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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
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.

House of Lords

Thursday 17 May 2018

11 am

Prayers—read by the Lord Bishop of Leeds.

NHS Workforce: Mental Health

Question

11.06 am

Asked by ***Baroness Thornton***

To ask Her Majesty's Government what steps the Department of Health and Social Care and the National Health Service are taking to support the mental health of the NHS workforce in England.

Baroness Manzoor (Con): My Lords, the NHS workforce is our greatest asset and their mental health is very important. Good mental health enables fulfilling careers and better care for patients. Through our NHS health and well-being programmes, the department is committed to ensuring that staff mental illness is prevented wherever possible and that staff are supported in self-managing their mental health. When needed, staff are offered quick access to psychological interventions.

Baroness Thornton (Lab): I thank the Minister for that Answer. As noble Lords will be aware, this is Mental Health Awareness Week, and the Mental Health Foundation is focusing particularly on stress at work. Coming at the end of the winter crisis, which has put all NHS staff and care workers under pressure, and given the pressures put on staff by 100,000 posts in the NHS being unfilled—that is an NHS Improvement figure—I would like to ask the Minister two questions. First, will the Government seek to assess the stress put on NHS staff by the winter crisis when they eventually tell us the financial and patient price that has been paid over the winter period? Secondly, is the Minister aware of the irony that 75% of mental health workers have been stressed at least once a week due to staff turnover leaving them under extra pressure?

Baroness Manzoor: My Lords, the Government are committed to putting record levels of funding into mental health. We are totally committed to improving the health and well-being of our staff and to seeing mental health services improve on the ground. As the noble Baroness, Lady Thornton, will know, employers are also being supported by the first-ever common framework for NHS staff health and well-being. This was launched this week and includes mental health prevention, self-management and access to psychological therapies. She asked what we are doing about stress. As she will be aware, following the Boorman review, the NHS staff sickness absence rate reduced to 4.13% for the year to December 2017. However, I understand that more needs to be done in this area.

Baroness Finlay of Llandaff (CB): My Lords, what discussions are the Government having with management and senior management at NHS England about front-line workers such as ambulance staff and those working in emergency and medicine? They are under extraordinary pressure, sometimes do not even have time for a cup of tea, and deal with major trauma after major trauma and large numbers of distressed people, yet sometimes feel that their own management will not back them up if something goes wrong.

Baroness Manzoor: There is significant pressure on front-line staff. The noble Baroness has not mentioned that there are also issues around harassment, bullying and violence. The Government are doing a significant amount through their frameworks to help and support these front-line staff. Certainly, NHS Improvement is looking to incentivise employers to do more.

Baroness Nicholson of Winterbourne (Con): My Lords, does the Minister agree that the mental health of all NHS staff, and in particular GPs, would be greatly enhanced if the general public would keep their appointments? I understand that some 20% to 30% of appointments are missed. Does the Minister have any thoughts as to how this dreadful problem may be addressed?

Baroness Manzoor: My noble friend raises an important point. It is important that patients attempt to keep their appointments, but of course there are sometimes reasons that one cannot. To come back to the workforce and the mental health of GPs, we are setting up an NHS helpline for GPs themselves to help and support them in caring for their health and well-being.

The Lord Bishop of St Albans: My Lords, what assessment have Her Majesty's Government made of the impact and contribution that NHS chaplains make to the mental health of their colleagues?

Baroness Manzoor: The right reverend Prelate makes a good point. I know from my own experience of working in the NHS that chaplains play a vital and key role in helping support not only patients but staff when they are doing their duties and need that support.

Lord Blunkett (Lab): My Lords, first, I declare an interest. On 12 September, I raised an issue in relation to GPs and the requirement of insurance for their absence on sickness grounds, and the gross discrimination of rogue insurers against those with mental ill-health as opposed to physical disabilities. Will the Minister take another look at the way the ombudsman's service works? Discrimination is no longer monitored by the regulator, which says that because GPs now employ more than 10 people, an individual case cannot be taken through the ombudsman's service.

Baroness Manzoor: The issue of discrimination and insurance is an important one. I do not have the facts and figures at hand to answer the noble Lord's question, but I will endeavour to write to him to tell him what we are doing in this area.

Baroness Tyler of Enfield (LD): My Lords, will the Minister say how the Government intend to respond to the report from the Royal College of Physicians on work and well-being in the NHS, which recommended that financial incentives should be included in NHS contracts to promote staff mental health and well-being?

Baroness Manzoor: That is an interesting question. As I have alluded to, NHS Improvement already has a programme to incentivise employers to ensure that they have good workplace strategies in place for well-being and mental health. It is looking to roll that out even further.

Lord Patel (CB): My Lords, I am sure the Minister recognises that there is good evidence to show that an efficient occupational health service, run by any major organisation, that is confidential and provides good counselling reduces stress and mental ill-health in its workforce. Does she agree that such a service should be available in every major hospital trust?

Baroness Manzoor: Absolutely. Staff survey evidence shows that improving staff health and well-being leads to higher staff engagement, better staff retention and better patient care. I totally agree with the noble Lord.

Homosexual Activities: Pardons

Question

11.14 am

Asked by ***Lord Cashman***

To ask Her Majesty's Government when they plan to commence the provisions in the Policing and Crime Act 2017 to implement pardons and disregards for homosexual activities which are no longer crimes.

Lord Cashman (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and refer noble Lords to my entry in the register of interests.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Government are committed to tackling the historic wrongs suffered by gay and bisexual men and are actively considering with partners possible extensions to the list of offences eligible for a disregard or pardon in line with commitments made during the passage of the Policing and Crime Act 2017.

Lord Cashman: My Lords, before responding, I congratulate the Government on flying the LGBT rainbow flag from government buildings on this, the International Day Against Homophobia, Biphobia and Transphobia. I cannot help but reflect that the country is a very different place from the one where, 30 years ago, Section 28 was introduced.

I know that the noble Baroness is deeply committed—and so, too, are officials—but I am extremely frustrated that, 17 months ago, this House passed provisions to enable the Protection of Freedoms Act 2012 to be amended so as to extend the disregard scheme in England and Wales. These provisions have not been used and, as a consequence, gay and bisexual men continue to live with convictions and criminal records, which blight their lives and futures, and for which there is a human cost. Therefore, will the Government use the power that they have to end the misery still inflicted by old homophobic laws and set up a task force to address these provisions? Will the Minister commit to return to the House with a timetable to implement the provisions?

Baroness Williams of Trafford: As the noble Lord knows, I totally share his frustration. I also note that he has spotted the flags flying on government buildings today for what is strangely known as IDAHOBIT day—the International Day Against Homophobia, Biphobia and Transphobia. I also share the anxiety that there are still people today who are being discriminated against and losing their job because of discrimination. As he knows, we abhor discrimination of any kind. He knows that I am pressing for a parliamentary timetable, and I want to continue to work with him in terms of looking at those laws—some of which are more complex than others—to try to disaggregate and deal with some of the outstanding matters.

Lord Lexden (Con): Does my noble friend recall that she brought forward amendments to the legislation extending the availability of posthumous pardons to those who served in the Navy, and undertook that they would be extended for soldiers, too, but stated on 19 December 2016 that,

"we are continuing to research this issue".—[*Official Report*, 19/12/16; col. 1477.]

Is she aware that the Ministry of Defence seems to have made little or no progress with the research? Finally, does she agree that the forthcoming introduction of posthumous pardons in Northern Ireland is to be warmly welcomed—even though, sadly, gay people in the Province still await the introduction of same-sex marriage?

Baroness Williams of Trafford: On the issue of the MoD and some historic service offences, we are in discussions with the MoD as well as representatives of the Army, Navy and Air Force to define the criteria to allow these disregards where appropriate. But I share my noble friend's frustration. It has not been a quick process. We are doing everything that we can to expedite this is quickly as possible and I am keen to work with noble Lords to this end.

Baroness Barker (LD): The Minister is absolutely right: it has not been a quick process. In fact, decriminalisation has taken 50 years in this country. Therefore, will the Government put together some recommendations for other countries that are starting out on the process of decriminalisation that would help them bring about the change they want in much less time? In particular, following on from the point made by the noble Lord, Lord Lexden, will she engage the military and the police, which have been important actors in the whole process of decriminalisation?

Baroness Williams of Trafford: Of course the noble Baroness is right to say that historically the military and the police have been seen as prejudiced organisations in terms of homosexuality. On other countries, I know that the Prime Minister and the previous Home Secretary were in talks with Commonwealth Heads of Government during the recent CHOGM to try to progress this issue in other countries. She talked about decriminalisation, which is now 50 years old. In fact, IDAHOBIT Day is recognised today because it is 28 years ago today that the WHO sought to remove homosexuality from the international classification of diseases. Some 28 years on, it is almost inconceivable that it could ever have been classified as a disease.

Baroness Chakrabarti (Lab): My Lords, your Lordships' House has come a long way on this subject since some of the unedifying debates that led to the equalisation of the age of consent about 10 years ago. I sat over there as a young Home Office lawyer and blushed a lot. I am so grateful to the Minister for her frustration and I am sure that she will join me in paying tribute to Stonewall and my noble friend Lord Cashman for everything that he has done in this area. But what is the hold-up? Who or what is the impediment to the early commencement of these provisions?

Baroness Williams of Trafford: I certainly join the noble Baroness in paying tribute to Stonewall and to the noble Lord, Lord Cashman, as well as to the noble Baroness, Lady Barker, the noble Lord, Lord Paddick, and others who have helped in such a constructive way to try to make progress on this issue. The hold-up is in part the result of having to establish the framework for some of the more complex legislation in this area. While on the face of it the legislation does not look complex, some of the laws are complex. The other thing, in this Brexit world that we in Parliament live in, is actually securing parliamentary time—but there is no lack of will on my part and I am trying to progress this as quickly as possible.

UK-EU Security Partnership

Question

11.22 am

Asked by ***Lord Wallace of Saltaire***

To ask Her Majesty's Government whether they informed Parliament about the proposals for a future framework for a United Kingdom-European Union Security Partnership, including foreign policy and defence, that were published online on 9 May.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, the Government published slides on the *Framework for the UK-EU Security Partnership* on 9 May and these have now been laid in the Libraries of both Houses. The contents of the slides build on the Government's position, which was set out in the Prime Minister's Munich speech as well as in the future partnership papers published last year. On behalf of the Government, I apologise that Parliament was not informed ahead of publication.

Lord Wallace of Saltaire (LD): My Lords, does the Minister agree with the Conservative MP I heard say yesterday morning that the key to a Brexit process which carries the entire country with it is transparency, and that requires the Government to tell their public and their Parliament about what they intend? Does the Minister recall, for example, active participation in this debate by the noble Lord, Lord Forsyth, who a few months ago denied that the EU had anything to do with defence? However, here we have a document that states:

"The UK therefore proposes a security partnership of unprecedented breadth and depth",

running across the whole field of internal security, foreign policy and defence, and going beyond defence to include,

"development, capability collaboration, defence research and industrial development and space security"—

almost everything except continuing membership. If that is what the Government are proposing, should they not make sure that they carry Parliament and the right-wing media with them?

Lord Callanan: Yes, I agree that we need to be transparent on these matters. As I said, procedures have now been put in place to avoid such a situation happening again. The paper should have been laid before Parliament, but it was not and I have apologised for that. It is important that we have a full debate about these matters. There have been extensive discussions in Parliament and I am sure there will be more in the future. Of course, these are proposals which we have laid out. I know that many noble Lords have called for us to be more up front and transparent about our negotiating positions and we are endeavouring to do that as far as possible. The noble Lord will have noticed that the Prime Minister has announced the forthcoming publication of a White Paper on the subject and I am sure we will have further discussions in Parliament on that. However, on the noble Lord's central point, I agree that we should have been more transparent on this occasion.

Lord Howell of Guildford (Con): My Lords, is not the answer to the noble Lord, Lord Wallace, simply this: yes they did. It is in the Printed Paper Office and all we have to do is pick it up and read it? Does my noble friend also accept that, while this is an excellent paper, which talks about security relationships in Europe of unprecedented breadth and depth—as the noble Lord, Lord Wallace, said—the same principles and approach should also be applied to our close friends in Asia, Africa, Latin America and, in particular, the Commonwealth, because most of the action will be there over the next 10 years?

Lord Callanan: My noble friend is correct that they are in the Library now but, to be fair, his essential point that we did not put them there before they were published—which we should have done—is correct. Of course, we want ongoing security and defence co-operation with our many friends across the world as well as our friends in the European Union.

Lord West of Spithead (Lab): My Lords, these ideals are noble but should there not be an element of realism in this? Does the Minister not believe that

[Lord West of Spithead]
Europe, unfortunately, often talks the talk on defence but does not put its money where its mouth is? I am afraid that many other countries in Europe have a very different view from us on foreign policy—on the Falkland Islands and Gibraltar, for example, and one could go on. We need to be very careful. Yes, we need to be tied into it because European security is our security—indeed, we have ensured its security and defence since 1945, with the Americans—but Europe needs to start pulling its weight and we need to be involved.

Lord Callanan: The noble Lord speaks with great experience and makes some very good points about levels of defence spending in other European Union member states—a point I have heard made by the current US Administration many times. His essential points are correct. Of course we want to carry on with foreign policy co-operation, but only in areas where we agree; we have retained the right to opt out of CFSP decisions if we do not agree. But where we can agree on foreign policy objectives and processes, we will do so.

Lord Spicer (Con): My Lords, why could the proposal to switch from the American F35 to the much cheaper Eurofighter not be made earlier? That would have created savings, for instance to give the noble Lord, Lord West, half a dozen destroyers, if not a battleship to boot.

Lord Callanan: This is not my area but I am informed by my ministerial colleague that these matters have not been decided yet. I am sure he would be very happy to have a conversation with the noble Lord outside the Chamber.

Baroness Hayter of Kentish Town (Lab): We are delighted with these proposals, even if they are more like a list. Given that mention has been made of the White Paper, can the Minister nudge his next-door-but-one neighbour, the Chief Whip, and ensure that we have a full debate in this House on both the slides and the White Paper?

Lord Callanan: I am sure that the Chief Whip has taken careful note of the noble Baroness's comments.

Lord Paddick (LD): My Lords, can the Minister confirm that there is no existing precedent for a non-EU member to be part of some of the most important aspects of the proposed security partnership? Germany would have to change its national written constitution to enable the UK to be part of the European arrest warrant if we left the EU. On a scale of one to 10, how likely does the Minister think that is?

Lord Callanan: There is no precedent for what we are proposing. That is why it is an unprecedented proposal for a new partnership. Indeed, there is no precedent for countries leaving the EU, apart from Greenland. These discussions will be difficult and complicated. There are a number of impediments to agreement but we are negotiating in good faith. We hope that many of these issues can be resolved and we are working to do so.

Lord Foulkes of Cumnock (Lab): My Lords, I want to add to my question to the Minister from last week. Has he been able to check yet whether he can accept a wager from me that we will still be in the European Union at the end of March next year? If he can, in the light of the story on the front page of the *Daily Telegraph* today, I am willing to raise the stake to £100.

Lord Callanan: I have not checked the appropriate parliamentary procedures but I would be happy to see the noble Lord outside. It is always a great pleasure to take money off a Scotsman and I will endeavour to do so because we will leave the European Union in March next year.

Jerusalem and Gaza

Question

11.29 am

Asked by ***Baroness Warsi***

To ask Her Majesty's Government what assessment they have made of the opening of the United States embassy in Jerusalem; and what representations they have made to the government of Israel about the ongoing loss of Palestinian lives in Gaza.

Baroness Goldie (Con): My Lords, the United Kingdom believes that the decision to move the US embassy is unhelpful for prospects of peace. As my right honourable friend the Foreign Secretary said, this is playing the wrong card at the wrong time. The UK has no plans to move the British embassy in Israel from Tel Aviv. The Foreign Secretary and Ministers for the Middle East and for human rights have raised concerns with the Israeli authorities about Gaza, urging restraint and a reduction in the use of live fire.

Baroness Warsi (Con): I thank my noble friend for that Answer. Noble Lords will recall that four years ago I said that the Government's policy on Israel and Palestine was morally indefensible, unfair, unbalanced and inconsistent in its treatment of the Israelis and the Palestinians. I hope that my noble friend will prove that I was wrong by simply answering "yes" to the following two scenarios. Does she agree that we condemn those who do not recognise the state of Israel, deny its existence and threaten its security? Does she also agree that we should equally condemn those who do not recognise Palestine, deny its existence and threaten its viability with illegal settlement building?

Baroness Goldie: I will respond to my noble friend by taking her second question first. This issue frequently arises in this Chamber. The United Kingdom's position has been very clear. We will recognise a Palestinian state only when we judge that that recognition can best bring about peace. Recent events very tragically confirm the chaos of hostility. It is very clear that bilateral recognition in itself will not end the occupation or the problems that come with it without a negotiated settlement. Two parties can achieve that negotiated

settlement: one is Israel, the other the Palestinian Authority. Without that negotiated settlement, sadly and tragically, these problems will continue.

Lord Collins of Highbury (Lab): My Lords, one of the things the Government acknowledged on Tuesday in response to the Urgent Question was the need for a full and independent investigation through the UN into the terrible tragedy in Gaza, which involved the shooting of unarmed innocent people. That needs investigation. At the time, the noble Lord the Minister undertook to give us a timetable for when we might see the fruits of all this hard work at the United Nations. Is the noble Baroness in a position to tell us now that we will go to the United Nations and demand a full and independent investigation into what I would call horrendous crimes?

Baroness Goldie: I reaffirm that the UK is appalled by the deaths and injuries suffered in Gaza. There is an urgent need to establish the facts of what happened. Our UN ambassador said at the UN Security Council emergency meeting on Tuesday that we want to reiterate our support for independent and transparent investigations into the events that took place in Gaza. We have to find out what happened, what took place and what events induced the conflict, and get to the heart of the facts. Only when we do that—and we can do it only with international co-operation—can we then determine how best to proceed.

Lord Pannick (CB): Would the noble Baroness agree that there is no point calling for an international investigation and at the same time describing the events as a crime before that investigation has taken place? Would she also tell the House whether the Government have urged restraint not just on Israel but on Hamas?

Baroness Goldie: I can reassure the noble Lord that yesterday my right honourable friend the Foreign Secretary spoke to both President Abbas and Prime Minister Netanyahu. He encouraged them to call for calm and to work to de-escalate the situation. On the earlier point raised by the noble Lord, Lord Collins, an investigation is needed to establish the facts. Before we establish the facts, we do not know what has actually happened or what the appropriate consequences should be.

Baroness Northover (LD): Can the Minister confirm that it remains the position of the British Government that the eastern part of Jerusalem taken by Israel in 1967 remains classified as occupied and that the Fourth Geneva Convention applies there? Does she agree that it is vital to be in lockstep with our EU partners in relation to the Middle East, given an unpredictable President who has pulled out of the nuclear agreement with Iran and set up the US embassy in Jerusalem?

Baroness Goldie: In responding to the Question from my noble friend Lady Warsi, I indicated the Government's position in relation to the US embassy. The UK regards east Jerusalem as part of the Occupied Palestinian Territories.

Lord Leigh of Hurley (Con): My Lords, I declare an interest as the chairman of the Jerusalem Foundation in the UK. The foundation has distributed more than $1 billion for the benefit of all citizens of Jerusalem irrespective of their religion, including even the Via Dolorosa. I know Jerusalem well. There is some hypocrisy in criticising the move of the American embassy. The UK Government already have their consulate-general in east Jerusalem. Will my noble friend the Minister confirm that the UK Government have placed every other embassy in the world in the host country's city of choice? The Jerusalem municipality led by Mayor Barkat has ensured that there has been only peaceful coexistence for many years in Jerusalem. Does my noble friend agree that Monday's appalling loss of life in Gaza was in no small part due to Hamas enticing innocent civilians from peaceful protest to violence?

Baroness Goldie: My noble friend's illustration of the possibility for constructive and peaceful harmony in Jerusalem is encouraging. I applaud him and his foundation for what they are seeking to do. On the wider front of how we take matters forward, I go back to the point that there has to be a negotiated settlement. Where embassies are located has of course to be a decision for individual sovereign states—I have made clear the UK's position in relation to that. Let me make it clear that we recognise the right of the Palestinians to engage in peaceful protest. There is deep anxiety that that may have been hijacked by extremist elements, which is profoundly to be regretted. Equally, we recognise the right of Israel to act in self-defence if its security is threatened.

Intergenerational Fairness and Provision Committee

Regenerating Seaside Towns and Communities Committee

Rural Economy Committee

Bribery Act 2010 Committee

Membership Motions

11.37 am

Moved by ***The Senior Deputy Speaker***

Intergenerational Fairness and Provision Committee

That a Select Committee be appointed to consider the long-term implications of Government policy on intergenerational fairness and provision, and to make recommendations; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bakewell, B., Bichard, L., Blackstone, B., Crawley, B., Greengross, B., Hollick, L., Holmes of Richmond, L., Jenkin of Kennington, B., Price, L., Thornhill, B., True, L. (Chairman), Tyler of Enfield, B.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records;

That the Committee have power to adjourn from place to place within the United Kingdom;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 31 March 2019;

That the report of the Committee be printed, regardless of any adjournment of the House.

Regenerating Seaside Towns and Communities Committee

That a Select Committee be appointed to consider the regeneration of seaside towns and communities, and to make recommendations; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bassam of Brighton, L. (Chairman), Cashman, L., Grade of Yarmouth, L., Knight of Weymouth, L., Lincoln, Bp., Lucas, L., McNally, L., Mawson, L., Shutt of Greetland, L., Smith of Hindhead, L., Valentine, B., Whitaker, B., Wyld, B.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records;

That the Committee have power to adjourn from place to place within the United Kingdom;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 31 March 2019;

That the report of the Committee be printed, regardless of any adjournment of the House.

Rural Economy Committee

That a Select Committee be appointed to consider the rural economy, and to make recommendations; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Caithness, E., Carter of Coles, L., Colgrain, L., Curry of Kirkharle, L., Dannatt, L., Foster of Bath, L. (Chairman), Humphreys, B., Mallalieu, B., O'Cathain, B., Pitkeathley, B., Rock, B., Young of Old Scone, B.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records;

That the Committee have power to adjourn from place to place within the United Kingdom;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 31 March 2019;

That the report of the Committee be printed, regardless of any adjournment of the House.

Bribery Act 2010 Committee

That a Select Committee be appointed to consider and report on the Bribery Act 2010; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Empey, L., Fookes, B., Gold, L., Grabiner, L., Haskel, L., Hodgson of Astley Abbotts, L., Hutton of Furness, L., Plant of Highfield, L., Primarolo, B., Saville of Newdigate, L. (Chairman), Stunell, L., Thomas of Gresford, L.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records;

That the Committee have power to adjourn from place to place within the United Kingdom;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 31 March 2019;

That the report of the Committee be printed, regardless of any adjournment of the House.

Motions agreed.

Lord Taylor of Holbeach (Con): My Lords, the Statement that we are due to hear next has not started in the House of Commons. It is customary for us to allow it to happen first. I therefore propose that the House adjourn for 10 minutes in order that we can keep to our schedule for today.

11.38 am

Sitting suspended.

Gaming Machines and Social Responsibility

Statement

11.49 am

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, with the leave of the House, I will now repeat a Statement made recently by my honourable friend the Minister for Sport and Civil Society in the other place. The Statement is as follows:

"Mr Speaker, with permission, I wish to make a Statement on the gambling review and the publication of our response to the consultation on proposals for changes to gaming machines and on social responsibility requirements across the gambling industry.

The Government announced a review of gaming machines and social responsibility measures in October 2016 in order to ensure that we have the right balance between a sector that can grow and contribute to the economy and one that is socially responsible and doing all it should to protect consumers and communities from harm. Underlying this objective was a deep focus on reducing gambling-related harm, protecting the vulnerable and making sure that those experiencing problems are getting the help they need.

Following a call for evidence, we set out a package of measures in a consultation which was published in October last year. These included social responsibility measures to minimise the risk of gambling-related harm, covering gambling advertising, online gambling,

gaming machines and research, education and treatment. The consultation ran from 31 October 2017 to 23 January 2018. We received more than 7,000 survey responses from a wide range of interested parties. We received more than 240 submissions of supplementary information and evidence from the public, industry, local authorities, parliamentarians, academics and charities.

We welcome the responses to the consultation and, in preparing our conclusions, we have reflected on the evidence, concerns and issues that have been raised. We have considered these responses, alongside advice that we have received from the Gambling Commission as well as the Responsible Gambling Strategy Board. We have set out measures on gaming machines, as well as action across online, advertising, research, education and treatment and, more widely, the public health agenda in regard to gambling.

Before I set out the detail of this package of measures, let me say up front that we acknowledge that millions of people enjoy gambling responsibly, and we are committed to supporting a healthy gambling industry that generates employment and investment. But over the process of this review I have met many people who have experienced gambling addiction, and those who are supporting them, including parents who, sadly, lost their son to suicide as a result of the impact of gambling on his mental health. In addition, I have visited the incredible treatment services that are there to support them. We are clear that gambling can involve a serious risk of harm for individual players, as well as for their families and the communities they live in, and we must ensure that they are protected.

The Government are satisfied with the overall framework of gambling regulation but, as part of our action to build a fairer society and a stronger economy, we believe that when new evidence comes to light we need to act to target any gambling products or activities that cause concern. It is also important to acknowledge that while gambling-related harm is about more than any one product or gambling activity, there is a clear case for government to make targeted interventions to tackle the riskiest products, with the objective of reducing harm.

One product in particular, B2 gaming machines or fixed-odds betting terminals—FOBTs—generated enormous interest throughout the review process. In consultation, we set out the evidence for why we believe that targeted intervention is required on B2 gaming machines and options for stake reduction. Although overall problem gambling rates have remained unchanged since the Gambling Act 2005, it is clear that there remain consistently high rates of problem gamblers among players of these machines. Despite action by industry and the regulator, a high proportion of those seeking treatment for gambling addiction identify these machines as their main form of gambling.

According to data for 2015 across Great Britain, 11.5% of players of gaming machines in bookmakers are found to be problem gamblers. A further 32% are considered at risk of harm. The latest data for 2016 for England finds that 13.6% of players of gaming machines in bookmakers are problem gamblers—the highest rate for any gambling activity. We are concerned that factors such as these are further amplified by the relationship between the location of B2 gaming machines and areas of high deprivation, with these players tending to live in areas with greater levels of income deprivation than the population average. We also know that those who are unemployed are more likely to most often stake £100 than any other socioeconomic group.

Following our analysis of all the evidence and advice we received, we have come to the conclusion that only by reducing the maximum stake from £100 to £2 will we substantially impact on harm to the player and to wider communities. A £2 stake will reduce the ability to suffer high session losses, our best proxy for harm, while also targeting the greatest proportion of problem gamblers. It will mitigate risk for the most vulnerable players, for whom even moderate losses might be harmful.

In particular, we note from gaming machine data that of the 170,000 sessions on B2 roulette machines that ended with losses to the player of over £1,000, none involved average stakes of £2 or below, but at stakes of £5 to £10 losses of this scale still persist. At a £2 stake it is very hard for a player to even lose more than £500 in a session. Out of approximately 600,000 sessions that involved losses of between £500 and £1,000, only 14 of those cases involved average stakes of £2 or below. However, losses of this scale also persist at even £5 or £10. Clearly losses of £500 or £1,000 in one sitting might be harmful to problem and non-problem gamblers alike.

The response to our consultation has been overwhelmingly in support of a significant reduction in B2 stakes. The majority of respondents to the consultation submitted opinions in favour of a £2 limit, indicating strong public approval for this step. This included local authorities, charities, faith groups, parliamentarians, interest groups and academics. I am grateful for the cross-party work that has been undertaken on this issue, and would like to pay particular tribute to the honourable Member for Swansea East and the right honourable Member for Chingford and Woodford Green.

Elsewhere in the industry we are, for the time being, maintaining the status quo across all other gaming machine stakes, prizes and allocations. We have, however, agreed to an uplift for stakes and prizes on prize gaming, which we consider sufficiently low risk.

We are aware that the factors which influence the extent of harm to a given player are wider than any one product, and include factors around the player, the product and the environment. The response therefore also sets out action on: increasing player protection measures on other gaming machines on the high street; increasing protections around online gambling, including stronger age verification rules and proposals to require operators to set limits on consumers' spending until affordability checks have been conducted; doing more on research, education and treatment of problem gambling, including a review by Public Health England of the evidence relating to the public health harms of gambling; enhancing protections around gambling advertising, including a major multimillion-pound advertising campaign led by GambleAware, around responsible gambling, to be launched later this year;

[Lord Ashton of Hyde]
and filling the gaps in evidence around advertising and harm with substantial new research commissioned by GambleAware on the effects of gambling advertising and marketing on children, young people and vulnerable groups.

Looking ahead, we will also be considering the issue of 16 year-olds playing National Lottery products as part of the next licence competition for the National Lottery. We will aim to gather evidence on this issue with sufficient time to consider it fully ahead of the next licence competition.

Changes to B2 stakes will be effected through regulations in Parliament. The move will need parliamentary approval and, in recognition of the potential impact of this change for betting shops, we will also engage with the gambling industry to ensure it is given sufficient time for implementation. In addition, in order to cover any negative impact on the public finances, and to protect funding for vital public services, this change will be linked to an increase in remote gaming duty, paid by online operators. The Chancellor will set out more detail on this at the relevant Budget.

To conclude, we want a healthy gambling industry that contributes to the economy, but also one that does all it can to protect players and their families, as well as the wider communities, from harm. We will work with the industry on the impact of these changes and are confident that this innovative sector will step up and help achieve the necessary balance".

My Lords, that concludes the Statement.

Noon

Lord Griffiths of Burry Port (Lab): My Lords, it is a great pleasure to be able to begin a response to that Statement, which we thank the Minister for repeating, with a welcome from these Benches. In the Welsh language, we have a little tag, "Chwarae teg"—which means, "Fair play, you have done a good job by there".

We of course welcome the announcement, which is the culmination of cross-party campaigning. Others were mentioned in the Statement, but we add Carolyn Harris, chair of the cross-party APPG and the Minister, Tracey Crouch, who led the review. They should be commended personally in this way. It is of course a victory for all those people whose lives have been blighted by these toxic machines, and these measures should be enacted as soon as possible. A period of delay for consultation is of course understandable, but we hope that it will not be longer than it needs to be.

Last year, there were more than 230,000 individual sessions in which a user lost more than £1,000. That was referred to in the Statement. These machines have increased the risk of problem gambling. It was referred to in one interview on the radio as the "crack cocaine" or "category A" of addictive gambling activity. It is indeed very addictive and very damaging. The evidence shows that this measure will reduce harm for those experiencing it and eliminate the most addictive roulette content, which will significantly reduce the problem gambling associated with these machines.

Having said that by way of commendation, we have of course to mention our caveats and express our aspirations for ongoing work in this area. We are disappointed, for example, that the Government have not yet introduced a mandatory research and treatment levy. Currently, gambling companies make voluntary contributions to the charity GambleAware to help pay for education, research and treatment of gambling addiction, but we would consider replacing this with a compulsory system. The Statement mentions the continuing education, research and treatment that the Government intend to activate, and the levy would help to pay for all that.

The Government need to set a few challenges for the industry, too: we should not encourage complacency. I ask the Minister to reassure us, for example, that the use of contactless cards to admit people to certain gambling games will be looked at with a critical eye. Mention was made in the Statement of online gambling. We continue to be very worried about its effect on those who use it. It has increased at an exponential pace, and we hope that that, too, will be looked at critically.

Then there is the question of children gambling. A large number have shown themselves to be open to using outlets for gambling, and 57,000 children turn out to be problem gamblers: 57,000 children categorised in that way is surely cause for concern.

On the business news yesterday, I heard that the decision of the Supreme Court in the United States of America to deregulate gambling in the area of sport has brought a spark to the eye of our gambling companies, which now see opportunities to expand their business in those directions. So, while losing a bit of money here, they will not be without innovative possibilities to increase their income elsewhere.

We congratulate the Government once again but look forward to hearing satisfying responses to our continuing concerns about this activity.

Lord Foster of Bath (LD): My Lords, in the other place in 2010 I proposed that the stake for a fixed-odds betting terminal be reduced to £2, and in 2015 my noble friend Lord Clement-Jones introduced a Private Member's Bill in your Lordships' House proposing the same. We knew then that FOBTs were blighting the lives of thousands of gamblers and their families, and that the betting shops blighting our high streets were getting something like 70% of their profits from these terminals, which were a catalyst for anti-social behaviour and serious crime. So we on these Benches very much welcome the Statement that has been made today.

However, as the Minister acknowledged in the Statement, this has been a cross-party campaign to get changes, and I, too, pay tribute to Carolyn Harris and all members of the All-Party Parliamentary Group on Fixed Odds Betting Terminals. Outwith politics, there have been many, including the churches—and I pay a particular tribute to the right reverend Prelate the Bishop of St Albans for the work that he has done—and many within the gambling industry itself who have also been campaigning for this change to take place. Many tributes have been paid to the late Baroness Tessa Jowell, and I support all them all. I will make one further one, because it was the noble Baroness who, as Secretary of State in 2005, introduced the legislation that allowed the establishment of fixed-odds

betting terminals. It is to her enormous credit that she showed bravery and courage when, two years ago, she publicly acknowledged that she and her Government at the time had got it wrong. She would be the first to say that the decision today is the right decision for the families and individuals who have been affected, and for society—but I am sure that she would have gone further and said that there is still more to be done in relation to online gambling and the advertising of gambling.

I have three quick questions to the Minister. The first is that the Statement makes it clear that this move will need parliamentary approval and that there is still to be further consultation with the gambling industry to ensure that it is given "sufficient time for implementation". I think that all of us are anxious for this change to take place as rapidly as possible. Can the Minister give us an indication of the timeframe that he envisages before we see a £2 maximum limit?

Many concerns have been expressed about the number of betting shops on our high streets. Although changes were made in 2015, will the Minister acknowledge that the planned changes to the National Planning Policy Framework would give an opportunity to enhance the powers that local authorities have to be able to take action if problems emerge in future following this change?

Finally, I welcome very much that Public Health England is to conduct an evidence review into the health aspects of gambling-related harm. We are all keen to ensure that enough money is made available by the industry to pay for research into, education around and treatment of gambling problems. Will the Minister tell your Lordships' House whether the time has not come to change the current voluntary levy to a compulsory one? As I have said in your Lordships' House before, it is very strange that the compulsory levy for horseracing raises 10 times more to support horses than the voluntary levy currently raises to support people. The time has come to change that.

Lord Ashton of Hyde: My Lords, I am very grateful to the two Front Benches for their comments. They are welcome to this announcement. It is a great pleasure to be congratulated for a change, and I genuinely am very grateful for that. I absolutely take noble Lords' point that it was a cross-party effort to change this. As the noble Lord, Lord Foster, said, he has been around a long time and he has been at this particular subject for some time—I am glad that he is glad that what he wanted has finally come to pass. I, too, pay tribute to Carolyn Harris and the work of the cross-party APPG, and I am sure I shall have a chance to acknowledge other contributions later. I will also pass on the noble Lord's mention of Tracey Crouch. She has taken this on as a personal crusade in many ways, so I will pass on those views.

As is only to be expected, a number of other points were raised, some possibly with disappointment, as were some questions. Both noble Lords mentioned the levy. This has been an ongoing discussion point. The reason we have not introduced a compulsory statutory levy at the moment is that we want the industry, Gamble Aware and the commission to build and improve on the voluntary system. We want them to do this voluntarily and with enthusiasm; we want them to be socially responsible and we expect them to make a lot of progress on this. This announcement today shows that if they do not, and if they are not socially responsible, we will be prepared to legislate. I am absolutely clear, as the Secretary of State has been, that if we do not get the right level of contribution and enthusiasm from the industry, we will consider legislation.

The noble Lord, Lord Griffiths, talked about children gambling and we absolutely understand the issues about children, the possible effect of online gambling on them and the normalisation of gambling, which is an issue to be aware of. Strict controls are, of course, already in place to prevent children gambling online or in individual premises. These are enforced by the Gambling Commission, which is actively looking at increasing the protections online. We have outlined in the response today some of the extra things that we are doing to protect children. The fact is that most gambling by children at the moment is legal—such as betting in playgrounds and so on. We are absolutely aware of the problems, and I can assure noble Lords that we will monitor this. The additional features that we have announced today will help, but this is not the end of the story; we will continue to monitor these things.

The noble Lord, Lord Foster, talked about implementation. We want to get on with this. We have waited long enough and we have sat and listened to a lot of representations from a lot of people. We have made this decision and we want to get on with it. However, this has to go through Parliament, and I hope noble Lords will give it their support when it arrives here. We want, equally, to engage with the gambling industry, because—quite possibly this is the only bad thing about today—there will be some job losses. There are mitigating factors in this: we have a very full employment situation, the possible job losses are spread around the country and there are measures to help, but there will be some involuntary redundancies as a result of this. Interestingly, however, the gambling operators' own figures showed that there would be about 3,200 job losses by 2020, even if we had not changed the stake at all, because the mood of the public is changing on this. I cannot set out an exact timetable today, but obviously we want to carry on with implementation and do it as quickly as we can.

The noble Lord, Lord Griffiths, asked about contactless cards. We made clear at the consultation stage that we had concerns about the introduction of contactless payment on gaming machines, but there appears to be continued industry-wide support for the introduction of contactless payments. This gives the potential for corresponding player protection measures that could be introduced alongside this form of payment, because of the data that can be received from them.

The noble Lord, Lord Foster, asked about the powers of local authorities. Of course we understand the concerns about the number of betting shops on the high street. Although the numbers have been stable over the past year, they are actually in decline, and I think the effect of what we have announced today will mean that there will be less to be concerned about. We will have to see what the impact is and whether it is quite as bad as the industry says—we will have to see,

[Lord Ashton of Hyde]
as the figures are not absolutely clear. We will have to monitor that, and I can assure the noble Lord that we will do so.

I say again that I am very grateful for the welcome that noble Lords have given. Lastly, I agree entirely with the noble Lord, Lord Foster, about the bravery of Baroness Jowell, not only in facing her death but in being able to say that they had got it wrong. To his credit, Tom Watson for the Labour Party said the same this morning.

12.15 pm

The Lord Bishop of St Albans: My Lords, I too welcome this Statement, which represents a significant progress in our efforts to bring about a sensible and ordered scheme of gambling regulation in this country. I also pay tribute to the Minister in this House, to the Minister in the other place, to the Secretary of State and to the Prime Minister for their moral courage in the face of a lot of opposition in making this excellent decision, not least to reduce the stakes for FOBTs down to £2.

I note that the report includes a whole section on gambling advertising. Many Members, in both Houses, are deeply concerned about the normalisation of gambling at a very formative time for children, not least because of the wall-to-wall adverts that are shown via various forms of media but especially online, and because of the development of games which in themselves are not gambling but are designed to encourage people to undertake these sorts of activities and normalise them for later in life. Could the noble Lord tell us a little more about how that might be addressed and when some of this will be implemented?

Lord Ashton of Hyde: My Lords, I am grateful to the right reverend Prelate, who has led on this subject and has, I know, spent a lot of time worrying about this and making positive suggestions. I am glad he is glad about this announcement.

Of course we understand the issues around children and advertising, and that is why gambling advertisements must not be targeted at children. They must not be shown around children's programmes or include anything that appeals particularly to children or young people or that exploits them. Tougher guidance is being published on what that means by the Committee of Advertising Practice. As we set out in the consultation, the number of TV gambling advertisements seen by children has been going down each year since 2013. However, we are not complacent, and that is why we are setting out a package of measures on advertising today. We understand the right reverend Prelate's point that advertising could normalise gambling for children, and that is why the strict controls on children's advertising apply. As far as games and skins and things like that are concerned, the Advertising Standards Authority is aware and the Gambling Commission has cracked down hard on operators that try to get round the rules by using games and non-monetary prizes in games online.

Lord Cormack (Con): My Lords, I add my thanks and congratulations to my noble friend. He should bask in this glory while he can, but may I just say to him that I hope the Government will have a target date for implementation? One understands that there has to be time, but could we please fix a date—the end of the year, perhaps—by which this will come into force? Every week that goes by adds to human misery. Could we perhaps also suggest to those who want to have a £2 flutter that they can benefit their communities if they buy lottery tickets?

Lord Ashton of Hyde: My noble friend makes a good point. I have spent many minutes—possibly even hours—not giving a timetable for various things, and I am afraid that I cannot be very specific today. I can only repeat to my noble friend what I said before. We have spent a lot of time considering this issue and have taken a lot of advice, and people have expressed strong opinions. We have now come to a decision and therefore want to implement it. There are procedures to go through —it has to go through Parliament—and we will do what we can to implement it. However, I am unable today to give a precise timetable, not least because the parliamentary timetable is somewhat uncertain.

Viscount Falkland (CB): My Lords, I congratulate the Government on finally taking action on the casino gaming machines in betting shops. One must not be too harsh about the bookmakers, because the history here is of course that betting on horses and greyhounds—the traditional betting in betting shops—has declined enormously, as people tend now to bet more and more online. This will be a sad day for bookmakers, with the reduction of the amount to be bet on these machines. I do not know whether that is the right amount; I would not criticise it, but it will make the bookmakers' position quite difficult. There will be job losses, and so on. When I was on the pre-legislative scrutiny committee on the draft gambling Bill I tried to persuade the Government and the DCMS officials of the problems with gambling, particularly on machines in betting shops. But since then four machines have been allowed. I argued the toss with Baroness Jowell, one of the nicest women you could possibly argue with, and it was a great pleasure to work against her. Along with a number of my colleagues, I did not like the Bill that came forward, because it did not deal with the realities. I say to my ex-noble friend Lord Foster that it is not right to criticise the owners—

Viscount Younger of Leckie (Con): Could the noble Viscount pose his question? It would be helpful if Peers could keep their questions succinct to allow more Back-Bench Peers to get in with questions.

Viscount Falkland: Does the Minister agree that the remarks of the noble Lord, Lord Foster, on the question of whether horses are valued more than people and the dangers of addiction and racing are somewhat misplaced? Racing has the greatest difficulty in funding national competitions. Could the Minister comment on that?

Lord Ashton of Hyde: I am very keen on people and horses, so I will not say that one is more important. On the noble Viscount's point about the bookmakers, I understand about jobs, the difficulties that some

bookmakers will face and the possible effect on racing. We have been clear that this will involve some job losses, but it is not right that a business operates on a business model that creates a significant amount of harm to some vulnerable people. As I said earlier on, we want a responsible gambling industry that is strong and secure. As regards racing, we are keen to support it; for example, we have already allowed the bookmakers on the course, most of whom have a gross gambling income of less than half a million pounds a year, not to have to pay the levy at all. We have put the statutory levy on online bookmakers, raising an extra £35 million a year, and we will monitor to review the rate of the horse race betting levy; we originally said that we would review it by 2024 but we have said that if necessary, when we see what the effect of these changes are, we will bring that review forward. Ultimately, however, this is the right decision for people in the gambling industry.

Baroness McIntosh of Pickering (Con): My Lords, I speak as a member of the all-party group on racing. Does my noble friend not agree that the implication for market towns with a high proportion of betting shops is that they will have a disproportionately high number of job losses, with the internet companies being let off the hook?

Lord Ashton of Hyde: No, I do not agree. The evidence is that these betting shops are overwhelmingly in urban places and places with economic deprivation. The majority of them are in London, which alone has 22% of these shops. In addition, there is very high employment in this particular jobs market, so there is a good chance of people being able to get another job. A very important point is that the money spent on FOBTs and betting gaming machines will now be spent on other things in the economy, and sometimes it will be better spent than on FOBTs.

Lord Wigley (PC): My Lords, I very warmly welcome the announcement of the £2 stake. Perhaps I may follow up on the words of the right reverend Prelate about the impact of advertising on children. Does the Minister accept that it is not just children's programmes that need to avoid such advertising but, in particular, sports programmes which appeal to children? Will the Government take that into account?

Lord Ashton of Hyde: Yes, we will take that into account. That is why GambleAware is commissioning further research into the impact of marketing and advertising on children and young people. It will include how advertising influences attitudes to gambling, so I understand the noble Lord's point. For example, that is why logos and so on are not allowed on sports shirts sold to those under the age of 18.

Lord Campbell-Savours (Lab): My Lords, some of us predicted these problems when the Bill went through in 2005. Sadly, we were ignored. What assessment has been made of the possibility of drift into other high-stake gambling products as a result of this measure? I congratulate the Government on their courage in taking what I believe is an absolutely critical decision.

Lord Ashton of Hyde: I think that there is a possibility of drift, as the noble Lord called it, and we have certainly taken that into account. The most obvious point is that gambling will move online from betting shops, but there is an advantage in that, in that it is an account-based system. With the data that comes from online sources, gambling operators are able to spot problem gamblers using modern technology, artificial intelligence, algorithms and things like that. We have said to the gambling industry that we expect it to use this technology to improve the way in which it spots problem gamblers, and I think that it will be a lot easier for it to do that when it moves online. However, it is of course a problem and we will be monitoring it. We have put forward specific proposals in today's response to address it.

Lord Sherbourne of Didsbury (Con): My Lords, I too congratulate the department on undertaking a very effective consultation exercise and then taking very decisive action. Does my noble friend the Minister agree that this is an example that other government departments could usefully follow?

Lord Ashton of Hyde: I am sure that the Secretary of State would agree with that. The difference here is that it was a very popular decision, which always makes it easier.

Lord McNally (LD): My Lords, will the Minister take a more sober judgment? In 2005 this House, and Parliament as a whole, thought that it had done a magnificent thing in stopping the advent of super-casinos. It was the euphoria of stopping them that allowed for the introduction of gambling machines to go through almost unnoticed. There is a danger in the euphoria here also. I think that the noble Lord, Lord Campbell-Savours, and others are right. It is the growth of online gambling and the changes in technology that afford it that will give us the next problem. I urge that the research and analysis into online gambling is carried out with rigour and it is not simply left to the industry to self-regulate, clever as it may be with its artificial intelligence and its algorithms. Independent research is needed, which can advise government in the future, otherwise this problem will come back in another form.

Lord Ashton of Hyde: I take that point. I am absolutely not suggesting that today's announcement is the end of it. We will be very specific: the Gambling Commission is looking at requiring operators to set limits on customer spending until affordability checks have been concluded and at bringing forward stricter licence requirements for gambling companies to interact with vulnerable customers. This is not something that we are just letting them get on with; it is being required of them. If a company were to break such stricter licence requirements, it could lose its licence. There would be very serious sanctions if a company did it wrong. The Gambling Commission is also examining proposals to prohibit reverse withdrawals and the use of credit cards for online gambling. We will continue to pay close attention to the operators' progress in using behavioural data to identify problem gamblers.

[Lord Ashton of Hyde]
We are not just sitting back and saying that this is it. We are monitoring it. The Gambling Commission continues to monitor it and is putting in stricter conditions.

Lord Browne of Belmont (DUP): My Lords, I very much welcome the Statement today and congratulate the Minister on achieving the £2 stake. We have heard that problem gamblers could now turn to online sites in a big way. Does the Minister therefore agree that this is the time for the Government to look again at introducing measures, such as those that operate in Sweden, to restrict late-night internet gambling and, as he said, ensure that only debit cards and not credit cards can be used as a means of paying the stake?

Lord Ashton of Hyde: I have said that this is not the end. As an aim, we want to encourage responsible gambling, so of course we will take into account suggestions such as that from the noble Lord. We are not against gambling, but we want it to be responsible. There is opportunity to monitor it more if it is done online, because of the data that goes backwards and forwards. We will look at these things and we expect policy-making on this to be evidence-based. One thing we will do is increase the research to make sure that we have good evidence that this is a problem, as we have on FOBTs, and that the solution will achieve the result that we want.

Lord Stevenson of Balmacara (Lab): My Lords, several noble Lords have mentioned that this is a package and have welcomed the reduction in the stake for FOBTs, which I endorse entirely. However, the 78-page document that accompanies the Statement is a bit thin on action, so I wonder whether the noble Lord can respond to two points. On advertising, which is really important, we are getting guidance on tone and content and on children and young people, and the welcome, if limited, news that a "responsible gambling" message will appear during TV adverts. At least there is action, but it is not exactly action at a punitive level against the harms we see already. On online gambling, which around the House we are all agreed is the next big problem, all we seem to be getting is a round table and a clear plan of action to come forward at some future unspecified date from the Gambling Commission. Is there not a need for more urgency across this range of issues?

Lord Ashton of Hyde: I do not agree that this is just a series of guidance. First, as far as advertising is concerned, plenty of things are happening already. There are strict controls on gambling advertising. There are rules to prevent it being aimed at children. Those apply across all advertising, so that is happening already. There has also been progress on measures that were mentioned in the consultation, such as strengthening rules on gambling advertising. The Committee of Advertising Practice has published tough new guidance already on protecting the vulnerable. From June, a responsible message will appear on the screen. The Gambling Commission has consulted on expanding sanctions for a full breach of the advertising code. I mentioned before the social responsibility provisions that the Gambling Commission can produce.

Not only that, we are suggesting more. There is a multimillion-pound, industry-funded safer gambling advertising campaign. That is not a small amount: it is £5 million to £7 million for two years running, which is a social advertising campaign equivalent to a big health campaign such as the Drink Drive campaign, which was remarkably successful. Further guidance on protecting children will be produced later this year. Guidance is important to enable people to do what we have asked them to do. GambleAware has commissioned significant research on the impact of marketing and advertising on children and young people. These things are designed to strengthen existing protections, so I am afraid that I reject the criticisms of the noble Lord, Lord Stevenson.

Automated and Electric Vehicles Bill

Committee (2nd Day)

12.35 pm

Clause 8: Definitions

Amendment 37

Moved by ***Baroness Randerson***

37: Clause 8, page 5, line 39, after "charging" insert "or refuelling"

Baroness Randerson (LD): My Lords, this is a large group of amendments, all of which are connected with hydrogen as a form of fuel for cars and other vehicles. Many of these amendments are simple and straightforward, and I thank the noble Baroness, Lady Worthington, for subscribing to some of them.

The Government are in danger of choosing electricity and electric cars and vehicles by default simply because hydrogen is not mentioned except at one point in the Bill, yet hydrogen is a viable alternative fuel, albeit at an earlier stage of development. The fact that it is not in the Title of the Bill is crucial and that is the point behind Amendment 108. The fact that hydrogen does not feature properly in the Bill was the subject of much criticism in the other place, but shoe-horning the word "hydrogen" into just one place in the Bill is totally inadequate. It certainly does not send the right signals to the industry, potential purchasers or manufacturers.

As noble Lords will know, creating hydrogen for powering cars and other vehicles is a water-to-water process via electrolysis, and most hydrogen cars are fuel cell. The only output is water. Therefore, it does not have emissions problems. Moreover, hydrogen has advantages over electricity, and here I declare an interest as the owner of an electric car. It takes only five minutes to refuel a hydrogen vehicle and it has a range of around 400 miles so you do not have range anxiety in the same way. The market model for hydrogen, however, is likely to be much closer to that for petrol and diesel in that electric charging points can be put on every street corner or even into every lamp-post—something that we will come to later—or in the driveway if you have one, but it is not possible to have hydrogen

pumps in those situations. Hydrogen would be provided on a large scale in specific fuelling stations, possibly even alongside petrol and diesel, although suitably separate for safety reasons.

There is another issue, which is that a hydrogen pump costs around £500,000 to install, so it is heaps more expensive. That is a very important factor to hold on to when thinking about the development of this market. It is the lack of infrastructure that is currently holding back sales. Those cars that exist are mainly in fleets with a pump installed on sites where dozens or perhaps hundreds of cars are parked overnight. We have the example of the Minister Jo Johnson supporting the concept of the development of hydrogen trains, which already exist in Germany. Buses are becoming a viable option, and I believe London is purchasing hydrogen vehicles, while HGVs are also a possibility. There are some refuelling pumps already. For example, there is one on the M25 next to a Shell station, and around 10 stations in the UK. It is therefore clear that the fuel is not yet viable.

Most of my amendments would simply add the word "refuelling" wherever the Bill refers to charging points. The aim behind doing this is that those working in the sector have said to me that you do not charge a hydrogen car any more than you would charge a petrol car; you refuel it. The Bill needs to acknowledge this by using the term "refuelling" to describe the process. This might seem minor, but it would send a signal to investors and to the markets, although the impression that the Bill appears to give is that the Government have chosen electricity and are ignoring hydrogen and, indeed, all the other varied technologies. Without really meaning to, the language of the Bill could, I believe, entrench an already difficult situation in relation to the development of the infrastructure.

It is far too simplistic simply to add "refuelling" to "recharging" everywhere in the Bill, but I have tabled these probing amendments because what is needed is a totally separate strategy. As I have said, you cannot make hydrogen pumps available in the same locations as electricity charging points, so the Government need to develop a separate strategy. What we need is a whole separate clause in the Bill, and I would ask the Minister whether the Government will now do this. I personally did not feel up to writing an additional clause, but I am sure that the noble Baroness has officials who will be only too pleased to oblige.

Do the Government have a strategy for the development of hydrogen vehicles? My Amendment 56, which proposes a report on the issue, is an attempt to encourage the Government to develop a strategy if they do not have one. A strategy is needed urgently because the technology is there but the infrastructure is failing the development of these vehicles. The Government talk all the time; every new initiative is accompanied by the words, "We want to be world leaders". Of course, we are all ambitious for our country, but we are already behind on this issue. China and Japan are well ahead of us. Germany is ahead of us on trains. We need to catch up; to do so, the Government need a properly formed strategy. I am told that Toyota, Hyundai, Honda and Daimler have already committed to developing this market. Now, they need the Government to provide the legislative framework that will create the infrastructure they need to succeed.

12.45 pm

Baroness Worthington (CB): My Lords, I shall speak to the amendments to which I have lent my name, particularly Amendment 39. I begin by declaring my interest as an employee of the charity Environmental Defense Fund Europe, which works to find solutions for environmental issues including climate change and air quality.

Today, we turn to Part 2 of the Bill. We must begin by considering the important issue of whether the Bill, as drafted, is fit for purpose. The latest figures show that the UK is failing to get a grip on transport and emissions and is in danger of missing key climate and air quality targets. Meanwhile, we are spending public money and valuable parliamentary resource on debating a narrow and essentially toothless transport Bill. Transport now accounts for the biggest proportion of greenhouse gases in the UK at 26%, according to 2016 figures. While other sectors, such as the power sector, have been successfully decarbonising—spurring new investment, new supply chains, new jobs and more export potential—the transport sector is stuck in a time warp, seemingly oblivious to the fact that it needs to change to meet society's needs in the 21st century. Those needs include cities free of pollution and a world not exposed to the existential risk of climate change.

Attempts have been made to get the vehicle manufacturing industry to change course. EU standards were imposed on emissions of greenhouse gases and air pollutants. However, rather than responding with investment in new zero-emission vehicles, manufacturers chose instead to sell us diesel cars and install cheating devices. Having been caught once, there is no real sign that, left to their own devices, they are prepared to make a fundamental change. New, innovative zero-emission models are prototyped and were announced with great fanfare, but there is almost no effort to market them and customers find themselves frustrated by long waiting lists as demand outstrips supply. Only strict new policies, introduced in China, have caused the OEMs to rethink their investment and marketing plans—but only for the Chinese market. In Europe, as people are ditching their diesel cars, the only option available to many is to return to petrol cars. That exacerbates climate change and fails to address other sources of air pollution associated with petrol, such as benzine.

Recent analysis of monthly car sales in the UK shows that although petrol and diesel sales have been roughly equal for much of this decade, petrol sales jumped up last month by around 20% while diesel sales fell by around the same amount. Zero-emission vehicles, in the form of battery electric vehicles, were just 0.5% of sales. Hydrogen-fuelled vehicle sales remained so low as to not feature in the analysis, which brings me to today's amendments. It is abundantly clear that the Government do not yet have a cohesive strategy to bring about a clean transition in transport. There has been talk of a ban on the sale of internal combustion engines in 2040, but I am afraid that that is simply not good enough. Children and old people in our cities are

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regularly exposed to dangerous levels of air pollution and transport continues to use far too high a proportion of our carbon budgets; that threatens to further worsen our ability to meet our legally binding greenhouse gas targets, which the CCC—the Committee on Climate Change—has already said we are in danger of missing.

Here in London, where pollution is routinely the worst in the country, zero-emission vehicle sales are failing to keep pace with the rest of the country. They were at 38% of all sales in 2011, but have fallen to just 10% in 2017. We need action now, not in 22 years' time. The Bill, which began life as the modern transport Bill and has been reincarnated as the Automated and Electric Vehicles Bill, addresses a far too narrow set of issues. With just enabling powers, it is an empty vessel with little to no impact, which the lightweight impact assessment makes abundantly clear.

The noble Baroness, Lady Randerson, has sought to address one of the Bill's clear failings by rightly pointing out that the Government's approach to providing infrastructure for zero-emission vehicles needs to take into account hydrogen fuel cell electric vehicles, which are mentioned in the Bill, but then there are no further references throughout. This is a potentially important category of vehicles that combines the efficiency of electric motors with hydrogen fuel to extend the range to hundreds of miles per journey. The Bill acknowledges that these are intended to be included under the definition of electric vehicles but fails to take the next step, which is to address the need to consider hydrogen refuelling infrastructure alongside electric charging infrastructure. We strongly support the noble Baroness's amendments to address the issue and believe that if the Government cannot accept them then they should come forward with their own amendments to address the omissions in the Bill relating to hydrogen fuel vehicles.

Of course, what is really required is an entirely new clause devoted to other forms of zero-emission vehicles, including hydrogen—something that it is impossible to achieve with amendments alone. My Amendment 39, which would add a definition of zero-emissions vehicles to the Bill, relates to Amendment 98 on reporting requirements, which we will come on to. My purpose in tabling Amendment 39 is to try to link the Bill to the Government's own manifesto commitment that by 2050 almost all cars and vans will be zero-emission vehicles. Achieving that goal will not happen by magic. It will not happen by stating that there could be a ban on internal combustion engines by 2040. It will happen only with a comprehensive policy framework that causes significant change to be delivered in the sector. The private sector must still be in charge of how that change is delivered, but it has shown itself to be incapable of driving the necessary change on its own. Government intervention will be needed. A comprehensive strategy and policy framework is sorely missing.

In the accompanying Explanatory Notes to the Bill there is a sentence that reads:

"The Bill … sets out the regulatory framework to enable new transport technology to be invented, designed, made and used in the United Kingdom".

As it stands, there is absolutely nothing in the Bill that concretely contributes to the meeting of that goal. I and others in the House have sought to address the Bill's manifold shortcomings but the narrow drafting has prevented us from tabling all but the most limited of amendments. Nevertheless, in the course of today's debate I hope we can present our case to the Minister that the Bill is sadly a missed opportunity. There is a very real and urgent need for a much more complex approach to transport technologies. We need to see zero-emission fuels properly addressed, including hydrogen. We hope that the Government will be persuaded to come forward with their own amendments.

Lord Campbell-Savours (Lab): My Lords, I will intervene briefly to make what I can only describe as a very trivial point. The Industry and Parliament Trust wrote to me and a number of my colleagues in the last few weeks telling us that there would be a breakfast meeting in the House on 1 May. I do not think that it realises that some of us simply cannot turn up for breakfast meetings on this extremely important issue. I raise this in the Chamber because it is important that it realises that these are problems for some Members. I would have attended because it is a fascinating area of development.

In particular, my interest is in the possibility of applying this kind of technology to lorries, which is what has happened in America. There have been tests. In so far as commercial vehicles are the major polluters, we should be doing everything possible to ensure that they are in the front line of the shift to this technology. As I said, I hope that the Industry and Parliament Trust has that in mind when it arranges these meetings in the future, because it means that some of us are denied the opportunity of the very excellent work that it does on many issues that come before Parliament.

Lord Tunnicliffe (Lab): My Lords, I did go to that breakfast, so I have heard the hydrogen manifesto, as it were. I also attended a dinner last night arranged by ChargePoint and witnessed my first outbreak of range anxiety among electric car owners, who explained at some length and some volume that 120 miles with the lights on meant about 50 miles. The battery electric formula has still a long way to go. There are many areas where hydrogen might be used, the classic example being buses in London. Hydrogen needs greater emphasis in the Bill. I hope that the Minister will be able to bring forward amendments to produce a little more balance in the Bill so that it does not so blatantly presume a battery solution.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, as I stated at Second Reading, it is this Government's ambition that every car and van will be zero-emission by 2050. The Government are using a range of tools, including tax incentives and grant schemes alongside regulation and legislation. I acknowledge the point made by the noble Baroness, Lady Worthington, on the narrow scope of the Bill. The Bill focuses specifically on areas that we have identified as needing the regulatory tools available to intervene in the market so that we might ensure that the UK's charging infrastructure is easy to use for consumers and that charging is "smart" to reduce impacts to the grid. I agree that we need a much wider strategy. That is exactly what we are working on—although, I am afraid, not in this Bill.

The Government's upcoming strategy will set out their approach to the transition to zero-emission road transport and drive down emissions from conventional vehicles during the transition. It will include hydrogen vehicles. I apologise that the strategy has not yet been published. We are working hard with other departments and the industry to ensure that the strategy is as strong and ambitious as possible.

Our commitment to zero-emission vehicles is technology neutral. This means that we want to drive forward the development and deployment of any technologies that can deliver a zero-emissions future. At the moment, that capability is limited to battery electric and hydrogen fuel cell electric vehicles, although we do not want to rule out other innovations.

The level of support provided to these technologies is dictated by the maturity of their respective markets. There are very few hydrogen fuel cell vehicles currently being manufactured globally—I believe that some 6,500 such vehicles were sold last year.

As noble Lords have said, refuelling infrastructure availability is a key potential barrier to rollout of hydrogen fuel cell electric vehicles, which is why they are included in the Bill. Despite that, the UK has secured the position as one of the world-leading, but still embryonic, markets. We believe that hydrogen fuel cell electric vehicles are an important technology, alongside battery electric vehicles, for decarbonising road transport.

This is why, since 2014, we have provided £5 million to fund 12 new hydrogen refuelling stations and £2 million for public and private sector fleets to become early adopters of the vehicles—as the noble Lord, Lord Campbell-Savours, said, commercial vehicles can contribute disproportionately highly to pollution, so that is something we are working on. It is also why we announced an additional £23 million in March last year to leverage a ramp-up in investments from industry in refuelling infrastructure and vehicle deployment out to 2020.

It has always been the intent of the Bill to include both hydrogen fuel cell and battery electric vehicles. That is explained in Clause 8(1)(c), which makes it clear that hydrogen refuelling points are included in the definition of "public charging point", but I take the point made by the noble Baroness, Lady Randerson, on charging versus refuelling.

The powers relating to infrastructure provision in motorway service areas and large fuel retailers in Clauses 9, 10 and 11 therefore cover the provision of hydrogen refuelling points. As we have said, the infrastructure around hydrogen will be incredibly important. Having points at those key positions is one thing we will act on. Draft regulations will include hydrogen refuelling points as well as electric battery charging points.

On Amendment 39 and the definitions of "electric vehicle" and "zero-emission vehicle", as we have said, this part of the Bill is focused on charging or refuelling infrastructure for vehicles. Such infrastructure is defined by reference to its capacity to recharge either battery or hydrogen-propelled vehicles. We think that the Bill includes the relevant definitions necessary in relation to refuelling points. In addition, there is a definition of "electric vehicle" in legislation already, as the definition contained in the Alternative Fuels Infrastructure Regulations made last year mirrors the definition proposed by the noble Baroness, Lady Worthington. Given that the definitions in the Bill already work as intended, we do not think there is a need to duplicate the definition of "electric vehicle" within the Bill.

1 pm

Many of the amendments proposed by the noble Baroness, Lady Randerson, would add "refuelling" throughout the Bill wherever "public charging point" is mentioned. Following our discussion at Second Reading I have looked at this carefully but we consider the wording sufficiently clear for the legal purposes of this piece of legislation. If we were to accept these changes there would be an unnecessary duplication. I thank the noble Baroness for her amendment to review the impact of the provisions in this Act on the development of the hydrogen fuel cell market. I reassure her that the Government value reviewing the effectiveness of all our regulations. We have outlined in the policy scoping notes that, even before the regulations are made, the Government will continue to monitor the development of the hydrogen fuel cell market and work with industry and relevant bodies to ensure that any regulations bought forward will have a positive impact, and that once regulations are made we will monitor their effectiveness. I will take this away ahead of Report, however, to see if there is anything we can add to the Bill to make it clear that the Government are committed to this review process.

On changing the Title, again I appreciate the intent behind the change to make it explicit that hydrogen fuel cell electric vehicles are also included in the Bill. We have tried to be clear about our support for both battery electric and hydrogen fuel cell electric vehicles, and the Bill supports this ambition. We will continue to make that commitment clear to the consumer and give industry the confidence to invest in both technologies to drive the uptake in zero-emission vehicles. I hope that I have clarified that hydrogen fuel cell refuelling is very much included within this Bill, but I take the point that, while it is legally correct, the insertion of the word "hydrogen" may well send a message to investors, the market and industry on this. I very much take the point on charging versus refuelling. I cannot promise a whole new section in the Bill on hydrogen but I will take this away and consider it again, and I hope that at this stage the noble Baroness will feel able to withdraw her amendment.

Baroness Randerson: I thank the Minister for her response, but I emphasise that this Government are very keen on extremely narrow Bills. What we end up with is a transport policy with little dots of policy and great gaps in between, and hydrogen is falling through that gap, if I can put it that way. The Minister started with the ambition for 2050. That is a very distant date. It is so distant as to be meaningless as a spur to action. We need a much nearer date and possibly a different target to spur a change in people's way of buying vehicles, vehicle manufacture and the way vehicles are owned and operated.

The Minister said that the Bill is intended to be technology neutral, but if you have a Title that talks about electric cars and does not mention hydrogen

[Baroness Randerson]
cars, then by definition you are not technology neutral. The message is out there in the industry that the Government's preferred option is electric cars and that they are not interested in hydrogen. I think something pretty remedial needs to be done with the Bill to put that right. I was pleased to hear that the Government are developing a hydrogen strategy and that it will in due course be published, but will the Minister, either now or in a letter, clarify whether we can expect a separate Bill on other forms of zero and ultra low emission vehicles?

Once again, "world-leading" has been repeated. I say to the Minister that we are not world-leading in this market. Potential and actual investors regret that we are not world-leading. To change this, the Title needs to be changed and there needs to be a separate section, because it is very difficult for somebody looking for the law on hydrogen vehicles to know that they should look for it in a piece of legislation about electric vehicles. That is not logical. Really, the Government should look at legislation that will stimulate as well as regulate the market, and this does not do that for hydrogen. However, I am very pleased that the Minister has said she will consider these things before Report and therefore I beg leave to withdraw my amendment.

Amendment 37 withdrawn.

Amendments 38 and 39 not moved.

Clause 8 agreed.

Clause 9: Public charging points: access and connection

Amendment 40

Moved by ***Baroness Worthington***

40: Clause 9, page 6, line 5, leave out "may" and insert "must"

Baroness Worthington: My Lords, the amendments in this group do two things. They change the word "may" to "must" throughout the Bill and they seek to introduce a time limit against which the Government must produce the regulations mentioned in the Bill. As I hope I was able to convey in my opening remarks, we feel that the Bill has not represented a judicious use of parliamentary time. It is incredibly lightweight. Even the things we are debating today are purely enabling powers: there is nothing in the Bill that compels anybody to do anything at any time. I would hate anyone to leave this process thinking that this is in some way a step forward in our becoming world leaders in energy transition; it is anything but. It could be accused of being simply window dressing.

It would be lovely for this Government to end this parliamentary Session by saying, "We have passed a Bill on autonomous, automatic or electric vehicles; aren't we great?" Anyone who does not then look at the detail might think, "That's very progressive of them; that sounds very green", but in reality this is merely a collection of incredibly small, narrow measures which "may" be enacted, should the Secretary of State wish to do so: nothing in the Bill compels anyone to do anything. The intent of these amendments is to at least say that these regulations will be passed; otherwise, why are we here? What are we doing? We have no sight, at the moment, of any draft regulations. That is regrettable, given that the Bill started life as a modern transport Bill several years ago, possibly—I am losing track—yet we still have no detail from the department as to what the regulations will contain. It is simply not good enough, given the amount of money and resource that this is taking at a time when time is so scarce. Given the preoccupation with Brexit, it is, frankly, a dereliction of duty.

So we are seeking to add something to the Bill, otherwise it really is quite a pointless exercise. With Amendment 101 we are saying that the regulations really must be published within a year of the passing of the Bill. I hope there will then be a consultation process on the regulations and a year should be enough time for the Government to conduct that consultation and issue the regulations so that the industry knows where it stands and is able to move forward and make investments. I am sure it will not have gone unnoticed by many in this House that industry is having a rather tough time at the moment making investment decisions in Great Britain. The reasons are fairly obvious, but one thing we can do is give it some certainty around our leadership on green measures and the fact that we are intent on transforming our energy sector, including transport. That would, I hope, unlock further investment, as we have seen in Sunderland with Nissan, in the future of transport, not yesterday's technologies. This is an important issue to discuss. I look forward to hearing the Minister's response. I would really like to hear when we can expect draft regulations to be published and when we can see the detail. I would like to hear some reassurances that these are not just enabling powers but there is an intent to use them and to bring those regulations forward. I would like a sense of the timeframe.

It was stated in response to the previous debate that the legal advice is that there is sufficient clarity in the Bill for us to assume that hydrogen vehicles and hydrogen charging are included. Frankly, as with the rest of the Bill, I am not persuaded that that will pass muster. Investors do not have clarity from the Bill. If the enabling powers on the large fuel retailers are to be taken and enacted and we are going to require them to put in electric charging, are we also going to require them to put in hydrogen charging? Is this just an exercise in signalling or are we seriously going to do this? If we are, we need to see those regulations and they need to be changed to "must" rather than "may", and we need to see a timeline; otherwise, nobody has any certainty and the industry will see investment drying up, as it is already. I look forward to hearing the Minister's response. I beg to move.

Lord Campbell-Savours: My Lords, this is an extremely important amendment. I say that as a result of going to that dinner last night in the House of Commons which my noble friend on the Front Bench referred to. It was quite an extraordinary occasion. I did not realise how utterly disorganised this whole sector is. We had all the leaders from the industry around that

dining table explaining to us what their problems were and in some cases being quite defensive about how they were able to handle those problems. I was shocked because I had never been to a parliamentary dinner where people had become so angry. There was one lady there from the Commons who was so angry that she could hardly contain herself. She had bought an electric-powered vehicle and wanted to sell it off because she was so dissatisfied with the service.

As I watched what was happening, it dawned on me that the people round the table were in two groups. There were those who wanted fiercer regulation, the backing of the law and help in ensuring that a structure was put in place. Others around the table were the deregulators, who did not want any sense of regulation and thought it could be left to the market. My conclusion after two and a half hours at this dinner was that the regulators were winning the discussion because it became obvious that unless there was greater regulation—and, I might say, real regulation, not guidance; there was even a fierce argument at the table about guidance versus regulation—very little would happen and, indeed, the industry could potentially be destroyed.

I went to that meeting last night thinking, "I'm going to have an electric vehicle in two or three years' time". I will not now, not after what I heard last night. Anyone listening to that discussion would have drawn the same conclusion. I have great hopes for the future of electric power. I spoke at Second Reading on this matter and strongly advocated the case. I passionately believe that we have to go down that route. But the state has to be prepared to intervene.

The noble Baroness, Lady Worthington, is concerned that it is all "may"—it may not happen, we do not know what will happen at what stage and there is no timetable. Ministers have to be much clearer and stronger in their resolution. It might well be that the discussions with the industry to date have been rather loose. They have not really tried to tie down Ministers in taking decisions on the way forward. Real decisions have to be taken soon; for example, on charging points. In the consultation document there was reference to inter-operability, easy public access, 24-hour service and maintenance, accountability of information on charging points, and standardisation of equipment. All these matters need dealing with now. We do not need delay. I say to the Minister, and I am not exaggerating: this industry could be gravely damaged unless there is a far more open discussion and real intervention by the Government to support it at an early stage.

1.15 pm

Lord Young of Cookham (Con): My Lords, the co-pilot is in charge of this group of amendments. Like other noble Lords, I start by declaring my interest as we approach Part 2 of the Bill. Two and a half years ago I bought an all-electric vehicle with the assistance of a government grant, and with the assistance of a government grant I had a charge point installed on the outside of my home. I say to the noble Lord, Lord Campbell-Savours, that I drive past where he lives in my electric car and in so doing I avoid polluting the atmosphere he absorbs in his Thames-side residence. I am sorry that my noble friend and I were not at the dinner last night, which sounds very interesting and one where a range of views were expressed. I reassure the noble Lord, Lord Campbell-Savours, that I am delighted with the all-electric vehicle that I have and I hope it will not be two and a half years before he considers joining me and others in your Lordships' House in owning one.

The whole Bill is about giving the Government powers. It is essentially an interventionist Bill. I will explain why we are cautious about this group of amendments, which would change the regulations in this part of the Bill from ones that "may" be introduced to ones that "must" be introduced. I am grateful to the noble Baroness, Lady Worthington, for the opportunity to discuss this matter and I hope to explain why removing flexibility in this way would weaken the Government's ability to respond to the rapidly developing markets and technology for electric vehicle infra-structure—objectives which I think are widely shared.

Using "may" rather than "must" is quite usual for this type of legislation. A recent and relevant example is the Energy Act 2016, which contains powers to make regulations but not an obligation to do so. The clauses in this part of the Bill are designed to address particular issues in particular ways. In general, the Government want to regulate only if they have to, in particular where there is market failure. We are taking the powers because we might need them and we want to send out the right signals, but we hope it will not be necessary in every case. Removing flexibility by requiring that regulations are introduced could increase the risk of the Government intervening in a way that is unhelpful and at the wrong time. This is particularly important where, as in this case, the market and technology are at early stages of development.

Noble Lords may be aware that the Delegated Powers and Regulatory Reform Committee had the following to say about the Government's approach:

> "We consider that, on this occasion, the Department has provided convincing reasons for Part 2 of the Bill to consist solely of enabling powers. According to the Department, because of the relative newness of electric vehicle charging technology, the factors affecting the installation and operation of charging points are at an early stage of development, and the market for supporting the charging infrastructure is also developing. Accordingly it is not yet clear what areas of regulation covered by the Bill may be required or (if required) what the nature of the regulation should be".

The Competition and Markets Authority has also shared its view that the nascence of this market is reason to be cautious when introducing secondary legislation in this area, because of the fast-moving nature of technological advances and the need to ensure the healthy development of competition. It advised the Government to be flexible in their approach to implementing regulations so as to be able to react to future market changes, and to be careful not to restrict the ability of markets to adapt.

I hope the noble Baroness, Lady Worthington, was reassured by the policy scoping notes circulated by my noble friend on 3 May, which explain in more detail the conditions in which we would look to introduce regulations. These notes also explain that we intend to introduce regulations under Clause 13 on smart charge points shortly after Royal Assent. However, even in that case, flexibility is still important. We want to ensure thorough consultation prior to introducing regulations and this will be an important process

[Lord Young of Cookham]
which we do not want to pre-empt. We would not want to close down the possibility that by the end of this process the Government decide that regulations under this clause should not be introduced or that only some should be introduced.

Amendment 101 is about requiring draft legislation for all regulations under this part within 12 months of the passing of the Bill. As I have just explained, the introduction of regulations will depend on the precise circumstances at the time. Producing draft regulations prematurely could be an unhelpful signal to markets, with various unintended consequences, and could stifle innovation.

While I understand and am grateful that the noble Baroness, Lady Worthington, is seeking ways of strengthening the Bill, I hope she might agree that these amendments would in fact reduce its flexibility, which could in turn have a significant impact on the Government's ability to react appropriately to this rapidly developing market and technology. On that basis, I hope the noble Baroness might feel able to withdraw her amendment.

Baroness Worthington: My Lords, I am grateful to the Minister for his response. I am afraid that I am not at all reassured. This is obviously a new aspect of transport but it certainly did not arrive just yesterday. We have had electric vehicles on our roads for a number of years, with plenty of time for users of those vehicles to tell us that some significant problems need to be addressed if they are to be taken up wholesale.

I am left with the impression that I was correct: this is merely a Bill about signalling. It could be described as greenwash if one was being unkind. In fact, the Minister referred to signals. I feel that there should be a duty on the Government to assess whether they need legislation or not. If they need the legislation, let us pass it; if they do not, we can save ourselves a lot of time, effort and money in assembling here to debate what purports to be a Bill but is in fact simply a set of statements. It will probably be no more impactful on the industry than the Secretary of State's statements that we are going to ban all internal combustion engines by 2040, which again is, frankly, simply not good enough.

This is a serious issue. Air quality and climate change should be taken as seriously as all things which harm people and are outside their control—their ability to effect change. The Government have a duty to do something about these critical issues for people who cannot act themselves. They must stand up to the car manufacturers and sweep away the problems that are preventing people moving to cleaner and zero-emission vehicles of all kinds. I am afraid that I am not reassured. Nothing has given me any sense of reassurance, other than Clause 13. The Government could have written a Bill with just Clause 13 in it, although that would have looked rather ridiculous. But by the sound of things, that is exactly what we are doing: passing a Bill with merely one clause in it.

I am sorry to say that I am not reassured. I hope that there will be a meeting forthcoming after Committee, where perhaps we can discuss this further, but at this stage I am happy to withdraw the amendment.

Amendment 40 withdrawn.

Amendments 41 to 43 not moved.

Amendment 44

Moved by ***Baroness Randerson***

44: Clause 9, page 6, line 10, at end insert—

"( ) performance standards for public charging points;

( ) procedures to be put in place to repair faulty public charging points."

Baroness Randerson: I am pleased to move Amendment 44. The dinner that the noble Lord, Lord Campbell-Savours, referred to was indeed a lively occasion—much livelier than the average dinner in this place, I believe, in its conversation and opinions. The noble Baroness, Lady Worthington, is correct to say that the Bill lacks a spine. It is a collection of good ideas, probably, but it is not a strategy.

Addressing range anxiety among electric car owners is fundamental to the Government having a flawless strategy for encouraging people to buy these vehicles, and therefore for them to be manufactured. The whole population benefits from some of us buying electric vehicles. The amendments in this group relate to the availability of charging points and their ease of use, which is really the crux of the issue. Where they are placed is something we will come to in other groups of amendments, but this is a simple provision.

When you drive along and see on your in-car computer screen that there will be a charge point in 10 miles, it is at the very least supremely frustrating to find when you get there that it is not working. It can be a huge issue if you go on a long journey. I have told before in this House of the occasion when I went from one motorway services to another and another before I found a rapid charge point. I got a fast charge in the second and third ones, which was enough to send me to the next motorway services, but that is not the way to encourage people to own electric cars. It can be worse than really annoying. It can be a fairly dangerous situation to find yourself without any electricity in a lonely public car park, where there should be a charge point but it is not working. Charge points are almost always somewhere quite lonely. They are usually badly lit and, unlike getting petrol or diesel, you do not have a nice warm roof over your head. Standing out there in the rain and wind can be a pretty dispiriting process. When you get there, you therefore need the confidence that it will work.

This matter is easily addressed and I urge the Government to take these amendments seriously. I hope the Minister will accept them, or accept their principle and bring forward her own amendments. It is stating the blindingly obvious to say that you need some kind of measure in place so that when contracts are let, there is an obligation for these charge points to be working for a certain specified percentage of time, so that there is a commitment to repair them when they break.

The other side of trying to use a charge point is that almost all of them require you to have an app or be a member of a group. I think I have six or seven such apps on my phone, to be ready for all eventualities.

If there are that number of apps on your phone, you do not use any one of them that often. This means that often, you turn up somewhere, only for the phone to tell you that you need to renew the app because you have not updated it and it will not work. My Amendment 46, which deals with,

"the use of contactless payment",

seems the simple way to ensure that you have a straightforward way of paying that would be available to virtually everyone. We all know the effectiveness of contactless payment, which has worked brilliantly in beginning to replace Oyster cards in London. It has a simplicity about it.

I am not suggesting that these groups we join up to should not exist or that the apps could not be used. There could even be a financial or some other incentive for joining these groups, rather than having contactless payment. However, I am suggesting that there should be an obligation to make the charging points easy to use by ensuring that you have the fallback position, at the very least, of contactless payment. I will leave it there for now, and I beg to move.

Lord Campbell-Savours: My Lords, I listened carefully to the Minister's previous response. His argument seemed essentially to be based on the need to ensure that we do not move too fast because there may be technological developments, which would mean that we had perhaps taken the wrong decision in the regulations. This is in the event that they were—in his view, obviously—prematurely introduced.

Let us go through the amendment. It mentions:

"performance standards for public charging points".

Why can we not set those minimum standards on the basis of the technology that applies now—not what may apply in future, but what applies now? Standards will not go down in future; they will go up. The next thing the amendment requires is,

"procedures to be put in place to repair faulty public charging points".

What is wrong with that? We have charging points, and there is a problem with repair. Why can we not have regulations requiring the suppliers of such equipment to ensure that it is maintained properly? That does not require technological developments.

1.30 pm

Amendment 47 mentions taking,

"certain steps in relation to repairing a faulty charging point".

Amendment 48 would add a paragraph that reads:

"to take prescribed steps to ensure efficient queuing at charge points, including preventing vehicles which have completed charging at a charge point from delaying access for other vehicles".

Surely we could do something like that. It does not rely on technology.

Amendment 50, tabled by my noble friend Lord Berkeley, is just a general amendment that says:

"The Secretary of State, when making regulations under subsection (1), must have regard to the desirability of encouraging and facilitating innovation, customer choice and competition in the public charging points market".

There is nothing in these amendments that the Government could not accept and put in place. They do not rely on technological developments. I hope that the Minister, when she replies, does not rely on that same excuse—because it is simply not credible.

Baroness Worthington: My Lords, I shall speak to the amendments in the group to which I have lent my name. The noble Baroness, Lady Randerson, has eloquently explained what it is like to be an electric car user in Britain today. It is certainly not always a pleasurable experience, and a number of serious issues need to be addressed—not least that of faulty charging points.

One of the reasons why we have a problem is that the demand for electric vehicles is not being met by the manufacturers, so there are lengthy queues and waiting lists, but people are hoping that this will be a big market. They are therefore fitting charging infrastructure, but it is operating at a loss: there is no financial benefit for anyone fitting charging points at the moment, because there are insufficient users, as insufficient numbers of cars are sold. That means that expensive infrastructure is put in—sometimes subsidised, sometimes not—and then there is no incentive to keep it operating.

This morning my assistant and I did a spot check on Zap-Map—one of the multiple apps you need on your phone to know where charging points are. Within a three-mile radius of here there are around 100 charging points, but of those, 13 are non-operational. That is just not good enough. What is the point of putting in all this effort to create a network, only for those expensive pieces of kit not to be maintained? If the Bill has any purpose, it is to ensure that at least we can get rid of that irritant. It causes people considerable harm and anxiety not to know, when they turn up in their car with the charge running down, that they are guaranteed to be able to recharge it. That is a big impediment to people taking up this technology.

The Minister said that we might see some regulations under Clause 13 some time soon, so let us also say that we will definitely, and quickly, see some regulations under Clause 9. This is not new technology; there is no risk of it becoming outdated. The charging points are there. People are putting them in, but they are not making money because there are insufficient users, and the points are not being maintained. This is no way to set about meeting the goal that the Government put in their manifesto—that nearly all cars will be zero-emission by 2050. Let us think more about what is happening today, and use this legislative opportunity to sort out the problems that people are experiencing now. I fully support the amendments in the group, particularly the one about a requirement to maintain standards and to take steps to repair faulty charging points.

Lord Tunnicliffe: My Lords, I do not want to be too repetitive, but I have been persuaded by the speakers in the debate so far—and, of course, at last night's notorious dinner. Again, I hope that the Minister will be able not only to give us warm words but to see whether she can make some progress in tabling amendments that at least partly support the general direction of the debate.

Baroness Sugg: My Lords, I am very sorry that my noble friend and I missed that wonderful dinner, to which I think all noble Lords were invited last night; our invitations must have been lost in the post. The Government's aim is to develop our infrastructure so

[Baroness Sugg]
that current and future drivers of electric vehicles can locate charging infrastructure that is affordable, efficient, reliable and easily accessible. The amendments, understandably, seek to improve availability and reliability.

Most government-funded charge points started out as being free to access, but payments have been gradually introduced over the years. Taking a payment in exchange for charging is a crucial step in the development of a long-term sustainable business model for charge point operators that will in turn lead to greater choice and improved future reliability of the network. Of course I agree that reliability is a critical issue, but we think that the market is developing to meet consumer expectations about charge point reliability. We welcome the fact that a number of charge point owners currently report on their level of reliability. The noble Baroness, Lady Randerson, mentioned Zap-Map.com, which incorporates a real-time feed that drivers can use to report on their recent charging experiences and report out-of-action charge points. As this market continues to develop, it is clear that operators will want their charge points to be functioning and accessible to attract customers, and indeed to receive payment.

Some operators are already providing information voluntarily, and as the market develops all may do so. However, should the Government need to intervene in this area, powers can be introduced under Clause 11. As currently proposed, this could require charge point operators to make reliability information available in open-source formats, which could be used to improve the consumer experience. Clause 11 also specifically mentions,

"whether the point is in working order",

and making this information available will help to incentivise charge point operators to maintain working charge points and to ensure that they can be held to account by customers. I agree with the noble Baroness that for the infrastructure to work, the charge points have to work, and people need to feel confident that they will be able to charge their car—so I agree with the intent behind the amendments.

The noble Baroness also proposes an amendment on contactless card payments. Again, we absolutely recognise the importance of having easily available payment options to encourage the uptake of these vehicles. We have seen progress in this area. Since 2017 regulations have been in place for new charge points to ensure that they are available without the need for any form of membership. This applies to all new charge points from last November, and all existing charge points will need to meet that requirement by November this year. In the policy scoping notes contactless payment is one of a number of potential access or payment solutions, but we are not sure about mandating for this in primary legislation, which could risk forcing charge point operators to overhaul their entire network for a specific access method that may not be the preferred solution by drivers or industry, and may well be succeeded by another form of access. We want to consult on that. In advance of introducing any secondary legislation we will consult drivers and operators before proposing a minimum defined access method. If the preferred option is through contactless payment—which, I acknowledge, it may well be, so that people can easily pay for charging—that would be included in the regulations.

Amendment 50, proposed by the noble Lord, Lord Berkeley, which was mentioned by the noble Lord, Lord Campbell-Savours, rightly seeks to ensure that the Secretary of State has regard to innovation, customer choice and competition when bringing forward regulations under this clause. Those three things should always be at the heart of the Government's policy-making, and will underpin any regulations brought forward under this, and indeed any other, clause.

As I have said, I agree with the intent behind all the amendments, and I will consider them further.

Lord Campbell-Savours: Before the Minister sits down, Clause 11 refers only to the provision of information. What we want is action. If no action is taken as a result of the provision of information, it is a waste of space. Why cannot some of the amendments be taken away by the Minister to her departmental officials before Report—at least those which are in no way affected by technological development—to see whether it might be possible to accept one or two of them? That would immediately affect people's ability to secure the service that they expect when they call at one of these charge points.

Baroness Worthington: I reiterate that we must at least acknowledge that it is not good enough to have nearly one in 10 of these charge points in the vicinity of this House non-operational. Surely the Government should be doing more to investigate why that is the case and to ensure that regulatory powers are introduced to insist that they are maintained. It is just not good enough. We would not expect that to be allowed in any other form of public infrastructure. We are not asking for it to be in primary legislation, we are asking simply for power to be taken to make regulations to require that they be maintained. Given the Government's apparent love of these enabling powers, I cannot see why they would not take one to require that the charge points are maintained. They are expensive and people rely on them.

Baroness Sugg: Clause 11 refers to information, as the noble Lord says, and covers reliability. I take the point that it is only information. We think that as people will be paying for access, it will be in the charge point operators' interest to ensure that the charge points are operational. I absolutely agree that we need to ensure that charge points are reliable and are fixed when they are broken.

Lord Redesdale (LD): I apologise for intervening and I am sorry that I was not at Second Reading. I had this problem yesterday: turning up with a vehicle but someone else with a non-electric vehicle had parked in the space. Will the Government consider fines or enabling powers to ensure that when they work—sometimes they do not—someone else does not park in the space?

Baroness Sugg: The noble Lord raises a common issue. We have seen development in this area with overstay charges, and we are investigating them. As I was about to say, I understand the correct desire for us

to consider the amendments again, and I will go back to do so. We want to ensure that the Bill enables improvement in our infrastructure for electric vehicles.

Baroness Randerson: My Lords, the Minister has given us a lot of information. I will of course read the record carefully and probably seek to rearrange my amendment in a different format for next time if she does not feel able to address these issues. I urge her to look at this again.

My noble friend referred to an issue which I believe is addressed in Amendment 48 in the name of the noble Lord, Lord Lucas. This is something the French have dealt with by a pricing regime which means that if you lurk around on a charging point ages after your car is recharged, it becomes a very expensive way to find a parking space. It is perfectly easily solved.

The issues we are addressing are not ones that we have dreamed up from nowhere. It is well known that in London, the pressure on the rollout of charging points for the introduction of electric cars meant that the whole process wobbled and stalled at one point. All the charging points were put in but they were not maintained, so the system fell into disrepute. A new contractor and a new contract appear to have addressed quite a lot of that problem, but the Government need to take this seriously. Otherwise, public confidence will be undermined and electric cars will not take up the position that diesel cars have had in the past.

Amendment 44 withdrawn.

Amendments 45 to 50 not moved.

House resumed. Committee to begin again not before 2.44 pm.

Welsh Ministers (Transfer of Functions) Order 2018

Motion to Approve

1.45 pm

Moved by ***Viscount Younger of Leckie***

That the draft Order laid before the House on 28 March be approved.

Viscount Younger of Leckie (Con): My Lords, the order we are debating this afternoon transfers the remaining Minister of the Crown functions in devolved areas to Welsh Ministers.

I start by giving some background on the order. Noble Lords will recall the Wales Bill taken through this House so ably by my noble friend Lord Bourne of Aberystwyth. That Bill—now, of course, the Wales Act 2017—implements the Government's commitments in the St David's Day agreement to a clearer devolution settlement for Wales, based on the firm foundations of a reserved powers model. The new model, which came into force on 1 April, delivers greater clarity over the powers and responsibilities of Parliament and those of the National Assembly for Wales.

The Wales Act 2017 also strengthens Welsh devolution by devolving significant further powers to the National Assembly for Wales. Many of these powers also came into force on 1 April, meaning that the Assembly can now decide, for example, how its Members are elected, the speed limits on Welsh roads and how taxis in Wales are regulated. During the passage of the Act, the Government committed to making clear through that Act and associated secondary legislation how the remaining Minister of the Crown functions in devolved areas would be exercised in future.

Unlike in Scotland, there has never been a general transfer of Minister of the Crown functions in devolved areas to Welsh Ministers. The different history and geography of Wales compared to Scotland, and the greater interaction cross-border, means that it has been more appropriate to transfer functions in specific areas. This strategy leads to us making clear the specific functions that have been transferred and therefore the substance of Welsh Ministers' executive competence.

New Schedule 3A to the Government of Wales Act 2006, inserted by Schedule 4 to the Wales Act 2017, sets out the statutory Minister of the Crown functions in devolved areas that are exercised concurrently or jointly with Welsh Ministers. There is also a handful of so-called pre-commencement functions—functions that Ministers of the Crown exercised before the National Assembly gained full law-making powers following the 2011 referendum—that need to continue to be exercised by a Minister of the Crown solely. These are set out in paragraph 11 of new Schedule 7B to the Government of Wales Act 2006.

Turning to the draft order, the Government published an initial list of functions that we intended to transfer in October 2016. This list included functions contained in the draft order before us today. Let me give your Lordships two perhaps random but specific examples: first, the functions in the Lieutenancies Act 1997 for the Lord President of the Council to confirm that Her Majesty does not disapprove the appointment of a deputy lieutenant in Wales; secondly, the power in Section 38 of the Vehicles (Crime) Act 2001 for the Secretary of State to fund speed cameras. Since the publication of this list, the Office of the Secretary of State for Wales has worked closely with other UK government departments and with the Welsh Government to identify the further functions in devolved areas that should be transferred. The scale of this task should not be underestimated and has involved examining the entire statute book to identify the functions in devolved areas that need to be transferred. The draft order before the House is the culmination of this painstaking work, transferring functions to Welsh Ministers in a wide range of devolved areas, including those relating to school standards, environmental protection, animal welfare and fisheries. The draft order also transfers functions to Welsh Ministers in areas such as Assembly and local government elections, teachers' pay and the community infrastructure levy to accompany the further legislative competence devolved to the national Assembly in these areas through the 2017 Act. I shall take each of these in turn.

The Wales Act 2017 delivers on commitments in the St David's Day agreement to devolve responsibility for Assembly and local government elections to Wales.

[Viscount Younger of Leckie]
This order transfers functions in electoral legislation to Welsh Ministers for elections in Wales as far as those functions are within devolved competence, which is set out in the new Schedule 7A to the Government of Wales Act 2006. These functions include the power to make rules for the conduct of local elections in Wales and to hold pilot schemes to test any changes the Welsh Government may wish to make to how votes are cast and counted. During the passage of the Wales Act 2017, the Government brought forward an amendment to devolve the community infrastructure levy to Wales. This levy enables local authorities in England and Wales to raise funds from developers that can be used to support local infrastructure needs arising from new building projects in their areas. The order transfers functions in Part 11 of the Planning Act 2008 to enable Welsh Ministers to make regulations providing for the imposition of the levy in Wales.

Agreement was also reached between the UK and Welsh Governments during the passage of the Wales Act 2017 to devolve teachers' pay and conditions to Wales. The order transfers functions in the Education Act 2002 to enable Welsh Ministers to decide the pay and conditions for teachers in Wales. However, teachers' pensions remain a reserved subject. The Government have agreed the Welsh Government's request that these functions be transferred on 30 September this year to allow the new arrangements to be put in place for the 2019-20 academic year. In addition, this draft order removes the requirement for Treasury consent from a number of functions currently exercised by Welsh Ministers, where that consent requirement is no longer appropriate. This means that Welsh Ministers will be able to, for example, make grants or loans to develop or promote the fishing industry in Wales under powers in the Fisheries Act 1981, without the need for Treasury Ministers to approve it.

Finally, the draft order delivers on one of the commitments made in the St David's Day agreement to ensure there is a clear understanding of the UK Government and Welsh Government's respective roles in relation to civil contingencies. It does so by establishing a more distinct boundary between the responsibilities of UK Ministers and those of the Welsh Ministers, separating out devolved and reserved responders and transferring co-ordinating functions for those devolved responders to the Welsh Ministers. In drafting this order, the Office of the Secretary of State for Wales has worked closely with colleagues across Whitehall and with its counterparts in the Welsh Government. I am pleased that the First Minister of Wales has approved the draft order.

The Welsh Government and the National Assembly for Wales have truly come of age. They are mature institutions and part of the fabric of Welsh political life. The new, clearer settlement put in place by the Wales Act 2017 fully realises this fact with historic further devolution that empowers the Welsh Government to deliver the things that really matter to the people of Wales, supporting the Welsh economy and delivering better devolved public services. The draft order completes this picture by transferring remaining Minister of the Crown functions in devolved areas to Welsh Ministers—functions which, if exercised sensibly, can make a direct and positive impact on the lives of people in Wales. I beg to move.

Lord Griffiths of Burry Port (Lab): My Lords, I am more than grateful to the Minister for giving that introduction to these varied and multitudinous proposals before us. We can easily recognise what he says about the amount of hard work that has been done to achieve the scrutiny of previous legislation and bringing forward these 47 matters. It is a little disarming for me, having engaged just yesterday with the Minister on the future of theatres in the United Kingdom, to be engaging now with him on matters of detail pertaining to these legislative proposals. But that, as they say, is life.

It is interesting to me that the word "clarity" was used about the Wales Act 2017. Yes, there is a degree of clarity, but the adjective "clear" in its comparative form, "clearer", may apply—but there is a lot of work to do to take it to an even better stage of comprehensibility lying ahead of us. It was very contentious at the time and many of its provisions need improving even now. For all that, it is a step along the way and, with all these discussions of devolution, a step along the way is as much as we can hope for sometimes, although these may be two steps along the way—and we must welcome them.

It has been good bedtime reading for me to know more about seeds and seals and salmon and sewerage and slaughterhouses and deputy lieutenants, put deliberately into that little mixture of things. I draw some opinion from reading about all that in welcoming the transfer of powers and the closer alignment of legislative competence exercised by the Assembly and executive competence exercised by Welsh Ministers. Once again, we are moving into a more coherent governance arrangement for the principality.

As for devolution, we cannot just look at what is proposed in these instruments without remembering the debates that we had up until yesterday on the European Union (Withdrawal) Bill, which, of course, beckon the consideration of a whole number of things that will take the discussion of competence, framework agreements, the internal market and so on further more comprehensively as we go along. What assessment has been made already in anticipation of the further steps that will need to be looked at as time goes by?

Then there is the question of teachers' pay and conditions. Uncoupling the pay arrangements that are national and United Kingdom-wide to make this separate provision in Wales has not been without its difficulties, especially with the trade unions. We certainly do not want by this uncoupling to envisage a situation in which Welsh teachers, for example, might be paid less, with conditions more onerous than already obtain. But assurances have been given us, and a taskforce is being run in parallel with these arrangements to ensure that we can hope even for a betterment of conditions for teachers in Wales. We can note therefore that this has been contentious, so that we may keep an eye on developments in this area.

On ports, Milford Haven springs out from the detail as having particular details dependent on it, making it one of those areas that has a national,

UK interest. Of course, it must do; after all, a huge percentage of our energy needs are met by imports of liquefied natural gas to that port. Perhaps I should just confess a particular local interest, as I come from south-west Wales, which I believe is in need of considerable economic regeneration, in the hope that we can balance the UK-wide pertinence of the way we look at the reserve powers alongside Milford Haven and its capacity to generate the economy of that part of south-west Wales. This will be a test case, indeed, for some of the things we have been talking about elsewhere in our recent considerations.

Civil contingencies again come to mind, with the response to emergencies and so on, and the role of co-ordinating such responses within the Principality, even when perhaps some of the emergency services will be drawn from across the border. It is an interesting thing to envisage and we shall, again, need to look at that very carefully as these things transpire.

2 pm

On the question of elections, I shall do my last bit of cherry-picking or, as it were, bran-tub foraging, on these 47 provisions. It needs to be said that the rather optimistic spin, or the optimal spin, that the Minister put on it—that all is now clear, powers are where they need to be and everybody understands it—is a little wide of the mark if I have heard the views expressed from Wales correctly. It is felt that the transfer of functions is on a different basis from other provisions in this order and that, indeed, it will have to be looked at very carefully as we try to navigate what is in these measures and how things work out. Indeed, in Wales a form of words was I think proposed to the Government as part of their consideration of these matters, but the Government felt that what is here was adequate. Once again, we can look at all that as things transpire and see just how things really are.

All in all, since I have already, in an earlier exchange across the House, congratulated the Government on one set of decisions about gambling, I find myself wanting to give seven out of 10, but the rest needs to be looked at critically as time goes forward. But of course we will endorse this order as is appropriate.

Lord Thomas of Gresford (LD): My Lords, in introducing this order, the Minister talked about coming of age, and the noble Lord, Lord Griffiths, talked about two steps along the way; well,

"one step enough for me"—

I cannot view the "distant scene". I rather regard it as a milestone in the transition towards full devolution. I congratulate those who have worked so hard in the Wales Office and the Welsh Government to put together this somewhat disparate list of functions.

What I do see in the future, if we find ourselves leaving the European Union—if—is a very considerable order, or series of orders, transferring powers currently exercised by the EU in Brussels to Welsh Ministers and indeed the parliament. I have tried to find out what the process is. I have looked at Clause 10 of and Schedule 2 to the withdrawal Bill; I do not understand it. I suggest to the Wales Office that it should produce some form of simple guide on what is envisaged and that, when it comes to the point—if it ever does—we should have some draft Orders in Council to consider well in advance of the Orders in Council being put forward for legislative purposes. It would be so much more helpful if we could see things in advance.

If I may dip into the bran tub, as the noble Lord, Lord Griffiths, puts it, I pull out the references to tribunals and inquiries. I have been engaged in my professional career in a number of very important inquiries and tribunals in Wales—I think in particular of the inquiries on the Dulais Valley and on the digging for gold in the Mawddach estuary and so on. I am relieved to see that the formulation of rules and conditions will now be in the hands of Welsh Ministers because, particularly on the issues concerning water, it is very important that Welsh people should have confidence in the process of a tribunal and the way in which it takes place.

The noble Lord, Lord Griffiths, referred in particular to teachers' pay and conditions. I want to pause for a moment to think about that, because my friend and colleague Kirsty Williams, the Liberal Democrat Minister in the Welsh Administration, has made some startling steps forward in the field of student financial support, as she outlined this morning on the "Today" programme, which I think could provide a template for what might be done elsewhere in the United Kingdom. On teachers' pay and conditions, she has risen to the challenge and, last December, announced that an independent task and finish group, chaired by Professor Mike Waters, would be put in place to review teachers' pay and conditions and to consider how this structure,

"contributes to a highly motivated teaching profession and strengthens the delivery of a high quality education system".

With the success of her approach to student finance, I am sure that she will do a brilliant job on this. She said in her statement in December:

"I have been clear … that being tied to the England system"—

of teachers' pay—

"is no longer appropriate, relevant or to the advantage of the profession in Wales. Our system is based on the values of equity and excellence, a commitment to inclusive, public service education and to supporting our teachers to raise standards for all. Our Pay and Conditions system will enshrine these approaches and values".

I know Kirsty well enough to know that she will again produce some remarkable advances in considering the structures of teachers' pay. This order will give her the power to act in that appropriate way and I look forward to seeing how the order is used.

Lord Wigley (PC): My Lords, the purpose of this order, as the Minister stated, is to transfer to Welsh Ministers executive functions currently exercised by the Minister of the Crown in areas where legislative competence is exercised by the National Assembly for Wales or has been devolved to the Assembly by virtue of the Wales Act 2017. It has 47 articles and two schedules, so it is impossible to go into all the detail, and I do not think we would expect the Minister to be able to do that either.

The order transfers a wide range of functions to Welsh Ministers in relation to, for example, agriculture, environmental protection, education, health, compulsory purchase orders and planning. Of course, I welcome that objective. However, my friends in the other place

[Lord Wigley]
and indeed in the Assembly have grave reservations that the Wales Act 2017 largely fails to fulfil its own objectives. The 2017 Act suffers from two fatal flaws: it is a piece of legislation that has been both poorly conceived and poorly drafted, which results in failing to deliver a reserved powers model of devolution, as was originally intended. Indeed, it provides a system of devolution that not only is as cumbersome as its predecessors but is, in some important ways, even more restrictive and frustrating. In drawing up the list of those issues that will be reserved to London, Whitehall departments seem to have seized on every opportunity to reserve every power they might conceivably ever need in relation to Wales. Reservations have been piled on reservations to create a final schedule that is sprawling and lacking in any coherent logic. But even that was not enough for Whitehall. Just in case it had forgotten anything, the Act also reserved everything that "relates to" the list of reservation, thus further extending its reach.

It is for those reasons that my colleagues voted against the Bill both in the other place and the National Assembly. The ink had barely dried on the Wales Act 2017 before my colleagues were vindicated in these misgivings. The Welsh Government's Trade Union (Wales) Bill, which was within the Assembly's competence under the Assembly's conferred powers model, covered industrial relations within the devolved public sector, but a signal arrived from the UK Government that the reserved powers model might be used rigidly to police what we in Wales cannot do when it comes to such legislation. While nothing eventually came from those UK government threats, the notion of Westminster overruling Welsh decisions became even more apparent.

Regarding the order that we are discussing today, of course its provisions may be partly repealed through the European Union (Withdrawal) Bill, so I would be interested to hear the Minister's comments on that and confirmation on whether that process may happen. Brexit is exposing the weaknesses of the UK constitution, which is unfit for purpose in many ways and is lopsided and overcentralised. Many of the provisions in front of us today concern subject matters that may, in part, fall under the 24 areas that the UK Government have identified for legislative common frameworks and, therefore, are more likely to be affected by protection built into the EU withdrawal Bill as amended by this House last week. I understand that, until we have a clear indication from the Government how widely the proposed regulations will be drafted, or indeed how far the common frameworks that replace them will restrict the devolved policy areas with which the EU common frameworks currently interact, it might be difficult to say whether the provisions in this order will or will not be repealed, but the principle matters, particularly in relation to agriculture, fisheries and environmental functions. This will lead to ongoing uncertainty, which hinders good government. I certainly do not oppose the order, but I must warn the House that, inevitably, we shall be asked to return to these matters.

Viscount Younger of Leckie: I thank all noble Lords for their contributions to this short debate and thank them for their broad welcome for the transfer of functions order. I note that the noble Lord, Lord Griffiths, described it as coherent governance for the principality—which is praise indeed, perhaps. The noble Lord, Lord Thomas of Gresford, stated that it was a milestone. The noble Lord, Lord Wigley, was probably less generous in his praise, but he said broadly that he would not oppose it—to that extent, perhaps, that is progress.

I shall attempt to answer the questions that were raised. On teachers' pay and conditions, which the noble Lords, Lord Griffiths and Lord Thomas of Gresford, asked about, the first thing to say is that of course it is very much up to Ministers in Wales to decide the future level of pay and conditions. As the House may know, the Welsh Government are currently consulting on the future mechanism for teachers' pay and conditions once the functions are transferred, so I cannot really comment any further. It is up to Ministers in Wales to decide in future, and hopefully that will have a good conclusion.

The noble Lord, Lord Griffiths of Burry Port, asked about Milford Haven. I agree with him that the port of Milford Haven is very important not just for Wales but for the United Kingdom. As he said, Milford Haven remains a reserved trust port, but the UK Government will continue to work closely with the Welsh Government and local communities, as they do now. However, it has to remain reserved and we do not envisage any change in terms of its role. It is much valued.

The subject of the EU was raised by a number of noble Lords, including the noble Lords, Lord Griffiths and Lord Wigley, and there was a specific question, which I will address, from the noble Lord, Lord Thomas. The frameworks are intended to capture only functions that are currently exercised at an EU level to ensure that the UK internal market continues to operate effectively once we have left the EU. Our preliminary analysis, published in March, sets out where frameworks may or may not be needed in respect of the 64 policy areas where EU law intersects with the Welsh devolution settlement. This analysis indicates that frameworks will be needed, in whole or in part, in only a small number of areas—those areas which we believe are vital to the efficient functioning of the UK internal market. The powers transferred through this order are currently exercised by Ministers of the Crown, not the EU, and will not form part of future UK frameworks.

The specific question that the noble Lord, Lord Thomas of Gresford, raised was about the mechanism. There will be no need for orders transferring EU powers, as the approach agreed by this House in what is now Clause 15 of the Bill devolves powers by default. The UK Government will bring forward regulations to identify areas where we need statutory UK frameworks. I hope that helps answer those questions.

2.15 pm

Lord Wigley: I am not sure that I am understanding the Minister properly. Is he giving the House a categorical assurance that none—not one—of the 47 powers being transferred by this order will be clawed back or implicated by the rolling out of the 24 sections under the EU withdrawal Bill?

Viscount Younger of Leckie: I am not giving that categorical assurance because this remains a work in progress—so I must stick to the lines that I have given on this subject.

The noble Lord, Lord Griffiths of Burry Port, spoke about the drafting of electoral provisions, stated that they had been transferred in rather a blanket fashion—I have some sympathy with his comments on this—and asked why we had not taken a slightly different approach. However, as the noble Lord said, given the significant number of functions that need to be transferred to Welsh Ministers to enable them to conduct Assembly and local government elections in Wales, listing them individually would be a time-consuming process and would make the order somewhat unwieldy. Listing the relevant Act in Schedule 1 to the order and transferring the functions as far as they are exercisable within devolved competence provides an appropriate balance, we believe, between clarity and brevity. Interestingly, it is also in line with the provisions in the Scotland Act 2016 that transferred the equivalent functions to Scottish Ministers.

I hope that the House will agree that the draft order delivers on the Government's commitment to transfer the remaining Minister of the Crown functions to Welsh Ministers. We believe that it provides clarity—whether it is "clear" or "clearer" is another matter which is for the House to decide, but we believe that it is clear—over those statutory functions that will now be exercised by Welsh Ministers, as well as on how civil contingencies are co-ordinated between our two Governments. The order builds on that work, providing Welsh Ministers with the necessary functions to go along with the new settlement, and I commend it to the House.

Motion agreed.

Baroness Manzoor (Con): My Lords, I beg to move that the House do now adjourn for 10 minutes to give time for the Front-Benchers to be here.

2.18 pm

Sitting suspended.

Building Regulations and Fire Safety: Government Response

Statement

2.28 pm

Lord Young of Cookham (Con): My Lords, with the leave of the House, I will now repeat a Statement made today by my right honourable friend the Secretary of State in the other place. The Statement is as follows:

"Mr Speaker, with permission, I would like to make a Statement on the publication of Dame Judith Hackitt's final report following her *Independent Review of Building Regulations and Fire Safety*. Honourable and right honourable Members will be aware that my predecessor and the then Home Secretary asked Dame Judith to carry out this review following the Grenfell Tower fire. We are approaching one year on from that tragic event, and those affected are firmly in our minds. I met some of the bereaved and survivors as soon as I could after I was appointed. This strengthened my determination to ensure that they continue to receive the support they need and to ensure that we learn from this tragedy so nothing like this can ever happen again. With this in mind, Dame Judith was asked to undertake her review of the existing system as part of a comprehensive response to the fire. I want to pay tribute to Dame Judith and all those who contributed to this important report.

The report's publication is a watershed for everyone who has a stake in ensuring that the people living in buildings like Grenfell Tower are safe—and feel safe. Dame Judith is clear that the current system—developed over many years and successive Governments—is not fit for purpose. She is calling for major reform and a change of culture, with the onus more clearly on everyone involved to manage the risks they create at every stage, and government doing more to set and enforce high standards. This Government agree with that assessment and support the principles behind the report's recommendations for a new system. We agree with the call for greater clarity and accountability over who is responsible for building safety during the construction, refurbishment and ongoing management of high-rise homes.

The Hackitt review has shown that in too many cases, people who should be accountable for fire safety have failed in their duties. In future, the Government will ensure that those responsible for a building must demonstrate that they have taken decisive action to reduce building safety risks and will be held to account. We agree that the system should be overseen by a more effective regulatory framework, including stronger powers to inspect high-rise buildings and sanctions to tackle irresponsible behaviour. We agree that there should be no buck-passing between different parts of the industry and that everyone needs to work together to change the system and, crucially—given the concerns raised following the Grenfell tragedy—we agree that residents must be empowered with relevant information. They must be able to act to make their homes safer.

This review has implications for government as a whole. I am committing today to bring forward legislation that delivers meaningful and lasting change and gives residents a much stronger voice in an improved system of fire safety. Changing the law will take time. But, as Dame Judith acknowledges, we can—and must—start changing the culture and practice right now. As a first step, we are asking everyone involved to have their say on how we can achieve this by contacting us by the end of July. Their response will inform a more detailed Statement to the House in the autumn on how we intend to implement the new regulatory system. I will also update the House on progress before the Summer Recess.

We all have a role to play. For our part, this Government have accepted and have been implementing the recommendations that relate to us since Dame Judith published her interim report in December. First, we are consulting on significantly restricting or banning the use of "desktop studies" to assess cladding systems. Inappropriate use of desktop studies is unacceptable and I will not hesitate to ban them if the consultation—which closes on 25 May—does not demonstrate that they can be used safely.

[Lord Young of Cookham]

Secondly, we are working with industry to clarify building regulations fire safety guidance, and I will publish this for consultation in July. Let me be clear: the cladding believed to be on Grenfell Tower was unlawful under existing building regulations. It should not have been used. But I will ensure that there is no room for doubt over what materials can be used safely in the cladding of high-rise residential buildings. Having listened carefully to concerns, the Government will consult on banning the use of combustible materials in cladding systems on high-rise residential buildings. Thirdly, we will work with the industry to make the wider suite of building regulations guidance more user friendly. All of this continues our work to ensure that people are safe.

Since the Grenfell tragedy, my department has worked with fire and rescue services, local authorities and landlords to identify high-rise buildings with unsafe cladding, ensure that interim measures are in place to reduce risks, and give building owners clear advice about what they need to do, over the longer term, to make buildings safe. In addition, I am issuing a direction today to all local housing authorities to pay particular regard to cladding-related issues when reviewing housing in their areas.

Remediation work has started on two-thirds of buildings in the social housing sector, and we have called on building owners in the private sector to follow the example set by the social sector and not pass costs on to leaseholders. I find it outrageous that some private sector landlords have been slow to co-operate with us on this vital work. I am calling on them to do the right thing. If they do not, I am not ruling anything out at this stage.

As the Prime Minister announced yesterday, the Government will fully fund the removal and replacement of potentially dangerous cladding by social landlords, with costs estimated at £400 million. This will ensure that they can focus their efforts on making ACM cladding systems safe for the buildings they own. We want to allocate this funding for remediation as soon as possible and will announce more details shortly, including how we will encourage landlords to continue to pursue other parties for costs where they are responsible or at fault. We will also continue to offer financial flexibilities for local authorities which need to undertake essential fire safety work.

We must create a culture that truly puts people and their safety first, inspires confidence and, yes, rebuilds public trust. Dame Judith's review and the significant changes that will flow from it are important first steps, helping us ensure that when we say 'never again', we mean it. I commend this Statement to the House".

2.35 pm

Lord Beecham (Lab): My Lords, it is customary to thank Ministers for repeating in this House Statements made in another place. There is no one in your Lordships' House, or indeed in the House of Commons, who is not saddened by the necessity for this Statement to be made. The tragedy of Grenfell, the dreadful loss of life, and the shock and terror generated by the events that have led to Dame Judith's report will resonate for years.

Nobody who has read this week's *Guardian* with its moving description of so many of those who perished in the conflagration will fail to welcome—indeed, to insist upon—stringent measures being taken to avoid any repetition of this catastrophe.

Noble Lords will welcome many of the proposals in the report, based, as it is, upon its clear findings of failings in the present system of building control and the need to secure more effective regulation and enforcement. It also stresses the need for clarity as to where responsibility will lie. It is, however, disappointing that the report does not appear to accept the need to ban the use of combustible material in cladding systems on high-rise residential buildings. The Government are to consult on this issue. I believe that most Members of this House would join the plea by survivors of the disaster, the RIBA and others in calling for a ban on combustible construction materials, certainly in high-rise developments but perhaps more generally.

The Secretary of State agrees that,

"residents must be empowered with relevant information. They must be able to act to make their homes safer".

With due respect to the Secretary of State, I find that a curious formulation. What, beyond expressing concerns, can residents do about issues such as those which led to the disaster?

There are some issues not mentioned in the Statement which I would like to raise. The first is to ask the Minister for an update on the progress of rehousing the survivors of this tragedy in housing which meets their needs. Too many tenants and their families continue to live in accommodation which fails to meet their needs.

The second is to ask for clarification in relation to the funding of the essential work necessary to ensure the safety, and alleviate the fear, of residents of high-rise accommodation. Will this be met by the Government?

The third is to ask about the position of residents in blocks of flats where the freeholder is not the local authority. Some will be leaseholders; others will be renting. In the former case, do the Government expect the leaseholder to finance the necessarily expensive work? If not, what steps will they take to ensure that the freeholder does so and that the cost is not borne by the resident? Will local authorities have a role in enforcing any requirements in such cases and, if so, will the cost be treated as being within the new burdens doctrine, under which they can look to the Government for the necessary funding?

Finally, the Statement, perfectly properly, deals with high-rise housing. What consideration is being given to other high-rise buildings—offices, shopping centres, hotels, hospitals and the like—which may also present problems, in relation to both existing buildings and those which might be built in future? The tragedy of Grenfell must never be repeated.

Lord Stunell (LD): My Lords, I associate myself with the remarks of both the Minister and the noble Lord, Lord Beecham, in relation to this terrible tragedy and the need to make sure that it never occurs again.

I should start by declaring that between 2010 and 2012 I was the Minister with responsibility for building regulations.

I very much welcome the report and I welcome the Government's endorsement of its recommendations.

We share the Secretary of State's commitment to making sure that they are brought into force as quickly as possible. In that respect, my first point is to raise with the Minister the following phrase in the Statement:

"Changing the law will take time".

When will the primary legislation that the Secretary of State has promised be introduced? We know that there is a legislative logjam further in the system. Can the Minister give us an assurance that this legislation will vault over that logjam and reach this House and the other place in good time for an early introduction and passage through the parliamentary system?

Secondly, does the Minister recognise that in fact the Secretary of State already has powers to start the process? The Building Act 1984 was amended by the Sustainable and Secure Buildings Act 2004 to provide a power requiring a nominated person to be appointed for each building project to sign off on building regulation compliance. That power is not yet in force but it would produce what the Hackitt report calls a "dutyholder". That can be introduced now by statutory instrument and could be in force by October this year. Changing the law does not always have to take time, and I hope that the Minister will undertake to press his colleagues in the department to get on and make sure that this simple, straightforward introduction of a duty holder takes priority and does not get stuck in the legislative logjam.

The Hackitt review rightly outlined the dysfunctional and fragmented nature of the construction industry and identified a culture of cost-cutting and corner-cutting at the expense of good quality, good safety and common sense. I want the Minister to recognise that it is not just fire regulations in high-rise buildings that have been the victim of, or bypassed by, that cost-cutting, corner-cutting approach. Buying a new house in 2018 is like buying a new car was in the 1960s, with complaints very high and quality standards very low. Will the Government learn from this review and make sure not only that compliance with the right fire regulations is automatic in future but compliance with the full range of measures in building regulations, all of which are aimed at saving life, promoting the health and well-being of the buildings' occupants, and delivering a long-term, sustainable environment?

Finally, I welcome the Government's £400 million allocation for social housing repairs to cladding. I want to press the Minister on this, as I did the noble Lord, Lord Bourne, last week: is it not time to give a similar "pay now, recover costs later" pledge to tenants and leaseholders living in privately owned high-rise flats? Surely they are just as deserving of living in safe homes as anybody living in social housing.

Lord Young of Cookham: My Lords, I endorse the moving words of the noble Lord, Lord Beecham, at the beginning of his remarks. Like him, I listened to a survivor on the "Today" programme emphasising his very strong view that we should ban the use of combustible materials. I know that, as we consult on that option, a number of professional bodies, as well as survivors, will strongly endorse that suggestion.

The noble Lord may not have had time to read the whole of the Hackitt review but there is an interesting section on resident empowerment, regular safety reviews, improved communication with residents and a duty holder —as was mentioned by the noble Lord, Lord Stunell. It recommends that, where there is an unsatisfactory response from the freeholder, there should be an opportunity to leapfrog over the freeholder to an independent body with powers to intervene.

The noble Lord will know that £400 million has been allocated to local authorities to compensate them for the costs of remediation. Both noble Lords raised the issue of leaseholders. In many cases, the leaseholders are also the freeholders because they have used the legislation to enfranchise themselves, so it is no good telling them to get the money from the freeholder because it is a circular discussion. I was interested in the noble Lord's suggestion that local authorities might intervene to underwrite in some way the costs of remediation. Discussions are continuing at a ministerial level about the problems facing private sector leaseholders. We hope that, where it is possible, freeholders will follow the example of Barratt, which has, I think, undertaken in one case to pay for remediation itself and not pass the cost on to leaseholders. Where practical, we would encourage other freeholders to do the same.

The noble Lord asked whether the recommendations could apply beyond high-rise buildings. Many recommendations—on changing the culture and on ownership of risk, for example—apply to the wider construction industry and not just to high rise. There is read-across there.

The Government place a high priority on public safety, and the legislation involved is quite extensive. Dame Judith suggests establishing a new body—the joint competent authority or JCA—combining powers from the Health and Safety Executive and building standards departments. There are other legislative changes also. We want to consult and we want to get it right. The Secretary of State will make a progress report before the Summer Recess and again in the autumn on how we are taking forward the legislative consequences from this report.

I agree with what the noble Lord, Lord Stunell, said towards the end of his remarks. The culture should filter through not just to fire safety but to the whole range of building regulations. Dame Judith wants what she calls an outcomes-based strategy—where people assume responsibility for risks and do not shield themselves behind prescriptive solutions and try to game them, to use her words.

Finally, to pick up the point made by the noble Lord, Lord Stunell, we are considering whether any of the current powers could be used to take forward Dame Judith's vision. I think I put the Building Act 1984 on the statute book in an earlier capacity, and I am delighted to learn that those powers are still relevant. We are inviting people to contact us with views on how we implement the review, which will include using existing powers where they are available.

2.46 pm

Lord Deben (Con): My Lords, we are all deeply concerned that this should not happen again and I welcome what the Minister has read out. In particular, I hope the Government will give a clear indication that the banning of combustible materials is something

[Lord Deben]
they would like to do. We have to have a consultation, but, given our debate yesterday on why it is important to make clear in any consultation where the Government believe the future should be, it is important that the Government are very clear about this.

Does my noble friend accept that Dame Judith's report clearly highlights that inspection and enforcement have a big role to play, and failed in this case? Therefore, I hope I am not extending it too far to say that there is a fundamental problem with the building regulations in general. We have to recognise that building regulations are not being met by new housebuilders, for example, because they are not inspected and the regulations are not enforced. In my view, this is a clarion call to review the way in which inspection and enforcement take place. I hope the Government will say that this is not just about fire safety but about all the other regulations we have passed, which should be enforced. I suppose I ought to declare my interest as chairman of the climate change committee. This is a real issue for us, because we cannot get the enforcement we need for new buildings.

Lord Young of Cookham: I am grateful to my noble friend, himself a former Secretary of State at the Department of the Environment with responsibility for building regulations. The Hackitt review has recommended what she calls "gateways"—steps that must be fulfilled before the next stage in the construction process can happen, from design, to planning, to completion. On inspection, there is an interesting section in the report about approved inspectors, where Dame Judith sees a perceived conflict of interest and recommends some changes. On regular inspection, there is a recommendation that high-rise buildings should be inspected rigorously at least every five years for safety. On resources for the planning regime, my noble friend will know that we have recently increased the fees that planning authorities may charge with the increase being ring-fenced for actions such as enforcement.

I should have said in response to the noble Lord, Lord Beecham, that I have the latest figures from the royal borough on the rehousing of the Grenfell survivors. As of 14 May, of the 210 households that needed to be rehoused, 201—95%—have accepted offers of temporary or permanent accommodation. Of those, 138 have moved into temporary or permanent accommodation of which 64 are currently living in temporary accommodation and 74 have moved into permanent accommodation. Kensington and Chelsea Council is spending £235 million on providing the homes needed and we know that the council plans to spend an additional £83 million on top of the £152 million it has already reported spending. It has reported that it has now made over 300 permanent homes available to survivors to give people as much choice as possible.

On the building regulations, Dame Judith's point was that the problem was not so much the regulations but a failure of the system that supervises and enforces them.

Baroness Brinton (LD): My Lords, I declare my interest as a member of the Fire Safety and Rescue APPG. I welcome the report from Dame Judith. It is time that the principle of a golden thread ran right through the entire planning, delivery and maintenance of buildings. I know that many others agree with that. I endorse the comments made by my noble friend Lord Stunell about the timing of legislation coming through, and I hope that those things that can be done swiftly will start to give confidence to the various parts of the industry that changes need to happen.

Wearing my fire safety hat, I am slightly concerned that in the Statement the Minister referred to working with industry to clarify the building regulations fire safety guidance. I hope that does not just mean with the private industry side but includes the public sector, whether fire services or local government—or indeed those people who act as approved inspectors going in to have a look.

Five years ago, the Secretary of State promised a full review of the approved document B regulations after the Lakanal House fire inquest. We need an urgent review of those. My concern is that Dame Judith Hackitt's review is not explicit about what will happen to them. If they are to be made part and parcel of a general regulations review, please will the Government assure us that the reasons behind the review proposed five years ago remain and will be addressed as a matter of urgency? Everybody agreed five years ago that we should never let something like the Lakanal House tragedy happen again, yet here we are.

Finally, I also endorse the comments made by my noble friend Lord Stunell. Please can we not just have guarantees and hopes that private freeholders will not pass on the costs? I completely accept the Minister's point that many leaseholders are also freeholders, but I am afraid there are too many examples already of leaseholders being faced with massive charges by freeholders who are taking none of the risk and none of the liability. That is unacceptable.

Lord Young of Cookham: I am grateful to the noble Baroness. On legislation, I can only repeat what I said: the Government place a high priority on public safety. I know that the Bill managers will take on board the points made by a number of noble Lords.

On consultation, it will not just be a review of the industry. The noble Baroness is quite right. It will involve the fire and rescue service, local authority building standards people, approved inspectors and others.

On the building regulations, we agree that the building regulations fire safety guidance needs clarification. Work actually began before the Grenfell fire last year. When the interim report was published, we promised to complete it. A clarified version of the guidance will be published for consultation in July. We want to ensure that there is no room for doubt about compliance of materials with the building regs. We will consult on Dame Judith's recommendations, as I said, including the proposal that only non-combustible cladding can be used on high-rise buildings. Also in the report are proposals for much more stringent testing of materials, and other recommendations along those lines.

Baroness Donaghy (Lab): My Lords, I refer to the joint competent authority that the Minister has already mentioned and the implication that that would require primary legislation. This recommendation is extremely

important and will help to build the infrastructure around a new and higher-standard regime. Is there any chance at all that a shadow authority could be established that might make the whole thing a little speedier than primary legislation?

I have had the pleasure of working with Dame Judith. She refers in her report to the construction design and management regulations because she chaired the Health and Safety Commission. She reports that those regulations produced good outcomes. She is wedded to these approaches being repeated in relation to the safety and quality of complex buildings and to the safety of those who live in them. The Statement implies that there will be another set of consultations, perhaps by the end of July, a Statement before the Recess and another in the autumn. There will be legislation. Can the Minister elaborate a little on the Government's thinking on precisely how quickly some of Dame Judith's really urgent and effective recommendations could be implemented, short of primary legislation?

Lord Young of Cookham: I am grateful to the noble Baroness. Some of the recommendations can be done without legislation, and we should start on those now—changing the culture within the industry, for example. The joint competent authority proposed by Dame Judith is quite a radical proposal. The powers are set out in more detail on page 23. We agree that we need an improved regulatory system with sharp teeth. It would make sense to bring together the three disparate bodies—the HSE, the fire and rescue service and local authority building standards—together in one overarching body with these teeth. The new body would process the applications for high-rise buildings. We need to consult on that model, as I said. We have a lot of support for her vision of an improved regulatory system. We want to consult and then set out our plans for implementation in the autumn. I note with interest the suggestion of the noble Baroness that if we go down the JCA route a shadow body should be set up to take over responsibility; she asks whether that could be done without legislation. We want to make progress and we recognise the need for reform and the need for some overarching body to make sure that we do not make the same mistakes again.

Baroness Pinnock (LD): My Lords, this is a good report and I am pleased that the Government have welcomed it in the way that they have. In order to give confidence to the many thousands of people who have great anxiety about the future—the residents who live in these buildings—I wonder whether the Government would be prepared, for instance, to take immediate action to implement some of the uncontroversial recommendations in this excellent report. For instance, the residents' voice recommendations could be implemented almost without delay and would give confidence to people out there that the Government are taking seriously not just the report but the actions from the report.

Secondly, I completely agree with the remarks of the noble Lord, Lord Deben, about transparency and independence within building control, and about giving it some teeth. That is something I have been concerned with in my role as a councillor for a number of years. I look forward to that new system being independent of current construction companies and completely transparent in how it operates, and having the necessary teeth to implement action that it currently does not. That will require funding and I notice in the report a reference to that. I hope that the Government will be able to commit to properly funding local authorities in order to undertake new, strong measures to implement building control standards.

Lord Young of Cookham: I am grateful to the noble Baroness. She is quite right about residents' voices, and in many cases that is already happening. In both the social and the private sectors there are residents' associations—or rather, tenant forums—whereby there is a good dialogue between the freeholder, the owner and those who live in the building, and Dame Judith's report has some suggestions as to how to take that forward. I agree that we should do that without waiting for legislation: I entirely endorse the point.

The JCA proposed by Dame Judith would indeed be independent. It would not be dominated by the industry but would be composed of the three components that I mentioned. On the residents' voice—there is some in-flight refuelling here—the Government agree with the assessment and support the principles behind the report's recommendations. We will work with partners to consider Dame Judith's detailed recommendations and, again, we will set out our implementation plan in the autumn.

On resources for local authorities, some local authorities have found it quite difficult to trace the owners of some privately owned high-rise blocks. People are either not answering or they are based overseas. We have therefore made £1 million available to local authorities in order to help them enforce their duties to identify and, where necessary, take action against the owners of buildings with unsuitable cladding. As I mentioned earlier, the increased fees for planning applications should provide more resources for planning departments.

Lord Fox (LD): My Lords, the Minister mentioned an outcome-based safety regime. My understanding of that process is that, rather than enforce point-by-point compliance with regulations A, B and C, while there has to be compliance, overall the system—the building, that is—has to be safe. The person who is accountable for the building has to underwrite its safety. This is remarkably similar to the outcome of the inquiry conducted by the noble and learned Lord, Lord Cullen, into the Piper Alpha disaster, which talked about the safety case. As noble Lords will remember, it was an appalling tragedy, and the report wisely changed the philosophical approach to safety. The Hackitt review makes the same philosophical proposal.

As someone who worked in and commented on the oil industry, I recognise this as being a positive suggestion. It means that there are lessons that the Government can learn about the rapid implementation of such a philosophical shift. So, as well as consulting the industry, I suggest that the Government should also consult the oil and gas industry, in particular the people who were around when that change was made, because it was a retrospective and ongoing change. Existing facilities

[Lord Fox]
had to be brought up to the new standard and new facilities had to be built in the new way. Can the Minister take that advice and talk to some of the people who have already made this philosophical shift?

Lord Young of Cookham: The noble Lord is quite right: what Dame Judith is basically saying is that we should rely less on looking in isolation at individual elements within the construction industry, which she argues leads to fragmentation, silo thinking and gaming the system, and move towards an outcome-based approach, which means standing back and making sure that the system as a whole has integrity. She is worried that at the moment what she describes as a prescriptive approach means relying on people meeting minimum standards and not taking a broader view of what is going on. In a quote that makes the point, Dame Judith says:

"This is most definitely not just a question of the specification of cladding systems but of an industry that has not reflected and learned for itself, nor looked to other sectors".

She wants to promote what she calls a proactive and holistic view of the system as a whole. So not only should we look at the oil and gas industries, we should look at what is happening overseas where other countries are also moving towards an outcome-based system. I shall certainly take on board his point about a dialogue with other industries which have moved in this direction.

Lord Shipley (LD): My Lords, perhaps I may remind the House that I am a vice-president of the Local Government Association. I will raise two issues which I do not think have come out fully in our discussions so far. One relates to the fact that in the future, and depending on the consultation, it might be possible for combustible materials to be used on buildings. The Government's Statement says that people living in buildings such as Grenfell Tower should be safe and should feel safe. But no one who knows that their accommodation is made of combustible materials is going to feel safe, and I suspect that they will also face substantial increases in their insurance premiums. So I hope that we will pay close attention to what the ABI and RIBA are saying about the need to make the use of combustible materials illegal.

My second question concerns the £400 million, because this issue has not yet been made clear. Is this a fixed sum of money which local authorities are to bid into or is it a flexible sum that may actually be higher than £400 million when all the costs of replacing the cladding are known? Further, does it include payment to local housing authorities for the fire watching that is currently being undertaken in a large number of high-rise blocks? It goes on for 24 hours a day, seven days a week and the costs are likely to have substantial implications for the rents paid by those who are in that accommodation. I hope very much that the £400 million is a flexible sum that will include the amount that might be loaded on to people's rents.

Lord Young of Cookham: I take the noble Lord's point about the views of the ABI. Under the recommendations made by Dame Judith, those living in blocks of flats will have much more information about how safe their building is. She talks about a "golden thread", which is a database relating to the building. It would be kept up to date and would be accessible to residents.

On the £400 million, we want to allocate this funding for remediation as soon as possible and we will announce more details shortly, including how we will encourage landlords to continue to pursue other parties for costs where they are responsible or at fault. He asked whether it is a flexible sum. As someone who was once a Minister in that department and had negotiations with the Treasury, I suspect that it is not a flexible sum: it is £400 million that is available for local authorities to bid for to help them with the costs that they have faced. We are trying to do all we can to ensure that in the social housing sector, the costs of implementing the recommendations do not fall on tenants' rents. We have made that position clear.

Automated and Electric Vehicles Bill

Committee (2nd Day) (Continued)

3.07 pm

Amendment 51 not moved.

Amendment 52

Moved by ***Lord Tunnicliffe***

52: Clause 9, page 6, line 22, at end insert—

"( ) Before making regulations under subsection (1)(b), the Secretary of State must consult charge point operators and vehicle manufacturers on the prescribed requirements for connecting components."

Lord Tunnicliffe (Lab): My Lords, in moving Amendment 52 I shall speak also to three other amendments in this group. The Bill as currently drafted gives the Secretary of State the power to make regulations in relation to the components of charging points. What the Bill does not do is define what criteria will be used or who the Government will consult when making this decision.

The Bill presents a significant opportunity for the United Kingdom to lead globally on encouraging the uptake of electric vehicles. Making the most of that opportunity will require action in a number of areas, one of which is availability and interoperability of charging points. There is some concern about differing design standards for charging points. It is important to avoid a situation in which vehicles have a wide range of different connecting components, because they will have to be reflected on forecourts; such a range will be impractical and create confusion on forecourts. The amendment would require the Government to consult charge operators and vehicle manufacturers on these vital infrastructure decisions. The amendment's purpose is to ensure that the Government consult properly and widely, specifically with recharge point operators, on the final form and implementation of those connecting components.

Amendment 67 would require the Secretary of State to consult on and publish the criteria to be used for the definition of "large fuel retailers" and "service area operators". This will make clear to the industry which companies are covered by the regulations.

Amendment 87 focuses on the collection and use of data from electric charging points. As with the data collected by automated vehicles, charging points and electric vehicles will also hold important and useful information which, if it were to fall into the wrong hands, could be damaging. It is important that we get this side of the legislation right because, as the technology advances, it is likely that more information will be held. Some of this information will be personal and sensitive, which is why it is important that the Government ensure that the gathered data is secure and private. It is important that the legislation addresses who is responsible for collecting this data, how the data is then shared between different parties and any limitations on such data. In the amendment, we ask Ministers to properly consult with the relevant stakeholders in this area and make sure that the correct safeguards are put in place.

Finally, Amendment 102 would require the Government to consult widely before regulations were implemented. One significant area that our proposals would deal with is the impact that the expansion of charging points may have on the national grid, which the Bill barely addresses. There is a fear that sudden huge spikes in demand could easily damage the network and, in extreme cases, lead to power outages. For it to work, this policy requires serious planning and consultation between the Government, the grid and charge point operators. I appreciate that the Government are trying to address some of that with smart charging, but the risk is still there, particularly if rapid charging is used at charge points during peak rush hour times. Those concerns need to be considered carefully and the impact must be monitored in the rollout of the infrastructure changes. The Government will have to consider a great many things that they do not know yet, such as what regulations they want to bring in, who they will affect and how they will be affected. That underlines why it is important that the Government consult stakeholders, as this amendment asks them to do.

I am not opposed to the use of secondary legislation because it will be necessary to future-proof the Bill, but it is important that the Minister comes back to Parliament with more detail and specific proposals for regulations—particularly for something that, as it stands, is not included in much detail. I beg to move.

3.15 pm

Baroness Randerson (LD): My Lords, I rise to speak to the amendments in this group in my name. I cannot see much of a theme between them so I will deal with them separately.

Amendment 95 addresses the issue of smart meters. We all know that smart meters are in the Bill because the Government believe, or have reason to believe, that there could be issues with pressure on the national grid. They are dealing with, or planning to deal with, that pressure through the use of smart meters. My amendment intends to ensure that smart meters really are smart, and very sophisticated. When we have talked about them before, people have said, "It's really important to charge at night when there is not great pressure on the grid". In fact—my amendment deals with this—specific groups of people have very good reasons for not charging at night. Some people cannot charge then because they are out at work and have taken their car with them, and some people, such as people with solar panels—I declare an interest because I have them on my house—have a good reason to charge during the day. I am keen to charge my car during the day, whenever possible, because that is when my panels are generating electricity.

I am probing the Minister to find out the Government's view on this and whether the concept of smart meters can now take that kind of thing into account. It would be frightfully unfair if night shift workers, such as NHS workers, had to pay a higher price for their electricity just because they have to charge their cars during the day. I would hope that we had moved on a long way, technologically, from the days when night storage heaters imposed a blanket situation where you charged at night, dispelled your heat during the day—whether you were there or not—and had no control.

The national grid has assured us that there is enough overall capacity, but I fear that it is similar to the mobile phone companies saying that 95% of the population has a good signal. We all know that 5% of the population lives in a large geographical area known as the countryside, so there are great swathes of the country where mobile phone signal is very poor. Already, the national grid is overreaching full capacity in some areas such as south-east England and many rural areas because there are no links with the grid.

Amendment 103 is intended simply to make sure that the regulations that spring from the Bill are dealt with in the appropriate manner. I have tried to reflect the views of the DPRRC that there should be some affirmative resolutions.

Amendment 68 refers to the need for consultation with fuel retailers. Here, I am probing the issue of the definition, and how the Government will reach a definition, of "large fuel retailers". The Association of Convenience Stores was rather worried that it would be forced to have electric charge points in inappropriate places. My view is that fuel retailers need to look 10 years ahead. If this revolution has taken place, they will not be selling loads of diesel in even five years' time, nor loads of petrol. They need to think about how they will diversify. Consultation would help not just to produce good regulations, but to raise awareness among fuel retailers that they will need to consider the future.

When the consultation takes place it will also be important to consider the capacity of the grid. We have talked a lot about motorway service stations. They generally have an electric charging point. In the great and glorious future we hope they will have several electric charging points, but they are usually in the countryside. It might be that the grid does not have the capacity for that in that area. Things such as consultation would help to unravel that spectrum of things and make it clearer for the Government, as well as for those who have to supply the electricity.

[Baroness Randerson]

Very briefly, Amendment 87, which I have added my name to, relates to data. I will leave the issue of data largely to the noble Baroness, Lady Worthington, as the noble Lord, Lord Tunnicliffe, has spoken already, but I am seriously concerned that this is yet another gaping hole in the Bill. We dealt with it in Part 1 on automated vehicles, but electric vehicles have the same data-collection capacity. There are serious issues that the Government need to grapple with to reassure the public that the data being collected about their movements is dealt with responsibly and not used just as an easy marketing gambit.

Baroness Worthington (CB): My Lords, I will briefly speak to the amendments in my name in this group. Consulting the sector, particularly the charge point providers and operators, is essential to ensure that the regulations we pass are fit for purpose. I am sure that that will be a component of the Government's strategy, which we wait to see published. I look forward to hearing more about that from the Minister.

Amendment 87, which the noble Baroness, Lady Randerson, mentioned, concerns a huge topic on data from electric vehicles. It is correct that we touched on it under the part of the Bill on automatic vehicles, but it is not present in this part. It would be good if the Government took this away and had a think about it. As a driver of an electric vehicle I often override the question at the start that says, "Do you want to send your data to the company that owns the car?", simply because I think, "Why should I share it?". However, there might be very good reasons why you want to share anonymised data to facilitate completely different ways of taxing people's use of the vehicles.

In the Bill and certainly in the Government's strategy we have to think about what will happen to the public purse when we move away from a transport system fed by fossil fuels, which generate huge amounts of revenue to the Treasury. As we come off that and go on to electricity we will not see the same revenues at all. Yet there might well be embedded into these technologies a new data source that would enable a different form of taxation based on road use. If we can come up with a taxation system that uses this data, perhaps on an annualised basis rather than the Government tracking your every move, we would be able to use it to inform a new form of taxation similar to the way we do an MoT at the end of the year, so you can pay taxes on that basis. There is an enabling aspect of the data as much as there is concern about privacy and use of data for purposes we were not aware of when we signed on the dotted line for different services.

This is a big topic. We probably cannot do it justice with just this amendment, but I will genuinely listen to and be very interested to hear from the Government about this topic and what they plan to do about it in the protective sense, but also in the use of it in creative ways to ensure we still collect revenue to fund our public services.

Lord Campbell-Savours (Lab): My Lords, the noble Baroness, Lady Worthington, just referred to the issue that I wanted to raise and which I raised earlier in Committee. There will potentially be a substantial drop in revenue. It is important that the Bill goes a little bit further than it does in Clause 12, which refers to a,

"prescribed person or to persons of a prescribed description".

Why can the Government not be a little more frank? We basically mean the excise authorities—they are the people who want this information. Ultimately, that is the way the tax will be raised, unless we go down the route of satellite observation of your vehicle running along the motorway counting up how many miles you have done and where you went, which might worry a lot of people in a world of arguments over privacy.

I hope the noble Baroness's comments will be followed up by the Minister. The Government might be prepared to go a little further on Report than the wording in Clause 12 and be absolutely frank. This is how it is being read outside: "This is the way we intend to raise taxes", against the argument, when it starts, of whether to use something like satellites. Could Ministers be a little more frank and give us an undertaking that they might reconsider that position and the wording in Clause 12(1) on Report?

Lord Young of Cookham (Con): My Lords, I am grateful to all noble Lords for raising the importance of consultation prior to regulations being made using the powers covered by the Bill. It would of course be sensible, and indeed essential, for us to engage with a wide range of stakeholders to ensure that any regulations brought forward under the Bill are fair and proportionate while delivering the changes that will meet the needs of users and greatly improve the charging experience. It will be particularly important to consult those stakeholders that will be directly impacted by any of these regulations.

The Government have a set of good consultation principles—for example, that consultations should be targeted, clear and concise. They were published in 2016 and a copy was placed in the parliamentary Library. These principles were followed when consulting on primary legislation for the Bill and we will continue to follow them. They were updated in 2018 and can be accessed on the government website, GOV.UK.

Prior to introducing any regulations in this part of the Bill, we will engage with all appropriate stakeholders. This is already a requirement under Clause 16(3). Amendment 52, moved by the noble Lord, Lord Tunnicliffe, calls for consultation specifically with charge point operators and vehicle manufacturers. As we explained in the policy scoping notes, under Clause 9 the Government would consult widely with stakeholders on the issue of connection before introducing regulations. This consultation would of course include charge point manufacturers and operators, and vehicle manufacturers.

Amendment 67 in the name of the noble Lord, Lord Tunnicliffe, also seeks to require the Secretary of State to publish draft criteria and definitions of large fuel retailers and service area operators at least six months before making the regulation. Any regulations brought forward under Clause 10 would be informed by consultation with industry, including fuel retailers, motorway service area operators, EV infrastructure providers and operators, and EV manufacturers and drivers, a point insisted on by the noble Baroness, Lady Randerson. She made a valid point that those

currently in the petrol retailing business will want to ensure that they have a future. Their business is basically supplying energy to motorists. They will need to react if motorists start using a different form of energy. It would be in their interests to move in this direction.

The noble Baroness, Lady Worthington, raised the point that this might have implications for the Treasury. I will not go there. She also mentioned the possibility of road pricing—another sensitive political issue. I am not going to go there either, but they were valid points.

As explained in the policy scoping notes, the purpose of the consultation would be to seek industry's views on the definitions of large fuel retailers and service area operators and any criteria for the locations at which fuel retailers will have to make specified provision.

3.30 pm

Lord Deben (Con): Will that consultation include not just regulation but facilitation? Many providers collect their fuel by road and then dispense it. They have a serious problem connecting with the grid and fitting in with the electricity supply. I do not understand why the Government do not apply here the same arrangements as they applied in respect of telephonic connections, which did something about the problems of wayleaves.

Lord Young of Cookham: My noble friend is absolutely right. Some fuel retailers may be in remote locations where the necessary electricity supply is not immediately available. Therefore, it would not make sense to oblige them to have charge points if they could not get the power. We have taken that on board. When we consult, we will look specifically at the availability of power supply before deciding whether to make progress.

Clause 16(4) would require the Secretary of State to lay the draft regulations in Parliament and their approval by each House before they are made. I understand the intent of the amendment: to ensure there is enough time for stakeholders to consider and comment, and make their views known to parliamentarians, before the regulations are discussed in the House. However we believe that, given the commitment to full consultation and the use of the affirmative procedure, it is not necessary or proportionate to publish the regulations six months before they are made. There will be many opportunities to comment on what should be included in the regulations throughout the consultation, and a delay of six months from the final draft to a vote in Parliament could adversely affect the delivery of the policy. Regarding Amendment 68, I hope this also reassures the noble Baroness, Lady Randerson, of our commitment to consult fuel retailers about the appropriateness of regulations before they are introduced.

I turn to Amendment 87 and the important issue of data. The collection and use of data from charge points is increasingly important to those who help manage the electricity system. We will need carefully to consider how that data is used and how to ensure data privacy. We are already statutorily obliged to consult on the regulations through Clause 16(3). The consultation will cover the issues referred to in the amendments: who is responsible for collecting the data, how the data is shared, and any limitations on the use of such data. Therefore, we do not believe that a specific amendment on data is necessary. Data security and privacy are essential. Data would be anonymised and aggregated and it could be handled in a similar way to how smart meter data is treated. The noble Lord, Lord Campbell-Savours, suggested that one of the prescribed persons might be the Treasury, so that it could get this information in order to charge motorists. I do not think that is the intention, but I will take advice before I commit myself on it. It is an ingenious thought, which the Treasury may follow up now that the noble Lord has mentioned it.

Amendment 95 is proposed by the noble Baroness, Lady Randerson. She must have a very small carbon footprint if she generates through solar panels the power for her car. The amendment would require night-shift workers and households with solar panels to be taken into account for regulations under Clause 13, about smart charge points. I would hope that night-shift workers might be able to charge at work and therefore benefit from the lower rates, but off-peak is not only at night; lowest demand can now be in the afternoon because of solar power, so it could be the new off-peak—I understand that this happened for the first time in the UK in 2017. We will of course look to ensure that the introduction of smart charge points does not have adverse effects on any groups of consumers. However, we do not believe it is appropriate to specify, and implicitly prioritise, a small selection of people, however important, as the noble Baroness's amendment seeks. I understand that it is important to take into account different groups of consumers, but as the clause is about the requirements for smart charge points rather than the pricing structures, I am not sure that it is the right place.

On smart charging pricing structures, I hope noble Lords will be reassured that the regulator for the electricity system, Ofgem, has an explicit responsibility to make the system fair for all energy consumers. Amendment 102 in the name of the noble Lord, Lord Tunnicliffe, would extend the consulting requirement for this part of the Bill to ensure that the Secretary of State included the National Grid, large fuel retailers and service area operators. I agree that it is important to consult widely and of course that includes such stakeholders, but we do not think it appropriate to specify in the Bill a small proportion of the organisations that should be consulted.

Amendment 103 in the name of the noble Baroness, Lady Randerson, is about requiring draft regulations in this part to be approved in both Houses of Parliament every time they provide or amend a definition in this Act. Clause 16(4) already requires the Secretary of State to do this for the first time regulations are laid, with exceptions for technical regulations under Clause 9(3) and Clause 13. This is a rapidly evolving market and may require the Government to act quickly. The initial regulations will be subject, quite rightly, to the affirmative procedure, but it may not be appropriate to extend this to every provision or amendment of a definition.

I am grateful to noble Lords for raising important issues. I hope they are reassured that we intend to fulfil existing duties in respect of secondary legislation, that we will consult widely and thoroughly before any

[Lord Young of Cookham]
regulations are brought forward, and that the statutory obligation to consultation in Clause 16(3) will ensure that we do so. I recognise the importance of proper parliamentary scrutiny when defining terms used in the Bill, as the Delegated Powers and Regulatory Reform Committee noted in its report. My noble friend is considering its recommendations and will respond to the committee before Report and copy this response to all noble Lords who have taken part in today's debate. On that basis, I hope that the noble Lord might withdraw his amendment at this stage.

Lord Tunnicliffe: My Lords, I shall not delay the Committee unnecessarily. I will study the response with some care. I suspect that we will bring forward an amendment on Report unless the Minister does so for us, because there is something rather special about the timescales. The standard consultation is 12 weeks. The six months that we propose recognises the considerable work that will be required if a fuel retailer or service operator is caught unawares. Either such a provision is needed or the regulations have to be sensitive about time. I hope for a perhaps more in-depth response—I do not want to be rude—which recognises these timescales. Perhaps we can put that on record on Report, even if the Minister is unable to suggest some useful words to add to the Bill.

Before I withdraw the amendment, can I assume that when Amendment 53 is called, we will commence discussion on the original group without Amendment 51? I see nodding from the Whips; therefore, we are all on the same page. I beg leave to withdraw the amendment.

Amendment 52 withdrawn.

Amendment 53

Moved by ***Baroness Randerson***

53: Clause 9, page 6, line 22, at end insert—

"( ) Regulations may prohibit the removal of public charging or refuelling points unless the appropriate permission is obtained from the relevant local authority."

Baroness Randerson: This group of amendments relates once again to the provision of charging points. Amendment 53 relates specifically to a situation I came across in my local area. A developer had built a car park associated with a shopping centre and had probably received a grant to put in a charging point. About two years later, they decided that, to reconfigure the car park, they would take out the charging point. There will always be a group of people who find a way round these things. Amendment 53 is designed to ensure that we look ahead and work to alleviate the problems that such people might cause us.

Amendment 71 is a further attempt to future-proof. That means that buildings built in the future will either need charging points to be built in or, as suggested by the similar Amendment 76, ducting should be put in even if you do not go the whole hog and put charging points there from the start. Nowadays, we expect all our houses—all our buildings, whatever they are—to have electricity and mains drainage. Very frequently, planning authorities require a property, whether it is for employment purposes or residential—to have car parking spaces. My amendment suggests that we should simply take that one step further and use the planning regulations to ensure that, in future, houses and any other kind of buildings are built with an anticipation that electric car drivers will live there, or use the building, and therefore need to be provided for. I beg to move.

Lord Borwick (Con): My Lords, I shall put Amendment 54 into context by mentioning the reasons for this Bill. The first half is to get Great Britain into the front row of one of the most exciting brand-new industries in the world, although the department seems determined to make sure that the Bill addresses insurance only. However, this half, on charging points, is trying to help solve one of the serious problems of our cities: air pollution. People are dying out there. People are suffering with every breath of air they take, their damaged lungs strangling them.

I should declare that for 12 years, ending some time ago, I was a trustee of the British Lung Foundation, and I am presently a trustee of the Royal Brompton and Harefield Hospital charity. The hospital is doing great work treating patients crippled by air pollution. These patients are predominantly poor people—people who live beside roads and in dense cities—and their under-researched diseases need more attention. We know some of the causes, including the PM2.5 particles that go right into the lungs and probably even into the brains of sufferers. The consumers know the situation, as is shown in the graph distributed by the noble Baroness, Lady Worthington. I would have preferred to see the graph separate hybrids from electric vehicles, as there are a host of mild hybrids that are certainly better than nothing but not nearly as good as a pure electric vehicle.

The message is clear: in the last year consumers have stopped buying diesels and increased their purchase of petrol cars. Why not electric? Because of the absence of rapid charging points. We do not even have a rapid charging point on the Parliamentary Estate. We should be ashamed of that fact. I know we are working hard to correct it, but the complexity of the rules of heritage and the planning permission for the yellow lines all have to be dealt with. I would rather install it first and sort out the problems later, which is why I would be a rotten choice to be put in charge of it.

Baroness Randerson: To be fair to the Parliamentary Estate, there are two fast charging points in the underground car park at the other end of the Building. There is not one in the Lords, but there is one in the other place.

Lord Borwick: I thank the noble Baroness for that. I was told that there were two charging points at the other end but not rapid charging points.

Baroness Randerson: They are fast.

Lord Borwick: The distinction between rapid and fast may be in the eye of the tortoise but is terribly important. There is a lot of difference between charging

points and rapid charging points. The table distributed by that doughty fighter for clean air, Stephanie Jarvis of TfL, shows that the number of rapid chargers installed on borough highways in London, "as part of TfL network"—whatever that means—is nil: absolutely none at all. To tease and adapt the witty words and tortured French accent of my excellent and noble friend Lord Young, I think that the score for the department is "nul points".

3.45 pm

Since we are dealing with a crisis in which people are in pain, suffering every day, we should grab any help at all that is available. The Mayor of London and the other metro mayors are eager to help. If the London councils can do the work, great; but if they cannot, and if the department is still not happy with the situation in two years' time, it should have the power to let others do the work. We should not despair that some grand panjandrum will not permit changes to the Bill, but help these patients get clean air. The Royal Brompton Hospital spends some charity money on encouraging patients with severe, crippling lung disease to sing. Singing is very good for them: it is called "Singing for breathing". I am going to a trustee meeting of the charity this afternoon in a demonstrator electric London taxi, the loan of which for the weekend might be considered a declarable interest. I would be delighted to ask the charity to invite my noble friend the Minister to hear a song of praise by lung patients for the change that the department will be making. Wouldn't that be fun?

Baroness Worthington: My Lords, the amendments in my name in this group include Amendments 57—a rather lengthy amendment, I apologise for that—74 and 76. Amendment 57 is an attempt to introduce some permitted development and infrastructure rights for the rolling out of charging infrastructure.

Subsections (1) to (3) deal with amendments to the town and country planning order to expand the permitted development rights that apply to charging points being installed off-street. They would remove the restrictions in the order that require that upstanding charging points must not exceed 1.6 metres in height and must be within 2 metres of a highway, and that wall-mounted electrical outlets must be within 2 metres of a highway. Obviously, these regulations were brought in to try to set parameters for the development of the sector. However, we feel that they are unnecessarily restrictive. In the spirit of the Government's intent that we should not be regulating because it is a fast-moving environment, we should deregulate where we are actively holding back innovation. So we think that subsections (1) and (3) are essential and we would like to work with the Government on addressing them.

Subsections (3) to (10) relate to powers that the London mayor is seeking to address the fact that, as the noble Lord, Lord Borwick, mentioned, the installation of fast—sorry, rapid—chargers on borough-controlled land is falling well behind that on TfL-run land and highways. The table is very interesting. Not only does it show that out of 103 rapid chargers installed, merely four are on borough-controlled land, it gives a fantastic insight into who is moving forward on rapid chargers. I note that the City of London, Kensington and Chelsea, Newham, Lambeth, Bromley and Barking have installed precisely zero, on either TfL or borough land. There is obviously some patchy deployment here in London.

The reason we have taken the GLA and TfL briefings on this issue very seriously is that cities are really significant. Not only are they having to deal with the air-quality impacts of the current use of combustion engines, they do and should have oversight of how this can be rolled out in a strategically planned way. But at the moment, although they are working relatively well with boroughs on the slow and fast chargers, on the rapid chargers they tell us that there is up to 10 weeks of delay before they can get permission to install. Looking at the table, they are simply not succeeding in some places.

The reason I think cities are so significant—I just saw this today on Twitter—is that 21% of global sales of EVs can be accounted for by six Chinese cities. If we think we are in any way leading this, we have to take a long, hard look and be honest about the fact that we are not in the lead. We are trailing well behind China on this issue. Of course, it was air quality and climate change that spurred China into action. It has, through a series of very successful policies—layers of policies—managed to clean up the air of its major cities. There is a lot we can learn from there.

Proposed new Subsections (11) to (14) of this rather lengthy amendment seek to introduce a concept of charging infrastructure rights—wayleaves, essentially—that is intended to mirror those granted under the Digital Economy Act 2017 for telecommunications. This is a significant issue for the country. We need to get this right. As we recognised when we granted these wayleaves for telecoms, this is the sort of thing the Government should be doing to ease this new investment in infrastructure. We look forward to hearing from the Minister on that concept. We have drafted these subsections drawing on the example of the Digital Economy Act, so they are probably not perfectly drafted. I would very much welcome sitting down with the Minister and officials to discuss this further.

The noble Lord, Lord Lucas, is unable to attend so I have agreed to speak to Amendment 74 on his behalf. This is an interesting and important issue. I have read somewhere that on average a car spends about 80% of its time parked at home. If you happen to be lucky enough to have a garage or off-street parking, you can move to an electric vehicle relatively straightforwardly, but not all of us live in that situation. Certainly in urban environments it is less common. You may well be in a leased environment or a block of flats and wish to have infrastructure installed to enable you to move to an electric vehicle, but it is very difficult. Even if leaseholders say that they will pay for the full cost of installing a charge point, and even if it is a simple plug, they often find that their landlords are unwilling to do it—why would they? It is an extra hassle and they are not required to meet that need.

In Amsterdam, I think, they have found that a demand-led rollout of this infrastructure has really helped speed it along. That means that if a customer has a car on order, they write to request that the charging infrastructure be fitted and it is then a requirement that that demand be met. That ensures a

[Baroness Worthington]
linking up of infrastructure with cars to use that infrastructure. This is a really important issue, and I would certainly welcome more thoughts and further consultation on how this can be made to work.

Similarly, Amendment 76 is about making the Bill future-proof, enabling us to take powers to require future residential and non-residential buildings with a defined number of parking spaces to have the necessary charge points or pre-cabling to allow for the installation of charge points. This is anticipating that we will get to the numbers the Government say they wish to get to. The Committee on Climate Change says that 60% of all car sales in 2030 need to be electric or plug-in hybrid, so it will not be too long before we get there, and we need to be planning for this now. We hope this will ensure that new and refurbished buildings are EV-ready. If a car spends 80% of its time parked at home, as has been said, it really is important that we do this. A car spends a further 16% of the time parked at another destination, so having the ability to put this into non-residential buildings is equally important. I hope that that covers everything.

Lord Campbell-Savours: My Lords, I wonder if I might take the Committee back to some elementary aspects here. Under my apartment in London, there is a garage and in the bay next to me there is a plug in the wall, with a wire leading into a motor car. It is an electric car being charged. On the previous amendment, I argued the need for the Government to be far more open about the question of taxation in future, in substitute for the revenue loss arising from less reliance on the fuels of today. We cannot raise revenue in conditions where people simply stick a plug in the wall. There has to be a meter.

Amendment 76 goes on to refer to regulations. I presume it is implied that these are building regulations. I am not sure but I think that is the suggestion. Perhaps in placing this requirement in the building regulations, we should set a requirement to fit a meter even though it will not be raising revenue in the early years. The reason I say that is only because of my experience over smart meters. Are we not changing the rules in some ways on those, because we have learned? We are almost in a period of regret, as we have been discussing in Committee in recent weeks. We think, "If only we'd known that a few years ago, we might have done it in a different way".

All I am suggesting is that in the event that we were to introduce regulations—building regulations, I presume—we should be thinking at that stage in terms of a meter. You would not just have your plug and socket; you would have a plug, a meter and a socket, but in the early stages the meter would be registering only for your information. The other advantage of it is this. In the event that you have a meter of that nature, with a particular socket, you can be sure that you can raise the revenue by charging a higher rate for the metered electricity than the rate charged for electricity going generally into the residence. There would have to be a differential rate to ensure that you could raise the revenue and you would have to have the equipment. I say: let us go from our experience with smart meters in another context.

Perhaps I may move on to Amendment 74, which has just been spoken to by the noble Baroness, Lady Worthington. Can I express a reservation, since she asked for comments, on subsection (2) of that proposed new clause? It says:

"Any leaseholder who pays for a charge point to be installed as in subsection (1) retains ownership of the charge point"—

they retain ownership of it—

"and all the associated works that the leaseholder has paid for when the lease ends, but the landlord may acquire ownership of them by paying the leaseholder one sixtieth of their cost for each month that remains of the five years since they were installed".

What happens if you are in a small block with a shared freehold, and someone puts in a meter? Are we saying that the balance of the freeholders have to pay to the person who installed a meter money to compensate them for the fact that they have left the lease at an earlier stage? That would be an unfair imposition on the balance of the leaseholders—if they have a share of the freehold, they are basically leaseholders. They might have 99-year leases but they are leaseholders. If I might say so, that provision is wrong. I think that if you have put in the equipment, you do so at your risk and if you leave, you lose.

I have a suspicion about what would happen. In the flat that I own near to the property of the noble Lord, Lord Young, we have a committee arrangement and I can imagine circumstances in which some members of that committee might say, "I'm sorry but we don't want to pay to compensate you when you leave for equipment you've put in". I do not know whether it might cost hundreds or thousands of pounds. All I am saying is: let us be a little careful about that provision. I do not want to rubbish the noble Baroness's amendment because the rest of it is excellent but I would enter that minor concern.

Lord Tope (LD): My Lords, as this is my first contribution to the Bill, I should say that my knowledge of, and interest in, electric vehicles is more limited than most of the Committee here. However, I suspect that I might have been the first to drive an electric vehicle when I drove from this House back to the London Borough of Sutton, at least 20 or 25 years ago, and came last in a race with our two MPs. One was riding a bicycle and the other was travelling by public transport. The reason for that was nothing to do with electric vehicles; it was to do with traffic on a Friday, which affects electric vehicles as much as every other car. Nevertheless I caused great amusement by arriving some time after our two Members of Parliament.

I am here to speak, in particular, to Amendments 54 and 57. I agree with much of what the noble Lord, Lord Borwick, said about his amendment, and very much with the sentiments behind the amendment spoken to by the noble Baroness, Lady Worthington. My interest in this—and, indeed, the reason why I was driving the electric car—is that for the 13 years that London was without a strategic authority I was leader of a London borough council, and therefore actively involved in trying to run Greater London without a strategic authority. After 13 years I stepped down as leader—voluntarily, I might add—to stand for election to the Greater London Authority, then about to come into being, and spent eight years as a member of that authority.

4 pm

I therefore have some experience not only of strategic government—I have always been a strong supporter of the need for strategic government in London—but of local government, and of London borough government in particular. Probably my most important qualification for speaking on these amendments is my 40 years as a town centre councillor in a London borough. Most of the residential properties in my ward were, in many cases, built before the motor car was invented, and for people who would never ever have dreamed of owning a motor car, but whose successors now own not only one, but in too many cases two, three or even four motor cars, all of which they have to park on streets that were not designed for it.

I wholly and strongly support the mayor's strategy in this, but I am concerned about its implementation. Every London-wide strategy needs effective local implementation: that is the intention of all the amendments, and of all of us in this Chamber. It is certainly my intention. I was therefore concerned to hear about the proposal to give Transport for London permitted development rights. I do not doubt the good intentions behind that; it is understandable. But—I speak with a lot of experience here—trying to implement such things sometimes requires quite detailed local knowledge, which a strategic authority, or an operational authority such as Transport for London, simply cannot have in respect of every borough.

I was more concerned when I read that, surprisingly—very surprisingly, to me—London Councils, which represents all 32 London boroughs, had not been consulted about this proposal and these amendments. Not surprisingly, it is strongly opposed to them; I do not know, but that may be why it was not consulted.

Baroness Worthington: Transport for London and the GLA have been actively trying to consult the boroughs on this issue over a six-month period. I emphasise the fact that we are talking about rapid chargers here, not slow and fast charging. That needs a strategic overview, because those are what enable people to travel long distances and recharge on their journeys, so they are more akin to motorway infrastructure than to charging at home, or at destinations where cars are parked for long periods. This requires a citywide strategy, which is why TfL is so interested in getting one for that particular class of charger.

Lord Tope: I well understand the difference here, and the fact that we are talking about rapid charging. If I misspoke, I am sorry: I am referring to the amendment and the proposal to give TfL permitted development rights. I think that the noble Baroness is referring to the mayor's draft transport strategy, which was indeed widely consulted on and widely welcomed, in work with the boroughs.

Be that as it may, the fact is that the 32 London boroughs and London Councils are strongly opposed to giving TFL permitted development rights. This is a very bad way to start on what we all want to achieve, which is the rapid implementation of rapid charging points. If it is to work effectively, it has to be a co-operative partnership between the GLA, TFL and the London boroughs.

I quote from what I believe is a public letter dated 29 March from the chair of London Councils' transport and environment committee to the Mayor of London. He begins:

> "London boroughs share your enthusiasm and urgency to tackle the poor air quality experienced by Londoners and therefore look to ensure that there is an efficient and effective network electric vehicle charging infrastructure to aid this".

Lord Campbell-Savours: Can we clarify the position? Are they opposing rapid charging arrangements?

Lord Tope: No, not they are not opposing rapid charging points at all. Quite the opposite—they are very enthusiastic supporters of them. This is my view, not one that has been expressed to me, but one reason that there has been so little installation is that most of the resources that come to boroughs for this comes through what is known as LIP funding which, if I remember rightly, stands for "local implementation strategy". All the funding comes from the Mayor of London and there has been no provision in my borough and, I think, many others, for the installation of rapid charging points. But we are getting into more detail than I wanted to at this stage, because I know we are moving quickly, and I want us to move on.

I go back to the letter that I was quoting from London Councils. The chair goes on to say:

> "We recognise that engagement between TFL and the boroughs on rapid chargers has not been as effective as it could be and are eager to address this issue collaboratively to enable better delivery".

He goes on to speak about one measure taken, which was to establish,

> "a cross party sub-committee solely focused on rapid charging infrastructure. Its task is to enhance the provision of rapid charging points in London across boroughs",

and to work together with TfL, the GLA and other interested parties. He concludes:

> "Collaboration between boroughs, TfL and the GLA is what will deliver an effective and efficient network of charging infrastructure in London".

I wholly endorse that sentiment, and I hope that all of us on all sides who wish for success here will also endorse it.

Baroness Worthington: I think we all have the same objective in mind, but does the noble Lord concede that 10 weeks to get permission for installation of charging, working with boroughs, is not exactly the swiftest of processes? The amendment that the GLA and TfL seek is merely to take a power to enable that collaboration to be given a bit of a supercharge, because different boroughs will have different speeds and different priorities and it seems sensible to be able to have a citywide strategy. It could help out boroughs which are insufficiently staffed to do this quickly. Ten weeks seems like a long time, no?

Lord Tope: My Lords, we must recognise, first, that there is a resource problem for TfL, boroughs and everyone in the public sector. That is possibly the greatest inhibition to rapid implementation. I must say that, in my experience, giving permitted development rights to TfL, while it would be intended to speed things up, would in practice have exactly the opposite effect, because it simply cannot have—this is not a

[Lord Tope]
criticism but a statement—detailed local knowledge. I could cite the example of proposing to put a charging point in a parking bay reserved for hearses for the local church—but we can get into too much detail here.

My key point is that the way in which to make rapid progress with rapid charging and all the rest of the infrastructure is not to set up something strongly opposed by the London boroughs, which is going to lead inevitably, sadly, to more conflict and disagreement, more objections and less public support—because that is where the objections will come from. That is not the way to go: the way to go is to give a kick-start, or whatever word the noble Baroness used, and say that we want to see greater active co-operation between TfL and the London boroughs. What we would like to see in particular is not an agreement to pursue permitted development rights for TfL but a requirement—or not a requirement, because we cannot require, but a request—that TfL and the London boroughs and councils, if possible, come back to us for Report, which I know is only a few weeks away, with an agreed amendment, if that is necessary, to achieve the objective that we all share. I think that that is a much more positive approach, and one that is far more likely to succeed in achieving the objective, which I think that I share with the noble Baroness, Lady Worthington, and everyone else, than the one now, which is being opposed by the people who will actually have to do most of the implementation.

Lord Tunnicliffe: My Lords, as a generality I support the thrust of these amendments, but I worry about whether this is the right place for them. Clearly, there is a case for some overall strategic planning, and there is a need for it to happen everywhere. There is also a possibility that that may require some powers to be provided for TfL. But we are trespassing into dangerous waters, because we are getting into sovereignty—and there is no more delicate area in a sovereignty debate than between an area or regional authority and constituent members. I worry whether this Bill is the place to make such a profound move.

I am genuinely open-minded about whether we should press in this direction, but I join the noble Lord, Lord Tope, in urging the department to do all that it can between now and Report to get a negotiated settlement between the boroughs and TfL that, if necessary, we can put into the Bill.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, this is a wide-ranging group of amendments and I shall aim to address all the points raised, so I am afraid that I shall have quite a bit to say.

On permitted development rights and expansion, as the noble Baroness noted, it is already allowed through town and country planning, which allows permitted development rights for one electric vehicle charging point per parking space, public or private. The noble Baroness, Lady Worthington, mentioned specific restrictions on that, which were introduced into the permitted development right to protect the environmental amenity of an area—hence the planning permission is needed. However, there is no height limit for charge points installed by or on behalf of local authorities, which are able to consider the impact of a charge point at a particular location, as well as on the safety of road users and pedestrians, and any other local considerations. That is what we want to bear in mind.

In general, the intention of these amendments is an important consideration. Given the change in technologies, it is important that the Government ensure the existing flexibilities and terms of permitted development rights and that they remain fit for purpose—and certainly deregulate where we should. So I shall take the issue away and consider it further with the Ministry of Housing, Communities and Local Government before Report.

On permitted development rights in London and TfL, my noble friend Lord Borwick raised the proposal to give TfL or the Mayor of London permitted development rights to install rapid charge points. Again, we agree with the intention behind aspects of this amendment; the installation of charging provision in London is crucial to help to ensure that air quality and climate change targets are met and, despite some excellent progress by local boroughs, many more charge points will be needed. While we recognise TfL's frustration at not being able to make quick improvements to a road network that it may be responsible for, it is right and proper that it works collaboratively with local boroughs to consider the local democratic process.

Lord Campbell-Savours: Do we know how many of these rapid charge points boroughs have actually been introduced up to now?

4.15 pm

Baroness Sugg: Since January 2017, the number is 644 rapid charge points, and they expect to quadruple that and install over 2,600. I acknowledge, however, that we need to up our game on the installation of these charge points.

Baroness Worthington: The table that has been circulated indicates that, of 103 rapid charge points in London, four have been installed on borough land.

Lord Campbell-Savours: It that not in fact our case? They are doing nothing.

Baroness Sugg: My Lords, I think we all agree that insufficient progress has been seen; we absolutely need to take action on that, but we need to consider the local democratic process. The noble Lord, Lord Tope, spelled out very clearly the opinion of London Councils on this, and we want to see TfL and London Councils working in partnership to deliver what we need, ideally without the need for legislative intervention. We are working with TfL, MHCLG and GLA colleagues on this collaborative approach. A new governance framework has been set up, and there is a cross-party subgroup tasked with addressing these specific issues. The mayor is also creating a new electric vehicle infrastructure task force for London, in which the Government have been invited to participate as a member.

These non-legislative solutions have recently been introduced and are designed to ensure that this collaboration happens. I appreciate, however, that my noble friend's amendment has a time clause in it, which is an interesting consideration. As the noble Lord, Lord Tunnicliffe, says, these are slightly dangerous waters, but we will certainly go away ahead of Report to see if there is more we can do to reach an agreement, or to broker a deal, between the local councils and TfL on this important issue. As I say, I think we have good bodies in place now to work on this, but it will require them to work together. We will come back to this after we have taken it further with them. I thank my noble friend for his invitation; it sounds a lovely idea. Perhaps we could do that after we get this Bill through to celebrate.

My noble friend and others raised the issue of rapid chargers on the Parliamentary Estate. As I mentioned at Second Reading, the authorities are currently carrying out a project to fit the underground car park in the Commons with 80 charge points, although, at the moment, they are not planned for our own Lords car park. Though I can reassure noble Lords that I am pushing on this issue and—hot off the press—I hear that the House authorities are still making a decision on whether to take forward the charge points. They are working with the planning and design authority that is installing the charge points in the House of Commons. I hope to come back with some positive progress, along with a timetable, on Report. If we do not see that positive progress, I will be meeting with the Parliamentary Estate authorities to understand why.

On the removal of charge points, the noble Baroness, Lady Randerson, raised an interesting proposal. On local highways, the authorities obviously have the ability to require the installation of charge points or prohibit their removal. For other public locations, it is an interesting point. I understand the issue she raises: after installation, we do not want to see them rapidly uninstalled. This consideration is best left to the market and the host sites that have installed the infrastructure. In the same way that a supermarket, for example, should not need planning permission to install a charge point, it might be tricky if it then needs planning permission to take it out again. I also have some concerns that it could have an unintended consequence for businesses or host sites, which may be put off installing infrastructure if they would be unable to remove it in the future. But I understand the point that the noble Baroness makes, especially when grants are involved, so I will take that away and consider it further.

I turn to wayleaves and charging infrastructure rights. Wayleaves are sometimes required for rapid charge point installations that require a new connection to the grid or a grid upgrade, where cables need to be laid across third-party land. Currently, the wayleave agreement is voluntary for the third party who owns the land and there is no obligation to accept the wayleave. In cases where an agreement for a wayleave cannot be reached, the Electricity Act 1989 provides the installer with statutory powers on which it can call if no alternative solution, such as changing the cable route, can be found, so a statutory application can be lodged to the BEIS Secretary of State to award the installer a necessary wayleave. These amendments raise an interesting point, which we have not consulted on yet. We have concerns that the amendments as drafted do not allow for the private rights of the owner of any third-party land to be taken into account, or to allow for any potential environmental effects to be considered. Because this involves private land access rights, we think that we need to seek more evidence and consult a wide range of stakeholders. However, I will take the issue away and discuss it further with ministerial colleagues in advance of Report.

On housing issues and the future-proofing of new homes and developments, the noble Baronesses, Lady Randerson and Lady Worthington, are right to highlight the importance of ensuring that new developments include provision for the necessary charging infrastructure. I am pleased that the Government's National Planning Policy Framework that has recently been consulted on considers the same policy. When developing local plans, it sets out that local authorities must fully consider the inclusion of charge point infrastructure in new developments. The proposed NPPF envisages that applications for developments should be designed to enable charging of plug-in and other ultra low emission vehicles in safe, accessible and convenient locations. It also sets out that, when setting local parking standards for residential and non-residential development, policies should take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra low emission vehicles. We think that the NPPF is the right place for such changes to be introduced, so that local considerations can be taken into account by local authorities, and therefore we do not think that we should include such provision in the Bill. The noble Lord, Lord Campbell-Savours, raised an interesting point about smart meters, which I shall take back and consider.

The noble Baroness, Lady Worthington, suggested the introduction of regulation to ensure that leaseholders are not denied the ability to install charging infrastructure. Of course, where agreement can be reached between leaseholders and the landlord, the charger will be installed, but there may well be scenarios where one or the other will not agree for whatever reason—as the noble Lord, Lord Campbell-Savours, highlighted—such as on who owns the charger, who is responsible for its maintenance and the cost of the electricity where a communal supply is involved. The amendment raises an interesting point, but we need to ensure that, while leaseholders are not denied the ability to install a charge point, we consider those other issues fully, such as the rights of freeholders and landlords.

Baroness Worthington: In the spirt of this Bill being entirely about enabling powers, would it not be sensible for the Government to consider taking an enabling power that can then be used if necessary, given that we are really at the start of rollout, which must rapidly increase if we are to hit our targets? It seems highly likely that we already have evidence of leaseholder-lessee disagreements holding us back—I could go out and gather it all for you. We are simply talking about taking a power to enable the Government to regulate. Otherwise, we will be back here in a year's time having

[Baroness Worthington]
to go back over this ground again. Surely this is an opportunity to use the Bill to try to future-proof the situation.

Baroness Sugg: The noble Baroness makes a fair point. The Ministry of Housing, Communities and Local Government is doing a review of the relationship between leaseholders and freeholders, so I shall ask whether that might be an appropriate place to consider this issue. I have heard what the noble Baroness said, and I will take that back.

Lord Campbell-Savours: Given that such a review is going on, could the Minister drop us a note to tell us whether this suggestion will be considered?

Baroness Sugg: I certainly will. I will need to go back and discuss whether we can include this suggestion. I am not sure that we will go as far as the noble Baroness would like us to on that, but I will certainly get a conclusion on that and come back to noble Lords.

Finally, on the amendment that would ensure the provision of ducting and precabling infrastructure for new residential and non-residential buildings, in the industrial strategy, published last November, we committed to update building regulations to mandate that all new residential developments must contain the enabling cabling for charge points in homes. That will be an important step in future-proofing new homes and avoiding more costly retrofitting. For non-residential buildings, the NPPF will ensure that local authorities consider the need for adequate charging provision in developing their local plans. Before Report we will consider whether that is sufficient or whether we can go further.

Given these reassurances, I hope that the noble Baroness feels able to withdraw her amendment.

Baroness Worthington: Before the noble Baroness responds, I want to check that I am clear about that last point about the NPPF. With residential buildings, the expectation is that there might be a shift. However, why would there be a difference as regards leaving it with local authorities for non-residential buildings?

Baroness Sugg: It is purely because in the NPPF we have already committed to the residential side of things and have made that clear in the industrial strategy, while we have not yet gone so far on the non-residential side of things, which I will go back and have a look at. As I said, the consultation on the NPPF recently closed, so we are doing this work at the same time as MHCLG is considering its response to that consultation. I believe it is due to publish that in the summer, but obviously we will have Report before that, so I will take that back.

Baroness Randerson: I thank the Minister for her response. Once again, it is a very detailed issue, and I will read the record carefully.

I will respond on one point. The Minister said that it was not reasonable to complain if a parking space with a recharging point were taken out when it had never had to be put in in the first place—whoever did so did it willingly. That is what I understood her to say. My vision of how this would work is rather akin to the issue of parking spaces. There are planning permissions in certain areas where maybe for a certain size of house you need one parking space. If you choose to put in five, that is up to you; it is not illegal—you can do it. If you then want to take out those extra four spaces, no one can complain, but if you want to take out the fifth, they can. It is an issue of dealing with your minimums and ensuring, once again, that this is always at the top of consideration.

To be honest, I was not frightfully impressed by the concept that local authorities "need to consider" something; they need to address it, not just consider it. I listened with interest to the discussion about the mayor's plans versus the local authorities in London. There needs to be a solution here which is not heavy-handed in taking away local initiative but which ensures that those local initiatives are empowered and encouraged and run rather more smoothly than they have done up to now. I understand the point that there has not been enough action up to now. I beg leave to withdraw the amendment.

Amendment 53 withdrawn.

Amendment 54 not moved.

Clause 9 agreed.

Amendment 55

Moved by ***Baroness Randerson***

55: After Clause 9, insert the following new Clause—

"Report on the installation and use of public charging or refuelling points and the effectiveness of current incentive schemes

(1) The Secretary of State must commission a review of the current schemes available to local authorities, individuals and any other relevant parties to encourage the installation and use of public charging or refuelling points.

(2) The review must determine whether further steps are necessary to encourage the installation and use of public charging or refuelling points, and if so what those steps could be.

(3) The Secretary of State must lay the report of the review under subsection (1) before each House of Parliament within six months of this Act coming into force."

Baroness Randerson: My Lords, the amendments in this group relate to attempts to get a more strategic approach. Amendment 55, for instance, proposes the well-tried and tested concept of a report. It is a frequently used device but, in this case, it is a serious attempt to get the Government to take a strategic view on this issue by looking at the effectiveness of current schemes—looking at how, for example, the various grant schemes are working together, and perhaps analysing the situation which was revealed in London and which probably exists elsewhere, where there are two levels of authority, and quite possibly confusion and certainly a lack of action between the two. That is the sort of thing that is addressed when you look at the hard figures in a report.

4.30 pm

All sorts of well-intentioned measures are introduced but they are not effective. Earlier today, the noble Baroness, Lady Worthington, referred to a graph which shows that the concern about diesel cars has led to a sharp drop in their number but not to a sharp increase in the sales of electric vehicles. Petrol vehicles are going up in number and that will pose a major problem for the Government in a year or two, when CO_2 emissions go up again and undermine any efforts that the Government might eventually make to tackle that problem. That is when you need to produce a report and look at the issue as a whole to see what is working and what is not.

Amendment 70 cites specific schemes that might be used to encourage the development of charging points. The original Bill has a fairly random selection of good ideas, as I am sure the Minister would agree, and I am just adding a few more. I cite the use of lamp posts in the amendment for two reasons. First, such a scheme has worked well in Canada, so we are not talking about something that is untried. Secondly, a key strategic point in encouraging the sale of electric vehicles is that many people do not have a drive where they can recharge them. If wide ownership is to be encouraged, there has to be a way in which people can charge their cars on the street—not half a mile away; they want to be able to do it near their house. That is why I have suggested the use of lamp posts.

Amendment 99 involves the Government reporting to Parliament on the impact on air quality. Once again, this is strategic. Why are we doing all this? We are doing it because of major concerns about air quality—about emissions of CO_2 and nitrogen oxide. Therefore, the Government need to look at this from the perspective of improved health and whether, for example, the rollout of charging points is happening in the right places. Is it happening in areas where we have a really serious air quality problem or is it happening in leafy areas which do not have a particular problem? If it is not happening in—I was going to say "the right areas", but all areas are the right areas—areas with the most acute problem, the Government need to look again at what they are planning. I beg to move.

Baroness Worthington: I shall speak to the amendments in this group which stand in my name. I fully support the points that the noble Baroness, Lady Randerson, has made. We have had to crowbar in amendments to enable us to discuss the more strategic need for the Bill. We have probably all sat down with a clerk and argued quite forcefully that the Bill is too narrow and that we need to expand it, but we have singularly failed. Despite its Short Title, it is a very narrow Bill. It seems that electric vehicles are not the purpose—it is all about charging infrastructure—and as we discussed at the start of the debate, zero-emissions vehicles are certainly not what it is about.

My Amendment 98 requires a reporting clause that tries to draw out the reasons behind the Bill, which must relate back to an increase in the use of zero-emissions vehicles. It cannot be a goal in itself to have a lot of charge points dotted around the country—that would be completely ridiculous. We must learn how we have done transition in other sectors. We should take a leaf out of the power sector book, where the Government took the reverse approach to this. We had lots of incentives for new generators of different types of power, but what lagged was the infrastructure of the grid. Here, we have the exact opposite: we are pushing out the infrastructure but have no incentives for the actual vehicles that would make use of it. We felt that the very least we needed to do was have a debate on that other aspect of this. We have to see these things moving in tandem. You need infrastructure and you need cars: infrastructure without cars equals a lot of fine kit but loss-leading, not profit-making enterprises, and companies would come in and there would be a boom and then a bust. That is not what we want or need in this sector. Therefore, a report is needed to require the Government to look back at what they have achieved and at what is happening as a result of this Bill. I suspect we could probably predict the answers, but we would like to require a report on the effectiveness of the Act and its regulations.

The report should include the number of electric vehicles on the road and that have been sold. Essentially, that is an integral part of why you want a charging infrastructure in the first place. There is a great need to ensure that we have the right ratio of charge points to drivers, so the Government's reporting back on that seems perfectly reasonable.

In proposed new subsection (2)(b), we have asked for a report on the effectiveness of the Act in ensuring that 90% of electric vehicle drivers are within 50 miles of a rapid charger. This comes back to the point that rapid charging needs to be looked at as a strategic infrastructure question. I know that National Grid has published a plan—I suspect we will have to debate how it is paid for—to show that by using the transmission network, which nicely marries up to the motorway network, you can get to the target with strategic investment in transmission-connected chargers. That would be a class of chargers well beyond rapid chargers—super-rapid charging—and would put us at the forefront of this technology, not simply limping along following in China's wake. A much wider approach must be taken by the Government.

You just have to look at other countries to see examples. We have mentioned China a lot but we should also look to California. It has introduced a successive series of policies to support the shift to zero-emissions vehicles. In October 2017, 340,000 zero-emissions vehicles were sold with a 4.5% market share, compared to the 0.5% market share in the UK at the moment. When California started its policy of a zero-emissions mandate, only one model was on sale; now, there are 25 models, offered by 14 manufacturers. These vehicles are actively available and on the market, not simply seen once in a showroom and then never sold. There are examples out there of how countries and regions have delivered this transition, kicked the car manufacturing sector into action and ensured that the latent demand and support from citizens for this type of vehicle is met by available and affordable vehicles.

So much more needs to be done and there is so little in this Bill. We feel that there should at least be some reporting requirements included that can flag the paucity

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of the Bill in its attempts to reach the goals that it says it has. I hope that something along these lines will be included.

Lord Tunnicliffe: My Lords, our Amendment 104 is in this group. This group is about reporting, and different ways been suggested. I hope that when she responds after my speech the Minister will offer to bring them together in the best possible mix and agree to a reporting procedure.

The proposed new clause would require the Government to lay a report before Parliament each year to consider how the regulations are working, and, specifically, the impact they are having on charge point operators, fuel retailers, the National Grid and the overall uptake of electric vehicles. The Government are intending the Bill to enable and encourage the uptake of electric vehicles, and they are right to do so. It would therefore make sense for them to review regularly whether it is actually happening and whether things need to be changed down the line. Involving Parliament in this issue would not only be beneficial for the Government but would enable them to regularly reassess their work. I am sure that the Minister would be saying that to us if our seating arrangements were reversed. We must keep the matter constantly under review and be prepared to revisit it if the circumstances require.

Baroness Sugg: My Lords, I very much agree that it is important that the Government take a strategic approach to encouraging and supporting the uptake of electric vehicles and the infrastructure that they rely on, that we monitor our progress against our air quality and carbon targets and that we review the effectiveness of any regulations brought forward under this Bill. I know that there is frustration about the narrow scope of the Bill, but I am afraid that it is just about electric vehicle infrastructure. It is not the extent of the Government's work in this area.

In 2013, the Government published a strategy entitled *Driving the Future Today*, which set out the path towards achieving our zero-emission vehicle aims. Of course, much has changed since then—10 times as many ultra-low emission vehicles were registered in the UK last year as in 2013. While the aims of that strategy remain relevant, we are rightly considering how our approach needs to change in light of developments in the automotive sector and beyond.

As noble Lords are already aware, the Government will shortly publish a new strategy for promoting the uptake, manufacture and use of zero-emission vehicles, which will set out the Government's vision and support for the provision of charging infrastructure for both battery electric and hydrogen cell electric vehicles to help facilitate this transition.

The strategy will go wider than just zero-emission vehicles. We recognise that it is also important to drive down emissions from the conventional vehicles that currently dominate our roads if we are to meet our ambitious climate change and air quality commitments. That includes considering air quality and carbon impacts in parallel and setting out the Government's view on the role of different fuels in the coming decades.

With regard to Amendment 55, moved by the noble Baroness, Lady Randerson, to review the effectiveness and uptake of the Government's incentive schemes, the department already keeps under review its existing schemes supporting the rollout of infrastructure and will take the necessary steps to encourage the installation of charge points where they are needed. Further steps will be identified on that in the forthcoming strategy.

I thank the noble Baroness for her suggestions in Amendment 70. We are also looking at the potential of lamp posts. She is quite right to say that not all of us have driveways or garages and so we need to make sure that we get on-street parking right, too. We have an on-street residential charging scheme and we are funding several local authorities to help them to install lamp-post charge points—450 this year. That is something that we are looking to develop.

On the important point of reporting against our air quality and carbon targets, which noble Lords have addressed in Amendments 98 and 99, there are already legal obligations to report and make public data on ambient air quality and emissions of a range of damaging air quality pollutants. In some cases, these obligations implement international level commitments. Of course, the national air quality plan and the clean growth strategy also set out how the Government plan to meet the UK's air quality and climate change obligations. In addition, we are also already required to report to Parliament on progress against our obligations under the Climate Change Act 2008, of which of course the noble Baroness, Lady Worthington, was a lead author. Our ambitions to achieve a greater uptake of zero-emission vehicles is central to delivering the transport sector's contribution to those obligations and will therefore form part of the reporting requirement.

As I have explained, the introduction of regulations will depend on the precise circumstances at the relevant time, so we are concerned that we may not be in a position to report on the impact of these regulations within the 12-month reporting period set out. The policy scoping notes set out the approximate timings for when we expect the regulations to be brought forward. I will probably follow that up in writing rather than go through the different clauses in detail now because the question of when we envisage the regulations coming in has been raised a number of times in today's debate.

Our wider strategy for electric vehicles as well as the infrastructure to which the Bill specifically relates will be published shortly. I have mentioned the existing requirements to report against our air quality and carbon targets. We want to ensure that a requirement for reporting on this quickly moving area of technology is not disproportionate and unnecessary, but following the debate today, I will reflect on the points made ahead of Report and consider an amendment on this point. Given that assurance, I hope that the noble Baroness will feel able to withdraw her amendment.

Baroness Randerson: I thank the noble Baroness for her response and I am certainly happy to withdraw the amendment.

Amendment 55 withdrawn.

Amendments 56 and 57 not moved.

Clause 10: Large fuel retailers etc: provision of public charging points

Amendment 58 not moved.

4.45 pm

Amendment 59

Moved by ***Baroness Worthington***

59: Clause 10, page 6, line 26, at end insert—

"( ) any provider of off-road parking that is available to the public, whether freely or on payment or in connection with the supply of goods or services,"

Baroness Worthington: In the absence of the noble Lord, Lord Lucas, I shall speak to Amendment 59 and the associated amendments in this group. Here we turn to Clause 10 concerning large fuel retailers and the desire of the Government to take powers that may require them to install certain forms of charging infrastructure. We have debated whether they may be electric or hydrogen, and I do not think I feel 100% confident that this clause is sufficiently clear for retailers to know what we mean by charging, and we will need to come back to that issue before Report.

The amendments seek to take the principle of taking an enabling power to require charging and fuelling facilities to be installed and broadens it to include other destination facilities. As we have discussed, for 16% of the time cars are parked in destinations where they could be charging. Those destinations include supermarkets, public car parks, airports, train stations and so on. When we met the Minister and her officials, there was a sense that there is a clear market failure in the category of large fuel retailers which they feel they need to address. If that is the case, it should not be just an enabling power but a power, but perhaps there was a feeling that there is not sufficient evidence of similar market failure in these other areas. However, there may be in the future. If we are proceeding on the basis of enabling powers and not taking powers, I see no reason why we should not include in the Bill a wider power that would allow us to broaden this.

We have to think seriously about the scale on which we are trying to effect change here. This is not about a couple of charging points dotted around the country; this would be a wholesale shift and we want to be at the forefront of it. I feel that wider powers ought to be taken in this area. It is quite unusual for the Lords to say that, but we should look at this again before Report.

I am perfectly happy to concede that should we broaden the powers in Clause 10 and apply the powers set out in Amendment 75 to designated premises for metropolitan mayors, that might be too broad. This is definitely not perfect drafting and perhaps Amendment 75 should not have been included in this group, but it makes quite an important point.

I want to spend a moment reflecting on the role of cities. Chinese cities are driving the revolution in transport and forcing European car manufacturers to change their investment strategies. But people in Europe will not change their strategies unless we ask them to. OEMs treat the world as three separate markets: the US, Europe and Asia. In Asia, they will sell the cleanest cars because they are required to, by policy. Who knows what they will do in the US, because they are currently lobbying to get rid of all the car sellers. In Europe, they may well stay with their strategy, which is to sell everyone diesel and use cheating devices. Let us be honest, they have more or less got away with murder in taking a standard that was passed to try to clean up tailpipe emissions and cheating. Yet here we are, politely asking them if they would mind moving to a zero-emission vehicle manufacturing model. Some of them will try to move but they will certainly follow policy, which is in place in Asia—where they are responding to it—but not in Europe. As we think about our life beyond Europe, it is essential that we put some clarity into this market so that people in Britain can invest and be confident that there is a market here to sell to.

Cities are integral to this. Enabling cities and metro mayors to play a bigger part in this would help to match what China is currently doing so successfully. I want to give the example of Shenzhen, which has just passed new regulations stating that, by 1 May, all new light-duty trucks will be electric vehicles, by 1 July, only EVs will be allowed to be registered as ride-hailing vehicles and, by 31 December, all remaining taxis will be EVs. That is the luxury of a slightly non-democratically planned economy, so I am not suggesting that we go there, but as we take back sovereignty, we ought to put it to good use. This is an attempt to look at the role that metro mayors can play. Urban areas are specifically well suited to this. They suffer the most from air pollution and they have the densest urban geography, which enables electric vehicles to work very well for residents.

Amendment 75 is intended to ensure that metro mayors are given the power they need to enable this transition. I know that this has been led by TfL and the Mayor of London, but other metro mayors fully support these powers, as they all face similar challenges. With that, I beg to move.

Lord Campbell-Savours: My Lords, I want to take us back to Clause 10(2)(a), which states:

"Regulations under subsection (1) may, for example—(a) require large fuel retailers or service area operators to provide public charging points".

In the real world, can we imagine a motorway service station that would follow this? A stream of cars would come in and get to the forecourt—where there is an existing garage with petrol pumps—and, somewhere in that area, we have to facilitate perhaps hundreds of cars charging at the same time. Some of them might be on rapid charging units for as much as 20 minutes, which is why I say that there will be a lot of vehicles there. There may well not be enough space, so we would be looking at adjacent land. We know that the public interest is served when that adjacent land is made available.

How will we acquire that land? If we want a reservoir, an airport or a railway track, we have compulsory purchase powers; however, some people might argue that using them to aid the financial arrangements of a private operator running a service station is unreasonable.

[Lord Campbell-Savours]
So what will we do to ensure that the additional land, adjacent to these facilities on motorways, is made available for the substantial number of rapid charging units required? I see no requirement to do that in the legislation. We know that it must be introduced by regulations. Departmental officials should be thinking through the consequences of this, to see to what extent the state can intervene to ensure that adjacent land is available. I have referred to service stations, but this could happen for land adjacent to other facilities, such as railway stations—although that is probably different because such land is probably used otherwise for housing development.

It would carry a far higher price than agricultural land surrounding a service station on a motorway, which might be worth only £10,000 of £15,000 an acre. Might Ministers consider asking officials to consider the implications of that provision in this legislation?

Baroness Randerson: My Lords, in response to that, I hope that people who run petrol stations and service stations will have redundant space where the diesel pumps were. We all know that if you own a petrol station and you close it down, that land has to lie vacant for many years because of pollution concerns. Therefore, it is of great interest to those who currently run service stations to make them continually financially viable. That means they will have to adapt. That is my logic on that.

Lord Campbell-Savours: I hesitate to intervene immediately after speaking myself, but the pump area is a very small amount of space. We are talking about a space capable of taking maybe hundreds of vehicles, all on charge for 20 minutes to half an hour.

Baroness Randerson: Service stations also have car parks. That is where the charging points are at the moment. There is a possibility there.

That leads very neatly to Amendment 72 in the name of the noble Baroness, Lady Worthington, which I have signed. It seeks to specify once again some general ideas on the sort of facilities that would usefully be used to accommodate charging points. It is important to bear in mind that there is an acknowledgement in proposed new subsection (2)(b) of local authorities' important co-ordinating role. They have a key part in the chain of strategic provision here.

Proposed new subsection (3) lists a selection of places where we might find charge points. Just to illustrate how subtle this art is, proposed new paragraphs (a) and (b)—"supermarket car parks" and "public car parks"—would be suitable for the provision of only rapid charge points, because no one wants to spend three and a half hours in a supermarket while your car charges, whereas airport or train station car parks could usefully use fast chargers. The Government have to look at this strategically and in detail to make sense of the provision. It needs to be worked out in co-ordination with the industry to make sure the proposals are practical. I am particularly keen on the concept of using supermarket car parks; I have seen this frequently in France. I do not often shop at Waitrose but I do on one particular journey because it has a charger. It is a very useful opportunity.

I will briefly respond to what the noble Baroness, Lady Worthington, said and put a different point of view on Amendment 75. I am not opposed to the idea of giving additional powers. What concerns me is that the vast majority of people in Britain do not live in mayoral authorities. I come from Wales, where there are no elected mayors as a matter of policy. Therefore, it strikes me that there is a danger of creating second-class citizens in cities, towns and rural areas that do not have elected mayors. They will limp along behind with less provision for people who want to buy electric cars. We should have solutions that benefit everyone and not just people who live in one sort of authority.

5 pm

Baroness Sugg: My Lords, the noble Lord, Lord Campbell-Savours, spoke about space at major fuel retailers. The noble Baroness, Lady Randerson, is right that they often have hundreds of car parking spaces, and that is where we envisage that the charging will happen. The department has no plans to look at purchasing land around such locations. We think that the regulations would need to exclude locations where it is not possible or sensible to provide electric vehicle infrastructure, as we have set out in the policy scoping notes. Of course, space is an important consideration, which is partly why we have identified major fuel retailers as the right place to start.

Lord Campbell-Savours: I am sorry to go back to car parks, but when I travel on motorways I often find the car parks are full. They cannot be used for both parking and for people to put their vehicles on them to charge. In certain conditions, there may simply be insufficient spaces on the motorways because the car parks are heavily used.

Baroness Worthington: This is where the speed of the charger is important. I routinely use a rapid charger at motorway stations, because it is a 25-minute thing where you go and get a cup of coffee, come back out and move on. There can be a rapid turnover in those slots, and it fits very well with the service station model used on motorways.

Lord Campbell-Savours: Equally, I was asking at the dinner last night about the cost of these chargers. Rapid chargers are £40,000 a piece; we are talking a lot of money. It may be that part of the provision will not be the rapid chargers.

Baroness Sugg: My Lords, I think that space will be limited at some of these destinations, but they have been identified as the ideal place to start putting in this infrastructure, which is what we are doing. This is the start of the process. We will look at how effective it is, how many charge points are put in and whether they are rapid charge points.

On whether it may be appropriate to require the installation of charging facilities in future at other locations such as supermarkets, railway stations and private and public parking facilities, the vast majority of electric vehicle drivers choose to charge their cars at home at night, but we need appropriate and adequate provision of public charging if we are to see as many

electric vehicles as we want in the coming years. However, we do not believe that regulating for provision will always be the right approach. It is a powerful tool, but other levers can be used. We have many grant schemes and policy measures to support the installation of charge points at a range of locations, including many of those listed in the amendment. For example, we have already committed to providing greater emphasis on electric charging at rail stations in our franchising process. Through a train station scheme, Plugged-in Places and the public sector estate scheme, more than 7,000 charge points have been funded in a wide range of locations. Planning policy—in particular, the NPPF—is proving to be an important tool in leveraging infrastructure, future-proofing new developments and ensuring that local authorities consider charge points in their plans.

Proposed changes to the NPPF would require that when local parking standards are set policies should always consider the need for adequate provision for charging EVs. The London Plan is a good example of where there has been a big impact and where the NPPF has encouraged local authorities to take an ambitious approach. In the London Plan, the GLA mandates that developments in all parts of London ensure that for every five spaces one must have an active charge point and one must have enabling cabling for future use to encourage the uptake of EVs.

We have also introduced enhanced capital allowances, a tax relief for companies to support the development and installation of recharging equipment. The first-year allowance of 100% allows businesses to deduct charge point investments from their pre-tax profits.

Specifically on Amendment 73, we have also already announced that we will update building regulations to require enabling cabling in all new residential housing developments, as we discussed earlier. In addition, we offer grant funding for private facilities, through our workplace charging scheme, to support installation; it is working particularly well for electric fleets. As a result of these measures, and because of the opportunities in this new market, we are seeing the private sector taking the lead and chargers are going in at destinations including car parks and supermarkets. The noble Baroness, Lady Randerson, gave the excellent example of going to Waitrose because it has a charge point. We are seeing growing numbers of EV drivers using such shops in order to use the charge point.

So we are making good progress on electric vehicle charging points; we have seen 500 charge point connectors installed in the country in just the last 30 days. A lot of companies and destinations throughout the country have ambitious plans to install charging infrastructure. Chargemaster is investing heavily in providing EV charge points at key strategic locations, such as hotels, sports clubs and shopping centres and is planning an additional 2,000 units. Asda has charging facilities at more than 100 of its stores. Even the National Trust is installing charge points at places such as Hadrian's Wall and the Giant's Causeway. Health clubs and all sorts of other places are doing it too. So we think that the market is working here. My ministerial colleagues meet regularly with the charge point industry—although not at last night's dinner—and they are confident that we are making progress in that space.

One of the main reasons for the decisions of major fuel retailers is range anxiety, as we have discussed previously. Of course, we need sufficient charging infrastructure on our motorways and major roads so that people will travel longer distances. When we consulted on the Bill, we determined that it was most appropriate to mandate provision at those sites that are crucial in reducing range anxiety. We believe that the Government should regulate only where there is a specific need and not where we are confident that market forces will deliver the necessary infrastructure to meet the needs of EV drivers. Again, I heard what the noble Baroness, Lady Worthington, said on that.

Amendment 75 is an interesting amendment to enable metro mayors to designate premises under Clause 10, which would allow them to use powers in their local area at a timetable of their choosing. In our conversations with metro mayors it was a priority ask of theirs. As the noble Baroness, Lady Worthington, said, cities and regions play a hugely important role in local environmental strategies and dealing with the air quality challenges they face. Of course, charging infrastructure will need to be part of these strategies. There are some considerations around such an amendment and we need to give it due care and attention. We want to ensure that any regulations or requirements that are introduced receive the proper scrutiny of Parliament. We will be defining large fuel retailers and setting out appropriate circumstances for charge point installation in future regulations. Of course, those regulations will be subject to parliamentary scrutiny; we want to ensure that any powers afforded to mayors or combined authorities in this area can only be exercised within those clear definitions and a defined remit.

Given that these powers are not UK-wide but region-specific there is a possibility that imposing this requirement could encourage the relocation of petrol stations outside of the mayoral area should the requirement be disproportionate. As the noble Baroness, Lady Randerson, said, we also need to make sure that it will not mean that areas that do not have metro mayors lose out. As noble Lords will be aware, metro mayors have different devolution deals—that is also something we will need to consider further. We will also need to consider others in the area with transport responsibilities, such as boroughs and local highways authorities, but we think there is merit in considering aspects of this approach. We would not want it to be wider in scope than the locations as currently defined in Clause 10—I was pleased to hear the noble Baroness, Lady Worthington, mention that. Local authorities have voiced concern about powers being widened to include locations managed by them, but I commit to taking this issue away and considering it before Report. On that basis, I hope the noble Baroness feels able to withdraw her amendment.

Baroness Worthington: I thank the Minister for her response. Obviously, as discussed, there are some sequencing issues about when and how you expand scope and for whom. In response to the point made by the noble Baroness, Lady Randerson, about different cities having different tiers, we felt this was appropriate for the mayoral cities because with democratic election comes accountability. You would naturally expect there

[Baroness Worthington]
to be powers that come with that. To the extent that we have already accepted that we are allowing cities to change status by having elected mayors, we are tacitly saying that we are okay with that level of devolution and I do not really see that this is any different. It is about accountability: you have the ability to elect that mayor and they should have powers as a result.

I listened to the Minister's response and will read it again carefully. There is quite a high reliance here on planning and changes to the NPPF to get us where we want to get to. We will probably come to this in the final group of amendments. My overriding concern is that if you were to look at the market today and see the numbers of electric vehicles being sold, why would you do anything? Why would you require that anything be done? The levels are so low. When it comes to hydrogen, they are almost non-existent. This is going to need some kind of kick-start. The latent demand is there among consumers, I am convinced of that. We have the skills and the money wanting to invest in the infrastructure. I fear that we will just not have the cars.

We will have to come back to that. I hope that in the Road to Zero strategy the Government think hard about how we marry all these infrastructure questions with the market restructuring that is already needed. On the basis that the Minister has agreed to take away some aspects of this, I am happy to withdraw the amendment.

Amendment 59 withdrawn.

Amendments 60 to 62 not moved.

Amendment 63

Moved by ***Baroness Worthington***

63: Clause 10, page 6, line 34, at end insert—

"( ) require charging points to be of a particular specification, or mix of specifications, so that the needs of all users are catered for."

Baroness Worthington: In the absence of the noble Lord, Lord Lucas, I will speak to Amendment 63 and the other amendments in this group, which all relate to the specification of public charging points.

We need to set standards and provide some clarity for the sector in thinking about how charging points are going to be standardised; otherwise, I fear we will have the same situation we had with phone chargers, where we all had about 16 different chargers in our drawer and none of them seemed to be the right one at the right time. There is already a degree of complexity in the market which is unhelpful, in that there are two types of rapid charger plugs and every charge point has to accommodate those. The amendments aim to elicit from the Government statements on when and how we will see these regulations that set standards come forward.

There is a question about the power ratings. Amendment 64 requires minimum power ratings at public charge points. There are a lot of different descriptors of chargers. There is the slow charger, which is around 2 kilowatts to 5 kilowatts and takes around 12 hours to charge a car. These are usually used at home to plug into overnight. I am told that a fast charger is 7 kilowatts to 22 kilowatts and takes over three hours, and is suitable for some destinations but it would have to be a train station, airport or workplace car park, where your car is expected to be for a period of time. There is the rapid charger, from 50 kilowatts to 120 kilowatts, which is where you get your 25-minute charge. Then there is this other class of superfast charger up to 350 kilowatts, which can charge quite a powerful, long-range vehicle in a very short time—just tens of minutes.

This is an area where—the Government are right—the technology is moving quickly. But we believe that the more the Government can do to provide some standardisation, clarity and regulations that can really help shape the industry's investment so that we do not get a huge, confusing mass of plugs and chargers of different scales and sizes, the better. Range anxiety normally occurs when you are travelling from your home or place of work a relatively long distance and you have to dock into the rapid or super-rapid charge networks. It is really important that in those instances we set some minimum standards of what we are expecting in the use of those charge points.

There is an opportunity cost. Whenever a charger is plugged in, it occupies a parking space. As we have discussed, the spaces are limited. So we have to get this right and ensure that we have a network that is fit for purpose and is going to endure. I hope that these probing amendments elicit some statements from the Government about the standardisation efforts they are going to undertake. I beg to move.

5.15 pm

Baroness Randerson: My Lords, I support the points made by the noble Baroness, Lady Worthington. I will bring in another issue, which we have hardly referred to. We have talked a lot about fast and rapid charging, and so on, but until now we have not talked about the key issue of interoperability. I take this opportunity, using the excuse of this group of amendments, to make the point to the Minister that the reason why the Committee has not mentioned it is that the Government did, and we agree with them. It may feel as if we have ignored it but it is a really key issue.

At the beginning of today's debate, I talked about the frustration of getting to a charging point that was not working, as did other noble Lords. However, the same frustration is felt when you get there and it does not fit your make of car. This has also been a major own-goal by the motor industry. I hope that the industry will read the proceedings of this place in *Hansard* because it is undermining its own efforts with electric vehicles by hanging on to different and distinct forms of charging. There really needs to be a cross-industry meeting to reach an agreement on where it is going. We will otherwise end up with something rather like the VHS versus Betamax situation, which wasted an awful lot of consumers' and manufacturers' money. It always amazes me when manufacturers do not realise this pretty early on. It has taken Apple an awfully long time to realise that it just irritates us if every phone or computer we buy needs a different form of charging lead.

I hope that the Government will keep interoperability at the top of their requirements in these regulations. I simply want to underline the key message in these amendments, which is that we have to have sufficiently speedy and robust charging points for them to be useful in many circumstances.

Lord Campbell-Savours: My Lords, I think I heard everything that the noble Baroness, Lady Worthington, said when she set out the various levels of equipment and the capacity of each level to charge. I am sure she will know the answer to this but I do not, and I am sure that the public outside who might follow our debate do not know the answer. When commercial operators apply to fit this equipment, who is to determine the capacity of the equipment that they are going to fit? If it is left to the market, those in the market might say, "I'm not going to pay £40,000 for a rapid charger. I'm going to put in a slower charger that might take three hours. I can still make as much profit as I want out of that facility". However, that might not serve the public interest. It might be that the public interest is served only when a rapid charger, or a series of rapid chargers, is put into a location. What is the framework within which these decisions will be taken? I wonder that because they cannot be taken by the market, and there must be some intervention by a public authority in taking them.

Lord Borwick: My Lords, I shall speak to Amendment 65. It was painfully obvious when dedicated spaces were introduced for disabled drivers that those spaces should be nearest to the supermarket. Yet, unfortunately, this had to be spelt out in regulation. Sometimes, things that are blindingly obvious to noble Lords escape the attention of other people.

I fear that the same may be true of electric rapid charging points, which is why I proposed my amendment. If the Minister can assure me that the department already has this power I will be happy to withdraw it, but if, as I fear, it does not, the Minister should accept the amendment. It is always possible that the noble Lord, Lord Campbell-Savours, is entirely correct and we shall see entire fields full of rapid charging spots, so the location does not matter so much. But until that stage—and particularly at the beginning—the location of rapid charging points relative to other amenities could be important.

Lord Mawson (CB): Listening to the debate I find it really interesting, but I certainly would not claim to be an expert. I can easily imagine circumstances in which we end up with many diverse charging points across the country, and not enough people buying cars to use them. I have seen many examples in other areas of government doing things and pushing forward proposals, but with disconnects on the ground.

Having a 17 year-old, one thing that I have discovered recently is the cost of insurance for that age group. We need some joined-up thinking in that respect. We live in a rural area and my son has quite an old petrol car, but the insurance for him is £1,857—a great deal of money. If we are to get the next generation of young people buying electric cars and helping us to move this agenda forward, we may need some joined-up thinking between that amount of money being invested in insurance companies and the need to trigger more purchases of electric cars, with incentives to that generation to own a better, cleaner car, which would work for them and also begin to trigger the economy. I suspect that there are opportunities in all this, amid the problems that the younger generation face—but we need more joined-up thinking to ensure that we do not have lots of power points that are not used.

Lord Tunnicliffe: My Lords, I shall speak briefly to Amendment 66, in my name. It would provide exemptions for operators with limited forecourt space who could not accommodate public charging points without an expansion of land, and ensure that retailers and operators did not incur disproportionate costs for complying with regulations. The general thrust of the Bill is to make more charging points available, but we must ensure that there are no unreasonable unintended consequences. I do not think the wording of the amendment is particularly good, but I would like the Minister to consider that general approach. There are a lot of powers in the Bill, and if we are not careful we may find some pockets of unreasonableness.

Baroness Sugg: My Lords, I acknowledge this as a particularly excellent group of amendments. These points are all key priorities that will need to be consulted on before any regulations are brought forward. As proposed in Amendments 63 and 64, it is important that the Government can specify the type of charge points being installed in large fuel retailers or service areas. It is already the Government's intention, as is made clear in the policy scoping notes, that any regulations under Clause 10 would include details of what provision of electric vehicle infrastructure will be required to ensure that the needs of users are met, and to deliver a quick and hassle-free charging experience, similar to refuelling conventional cars today.

This would include: specifying the level of charging infrastructure, most likely to be measured by number of charge points or hydrogen refuelling points; the specification for that infrastructure, such as the minimum power outputs and the connectors of charge points—I entirely agree that we want to avoid multiple chargers, and another VHS/Betamax situation—and any other operational requirements, such as the opening hours of the charge point. Decisions on those will not be taken by the market; they will be set by regulations—but they will be informed by consultation both with the market and with users of vehicles, to ensure that we get it right.

Lord Campbell-Savours: Is the Minister saying that the motorway service station provider will be told the proportion between one form of equipment and another?

Baroness Sugg: I missed that last point: the motorway service station provider will be told what?

Lord Campbell-Savours: The kind of equipment, whether three-hour, 20 minutes, 12-hour or whatever, to install.

Baroness Sugg: Chargers will normally be based on the power they deliver rather than the time but yes, absolutely, the regulations will set the minimum power output required of the petrol stations installing them, otherwise we could run the risk of a much cheaper, slower charging point being installed which would not do the job we require.

Any regulations would also include the details of the circumstances in which the provision of infrastructure would be required, as proposed in Amendments 65 and 66. As my noble friend Lord Borwick suggested, we must ensure that charge points are easily accessible and not at an unacceptable distance from amenities. That is something that we will absolutely include in regulations.

I turn to the point made by the noble Lord, Lord Tunnicliffe: whether regulations will entail a list or definition of service area operators to which the requirements will apply and the criteria for the locations at which fuel retailers will have to make specified provision. Clause 15 gives the Secretary of State power to create exceptions from any requirement imposed by regulations, and that will be used where an expansion of land or other disproportionate cost would be required.

As stated in Clause 16 and detailed in the policy note, all the regulations will of course be informed by consultation with industry, fuel retailers, the motor service area operators, the electrical vehicle infrastructure providers and operators, electricity providers and electric vehicle manufacturers and drivers. The regulations will need to take account of an assessment of the current and planned provision at the locations in question, an understanding of the underlying fuel retail and motorway service businesses and the needs of the users, and the factors which will make particular sites more or less suited to the installation and operation of electric vehicle infrastructure.

The noble Lord, Lord Mawson, raised the interesting question of linking insurance with promoting electric vehicles, particularly to young people, and the worry that we will have infrastructure charge points but not the vehicles to plug into them. I reiterate that the Bill is narrow: it is specifically about the infrastructure of charge points and hydrogen refuelling. It is not the only thing that the Government are doing: we will shortly publish our strategy on the Road to Zero, which will look at the targets we set and exactly how we will use the levers we have to encourage the use of electric vehicles.

I reassure the noble Baroness, Lady Randerson, that interoperability and the ability to charge quickly will be a high priority in the regulations. All the issues raised on the amendments will be important, but they will all be addressed in the regulations. Therefore, the amendments are not needed. On that basis, I hope that the noble Baroness will withdraw the amendment.

Baroness Worthington: I thank the Minister for her response. I am encouraged that there will be some good news on the Road to Zero strategy—we look forward to that—and that Clause 10 will be elucidated in regulations. We have talked about this before, but this is one aspect of the Bill that it would be good to attach a timeline to. Perhaps we can talk about that between Committee and Report. On the basis that these issues will be addressed, I am happy to withdraw the amendment.

Amendment 63 withdrawn.

Amendments 64 to 68 not moved.

Clause 10 agreed.

Amendments 69 to 76 not moved.

Clause 11: Information for users of public charging points

Amendments 77 to 81 not moved.

Clause 11 agreed.

Clause 12: Transmission of data relating to charge points

Amendments 82 to 86 not moved.

Clause 12 agreed.

Amendment 87 not moved.

Clause 13: Smart charge points

Amendment 88 not moved.

Amendment 89

Moved by ***Baroness Worthington***

89: Clause 13, page 7, line 32, at end insert—

"( ) Regulations under subsection (1) must prescribe a requirement, if technically feasible and if not prohibited by financial constraints that are reasonable, to make use of smart charging systems.

( ) Regulations under subsection (1) must prescribe a requirement, if technically feasible and if not prohibited by financial constraints that are reasonable, to make use of intelligent metering systems.

( ) For the purposes of this Part "intelligent metering systems" means an electronic system that can measure energy consumption, can provide more information than a conventional meter and can transmit and receive data using a form of electronic communication."

5.30 pm

Baroness Worthington: In moving Amendment 89, I shall speak to other amendments in this group. I should perhaps comment that we have seen Clause 11 stand part of the Bill, which we have touched on but not properly mentioned; it is a very important part of the Bill, and I am glad that it is in there. Like Clause 13, it feels like an essential part of what makes this Bill worth doing. The provision of information to consumers is hugely important and is currently very fractured and frustrating.

I am encouraged by the scoping note showing that the Government's thinking on Clause 13 is fairly well advanced, so we can expect regulations quite soon.

The amendments in my name make a simple point; as drafted, the clause appears to provide powers to make regulations about the sale and installation of charge points, but we simply wanted to ensure that they were also used and that the smart capabilities were used. There is no point in requiring them to be made available if there is no similar requirement that they are switched on, working and useful for consumers. I am not entirely sure that our wording is exactly right, and I would very much welcome discussing this further.

The intent of the amendments is to say that we know that the advent of electrification in transport provides a potentially great way to balance our supply and demand on the grid. The Environmental Defense Fund in Europe and WWF have had a great collaboration with the National Grid around making more visible what is happening on our grid at any given point. We helped to launch a carbon intensity tool with them, which shows you in real time how clean the grid is. On a sunny, windy day like the one that we have just had, you will find that the carbon per kilowatt hour generated is now below 100 grams. That is an extraordinary testimony to the amount of hard work and effort that has gone into encouraging investment into clean-air forms of electricity. There will be times in the day and month when it is extraordinarily clean to charge your infrastructure, your vehicles and indeed heat needs from the grid. That will unlock a huge potential for batteries in vehicles and, indeed, homes, to be used as part of the grid's balancing of supply and demand, soaking up the excess when there is excess and then providing back to the grid at times of need.

It is great that this provision is in the Bill. We would just like to have reassurances that there will be regulations to cover the use as well as the installation and sale of the smart components of this hugely important part of the charging infrastructure. I beg to move.

Lord Young of Cookham: My Lords, as the co-pilot again, I am grateful for this opportunity to discuss smart charging, which helps electric vehicles benefit both their owners and the energy system.

In broad terms, smart charging helps to shift, where possible, the times when EVs recharge their batteries to off-peak periods, when electricity is cheaper and cleaner and the network has more capacity. I was interested in the information given by the noble Baroness about the cleanliness of the power from the grid at any particular point in time—and the incentive that might give environmentally conscious consumers to use that information to decide when to charge their vehicle—and let me reassure the noble Baroness that we want this capacity to be used. In practice, this could be done, for example, by a signal being transmitted to a smart charge point, which then responds to the signal by increasing or decreasing the rate of charge. The charge point could have its own metering system, or it could potentially be integrated with a smart meter in domestic cases.

Clause 13 helps create the right environment for smart charging by ensuring that all new charge points have the smart functionality that the noble Baroness spoke about. The clause is technical in nature and is not about specifying how customer behaviour is influenced. This is likely to be done by price signals, and we are working with the Office of Gas and Electricity Markets, which regulates this market, and with the Department for Business, Energy and Industrial Strategy, to facilitate such an approach.

Amendment 89, from the noble Baroness, Lady Worthington, seeks to do two things: first, to require, with caveats, the use of smart charging systems; and secondly, to require, with caveats, the use of intelligent metering systems. As the noble Baroness has set out, the rationale for the amendment is to enable smart charging to reduce costs and carbon emissions for consumers as well as helping the energy system to balance the peaks and troughs of electricity supply and demand. I wholeheartedly agree with these goals, and that is what Clause 13 does—it enables smart charging by requiring all charge points to have this functionality. The current version of the clause seeks to allow this to be done by incentives, such as price. If that is the intention of the amendment, we do not think it is needed.

However, another interpretation of the amendment—possibly unintended by the noble Baroness—goes further than that and, subject to caveats, creates a requirement for smart charging rather than allowing incentives. The problem with this approach is simply one of unintended consequences. First, if smart charging was a requirement, the relevant energy companies would not need to pass on any benefits to the consumer. They would not need to give a discounted price for charging at certain times of the day because the consumer would already be required to do this by law. Secondly, the amendment would mean a significant level of government interference in domestic consumer behaviour if it essentially meant dictating when a consumer could and could not charge. That may not have been the intention of the noble Baroness, but I am advised by those who know more about the legislation than I do that that would be a potential impact.

On the second part of the amendment, on intelligent metering, I hope that the noble Baroness is reassured that Clause 13 can already prescribe such a system. The example given in Clause 13(2)(d) is to require the charge point,

"to monitor and record energy consumption".

The effect of this part of the amendment would therefore be to make such metering mandatory and to use the specific definition in the amendment rather than the current approach of allowing consultation to help decide whether smart metering is necessary, and if so what precise definition to use. For example, by 2020 every household in the UK should be offered a smart meter, which may make additional intelligent metering in the smart charge point unnecessary.

Amendment 92 seeks to require the smart charge point to react to information in a "prescribed fashion". We do not think that Amendment 92 is needed. Clause 13(2)(b) is an example of the requirements under Clause 13, and regulations under Clause 13 can already prescribe how the charge point reacts to information.

Amendment 94 seeks to require that information relating to the use of charge points, such as availability and price of charging, is made available in a prescribed format. It also seeks to ensure that charge points have

[Lord Young of Cookham]
the ability to reserve time slots for drivers to charge their vehicles. That is precisely the intention of Clause 11, which would require operators of public charge points to make available prescribed information. The policy scoping notes provide a list, which is not exhaustive, of all of the types of information that operators may be required to make available to users, including: location; operating hours; cost of accessing and using the charge point; method of payment or access; means of connection; whether the point is in working order; and whether it is in use.

Regulations brought forward under this clause would also give the Government the ability to ensure the provision of open source data on public charging points in a standardised format. This would mean that the data would be available to anyone wanting to use it, enabling service providers such as app developers and satnav companies to utilise the information to create services, such as apps, for drivers. The provision of open source "live" data could also support the provision of services that would enable drivers to reserve charge points.

Amendment 97 in this group was not spoken to or moved, so if the Committee will forgive me, I will not address it.

I thank noble Lords for raising the importance of smart charge points. I hope I have given some reassurance that this clause and the other measures I have outlined will help to create the right environment for smart charging while avoiding onerous requirements on consumers. On that basis, I hope the noble Baroness might withdraw this amendment.

Baroness Worthington: I thank the Minister for his response. I am not fully reassured. This seems to come down to whether we put in regulations or allow the market to set incentives as regards whether this smart capability will be part of our future charging infrastructure. I can see that to rely on market incentives might mean that the consumer is much more vulnerable than if we were to regulate. The reason for that is because of my experience in America, where all electricity bills are set, state-by-state, by different regulations. Where there are few protections and regulations, the market prices the marginal excess use very highly. If there are no protections, you find that if you tip over a certain volume of electricity use, your charge per unit spikes enormously, which means that people are vulnerable to failing to realise that they have gone over that threshold. So in this instance the market cannot necessarily be relied on to provide the right incentives, and it may lead to a considerable exposure to risk for consumers who are not perhaps fully informed. Therefore I do not fully believe that we should just leave this to the market.

I take the point that regulating to insist that, for example, time of use tariffs are in place everywhere may also not be the answer. However, we definitely need to do something here to ensure this. We may not put this on to the super-rapid chargers or the rapid chargers in the motorway infrastructure, because there you may well need to charge at 5 pm when you are en route somewhere, and you do not want to be exposed to differential prices. However, the vast majority of charging—the backbone of this—will be done at home, or as at-destination charging, and there is a need to set some standards and regulatory requirements there on the use of the smart capability. I come back to the fact that while Clause 13 is welcome, it just covers the sale and installation and does not do enough to reassure me that we will also talk about the usage of that smart capability. I would like to come back to this, but I recognise that the wording we have may not be perfect, and it would be good to talk about it further. On that basis, I beg leave to withdraw the amendment.

Amendment 89 withdrawn.

Amendments 90 to 97 not moved.

Clause 13 agreed.

Amendments 98 and 99 not moved.

Clause 14: Enforcement

Amendment 100 not moved.

Clause 14 agreed.

Clause 15 agreed.

Clause 16: Regulations

Amendments 101 to 103 not moved.

Clause 16 agreed.

Amendment 104 not moved.

Clause 17 agreed.

Clause 18: Commencement

Amendment 105

Moved by ***Baroness Worthington***

105: Clause 18, leave out Clause 18 and insert the following new Clause—

"Commencement

This Act comes into force on the day on which it is passed."

Baroness Worthington: It is good to reach the final group. With this amendment I seek further information about the Government's intentions for commencement. It feels as though there could be further delays and that this already not very powerful Bill could become even less powerful if it does not reach commencement until we pass regulations that we might not need to pass. The fact is that nothing in the Bill requires anybody to do anything at any time ever, and commencement seems to be required to wait for that non-event. I am not sufficiently versed in the legal details of Bills, so I have tabled the amendment to find out what it means. Why can it not be commenced immediately upon the passing of the legislation?

5.45 pm

I turn to Amendment 107 and the proposed change to the Short Title. This will be probably be my final speech on this legislation until Report. I feel very strongly, as perhaps has been picked up on, that it should never be thought that the Bill has somehow unlocked the future of modern transport in the UK—far from it. It covers a very small and narrow set of issues. Despite the length of its gestation, the time that has been spent on this aspect and the fact that there is an imminent strategy, the Bill contains very little. The fact that we have had such a detailed and varied debate this afternoon shows that the Bill does not even do particularly thoroughly the things that it purports to do in relation to the infrastructure for charging electric vehicles and hydrogen fuel cells. I am sorry to say this again but it is a missed opportunity.

We have spent money and time on getting to this point. I suggest changing the Short Title so as not to leave anybody under any illusion that somehow the Government have introduced a fantastically modern Bill about automated and electric vehicles. If the Bill passes, it will provide insurance for automated vehicles and the charging infrastructure for electric vehicles. That is all it will do, and I am afraid that it has not done that particularly thoroughly.

The sequencing is very unfortunate. Within a matter of days or weeks we will get the Road to Zero strategy, which will necessarily require the Government to take more power and make more interventions. This is a huge challenge. We have left transport alone for far too long. We have allowed the car manufacturers and fuel providers to simply carry on with business as usual, selling us the vehicles they have had on the market for decades, when their greatest innovation in recent times has been a better cup holder. That is trivialising it but essentially the ICE remains unchanged.

We have seen cars being launched and brought to market but they sit at the back of a showroom. No one actively markets them in Europe or actively sells them to people. Car manufacturers are not even actively engaging in this Bill to try to ensure that the infrastructure is suitable. We have managed to engage with only a couple of car manufacturers in seeking stakeholder engagement. It is not good enough—they have to change. They have let us all down in their cheating of EU standards, and it is time that they took this issue seriously. I am convinced that the Government have to take the powers to force that to happen.

The laissez-faire, "let the market provide" attitude will not work. China is showing us that that is the case and California has done so previously. This Bill is not something that the Government should be particularly proud of. I regret that it is too narrow and I believe that the Short Title should be changed to be more honest about its contents. I beg to move.

Lord Campbell-Savours: My Lords, we have just heard a very earnest plea from the noble Baroness, Lady Worthington. I noticed during our proceedings today that the Ministers at the Dispatch Box, particularly the noble Baroness, Lady Sugg, indicated that they might be prepared to take things back to the department for further consideration. I express the hope that, when we get to Report, there will be some government amendments that reflect the concerns expressed in the debate today.

Baroness Randerson: My Lords, in speaking to my Amendment 106, I want to agree with what has been said by the noble Lord and the noble Baroness. This is a missed opportunity in that, until the last six months or so, transport Bills have been few and far between. I realise that they are falling like confetti now, but each one is so tiny that, between each Bill, there are great gaps in the strategic action that needs to be taken. Ironically, we have been concentrating a lot on the cutting edge of technology—we have looked at space travel in the Space Industry Bill and at lasers. The pace of technology in those areas is very fast, and this is the same. There is a need for strategic thinking, because the detailed stuff is in danger of becoming out of date. The result is that the Government, being aware of that, have written not just narrow Bills but very vague Bills, giving them lots of power to dream up regulations but no guarantee on the direction in which they are going.

The noble Baroness, Lady Worthington, addresses in her amendment the need to be accurate about what the Bill is. Turning that on its head, in various speeches in our proceedings I have referred to the fact that the part of the Bill dealing with automated vehicles ignores the street scene changes and the changes to the structure of road safety law that will be needed. In Amendment 106, I have drawn attention to hydrogen. That is another specific example of other sorts of developing technology that are lower emission and deserve to be part of an overall strategy.

My final thought on this is that the Government need to do a great deal of connected thinking on all these little bits of effort. We are in danger of leading people to think that we have a strategy fit for the future. I do not believe that we have.

Baroness Sugg: My Lords, throughout the proceedings today we have considered the scope and timings of this legislation, and those two points are captured by the amendments in this final group.

Amendment 105 suggests that the legislation comes into force on the day on which it is passed. Under the current text, the Secretary of State will appoint by regulation the day on which the Act comes into force. The commencement timings that are currently contained in Clause 18 follow standard conventions for commencement, whereby the substantive provisions of an Act come into force on dates specified in regulations. I understand the desire of the noble Baroness, Lady Worthington, to make sure that the important measures in the Bill are implemented as soon as possible to ensure that we have the tools available to install the infrastructure necessary to support the uptake of electric vehicles in this country, and to enable insurers to start developing products for automated vehicles. I assure the noble Baroness that we do not intend to delay bringing forward this important legislation once it has passed.

As I mentioned earlier in the debate, we will start to bring forward regulations on smart charge points soon after Royal Assent. As outlined in the policy scoping

[Baroness Sugg]
notes, we think that the regulations under Clause 10 will be needed in the early 2020s for battery electric charge points, and not until the mid-2020s in the case of hydrogen refuelling—although that may not be quick enough for the noble Baroness.

As outlined earlier, the Office for Low Emission Vehicles will continue to monitor the market, working closely with stakeholders, to determine when it is appropriate and right to bring forward the regulations. But it is important that the affected sectors are not disadvantaged by having little or no notice of the coming into force of the Act, and that the Government have the flexibility to bring the provisions of the Act into effect at a time when they are ready to use them.

Amendments 106 and 107 would change the Short Title of the Bill. I recognise that there is room for the Bill's scope to be reflected in greater detail in the Short Title by making more explicit the range of powers included in the Bill, and as we mentioned at the start of this debate, it is clear that hydrogen refuelling is also very much a part of the Bill. It certainly was not designed to get false credit or to be dishonest, so I will certainly look at that issue again before Report.

I should like to take this opportunity, in the final group of the day, to reiterate that this piece of legislation is not the limit of the Government's activities in the field of electric vehicles and automated vehicles, nor are we standing still while we wait for this legislation to come through. We have narrowly selected the provisions in this Bill to bring forward those that we think are ready and necessary to legislate for at this point in time. We are using a number of other tools to increase the deployment of electric vehicles. Our forthcoming strategy on how we will get to zero emissions from road transport will set out how we will continue to support the transition to zero-emission vehicles, ensure that the UK is well placed to capitalise on new economic opportunities and drive down emissions from conventional vehicles.

I have heard the frustrations of noble Lords today on the level of ambition in the Bill. I am afraid we will not be able to widen its scope. That will be for future legislation after the Road to Zero document, which will be full of connected thinking. But I certainly commit to taking away points raised by noble Lords and to seek to strengthen the provisions where I can. I thank noble Lords for their contributions today, and look forward to returning to the Bill on Report. I hope the noble Baroness is able to withdraw her amendment.

Baroness Worthington: My Lords, I thank the Minister for her response. We are caught with this. It is a narrow Bill and therefore I think that it should have a narrow title, although I would prefer it to have a broader title and to contain a broader set of powers. As I said at the start, given the scarcity of time and the importance of spending public money wisely, it is a bit of a waste of everyone's time to pursue this narrow Bill. We know that a strategy which requires far greater powers is imminent, so that is regrettable. I value the fact that the noble Baroness has said that there will not be any desire to try to claim more than what is being brought forward in this Bill, which does not even address the things that the Government think need to be addressed; it just takes powers for things that they might address. However, we have had the debate.

The Explanatory Notes state:

"The Bill also sets out the regulatory framework to enable new transport technology to be invented, designed, made and used in the United Kingdom".

That is simply not a reflection of this Bill and perhaps in the future we should refrain from using phrases of that kind and be clearer about what it does and does not do. I think that there is still time to ensure that the things it is seeking to do are actually done well. I look forward to working with the Minister and her officials between now and Report. On that basis, I am happy to withdraw the amendment.

Amendment 105 withdrawn.

Clause 18 agreed.

Clause 19 agreed.

Clause 20: Short title

Amendments 106 and 107 not moved.

Schedule agreed.

In the Title

Amendment 108 not moved.

House resumed.

Bill reported without amendment.

House adjourned at 5.59 pm.

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