted. As we have heard, all major UK supermarkets have either stopped selling enriched-cage eggs or have pledged to do so by 2025. Unfortunately, the Chief Veterinary Officer has recently been reported in the press as supporting the use of enriched cages. He is quoted as saying that colony—that is, enriched—cages,

“have a lot going for them and there is good evidence that that’s the case”,

and as describing the move away from enriched cages by UK supermarkets as “regrettable”.

The Chief Veterinary Officer’s position is in marked contrast to that of Germany and Austria. Germany is banning enriched cages with effect from 2025, with certain exceptions allowing the use of these cages until 2028. Austria is banning enriched cages from 2020. It would be extremely unfortunate if the UK moved in the opposite direction by suggesting that these cages can provide acceptable welfare outcomes. Enriched cages fail properly to meet hens’ needs. The European Food Safety Authority has concluded that due to the limited space in enriched cages, the limited height imposes severe restrictions on the birds as they are unable to perch.

The Chief Veterinary Officer also argues that confining hens indoors in cages has advantages in protecting them from bird flu. That presupposes that bird flu is mainly spread by wild birds, but a 2016 statement by the Scientific Task Force on Avian Influenza and Wild Birds stressed:

“Typically, highly pathogenic avian influenza (HPAI) outbreaks are associated with intensive domestic poultry production”.

It is recognised that in some cases free-range hens are best brought indoors until an outbreak of bird flu has ended. However, that is very different from saying that, to combat bird flu, it may be better for hens to be indoors throughout their lives in enriched cages. From a welfare point of view, it is preferable to keep birds outdoors and to bring them indoors for limited periods when strictly necessary. Again, I look forward to the Minister’s response on that issue.

The noble Baroness, Lady Hodgson of Abinger, made a valid contribution on the transporting of live animals to the continent for slaughter, to which other noble Lords also referred. In this day and age, it is totally unacceptable and unnecessary. It is time that this problem was tackled. As an asthmatic, I can identify with the comments and contribution of the noble Lord, Lord Hunt of Chesterton. Air pollution is on the increase and needs effective and realistic legislation to bring it under control. I agreed with almost all the contribution of the noble Earl, Lord Shrewsbury. It was extremely valuable. Like the noble Baroness, Lady Miller, I also attended the debate this morning run by the National Trust and the Green

Alliance, and can confirm that the issue of water management has to move up the agenda and become much more important.

The needs of small farmers must not be ignored or overridden by the large conglomerates and massive landowners, and I agree with the comments of the noble Earl, Lord Shrewsbury, about large landowners. Both are important for our country’s food production and land management, but I fear that the small farmer’s voice may be lost in the clamour. I look to the Minister to reassure us that small farmers will not be overlooked.

The opportunity that presents itself to abolish the CAP is unique and tremendous. I noted the comments of the noble Lord, Lord Blencathra, about unrealistic expectations on the part of many organisations involved in the multitude of threads of prospective legislative change. I am much more optimistic that those organisations will have a positive impact on the negotiations. If we are all committed to a better deal for farmers and others involved in land management, we can reach a win-win outcome for the majority, but it will take a long time. There is a need to acknowledge the different views of everyone involved and to make sure that their voices are heard.

5.33 pm

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to the noble Earl, Lord Caithness, for tabling the debate today and giving us an opportunity to shine a light on the Government’s announcements on animal welfare and the environment. I can see why the Government are suddenly keen to talk up the recent promises of the Secretary of State. Since his somewhat surprising appointment to the Defra role, he has clearly been on a charm offensive, which it would be churlish to criticise. Of course, we welcome many of the new commitments as far as they go. Clearly we would, because Labour’s policies have been consistently strong on animal welfare and environmental protection over the years.

Our recent manifesto set out ambitious plans to tackle climate change, create sustainable living, promote biodiversity and clean up our air and water, which indeed proved very popular with voters. Our manifesto also contained specific proposals to increase sentences for animal cruelty, prohibit third-party sales of puppies, enforce the ban on ivory trading, cease the current badger cull and ban the use of wild animals in circuses. It also made it clear that we would maintain the ban on fox hunting, deer hunting and hare-coursing which was of course originally introduced by a Labour Government.

Compare that with the Conservative manifesto, whose most memorable animal welfare policy was to seek to reintroduce hunting with hounds. According to the *Times*, this was insisted on by the Prime Minister against the advice of her then Secretary of State. Once again it demonstrated the Prime Minister’s lack of political judgment as it proved to be a toxic policy on the doorstep for the Tories and swung a considerable number of votes towards Labour. However, it remains Tory policy which could be enacted at any time, and I am sure that many on the Benches opposite, including perhaps the Minister himself, would welcome a vote to overturn Labour’s hunting ban. In his response, can

the Minister update the House on the status of this policy and whether a new vote on the hunting ban is being actively considered either in this parliamentary Session or another?

Clearly the Secretary of State has learned some lessons from the Tories' disastrous election campaign. He is a new convert to the environmental cause, but we welcome all repenting sinners. He has spoken some fine words and issued an impressive array of press releases promising reform, but it is on his actions, and those of the Government, that he will be judged. None of his announcements so far will become real unless it is backed by legislation, but few of them are in Bills scheduled for consideration in the Queen's Speech. That does not make it impossible, but more of an uphill struggle to create parliamentary time for new legislation on issues which may not be everyone's priority.

For example, there has been some talk of an animal welfare Bill, and we would welcome such an initiative if it was designed to deliver the assortment of animal welfare improvements mentioned. Can the Minister say whether such a Bill is now being considered and what the timescale might be? Does Defra realistically have the resources to prepare such a Bill, given the huge cuts in staffing the department has already suffered and the fact that a fisheries Bill and an agriculture Bill are expected early next year, as well of course as all the ongoing Brexit preparations? I raise these concerns because the Government have form on making promises on animal welfare issues which never materialise in practice. We have been waiting for a piece of legislation to ban the use of wild animals in circuses for some years now, but somehow it always ends up pushed back to the bottom of the pile.

The EU withdrawal Bill provides a huge opportunity to set the scene for the Government's approach to the environment and animal welfare in the future. We will have an opportunity to discuss this in detail in the new year and obviously I look forward to that. But in the meantime we can learn a lot from the progress of the Bill in the Commons. The Government voted against amendments to ensure that EU-derived environmental protections could be altered only via primary legislation, thus protecting them from being watered down by Ministers through secondary legislation. They failed to support an amendment enshrining the right of animals to be treated as sentient beings. The Secretary of State has since suggested that the Bill is not the right legislative vehicle for bringing Article 13 into UK law, but like many other noble Lords we profoundly disagree with this analysis. As my noble friend Lord Whitty pointed out, the Government voted against amendments to ensure that the precautionary principle, which is vital to food standards and public health, and the polluter pays principle, which ensures that large industries pay for their environmental impact, continue to apply after Brexit day. While clearly there is still some way to go with the Bill, all this does not feel like a Government committed to maintaining and enhancing environmental standards.

In contrast, we have set out a clear set of objectives to protect the environment post Brexit. We have worked with stakeholders and a wide range of charities to firm up our proposals. For example, our amendments would

ensure that we continue to participate in key EU regulatory and research agencies that benefit our environmental work. They would ensure that all the animal welfare standards enshrined in Article 13 of the treaty are maintained. They would require that the new body to deliver environmental standards has teeth to properly hold government to account, give citizens access to legal redress and fine those who breach the regulations. They would ensure that the UK maintains international air quality standards with the recourse to court should UK air quality break the rules. They would require us to continue to collaborate fully with the respected EU scientific and research institutions. I agree with my noble friend Lord Hunt that we need to assess whether our institutions continue to be fit for purpose in facing modern scientific challenges. I could go on, but these are the kind of measures that we would expect the Government to pursue if we were serious about improving the natural environment, post Brexit.

I agree with other noble Lords that whatever the good intent of the Defra Ministers, there is a real fear that they will be overridden by more powerful ministers and departments in the coming months. Animal welfare standards will inevitably be caught up in the Brexit trade negotiations. We have already seen the differences among Ministers exposed on issues such as chlorinated chicken—of course, it goes much wider than that. No one wants to reduce animal welfare standards on our food or the food that we import, but there will be huge pressures on our Trade Ministers and the outcomes of that are not yet clear. Michael Gove has made it clear that he will not tolerate a reduction in standards. Of course, we welcome that—but hands up all those who think that he will still be the Defra Secretary of State in 12 months' time? As I look around the House, I do not see many volunteers. As we already know, the Prime Minister does not share his enthusiasm for the environment.

Like the noble Baroness, Lady Jones, we all saw the press reports that Gavin Barwell at No. 10 has instructed MPs to appear more caring by talking up the environment. Unlike these latecomers, we have a track record on the environment of which we are proud, as well as huge ambitions for a sustainable economy and environment in the future. That will include a focus on repairing the rural economy, investing in rural science, creating green jobs and truly cherishing our scarce resources. It will include a modern approach to animal welfare, to embed high standards and drive out cruelty and exploitation. It will be led from the top and require all government departments to play their part; it will not rely on the energy of one Minister in one small department. Ultimately, that is why people who care about the environment and animal welfare will vote for a party with a consistent record and a coherent plan for a sustainable future—a party, I say to the noble Baroness, Lady Jones, with a chance of being elected.

5.42 pm

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, I am most grateful to my noble friend for securing the debate on the Government's

[LORD GARDINER OF KIMBLE]

plans to improve the natural environment and animal welfare. I declare my own farming interests, as a set out in the register.

As the Secretary of State made clear in his speech at the WWF Living Planet Centre, protecting and enhancing the environment is essential, not only because the natural environment underpins our well-being and prosperity but because we have a moral obligation to do so. I agree with the sentiments of my noble friend Lord Suri: this is a contemporary view, as well as a highly traditional one that my party has held for generations. That is why the Government have an ambitious vision to enhance the environment within a generation. I agree entirely with the noble Lord, Lord Hunt of Chesterton, when he spoke of the engagement of the next generation. We have a responsibility because of the next generation, but we also want to ensure that they feel as strongly about this crucial matter as I believe all of your Lordships do. Before noble Lords start to say that we do not, we also have some of the most robust animal welfare legislation in the world, about which my noble friend Lord Blencathra spoke.

I sometimes think I am in a different country from some noble Lords opposite, who seem determined to think this country is so appalling. We live in the best country in the world. Perhaps it is why we are in government and the noble Baroness's party is not. We have already announced a series of measures to strengthen our current standards.

I am sure your Lordships are eager to see the 25-year environment plan. So am I. However, given last year's referendum result, we have taken further time as we shape our environmental policy for the next generation. I entirely agree with the noble Baroness, Lady Bakewell of Hardington Mandeville. It is important that we publish soon; that is why we hope to publish early in the new year. In response to my noble friend Lord Caithness and the noble Lord, Lord Teverson, we will consult as widely as possible on the nature of a new independent statutory body to hold the Government and, potentially, public authorities to account on environmental commitments.

We are also proposing a new policy statement on environmental principles to apply post-EU exit. These principles, which underpin EU legislation, are already central to government environmental policy. It depends where we pitch on this issue as to whether we are a pessimist or optimist. I hope the pessimism—the noble Lord, Lord Whitty, used that word—will be allayed because it is important to us all that we succeed.

We want to enhance our natural environment to secure the benefits it provides through cleaner air and water, beautiful landscapes to explore, protection from flooding, and high-quality sustainable food and fisheries. We must ensure that the environment is resilient to the impacts of climate change. I say to the noble Baroness, Lady Jones of Moulsecoomb, yes, be idealistic, but it is imperative too that we address these things. I do not think it is just idealism; it is vital that we address these matters.

As we shape our farming policy we must enhance soil productivity, health and resilience, which my noble friend Lord Caithness emphasised. He also spoke about the Allerton Project, which I endorse. I say to

the noble Baroness, Lady Miller of Chilthorne Domer, I was hugely impressed, having been there, with the science going on at Harper Adams University. We are very fortunate to have world leaders in this area. We will develop new strategies for the cost-effective monitoring of soil health as part of a broader need to improve the quality and productivity of our food system. Our 2013 agritech strategy brings together researchers and agrifood supply businesses through our centres of excellence to work on the products and systems of the future.

I say to the noble Lord, Lord Whitty, that the Government remain of the view that decisions on the use of pesticides should be based on careful scientific assessment of the risk, with the aim of achieving a high level of protection for people and the environment. One of the points of my visit to Harper Adams was that there can be much greater precision with agritech. Use of pesticides there is much reduced, but we are also ensuring good food supply.

The 25-year environment plan will ensure that we use the natural capital approach, something I think my noble friend Lord Caithness is eager to establish. It considers the benefits the environment provides. It will help us to reform support for agriculture and to improve fisheries policy. My noble friend Lord Shrewsbury is right to refer to the importance of the agrifood sector: it is the backbone of the countryside and rural communities. With 70 % of the land in our country farmed, we must and will work closely with farmers and landowners to secure a vibrant farming sector, with a complementary aim of enhancing the environment.

I believe we are making progress, as I hope your Lordships will agree. I was very pleased that the noble Lord, Lord Teverson, referred to some of that progress. Our proposed ban on microbeads has been welcomed by your Lordships, but I am encouraged that Greenpeace says it will be the strongest in the world. The legislation on microbeads has been laid and will come into force with a ban on manufacture in January 2018 and a ban on sale from June 2018. We have also engaged the Hazardous Substances Advisory Committee to review evidence on microplastics in other products causing harm to marine life. We are proud to be taking an ambitious stance on tackling single-use plastics, so much referred to by your Lordships. Britain will lead the way by looking to tax and charge the most environmentally damaging single-use plastics. Alongside tackling ocean plastics, the Government have designated more than 23% of UK waters as marine protected areas, as my noble friend Lord Suri mentioned.

We continue to demonstrate our commitment to sustainable fishing, and implementing the discard ban plays a crucial role in helping the UK to achieve sustainable fishing levels by 2020. UK fishermen have played an important role in the recovery of North Sea cod, which is another of example of how, if we do the right thing, recovery is possible. We look forward to North Sea marine annual planning delivering further benefits to the sustainable management of fish stocks. The noble Lord, Lord Teverson, referred to the Arctic fishing ban. An agreement was reached earlier this month to prevent unregulated fisheries developing in the central Arctic Ocean and has been welcomed by Governments and environmental NGOs.



Recently, we also launched a consultation on proposals to introduce a total ban on UK ivory sales, putting us at the heart of global efforts to address the drastic and terrible decline in elephant populations.

The past decade has seen a step change in how the UK responds to invasive non-native species. We now have a co-ordinating secretariat leading the awareness-raising campaign, Check, Clean, Dry, aimed at encouraging anglers and boaters to reduce the risk of moving invasive species between waterways. Our efforts to prioritise species and bring forward action plans were tested recently when one of our top threats, the Asian hornet, was found. My department had a team on the ground within 48 hours and had successfully eliminated this specific threat within 10 days.

Plant pests and diseases threaten our natural environment as well as the UK's timber, horticultural and tourism industries. We are committed to protecting our borders from pests and diseases and building the resilience of our trees and plants. My noble friend Lord Framlingham spoke powerfully about the essential role that trees fulfil in the natural environment. The Conservative manifesto pledged 1 million trees in urban areas. Nothing could be more important to us in urban areas than trees, not only for their assistance with pollution but because of their beauty. We also pledged 11 million trees across the nation. From 2012 to 2019, we will have invested more than £37 million in tree health research. Our long-term national strategy to manage ash dieback is based on science, international best practice and advice from the UK Chief Plant Health Officer. We provide leadership, but the active support of communities and people is essential. We will enhance biosecurity by supporting Grown in Britain. From my meetings with many in the horticultural world, I know that there is much greater engagement with and understanding of the importance of biosecurity.

We also have responsibility to tackle invasive species in the UK Overseas Territories. We supported the South Georgia Heritage Trust, which, remarkably, eradicated rats from the island by 2015. The endangered South Georgia pipits are now returning in considerable numbers. I hope that a similar approach on Gough Island for Tristan albatross and Gough bunting will be successful. This has been successful only with predator control. My noble friend Lord Ridley highlighted some of the successful domestic advances, as well as those in South Georgia, and we should learn from those.

The Government recently published the *Clean Growth Strategy*, setting out how the UK is leading the world in cutting carbon emissions to combat climate change while driving economic growth. I am very pleased that the recently announced planting of 600,000 trees in Northumberland and 200,000 trees in the Lake District will not only help store carbon and manage flood risk but generate jobs and boost the local economy.

The UK has ambitious targets in place to reduce emissions of damaging air pollutants by 2020 and 2030. We aim to cut early deaths from air pollution, an issue which I know has exercised your Lordships. At one point it was suggested that air pollution is increasing. I will look into this, but my memory of all the statistics

is that since 1970 we have been very successful in reducing the five key pollutants beyond nitrogen dioxide, which remains a considerable concern. However, nitrogen oxide emissions fell by almost 20% between 2010 and 2015, for instance. Indeed, let us not forget why NO<sub>2</sub> now has to be addressed.

We are tackling the impacts of climate change by ensuring adaptation is rightly integrated across the policies and programmes of the Government. This involves the Environment Agency, Natural England and the Forestry Commission on the resilience of our biosecurity and ecosystems, as well as on flood risk management and many other aspects. But this is not just for central government; we will need to engage the support, leadership and commitment of local government, businesses and communities if we are to achieve our aims.

I turn to the important issue of animal welfare. We will not only maintain but, where possible, seek to improve high animal welfare and health standards. The Animal Welfare Act 2006 provides the country with robust protection. I am sure that the noble Baroness, Lady Jones of Whitchurch, is pleased, as I am, that this was undertaken during her party's tenure in government. I say to her and to my noble friend Lord Blencathra that my Secretary of State has been clear that we need to ensure that we do not compromise our high environmental and animal welfare standards in pursuit of any trade deal.

I am pleased to respond to the noble Baroness, Lady Jones of Whitchurch, about so many of our proposals on these matters. We know that the Secretary of State recently announced that we will shortly publish draft legislation for comments to increase the maximum sentence for animal cruelty offences from six months to five years in prison. We will also tighten the rules regarding dog breeding, pet shops, animal boarding, performing animals and riding stables. Irresponsible dog breeders and dealers who exploit this trade must be stopped. We will introduce new regulations on the welfare of dogs in dog-breeding establishments. More dog breeders will require a licence to operate. Statutory minimum welfare standards will be applied to licensed breeders, which will be enforced by local authority inspectors.

It will be made clear that any business selling pet animals online will also need to be licensed. We will continue to work closely with the Pet Advertising Advisory Group—I met it last week—on minimum standards for online pet sellers. We will raise minimum welfare standards across all licensed establishments and have been working with local authorities to ensure that inspectors receive the right training to enforce effectively the new regulations.

My noble friend Lord Lexden raised the issue of irresponsible breeding. We have had an Oral Question about this, but I say again that the breeding of animals with defects is irresponsible, and we will seek ways in which we can counter it. I am working closely with the Kennel Club and the breeds societies on this because it needs to be addressed. My noble friend mentioned flat-faced cats, but there are many dog breeds as well.

[LORD GARDINER OF KIMBLE]

Turning to the import of puppies, we are determined to crack down on animal traffickers and put a stop to the abhorrent illegal trade in puppies, and abuses of the pet travel scheme. Enforcement teams at our ports work in partnership to identify and seize dogs and puppies which are not compliant with the relevant controls. I meet the Dogs Trust regularly—I did so again earlier this week—and I endorse its work. We are working in collaboration with it. With its support, I put out a press release in my name earlier this week on the importance, particularly at this time of Christmas, of parents and families considering very carefully where to buy their puppy, the hierarchy of rehoming centres and the importance of seeing the mother with the puppy and of preferably buying from a Kennel Club Assured Breeder Scheme breeder. We are working very strongly on that.

In addition, we have been working on modernising welfare codes on cats, dogs and horses. The codes will be laid before Parliament shortly. I take this opportunity to thank stakeholders groups who have helped us for their work.

I agree with every word that my noble friend Lord Lexden said about the bond between mankind and animals, and I know my noble friend Lord Black of Brentwood would say the same thing. It is part of our ethos in this country.

We are delivering on our manifesto commitment to require CCTV in every slaughterhouse in England and have recently concluded a public consultation on this issue. We have a manifesto commitment that, as we leave the EU, we can take early steps to control the export of live farm animals for slaughter.

In the context of improving animal welfare at slaughter, my noble friends Lord Caithness, Lord Shrewsbury and Lord Blencathra raised religious slaughter. The Government have been clear that we prefer all animals to be stunned before slaughter. However, over many years Governments of various complexions have respected the right of Muslim and Jewish communities to slaughter animals for food in accordance with their religious beliefs. Leaving the EU may provide us with an opportunity to decide whether current labelling rules on welfare and other matters are best suited to UK consumers and businesses.

We are raising standards on farm by modernising the English statutory welfare codes, a move which has been welcomed by industry. The updated codes of practice will provide clear guidance to producers on how to comply with current legislation. We will also, of course, ensure our high animal welfare standards are underpinned by robust science and evidence. I endorse the work of the Farm Animal Welfare Committee, which my noble friend Lady Hodgson mentioned. This committee, comprised of academics, producers and veterinarians, will scrutinise the updated farm welfare codes. We will continue to work closely with Defra's delivery bodies, including the Animal and Plant Health Agency.

Many noble Lords raised animal sentience. I reassure noble Lords that this Government's policies on animal welfare are driven by our recognition that animals are sentient beings. As my right honourable friend the

Secretary of State confirmed only this morning in the other place, we are committed to ensuring that we recognise the principle of animal sentience and to providing appropriate and strong protection in UK law. We will shortly be bringing forward a proposal about the appropriate legislative vehicle for that protection. I will ensure that my right honourable friend is made aware of noble Lords' contributions. I think he will be pleased to receive them.

Our care for animals is now, and will be, second to none. Consumers at home and abroad will know that that our food is produced to the very highest standards. We want to generate a thriving farming and fishing industry that delivers improved environmental and animal welfare standards and the best food in the world.

The noble Baroness mentioned hunting. I hope that, with all the things I have outlined, she will understand that we are very busy with other priorities.

It is our generation's responsibility to address and rectify the actions previous generations sometimes unwittingly took which have caused such damage to our natural environment. The consequences of not addressing them are so grave that we must devote all our energies, both in this country and globally, to protect and enhance the environment for generations to come. I know all noble Lords have been watching "Blue Planet". It is required viewing for all generations.

I share my noble friend Lord Caithness's view that this is not solely the responsibility of government, although I take that responsibility; it is for each and every one of us to play our part.

6.04 pm

**The Earl of Caithness:** My Lords, the terms of my Motion made this a very wide debate. Early this morning, I had a 30-minute lecture to give your Lordships, and I am therefore extremely grateful to each and every noble Lord who took part in this debate and covered the points that I had to omit from my speech. I am also grateful to my noble friend the Minister for his reply, which he took at a good canter that we could all keep up with and not at a flat-out gallop.

One thing that I wanted to raise which must now be for another time was invasive non-native species. I mention that now because one of them, the grey squirrel, handicaps every forester's desire for our broad-leaf woodland. Without control of the grey squirrel, we will not get the trees that we all want so much. As we all line up ready to sign my noble friend Lord Lexden's cats manifesto, I hope that the cats in turn will sign up to a self-denying ordinance to stop killing 55 million songbirds every year.

The Government have to take action at the international, national, regional and local levels. This evening, we have seen those who see this as a gloomy challenge but also those who see it as an opportunity and are optimistic about the future. I sit firmly in the latter camp. We have all been gloomy in the past only to be provided wrong. I repeat what my noble friend the Minister said in ending his speech, that this is not just about government; it is up to each and every one of us to change our attitude to the environment. I beg to move.

*Motion agreed.*

## Islam: Tenets

### Question

6.06 pm

Asked by **Lord Pearson of Rannoch**

To ask Her Majesty's Government whether, as part of their strategy against Islamist terrorism, they will encourage UK Muslim leaders to re-examine the Muslim tenets of abrogation, Taqiyya and Al Hijra and to publish their conclusions.

**Lord Pearson of Rannoch (UKIP):** My Lords, this Question is yet another attempt to start some sort of open discussion in this country about the nature of Islam. You can say what you like about the virgin birth, the miracles and the resurrection of Jesus Christ, but you get into serious trouble if you try to touch at all on the subject of Islam and what it really is. I repeat that I am in no sense an expert on Islam, but I am advised by four people who are.

I have been encouraged by what the most reverend Primate the Archbishop of Canterbury said in two speeches last autumn. He said that in order to defeat terrorism, we need to understand the mindset of those who perpetrate it; that if we treat religiously motivated violence solely as a security or political issue, it may prove impossible to overcome it; that it is wrong to say that ISIS has nothing to do with Islam; and that until religious leaders stand up and take responsibility for the actions of those who do things in the name of their religions, we will see no resolution. I make it clear that the most reverend Primate was speaking not only about the darkness which is erupting within Islam, but about the Christian militia in the Central Africa Republic and the Hindu treatment of Christians in south India. No doubt he would now add the Buddhist persecution of the Rohingya Muslims.

Before coming to the detail of this Question, I suppose I should repeat some of the absolute basics of the Muslim religion. Islam does not, as so often averred, mean peace; it means submission to the will of Allah, the Muslim God. Islam and its sharia law are an indivisible legal, religious and political system, taking all authority from the Koran and from what Muhammad did and said in his lifetime. So it is a complete way of life, and does not sit easily with our western liberal democracies and our separation of powers between legislature, executive, judiciary and Church. Within this very broad generality there are a number of very controversial Muslim tenets, three of which I have put into the Question on the Order Paper, and two more of which I will mention. I very much hope that peaceful Muslim leaders do not accept any of them and that they will say so forcefully. The point is that the jihadists most definitely do accept them and take their evil inspiration from them.

The first is abrogation, which holds that the later verses in the Koran cancel the earlier peaceful verses—the verses of the sword cancel the verses of peace. So, for example, the much-quoted early verse, “Let there be no compulsion in religion”, is nullified many times in later verses. Taqiyya is more controversial but in its aggressive interpretation holds that Muslims living outside the Muslim world are encouraged to deceive

their hosts in order to further Islam. A worrying example of Taqiyya took place on 18 September 2014, when 119 British imams and Muslim leaders wrote to the *Independent* newspaper to assure us that the beheading of the British aid worker David Haines,

“cannot be justified anywhere in the Quran”.

To back this up, they quoted from surah 5, verse 32 of the Koran as follows:

“Whosoever kills a human being ... it is as if killing the entire human race; and whosoever saves a life, saves the entire human race”.

The Taqiyya, or deception, becomes clear when you fill in the dots. The missing passage reads, “unless it be for murder or for spreading mischief in the land”. So the Koran actually says you can be killed for spreading mischief in the land, which to the jihadist is doing anything that frustrates his evil purpose.

My third tenet is Al Hijra, which is taken from Muhammad's example after he had accepted his multifaith hosts' hospitality in Medina for five years and had become strong enough to force them to choose between exile, converting to his new religion or death. He ordered the death of several hundred people and Islam went on to conquer most of the known world. One of our so-called Trojan horse schools in Birmingham is actually called the Al-Hijrah School, so the tenet is alive and well in the UK today.

The two other Muslim tenets that I want to mention and ask our Muslim leaders to address are, first, the ambition to create a world caliphate and, secondly, the death penalty for leaving the Muslim religion, or apostasy. As for the caliphate, I can do no better than recommend a courageous article in the *Daily Telegraph* on 19 August this year entitled:

“Don't blame the West, the terror won't stop until Muslims reject the caliphate”.

The point about that article is that it was written by Mr Ed Husain, who was a militant Muslim for five years, so he knows what he is talking about. I will put a copy in your Lordships' Library.

Death for apostasy applies in 13 predominantly Muslim countries but not here, so I trust that our Muslim leaders will have no difficulty in declaring it to be un-Islamic. Who are the Muslim leaders who the Government should encourage to re-examine these tenets? There is no Pope in Islam and its many sects and divisions make it very difficult to deal with. Presumably we will not be consulting the 119 imams who wrote to the *Independent*. There was a group of 130 leading Muslims who issued an unprecedented statement through the Muslim Council of Britain, refusing to perform the funeral prayers for the three terrorist attackers at London Bridge last June who were shot dead after killing seven people and wounding 48 others. Perhaps the Government could try them or the Muslim Council of Britain itself. I am advised that the Union of Mosques and Imams should also be approached. However, I do not have much doubt that the Government will not accept my suggestion and that, if they do, our Muslim leaders will not collaborate. This would be a pity because, if these tenets stand as part of the Muslim religion, Islam cannot possibly be a religion of peace and we should not go on pretending and hoping that it is.



[LORD PEARSON OF RANNOCH]

We should instead be taking some initiative now which will help to avoid the eventual Muslim takeover of our society, at least in our major Muslim conurbations. You have only to look at the Muslim birth rate to see that that is now a real possibility. The latest figures I have from the ONS show that the Muslim population in England rose 10 times faster between 2001 and 2016 than did the rest of the population, by 107% compared to 11%. In six of our top Muslim conurbations, it rose by an average of 130%, and 33% of our Muslims in England are under the age of 15, compared to 18% of the rest of us.

The Government continue to tolerate sharia law here, whereby a Muslim man can have four wives, each of whom he can divorce by merely saying “I divorce you” three times. Of course, the Muslim wives cannot do the same.

Written Answers from the Government reveal that they do not have a clue what is being preached in sermons in our mosques or what is being taught in our madrassahs, or Muslim schools. What is more, they do not intend to try to find out.

Whenever some of us try to raise the issue of Islam, we are told that it is we who are undermining the Prevent programme or interfaith dialogue—dialogue with what faith?—even that we are spreading hate towards the Muslims and making them feel insecure. Speaking of the Prevent programme, it seems to me that our Muslim communities could be doing more to stand up to and expose their violent co-religionists, because only 8.6% of tip-offs to the programme or the police come from within those communities. If they co-operated more, they would be less distrusted by their non-Muslim neighbours.

In conclusion, as a leading Muslim said to a friend of mine recently: “We do not need to go on blowing you up. All we have to do is to wait until we can take you over through the power of the womb and the ballot box”. I hope he was not right.

I am very grateful to all noble Lords who are here to speak. At least we are talking about Islam. That seems to be a step in the right direction and I look forward to all other contributions, however much some contributors may disagree with what I have said.

6.17 pm

**Lord Patten (Con):** The noble Lord’s exegesis on Islamic theology was concerning and, in one or two parts, I think confusing. I do not criticise him for that because I am neither a theologian nor a philosopher. I therefore cannot judge how much scholarly water some of his assertions hold, but I must say that I have previously reflected whether it might be a good thing if many of our government ministries had a moral philosopher or two on their staff to advise Ministers about the rectitude of the course that they were about to enter into.

I do know that there is no text in the great books of the three Abrahamic religions that directly promotes or sanctions terrorism. While the record shows that Judaism has been pretty restrained over the millennia in the matter of religious violence within or without its communities, alas, one cannot say the same about

the Christian religion in England—Catholics and Protestants in particular were going at each other for hundreds of years, busily burning and then, to make a change of pace, disembowelling each other in the interests of religion. I am extremely sorry that that ever happened.

Right reverend Prelates are extremely busy doing stuff in their dioceses, but it is a pity that we do not have a right reverend Prelate on their Bench to listen to what is going on this afternoon. Perhaps the most reverent Primate the Archbishop of Canterbury and his brother of York might look at this issue, because we really need their wisdom here. In exactly the same way—there are not so many formal Jewish rabbis in this place—it would have been good to have a noble Lord, Lord Sacks, as it were, to give his views.

Mercifully, the bad habits of the Catholics—and I happen to be one of those; that is a declaration of interest and complete transparency—and Protestants in dealing with each other was dropped a few centuries ago, although sometimes the theological debate can still be pretty robust between us. Christians have, in a phrase, grown out of it. Now in the final long, drawn-out act involving the Islamic world, we must be equally robust in asserting that terrorism and religion do not sit together. One is not an excuse for the other; only perverted minds seek to use religion for their perverted ends. I wonder how many so-called Islamic terrorists have actually read the Holy Koran in detail.

What is to be done? We have lots of advice on this. The new de facto Sunni ruler of Saudi Arabia, Prince Mohammad bin Salman, has just started bouncing around about the issue with his characteristic vigour, and said on 26 November of Islamic terrorism:

“We will pursue it until it disappears completely from the surface of the earth”.

Heigh-ho! That really is hyperbole on stilts at a time when Saudi Arabia is violently and in the name of religion pursuing proxy wars against other brands of Islam all over the Middle East and Africa, from Yemen to Libya and back. Such terror simply begets other terror.

A very important issue that was not touched on by the noble Lord in his concerning introductory speech is how much a debate on Islamic terrorism must begin with a clear recognition that, all too often, it is a case of Muslim on Muslim—Sunni on Shia with, for example, that terrible attack on the innocent Sufis in the Sinai at holy prayers in their mosque a week or two ago. Then of course, in the Middle East, Alawites and Ismailis feel a degree of fear, and feel threatened. However, we in this place and in the West cannot enforce what we see as reason on the Islamic world, nor can we be thought to be lecturing it about deep-seated and sometimes fracturing theological debates which we do not perhaps understand. I certainly do not understand some of them. In the end, the Islamic world has to sort itself out and, just as the Christian world did in England and elsewhere, grow out of the kind of stuff that it seeks now to do with us. I do not expect this to happen very soon. I happen to have a very close Muslim friend, who I have known for 20 or getting on for 25 years. We were speaking only yesterday, and I asked him how many decades it would take for the Muslim

world to come out of this present epoch. He paused and said, “It won’t take decades—it will take centuries”. That is a very foreboding thought, grim but realistic. Dealing with Islamic terrorism, or what claims to be Islamic terrorism, is going to be how we live for a very long time.

The only approach to this is to treat all terrorism equally, wherever it comes from. Terrorists are terrorists by definition, regardless of their purported cause. Our security services do a very good job in keeping an eye as much as they can, particularly when things are going quiet. If you just go across the water to Ireland north and south of the border, there is that old saying that there is always a “pike in the thatch” from people on both sides of the religious divide. I believe that that is the case there—and sometimes, when things are quiet, we have to be extremely concerned.

Sometimes defending life means ending life, and that excellent and experienced Minister from his time in Iraq onwards, Mr Rory Stewart, has reminded us about that in another place. Our defences must ever be strengthened, which is why the Sanctions and Anti-Money Laundering Bill making its way through your Lordships’ House, enabling us to target groups such as Daesh or al-Qaeda, is so essential to delivering safety at home and our foreign-policy aims abroad. But it is always where things seem to be quiet that terrorists will suddenly appear.

As somebody who works in financial services in the City of London, I rejoice to see how they have been put at the service of religion in making it a centre for Islamic finance in this world. My noble friend Lord Sheikh knows much more about this stuff than I ever will. We are very complacently saying that it is terribly good that we have all this going on in the City of London, but those people who use terror look to places like that and businesses like that with venom, so we must not let our guard drop.

6.24 pm

**Lord Desai (Lab):** My Lords, it is a pleasure to follow the noble Lord, Lord Patten, who has always been a thoughtful Member of your Lordships’ House. I also congratulate the noble Lord, Lord Pearson, on introducing this topic. We have sat next to each other for many years and of course we have often disagreed, but the thing about the noble Lord, Lord Pearson, is that everyone thinks he is wrong, but he wins in the end—as he did with Brexit—so we have to listen to him carefully. Let us hope he does not this time, but that is another issue.

Ever since 9/11, I have taken the view that Islam will be used by the terrorists for what they do, but it is not an Islamic problem; it is a political movement which I and others have called Islamism. Islamism has a very tenuous connection with the religion and its religious texts. I do not read Arabic, so I will not comment on whether abrogation is a good or a bad thing, but I will say this: if we are to understand what is happening by way of jihadist terrorism, we have to understand that it is first of all a civil war within Islam. A lot of damage is done by the Islamic terrorists to fellow Muslims. Indeed, ever since 1973, which was the third and last defeat of the Arab nations to abolish Israel, it has been clear that the modernist, socialist

alternative in the Arab world had lost credibility. The Middle East went back to religion; it thought that the only answer was to go back to religion to find a solace or a solution.

Ever since then, we have had this schism in the Islamic world, in which those who want a purer, more fanatical regime—Wahhabism or Salafism—have wanted to subvert Muslim majority societies and replace whoever rules them with a harder version of Sharia law and enforcement of religious morality and so on. The human cost to Muslim societies has been much, much bigger than we can calculate compared with what has happened to our societies. Since 1973—nearly 44 years ago—the Middle East has been in a continuous war-like situation. I will not cite all the cases, but in Iraq, Syria and Lebanon, in Nigeria and Sudan in Africa and in Libya, Algeria, Tunisia and Egypt in north Africa, there have been continuous war-like situations. It is entirely an internal civil war.

One reason why I believe this civil war has been carrying on—I wrote about this in a book about 10 years ago—is that we have not solved the vacuum created by the disappearance of the Ottoman Empire in 1921. I have recently also written about how we can think of the last 100 years’ history as solving the problem caused by the First World War. Each empire that disappeared—such as the Romanov or the Hohenzollern empires—caused problems that had to be solved in the rest of the century. The Romanov problem was solved finally in 1991, when the Soviet Union collapsed. The Hohenzollern gave us lots of problems but those problems were tackled by the end of the Second World War. The Ottoman Empire disappeared in, as you choose, 1918 or 1921, or whenever it was. We have not resolved that problem. We drew up the arbitrary Sykes-Picot line and created countries but we have not resolved the vacuum that that left.

I take up a technical issue with the noble Lord, Lord Pearson, concerning the caliphate. As noble Lords know, a continuous caliph was established soon after the Prophet died. The caliph was a spiritual leader and, very often, the ruling emperor in the Islamic world. Muslims used to offer prayers to the caliph at Friday prayers until the last caliph disappeared. In India, there was a movement called the Khilafat movement because it was suspected that the British might either abolish the caliphate or replace it with one of their own infidel appointees. As it happened, Kemal Atatürk abolished the caliphate. However, its abolition has created a huge vacuum which we ought to take very seriously. It is as if the papacy had been abolished while the Catholic Church had been kept. We cannot imagine that but that is precisely what the effect is. After 1921, for the first time in the 1,200-year history of Islam, there was no caliph. That psychological shock has not been taken on board. If I were to suggest a policy that we ought to follow, it would insist on there being a caliph approved by the entire Sunni community, not some upstart like Baghdadi who made himself a caliph with absolutely no qualification or pedigree. There are rules regarding who can become a caliph. We have missed a trick here. The collapse of the Ottoman Empire has not been resolved and we have not understood the politics involved here.

6.32 pm

**Lord Hussain (LD):** My Lords, as we are aware, the noble Lord, Lord Pearson, has previously raised the question of Taqiyya and Al Hijra in the House at Questions, where I thought he had a good hearing. However, his subsequent attempt at securing this debate for the same question shows his deeper interest in the issue.

First, I wish to talk a little about the two main tenets that the noble Lord, Lord Pearson, is concerned about. I am a Muslim and I attend prayers at a local mosque as regularly as I can. To my knowledge, the term “Al Hijra” refers to the migration of the Prophet Mohammed—peace be upon him—from Mecca to Medina and it is the mark of the Islamic calendar.

For the benefit of noble Lords’ knowledge, today is the 18th of Rabi al Awal, the ninth month of the Islamic Hijra calendar year 1438. According to major English dictionaries, including the *Collins English Dictionary*, Al Hijra is an annual Muslim festival marking the beginning of the Muslim year. It commemorates Mohammed’s move from Mecca to Medina and involves the exchange of gifts. I have never met any Muslim who understands any other meaning of the term “Al Hijra” than the above mentioned internationally recognised meaning. In the light of this, it makes no sense for the noble Lord, Lord Pearson, or anyone else to ask Muslim leaders to re-examine the term.

There are two different opinions within the Muslim faith on the term “Taqiyya”. I understand from scholars of the Sunni school of thought, which has the largest following among British Muslims, that they do not believe this tenet exists and therefore would never practise it. However, those sects who do believe in Taqiyya consider it to be an extreme measure for extreme circumstances. According to them, Taqiyya is about concealing your own religious beliefs when confronted with the threat of persecution and death, comparing it with the Jews who had to conceal their identity in Nazi Germany or Christians in present-day Syria. It is a defensive response to a threat of attack, which cannot be used for other purposes.

However, as many noble Lords are aware, in any debate relating to Muslims or Islam in this House, the argument of the noble Lord, Lord Pearson, always finds its way to somehow link the Islamic faith with violence and terrorism. Would the Minister not agree with me that the vast majority of the 2 billion Muslims living around the world, including the 4 million living in Britain, are peace-loving and law-abiding citizens?

The small minority of those who get involved in terrorism in the name of Islam are either misled or do not have basic knowledge of Islam; nor do they practise it. A report was recently released by the Oasis Foundation, which is a Christian group of schools. Having compiled evidence from the United Nations and MI5, among others, the report found that religion is not the main cause or motivation of these individuals. Indeed, high numbers of them do not practise the faith that they claim to fight for and have little or no understanding of Islam. Many were found to be engaged in activities that are strictly forbidden in Islam, such as the consumption of alcohol and drugs. I encourage noble

Lords to take some time to read this report. I anticipate that it will make uncomfortable reading for those who seek to promote the falsehood that Islam is a religion that leads people into violence. To suggest that these individuals have any understanding of the type of terms put forward by the noble Lord, Lord Pearson, today is quite laughable.

Over the past few years, we have seen a huge rise in Islamophobia, or anti-Muslim racism, as it has been defined in the recently published Runnymede report. The report finds that anti-Muslim prejudice has grown further and wider and Muslims in the UK are increasingly disadvantaged in all areas of life. Would the Minister not agree that the way the noble Lord, Lord Pearson, uses his ill-informed narrative to demonise the great religion of Islam and blames this religion for all the ills of the world actually fuels anti-Muslim sentiments that lead to hate crime?

In conclusion, I suggest if the noble Lord, Lord Pearson, wants to understand the teachings of Islam properly, then I am happy to host a meeting to introduce him to people who are able to offer comprehensive teaching of Islamic doctrine. Finally, I ask the Minister to remind the noble Lord, Lord Pearson, of our nation’s commitment to protect and honour the rights of minorities and that freedom of religion is a core value central to our democracy.

6.38 pm

**Lord Marlesford (Con):** My Lords, the noble Lord, Lord Pearson, has performed a useful function in introducing this sensitive and delicate subject so that we can, at any rate, discuss it. I want to focus my remarks on political Islam and its links with the many jihadist organisations that, as we have heard, inflict terror on other Muslims and on the non-Muslim world.

I have learned a lot from a lecture given on 15 November in New Haven by Sir John Jenkins. I hope that the Minister has read it and I certainly recommend it to other noble Lords. Sir John, an accomplished Arabist and British diplomat, was consul-general in Jerusalem and subsequently Her Majesty’s ambassador in Syria, in Iraq and finally in Saudi Arabia until 2015. He took an active part in the Chilcot Iraq Inquiry. In March 2014, he was appointed by the then Prime Minister Cameron to lead a policy review into the Muslim Brotherhood and political Islamism. Sir John was assisted by Charles Farr, who since December 2015 has been the chair of the JIC—the Joint Intelligence Committee—in the Cabinet.

The review was completed in July 2014 but the report was never published. Only a summary appeared, and that was in December 2015, 18 months later. However, that summary concluded with a damning statement:

“Muslim Brotherhood ideology and tactics, in this country and overseas, are contrary to our values and have been contrary to our national interests and our national security”.

Astonishingly, Prime Minister Cameron merely made a Written Statement to the House of Commons, in which he said that the Government would,

“keep under review whether the views and activities of the Muslim Brotherhood meet the legal test for proscription”.—[*Official Report*, Commons, 17/12/15; col. 418WS.]



The text of the Jenkins lecture is indeed illuminating to somebody from outside, like me, and I found it disturbing. First, Jenkins dismisses as “almost worthless” any attempt to place the Islamists, “on some scale of relative extremism or moderation”.

I certainly do not intend to speak of the religion of Islam. Any analysis of its kaleidoscopic complexity and didactic variations is well beyond me. The Sufi version of Sunni Islam seems to me to be closer to what Christians could recognise as a monotheistic religion of peace and love. In the atrocity of 24 November this year in Egypt, for which Daesh has claimed responsibility, 305 Sufi Muslims—including 28 children—were shot while praying in a mosque in north Sinai.

Last Friday, Sheikh Ahmed al-Tayeb, the Grand Imam of al-Azhar, the most ancient mosque in Cairo, and himself a Sunni, condemned this attack. This is an important step forward. Hitherto, due to the intimidation to which they are subject, very few of that great majority of the Muslim clerics who abhor the violent and cruel terrorism of political Islam as much as we do have spoken out against it.

Political Islam and the various Islamist terrorist bodies affiliated with it can no more claim religious justification for their horrific acts than could the IRA for its acts of murder during the Troubles. On 29 September 1979, Pope John Paul II, who was visiting Ireland, appealed to,

“the moral sense and Christian conviction”,

of the Irish, at his mass in Drogheda, with the words:

“Nobody may ever call murder by any other name than murder ... On my knees I beg you to turn away from the paths of violence”.

That it took so long for peace to return did not mean that the Roman Catholic Church ever endorsed, justified or excused murders committed by the IRA.

I have long seen the relationship of the Muslim Brotherhood to the military wings of the Salafist Wahhabi creed, such as al-Qaeda and Daesh, as rather similar to the relationship that once existed between Sinn Féin and the IRA. The Muslim Brotherhood, originally partly based on the theories of Italian fascism, was founded in 1928 in Egypt by al-Banna, who promoted ultimate martyrdom through death in conflict. Its final aim, proclaimed by the Islamic State in April 2014, is the installation of a worldwide theocratic state, or caliphate, under Sharia law.

Theocracy is, by definition, the antithesis of democracy because, once in place, it cannot be removed by the electorate. This conflict can be most clearly observed in Iran, where a supreme leader—in this case, Shia—with the revolutionary guard as enforcers, keeps a careful check on the semi-democratically elected Government of President Rouhani. Jenkins points out:

“Links between the Brotherhood and the Khomeinist trend in Iran go back as far as the 1950s”.

The Muslim Brotherhood operates with much tactical skill. It assassinated President Sadat in October 1981 after he had made peace with Israel. It achieved full power in Egypt through the ballot box in January 2012, only to be ejected by popular protest, supported by the army, in July 2013 following economic chaos. Jenkins concludes that,

“if Egypt had fallen to the Brotherhood, the whole of North Africa would have eventually become a bastion of political Islamism”.

He said that in 2005, after the 7/7 attack on London transport in which 56 people died, the Brotherhood claimed to be working to prevent further attacks on Britain. That is perhaps why HMG have left them alone. It should be noted that the European leader of the Muslim Brotherhood, Ibrahim Munir, has lived in London for many years. I understand that he is likely soon to become the group’s world leader.

The Anderson report on terrorism, published on Monday, makes extensive reference to the background of the Manchester bomber Salman Abedi, but fails to refer to the fact that his father, Ramadan Abedi, was part of the Libyan Muslim Brotherhood and a former al-Qaeda operative in Libya. Last week, 33 members of the US Congress wrote to Secretary of State Tillerson urging him to designate the Muslim Brotherhood as a foreign terrorist organisation. I believe that the time may have come for us to do the same here.

6.46 pm

**Lord Parekh (Lab):** My Lords, I begin by complimenting the noble Lord, Lord Pearson of Rannoch, on securing this debate. His introduction was quite interesting, although I was a little disappointed that what began as a calm disquisition on Islam turned, as it moved on, into a kind of diatribe. That is an inevitable danger. If one talks about Islam as a whole, rather than concentrating on a particular aspect of it, there is a danger of spreading oneself too thinly and covering a lot of ground. Therefore, as, I hope, a good academic, I want to concentrate on the Question itself.

The Question that the noble Lord has asked—every word is carefully chosen, although occasionally mischievous, and certainly interesting—is whether the Government will encourage Muslim leaders to re-examine the three Muslim tenets of abrogation, Taqiyya and Al Hijra, and to publish their findings. I want to look at those three concepts. What are the Islamic tenets on these three concepts? Do they need to be revised or re-examined and, if so, along what lines?

The first is “abrogation”. I am sorry that the noble Lord used Arabic for the other two tenets, whereas he left this one as “abrogation”; in Arabic the word is “Naskh”. Naskh is simply a theoretical tool to interpret the Koran. Where the different verses of the Koran—or the verses of the Koran and the Hadith—do not match, you need a rule for interpretation. The rule generally is that the later Koranic verses supersede the earlier ones, as they do in the Hadith. That is what abrogation means.

Taqiyya is a much trickier concept. It largely means “covering up” or “dissimulation”. It means that when a Muslim is in a crisis situation or likely to face intense persecution, he is allowed to lie about his faith. He can say, “Look, I’m not a Muslim”, if Muslims are going to be attacked. At one level, he would seem to be disloyal to Allah to whom he has agreed to submit, but on another level he is excused because his life is in danger. As the Oxford dictionary puts it, it is really a precautionary dissimulation of religious belief. But again, it has been reinterpreted, as all these tenets have been. It was reinterpreted after 9/11 to mean that a Muslim has a religious obligation, not just a religious permission, to lie and to lie not only to survive but to proselytise his own religion.

[LORD PAREKH]

The third idea is the idea of Al Hijra, which refers to Muhammad and his companions migrating from Mecca to Medina in 622 CE to set up the first Islamic state. The Muslim calendar counts dates from the Hijra, and Muslim dates have the suffix AH, which means “After Hijra”. In recent times, the concept of Al Hijra or Muhammad’s move from Mecca to Medina is taken to mean that Muslims have an obligation to move from a secular society to one that allows you to practise religion or be suffused with the religious spirit—or to oppose colonial rule. That is what happened, as the noble Lord, Lord Desai, suggested, in India during the time of British rule, when several Muslims on religious grounds said that they would rather move to Afghanistan from India rather than stay on because they suspected that colonial rule was not going to give them freedom.

My point in all this is simply to say, first, that the re-examination of these concepts is going on and that no encouragement is required because circumstances compel Muslim leaders to reinterpret those concepts, just as Hindus and Christians have been compelled. Secondly, government intervention in these matters is always ill-advised because it politicises scholarship. Scholarship loses its sense of detachment and integrity. More importantly, the Government have no competence in the matter. If someone interprets Al Hijra in one way and the noble Lord, Lord Desai, interprets it in another and the noble Lord, Lord Ahmed, in another, how will the Prime Minister decide which one to encourage and which to discourage? It is not the Government’s business. To give the Government religious authority is the worst thing that any liberal, or even non-liberal, society can aim to do.

The third difficulty is why only these three tenets? These three are not really crucial. I can think of half a dozen others, so why just these three? And more importantly, why only Islam? What about Hinduism? The noble Lord, Lord Desai, wrote a book about the Bhagavad Gita—a secular reading of a religious text. Lots of Hindus whom I know are deeply uneasy about it because they would like it to be seen differently. The question is why concentrate only on Islam. Even verses in the Old Testament breed the spirit of violence and hatred. The New Testament is just as bad in some cases—apart from the “Sermon on the Mount”, it contains other passages that can be just as obnoxious. So why concentrate on only one religion?

The next question that worries me is: will it assist the cause of anti-terrorism? It will not. Terrorists are not just guided because of these three tenets. They are guided by other considerations, such as being unhappy with our foreign policy or a sense of alienation growing up in our society. There are all kinds of reasons, and religion is simply being used as the language of expression, not as the source from which the inspiration is derived. When religion is simply being used as the language of expression, the causes lie elsewhere. If we are looking for a reinterpretation of the tenets in the hope that that would stop terrorism, there is no such possibility of that happening.

The last point that I want to make is that Islam, like any other religion, has both violent and non-violent traits. That is just as true of Christianity. How could

the religion of simple peasants lead to the largest empire, of many different kinds, in human history—the British colonial, the French and all that? How could it justify slavery? If we think of Christianity, the enormous amount of good as well as harm that it has done simply cannot be explained away. Every religion has the potential for both. Which potential is being actualised depends on the circumstances. Muslim countries—it is not Islam as such but Muslim countries—are passing through a phase of identity crisis, deep alienation and anger against the West for its foreign policy or for its support of native tin-pot rulers, so obviously they are going to take the form of aggression.

The simple point I want to make is that, if we want to have this sort of discussion as part of an anti-terrorist strategy, the Government’s strategy—which I would have loved to discuss—leaves a lot to be desired. The Prevent strategy is not the answer, and to fit anything into that mould is not the way to proceed.

**Baroness Stedman-Scott (Con):** My Lords, perhaps I may say respectfully that we have limited time in this debate. All noble Lords have prepared for it incredibly well and have great points to make, but we need to allow time for the Minister to reply to them. I would ask noble Lords to honour the time allowed for speaking.

6.55 pm

**Lord Sheikh (Con):** My Lords, I begin by expressing my disquiet and resentment at the wording of the Question for this debate. The noble Lord, Lord Pearson, has referred to Islamist terrorism. I feel that to use “Islamic” or “Islamist” relating to any form of terrorism is completely wrong. Islam is a religion of peace and does not allow any form of suicide attack or terrorist activity. A terrorist should be referred to as a terrorist without reference to any religion. During the IRA activities, it was inappropriate to associate terrorism with a particular religion. It would be greatly appreciated if one were careful about using appropriate language in your Lordships’ House, otherwise it may cause offence to the people of this country.

I received numerous complaints from Muslims when it became known that this debate had been tabled. Islam is indeed a religion of peace and I promote this fact in my coat of arms. Even when we greet somebody, we use the phrase *As-salāmu ‘alaykum*, which means “peace be upon you”. I would like to emphasise that it is written in the Holy Koran that Allah subhanahu wa ta’ala has said: “Whoever kills a human being, it is as though he has killed all mankind, and whoever saves a human being, it is as though he has saved all mankind”. This is very similar to what is written in the Talmud. Islam and Judaism, like other religions, both value the sanctity of life.

There are more than 3 million Muslims in this country and nearly all of them are peace-loving people. They have been successful in every walk of life and have contributed to the advancement and well-being of this country. I appreciate and understand that a tiny minority have acted very badly and committed criminal offences. What they have said and what they are doing is totally un-Islamic. Islam teaches us to celebrate the difference and diversity which God has purposefully created in our world.

The Question of this debate refers also to UK Muslim leaders. I consider myself to be one of the Muslim leaders. I am very active in combating extremism and radicalisation among all communities, and I have attended and spoken at numerous meetings. I have been involved in initiatives and have taken positive action to deal with the issues of radicalisation and extremism. To deal with them requires a holistic approach and we must all work together. It should involve the community, local authorities, schools, universities, prison authorities and the police. Mosques, Imams and Muslim centres also have a vital role to play. We must also take steps to combat radicalisation through the use of the internet, notably through social media, and for this we must work with organisations that can do so effectively. Because of the shortage of time, I cannot enumerate the steps to be taken, although I have prepared an extended report on these issues.

I am also actively involved in promoting interfaith dialogue and I am a patron of five Muslim and non-Muslim organisations which are involved in these activities. In the Holy Koran, Allah subhanahu wa ta'ala has said: "O mankind! We have created you from male and female and made you into nations and tribes, that you may know one another". As Muslims, we should get to know one another and people from other communities, as commanded by Allah subhanahu wa ta'ala.

Radicalisation and extremism cannot be dealt with by looking at theological issues, because we need to take positive steps. I am proud to be a practising Muslim. I have studied the Holy Koran and the Sunnah. I doubt very much if the noble Lord, Lord Pearson, has made a deep study of Islam. I feel that a debate such as this, tabled by him, can create discord and lead to further problems.

In verse 106, Surah An-Nahl refers to the notion of Taqiyya—hiding one's faith in life-threatening conditions—as only self-defence. Mainstream Islam does not accept the current situation anywhere in the West as threatening Muslims to an extent that they would need to hide their faith identity to survive. This question is therefore completely irrelevant. In regard to Al Hijra, in verse 97, Sura An-Nisa refers to Taqiyya in compelling cases where Muslims cannot practise their faith for fear of persecution and threat to their life. In such extreme circumstances, they are advised to leave the land of hostility for a safer place. Again, no such conditions exist in the West to compel Muslims to migrate away from the West. This is again totally irrelevant and taken out of context.

In Islamic terminology, abrogation means lifting a ruling indicated by a sharia text, on the basis of evidence from the Holy Koran or consensus of the Sunnah. In most cases, the abrogation was to make things easier for Muslims or increase the rewards. As a Muslim, I say that it is totally unnecessary to re-examine the three points raised by the noble Lord, Lord Pearson. I want to emphasise that any act of terrorism is not in our name.

Finally, I urge everyone in the country to be united and stand together to combat any form of radicalisation or extremism, in whatever form it comes.

7.03 pm

**Lord Ahmed (Non-Affl):** My Lords, in the name of God, most gracious and most merciful, I thank the noble Lord, Lord Pearson, for giving me this opportunity. For the last 10 years, I have had discussions with him on TV channels, as well as in this House; I do not agree with him, but I thank him for the opportunity to speak. I want to correct him on a few things. I wish that he would respect the Prophet Muhammad as I respect the Virgin Mary and Jesus Christ.

There are a number of things that I need to clarify: first, the caliphate. The noble Lord, Lord Desai, is very knowledgeable; I do not wish to disagree with him, but in cases of the Ottoman Empire, Mogul Empire and North African empire, the caliphate did not exist after Sayedna Umar, Uthman and Ali—that is it. The deliberate concept of mischievous Muslims who can have four wives in the United Kingdom is nonsense. British law is the superior law in this country. Nobody is allowed to have four wives. Saying that Muslims are breeding more children and will take over is using the same language that Nazis used against Jewish communities before the Second World War. It is done deliberately when there is hatred against Muslims for their birth rate. As for someone killing someone who leaves their religion—in this country, nobody can do anything above the law. I am a Muslim; I am British. My law is the British law, which is for everyone. To be mischievous and say, "These Muslims have some other laws in this country, they will breed children, they will take over this country", is a deliberate attempt to frighten people.

On the secular rule that Muslims are told after Al Hijra to leave, I hosted Christian communities from Ethiopia here last night because of the human rights situation there. Abyssinia was a place where the Prophet Muhammad, peace be upon him, asked his companions to go and live under a Christian ruler because he allowed them to live in peace, just like the majority of the 20 million to 30 million of us who are living here in the United Kingdom, in Europe and in the United States.

Looking at some of the figures, in America the Internal Revenue Service is quoted as saying that \$200 million was spent by the Islamophobia industry last year, most of it by groups designated by the Southern Poverty Law Center as hate crime groups. We need to put things into context.

I do not have to preach to anyone what the Holy Bible, which I respect, says in the Books of Exodus, Deuteronomy, Joshua and both Books of Kings. They talk about slaughter and genocide. If these fanatics—ISIS or Daesh—picked up the Bible and said, "This is why they invaded Iraq and kill Muslims. because this is the teaching of the Bible", it would be complete nonsense. Whatever the religion, whether Hinduism, Sikhism, Buddhism—one of the most peaceful religions on earth, but we see what is happening in Myanmar to the Rohingya communities—Islam, Judaism or Christianity, it is the individuals who abuse the texts and the religion for their own violent, political purposes.

This is a great country. Frankly, we do not need Islamophobes, because every time we see people from Britain First and other groups create this hatred,



[LORD AHMED]

attacks on Muslim, European and ethnic minority communities go up. When the Minister replies, will she tell us the figures on how much hatred and hate crime goes up when these groups use this bad language? Only last week a Muslim woman was refused service in McDonald's because she was wearing a hijab. Visible Muslims with beards, or even those in the Sikh community with turbans, are attacked. People who speak European languages are abused on buses. We have seen the videos.

In this wonderful, democratic place, we should be talking about the great contribution communities have made. When my father came here after the Blitz this country's industry had disintegrated. In the steel industry, the textile industry, the infrastructure, the health service and the transport industry, ethnic minorities, Muslims, Hindus, Sikhs from Europe and the Commonwealth came here and made this country the Great Britain that it is today. During the Labour Government we had the third largest economy; I used to go around the world proudly telling people that. Even today Britain is the fifth largest economy in the world. Yes, we have criminals, but if we start pointing the finger at all the Muslims first, then it may be the Jewish communities after, then maybe the Sikh communities after that. Then we might say, "All these coloured people, different people who do not look like us, do not have green eyes like us, are responsible for our social deprivation, unemployment and economic crisis". That is what the Nazis did. That is what Hitler's people did.

I just hope that we come to our senses and talk about the great contribution. This is a great country—Muslims and non-Muslims, all of us, stand together. Terrorists murdered 37 of our citizens.

7.10 pm

**Lord Alderdice (LD):** My Lords, first, I declare my interests as in the register, in particular my directorship of the Centre for the Resolution of Intractable Conflict at Oxford University. Having spent a great deal of time thinking about these things and then listened to the noble Lord, Lord Pearson of Rannoch, I do not know whether the noble Baroness, Lady Williams of Trafford, will have the same nostalgic feeling that I have had, because so many of the things that I heard him say were exactly those that I grew up hearing from Dr Ian Paisley about Roman Catholics in Northern Ireland. "They're going to breed us out", was one of the favourite ones. "They kill people because of apostasy. Look at the Spanish Inquisition, and poor Cranmer, Ridley and Latimer burnt at the stake in Oxford for their Protestant religion"—indeed, he called his church in Belfast Martyrs Memorial because of all the Protestants who had been murdered by the Catholic Church. He was not so strong on mentioning the Catholics who had been murdered by the Protestants, but there you are: we see it from our own perspective. There were many other similarities as well.

Then came the demand: if Catholics are actually opposed to the IRA, why does the leadership of the Catholic Church not come out and say so in unequivocal terms? It is very much what the noble Lord has said about the leadership of the Muslim community. And so, one month after Lord Mountbatten, then a Member of your Lordships' House, was murdered by the IRA,

Pope Jean Paul II became the first reigning Pope to come to Ireland. As the noble Lord, Lord Marlesford, referred to, he said:

"I appeal to you, in language of passionate pleading. On my knees I beg you to turn away from the paths of violence and to return to the ways of peace ... To Catholics, to Protestants, my message is peace and love. May no Irish Protestant think that the Pope is an enemy, a danger or a threat".

He appealed to young people to turn away, and so on. Within days, the IRA gave him his reply: it dismissed it. In that reply, it pointed out that the problem was a political problem and not a religious problem: it was not killing Protestants because they were Protestants, and the loyalists were not killing Catholics because they believed in transubstantiation; it was a political problem.

Sometimes, people will say, "Ah, but it is a completely different thing if you're dealing with Islamist terrorists". I think people sometimes need to explore the issues that they are talking about rather than simply presume. I went and spent some time talking to Abu Qatada, the European leader of al-Qaeda. I started talking to him in prison, necessarily through an interpreter, about the fact that, for me, religious faith was very important. He said, "Look, that's fine. We can talk about religious faith if you like, but this is not a religious problem. This is a political problem. It is a political problem of what is happening in my part of the world and has been happening for a very long time". The more I have looked at it, the more I have become convinced that he was correct—in fact, he was actually prepared to do what the IRA had been doing: to come out and say that violence would not get the political outcome they wanted. He asked me to take a personal message to the office of the Prime Minister here in the United Kingdom—the Prime Minister at the time was Gordon Brown. I took the message, but there was no interest on the part of the British Government in exploring whether Abu Qatada was prepared to come out and say, "This business of the use of violence is wrong, counterproductive and a mistake". They were prepared to do it eventually, after a lot of pressure, with the IRA, with people like John Hume, Gerry Adams and Martin McGuinness, but they were not prepared to do it with Abu Qatada.

The noble Lord, Lord Desai, as he very often is, is absolutely correct to make the connection with the end of the caliphate, because, as was mentioned by the noble Lord, Lord Marlesford, a very short time after that some young men in Egypt said, "We're going to come together". Was it for the purpose of martyrdom? No. It was for the purpose of reinstating the caliphate.

In all our religious and political backgrounds, there is great variegation. Just a couple of weeks ago, I had another long conversation, as I have had before, with Rached Ghannouchi, the leader of the Muslim Brotherhood and Ennahdha in Tunisia. This man is a democrat. He has demonstrated clearly that he is committed to democracy. In fact, I sometimes think he has more understanding of the basics of democracy than I find with politicians in this country because, as he says, it is not just about votes and elections; it is also about having a culture of liberal democracy that makes sure those elections are used to good purpose. He is absolutely right, of course. That is not the same

as the Muslim Brotherhood everywhere but, if we paint everyone with the same brush, we will find that we make the situation worse rather than better.

That is my appeal: that we do not get mixed up about the fact that people will see religious faith from many different perspectives. As the noble Lord, Lord Ahmed, said, people will interpret the scriptures written in the past in a very different way now, if they have made progress, and in the same way if they see things in a fundamentalist way. We have to address the fact that there are political problems and that we in this country have our responsibility to resolve some of those wider problems. Sadly, the events of the last 48 hours and the pronouncements from Washington have made our job much more difficult in addressing the political problems, when they should have been making them easier.

7.15 pm

**Lord Rosser (Lab):** I thank the noble Lord, Lord Pearson of Rannoch, for providing the opportunity to discuss government strategy against terrorism. It is on that issue rather than Islam and its meaning that my contribution concentrates. Listening to the general tone and tenor of what the noble Lord said I do not know whether he regards, for example, Members of this House and the Commons who are Muslims, along with Sadiq Khan as the Mayor of London, as stealthily working towards a future Muslim takeover of this country, to which he made reference, or as fellow law-abiding and peace-loving British citizens—full stop.

The noble Lord, Lord Pearson of Rannoch, framed his Question for Short Debate around one specific area rather than more generally. As the briefing from the House of Lords Library for this debate reminded us he raised almost the same Question, only orally, at the beginning of this year. The noble Baroness, Lady Williams of Trafford, replied then that:

“The Government’s strategy for tackling Islamist terrorism is firmly based on strengthening our partnership with communities, civil society groups and faith organisations across the country”.—[*Official Report*, 24/1/17; col. 552.]

I assume that when she comes to reply, the Minister will indicate not simply what actions the Government may have taken this year in pursuit of that strategy, but what the hard evidence is to show that whatever the Government have done since the beginning of this year, it has had a positive impact on strengthening partnerships, civil society groups and faith organisations across the country. Actions are not the same as impact; it is the impact of their actions on which I seek a government answer.

I presume that the Minister will also indicate in her response that the Government are seeking to tackle terrorism across the board, including from supporters of the kind of organisations in this country that now appear to have a surprising degree of unwelcome support from the President of the United States of America.

It has been helpful to have it confirmed in the recent report by David Anderson QC that our security and intelligence agencies seek to ensure, “consistent assessment and investigation of all terrorist threats, regardless of ideology”.

Questions have been raised in a number of quarters about the effectiveness of the Government’s Prevent strategy. Home Office statistics apparently show that only 5% of the 7,631 people referred to the Prevent counterextremism programme in 2015-16 ended up with specialist support to turn them away from terrorism. What lessons do the Government draw about the effectiveness or otherwise of the Prevent strategy, and the way it is being applied and implemented, from that figure of just 5%? The Government must have a clear answer to that question, since the Minister told this House last January that “we regularly review Prevent”.

Are the Government really satisfied that they are allocating sufficient resources to combat the threat of terrorism, whether through preventive programmes or through the work of our security and intelligence agencies, including the police? In his report this month on the attacks in London and Manchester, David Anderson QC quoted the director-general of MI5 as saying in describing the work of his staff that:

“They are constantly making tough professional judgements based on fragments of intelligence”.

Mr Anderson then went on to say:

“The reason why the judgements can be ‘tough’ is that they are made against a background of imperfect information, and yet frequently require staff to choose which of a number of current and potentially deadly threats is most deserving of scarce investigative resource”.

What do the Government read into the use of the word “scarce” by Mr Anderson? Is it that sufficient resources have been made available or that sufficient resources have not in reality been made available? In that context, let us remind ourselves that we are talking about national security and the safety of our citizens.

One of the three considerations that Mr Anderson chose to mention in his report in saying,

“no responsible person could offer a copper-bottomed assurance that terrorists will always be stopped”

was,

“current CT resourcing of around £3 billion per year”.

In her Statement to Parliament on Tuesday the Home Secretary said,

“We will shortly be announcing the budgets for policing for 2018-19, and I am clear that we must ensure that counter-terrorism policing has the resources needed to deal with the threats we face”.—[*Official Report*, Commons, 5/12/17; col. 915.]

In his report Mr Anderson, referring to CT policing, says,

“the indicative profile of their grant allocation over the next three years sees a reduction of 7.2% in their budgets”.

What parts of policing activity and what numbers of officers and staff do the Government include in their definition of counterterrorism policing, in respect of which the Home Secretary has said the Government will ensure they have the resources needed? Which police activities do the Government not consider to have a role in countering terrorism and are therefore not covered by the Home Secretary’s statement about ensuring the provision of the necessary resources? Does the Home Secretary’s commitment about resources, which she gave on Tuesday, cover, for example, community policing, or is community policing not considered by this Government to play an important role in countering terrorism?

[LORD ROSSER]

I would appreciate clear answers from the Government to these questions, not least because the executive summary of the Anderson report states that MI5 and CT policing recommendations,

“include commitments to better data exploitation, to wider sharing of information derived from MI5 intelligence (including with neighbourhood policing) and to the consistent assessment and investigation of all terrorist threats, regardless of ideology”, which some might not unreasonably conclude means that community and neighbourhood policing have an important role to play in countering terrorism.

I conclude by again thanking the noble Lord, Lord Pearson of Rannoch, for providing me with the opportunity to raise the points and questions I have raised.

7.22 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, I thank all noble Lords who have spoken in this debate, and I thank the noble Lord, Lord Pearson, for securing it. There have been some very interesting contributions this evening and quite varied views, which is always the case in a debate. First, I thank noble Lords, such as my noble friend Lord Sheikh, who play an active part in communities and in promoting interfaith understanding, because that work is so valuable. I also thank the noble Lord, Lord Alderdice, for what he said at the start of his contribution. I am not nostalgic for those days; I look back with sadness. Noble Lords will detect that I have no hint of an Irish accent, and that is because I came to this country in the 1970s as an Irish Catholic. Those were unpleasant times for Irish Catholics in this country. The noble Lord, Lord Alderdice, and I have many interesting discussions on that dichotomy. I join noble Lords who stated that terrorism has no place in Islam: it does not. It has no place in Islam, Buddhism, Catholicism, Hinduism or any religion, and to conflate the two is quite dangerous to society.

Over generations, we have built something quite incredible in this country: a successful multiracial, multifaith democracy. That success is underpinned by British values, which the mainstream majority share and celebrate, including freedom of speech, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. As the noble Lord, Lord Hussain, said, Britain is home to diverse communities who are free to practise their religion in accordance with the law. The noble Lord also talked about the 2 billion law-abiding Muslim citizens across the globe. He is absolutely correct. There are also people within our Parliament such as the noble Lords in this Chamber and of course the Mayor of London, Sadiq Khan.

I thank the noble Lord, Lord Parekh, and my noble friend Lord Sheikh for describing the various tenets of the Muslims religion in the Question for debate, and the dangers of government asking Muslim leaders, or indeed any other religious leaders, to re-examine the tenets of their religion, because they are quite free to practise it.

The noble Lords, Lord Desai and Lord Hussain, and my noble friend Lord Patten talked about Muslim-on-Muslim terrorism. I saw that in Manchester, and of

course we see it in every attack: these attacks are indiscriminate and Muslims suffer in them. The noble Lords, Lord Hussain and Lord Ahmed, talked about the aftermath of such attacks and how Muslim communities suffer further in the spikes in anti-Muslim hatred that we see afterwards. Those points were well made.

The noble Lord, Lord Pearson, made a point about sharia law which the noble Lord, Lord Ahmed, corrected him on. Sharia law is not promoted by government. It has no jurisdiction in England and Wales, and the Government have no intention of changing that position. Regardless of religious beliefs, we are all equal before the law. That is a really important point. The Government do not prevent people from seeking to regulate their lives through religious beliefs, and nothing in law prevents people doing that.

**Lord Pearson of Rannoch:** My Lords—

**Baroness Williams of Trafford:** The noble Lord will encroach on my response time.

**Lord Pearson of Rannoch:** Is the noble Baroness therefore saying that sharia law is not running de facto in our land through the 87 Muslim tribunals? This is all very well documented.

**Baroness Williams of Trafford:** I am saying to the noble Lord that people in this country abide by British law. It is as simple as that. Sharia law has no jurisdiction in England and Wales. I think I made it very clear that we do not prevent people from regulating their lives through religious belief—for example, in the sense that a Catholic might. I hope I have made that point clear.

The noble Lord, Lord Rosser, touched on what the Government are doing to tackle Islamist terrorism. We are absolutely committed to tackling it, and our strategy is firmly based on strengthening our partnership with communities, civil society groups and faith organisations across the United Kingdom. As the noble Lord said, the most effective way to counter the poisonous narratives of terrorists and extremists is to give the community the capacity to resist those narratives.

In the small amount of time I have, I will touch on the various questions that the noble Lord, Lord Rosser, posed. The first was on Prevent, and its outcomes rather than its aims. We have undertaken 169 community-based projects, delivered in 2016-17, reaching more than 53,000 participants; 44% of those were delivered in schools and were aimed at increasing young people’s resilience to terrorist and extremist ideologies.

Around one-third of the people who are supported by Channel are linked to far-right extremism; it is very important that the noble Lord brought up that point. He asked why so few Prevent referrals become Channel cases. As I have said, one-third of the people supported by Channel are linked to far-right extremism, and the Channel process is provided only to those who genuinely need it. About 14%, and he might think that figure is low, were discussed at Channel panels in 2015-16. A further 50% of the referrals, over 3,700 people, were referred on by the assessment process to other support services. Without that rigorous assessment, the vulnerabilities that many of these individuals might have might go unsupported. Around 36% of referrals



require no further action, and that is broadly similar to those found in other safeguarding mechanisms. For example, out of the 621,000 children referred to social services in 2015, 35% required no action either before or after assessment.

The noble Lord questions whether Prevent is working. We believe it is. Apart from the statistics that I have just given him, since February 2010 300,000 pieces of illegal terrorist material have been removed from the internet. The Prevent statutory duty has prompted a significant step change in the delivery of Prevent work in sectors. The number of front-line staff who have received training has increased significantly, with over 850,000 front-line staff, including NHS staff and teachers, trained in spotting signs of radicalisation, while since 2012 over 1,000 people have received support through Channel.

More than 150 attempted journeys to the Syria/Iraq conflict area were disrupted in 2015. This includes action by the family courts. The courts protected approximately 50 children from around 20 families from being taken to the conflict areas in 2015.

The noble Lord asked about the Anderson report. The Home Secretary has asked David Anderson to provide an independent stock-take of progress in a year's time. However, as the noble Lord said, implementation is linked to resources. We will shortly be announcing the budgets for policing in 2018-19, and the Home Secretary is clear that we must ensure that counterterrorism policing has the resources needed to deal with the threats that we face.

The noble Lord asked about providing more resources to MI5. The Government have actually increased funding for MI5. In the 2015 spending review a 30% uplift on counterterrorism spending was announced. This is equivalent to over £3 billion over the period to 2020. The additional funding was to meet the increased threat from Daesh and of marauding firearms attacks.

The noble Lord, Lord Marlesford, asked me about the Muslim Brotherhood review. He is correct to say that a review was conducted. Having taken advice, Ministers decided against publishing the report for national security reasons, given the sources of some of the data in it. The UK has taken and will continue to take concerns about the Muslim Brotherhood very seriously. We have published a summary of the main findings of the report, and they support the conclusion that membership of, association with or influence by the Muslim Brotherhood should be considered as a possible indicator of extremism.

We will keep under review what is promoted and activities undertaken by the Muslim Brotherhood in the UK in Arabic as well as in English. We will challenge extremists' poisonous narratives, promote positive alternatives that steer vulnerable people to better ways to get on in life and continue to refuse visas to members and associates of the Muslim Brotherhood who are on record as having made extreme comments, where that will be conducive to the public good. In line with our existing policy guidelines and approach to extremism in all forms, we will seek to ensure that charities with links to the Muslim Brotherhood do not give support or finance to the Muslim Brotherhood instead of undertaking their lawful charitable purpose. We will strengthen liaison arrangements with international partners to ensure that allegations of illicit funding or other abuse of charities are robustly investigated and appropriate action taken. We will enforce the EU asset freeze on Hamas, and keep under review whether the views and activities of the Muslim Brotherhood meet the legal test for proscription.

I have gone over my time and missed out half my speech, but I think that I have addressed noble Lords' points, which are important ones to address. I finish by thanking all noble Lords for taking part in the debate.

*House adjourned at 7.35 pm.*

