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PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Questions	
Short-Term Holiday Lets.....	1929
Road Maintenance .....	1931
Personal Independence Payment: Assessments.....	1934
European Union Referendum: Alleged Russian Interference .....	1936
Long-term Plan for the NHS	
<i>Statement</i> .....	1938
Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill	
<i>Committee</i> .....	1950
Upskirting	
<i>Statement</i> .....	1980
Drugs Licensing	
<i>Statement</i> .....	1984
Bee Population	
<i>Question for Short Debate</i> .....	1992

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

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# House of Lords

Tuesday 19 June 2018

2.30 pm

*A minute's silence was observed in memory of the attack outside Finsbury Park Mosque on 19 June 2017.*

*Prayers—read by the Lord Bishop of Lincoln.*

## Short-Term Holiday Lets

### Question

2.37 pm

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what plans they have to make it a legal requirement for those offering to let their property as short-term holiday lets to establish that they are legally entitled to do so and to encourage local authorities to set up registers of those landlords.

**Baroness Gardner of Parkes (Con):** My Lords, while declaring an interest, I beg leave to ask the Question standing in my name on the Order Paper.

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, landlords already have legal routes to enforce agreements with tenants where permission is required to sublet. Where short-term lets breach planning controls, responsibility for enforcement lies with local authorities. I would encourage the noble Baroness to meet the Short Term Accommodation Association to discuss her concerns, and would be happy to facilitate that.

**Baroness Gardner of Parkes:** I thank the Minister for that reply. At last there has been a breakthrough in the brick wall facing this issue. Does he agree that when he spoke last week, on 13 June, at col. 1726 of *Hansard*, he gave me cause to believe that, at long last, his view is that people should not get away with this criminal activity?

**Lord Bourne of Aberystwyth:** My Lords, laws on crimes are enforceable in the normal way. I am not sure what the noble Baroness is referring to. As I say, there are avenues for enforcing agreements and planning controls which local authorities can enforce. The Short Term Accommodation Association is making great strides and I would encourage her to meet up with it.

**Lord Campbell-Savours (Lab):** My Lords, short-term holiday lets, including Airbnb, can now be classified as business premises. Under the small business rates relief scheme, if the rateable value is under £12,000 a small business pays neither business rates nor council tax—effectively it pays no tax—a system that can be abused. How many properties fall under this category and what is the cost to the public purse of this concession?

**Lord Bourne of Aberystwyth:** My Lords, there is no specific Airbnb concession nor one for Short Term Accommodation Association members. They have to

pay tax in the normal way, just as the noble Lord and I have to do, and if they are not paying tax that is illegal. However, in defence of Airbnb, it is operating within the law. In London it cannot go further than 90 days. It is prohibited from doing that by the system which it has introduced, which I have seen.

**Lord Cormack (Con):** My Lords, at about this time last week my noble friend the Minister did refer to firms acting, “in a risky and nefarious way”.—[*Official Report*, 13/6/18; col. 1726].

One did rather draw from that the inference that some action was being contemplated. Can he give the House some idea of what he has in mind?

**Lord Bourne of Aberystwyth:** My Lords, the position regarding the short-term letting area of activity is that it is very much something that the Government encourage. We have a 90-day limit in London, while outside of London there is no restriction in the UK. It is something that operates totally within the law, but if there is a breach, the law should be enforced by the relevant agency. That agency is often but not always the local authority.

**Lord Palmer of Childs Hill (LD):** My Lords, is the Minister concerned that setting up a register of holiday lets would further encourage more short-term lettings which, without long-term residency, can cause greater problems with anti-social behaviour, overcrowding, and the breaking of leases and insurance terms? That, I suggest, is the crux of the Question asked by the noble Baroness, Lady Gardner—the fact that short-term lets make for bad neighbours.

**Lord Bourne of Aberystwyth:** My Lords, like anything else, short-term lets have to operate within the law. I share the noble Lord's belief that setting up a register would be of no assistance. Issues such as gas safety, fire safety and environmental protection all apply to short-term lets, just as they do to anything else.

**Lord Clark of Windermere (Lab):** My Lords, not only do short-term lets pay no local tax, they basically pay no general tax. Is the Minister aware that, unlike owners of longer-term rented properties, those with short-term lets can claim 100% tax relief on mortgage repayments and 100% tax relief on improving the fabric of the property, while at the same time killing scores of villages across the country by buying up ordinary houses purely to make a short-term profit?

**Lord Bourne of Aberystwyth:** My Lords, I recall that I did offer the noble Lord the facility to discuss this further in relation to the Lake District and I restate that offer. I will be happy to look at the position. Businesses have to operate within the law. If they do not do so, they will have the rigour of the law applied to them. Short-term accommodation lets are in the same category and if any noble Lord has reason to suppose that they are not paying tax in the correct way, they should let me have that information. I will ensure that it is passed to the appropriate authorities.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I refer the House to my relevant interest as a vice-president of the Local Government Association. The noble Baroness, Lady Gardner of Parkes, has raised this issue many times and we are grateful to her for that. Is the noble Lord satisfied that the law in respect of short-term holiday lettings is being adhered to generally, or is it being flouted?

**Lord Bourne of Aberystwyth:** My Lords, I can only restate that if the law has been flouted and if noble Lords are aware of that, and that certainly applies to the noble Lord opposite, I will be very happy to look at the particular situation. In so far as any information has been brought to me, I have absolutely satisfied myself that, in those very few cases, the law had not been flouted. Of course these people have to abide by the law, including the 90-day limit. They would be wise to ensure that they are acting within the terms of their lease, but if they are not, that is a contractual matter and it is for the other contracting party—the landlord—to ensure that they abide by those rules.

**Lord Tebbit (Con):** My Lords, if people have a social housing tenancy and they sublet their property at a profit, are they committing an offence and should they be punished, or do we let it go by?

**Lord Bourne of Aberystwyth:** My Lords, my noble friend will be aware that such action would almost certainly be a breach of the tenancy agreement and, once again, it would be for the relevant landlord, be it the local authority or a housing association, to ensure that the rigour of the law is applied.

**Lord Campbell-Savours:** My Lords, in the question that I asked I made a statement about the position of short-term lets and the payment of business rates. Is the Minister suggesting that I am wrong? If he is doing that, I think he should check his facts.

**Lord Bourne of Aberystwyth:** My Lords, far be it from me to suggest that the noble Lord is ever wrong. If business rates apply in a particular situation, they should be paid, but if they do not apply, they should not. It is as simple as that.

## Road Maintenance *Question*

2.45 pm

*Asked by Lord Berkeley*

To ask Her Majesty's Government what assessment they have made of the funding they provide to Highways England and local authorities to ensure that roads are maintained in a safe condition.

**The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con):** My Lords, over £12 billion has been provided to Highways England and local authorities to maintain and renew the road network in England outside London in the six years up to 2020-21. This is a significant increase on previous years. It is of course for each authority to assess which of its roads need repair, based on local knowledge and

circumstances, but the Government believe that the sums allocated are ensuring that roads are maintained safely.

**Lord Berkeley (Lab):** I am grateful to the Minister for that reply, but many organisations will think that even that increase is nothing like enough. The RAC reckons that potholes cost drivers £100 million a year in damage to their cars. Cycling UK notes that in 2016, 64 cyclists were killed or seriously injured because of potholes. I nearly joined that rank when I fell into a pothole, which was under water, outside your Lordships' House. The repair consisted of a white line painted round the pothole—and it is still there, three months later. On 13 June the Government issued a British road safety statement, which included measures to improve the safety and reduce the deaths of vulnerable road users such as cyclists, pedestrians and motorcyclists. Will the Government put that into practice, with more commitment? One idea would be to put an extra 3p per litre on the price of petrol, ring-fenced for potholes on local roads.

**Baroness Sugg:** My Lords, we must certainly do all we can to reduce deaths and injuries on our roads. According to Cycling UK, over half of people say that they would cycle more if they were not so worried about the state of our roads. Potholes and poorly maintained roads are a menace for all road users—including noble Lords—which is why we are taking action to improve the condition of the local road network. In particular, the Department for Transport has allocated £296 million to the Pothole Action Fund, on top of existing funding. Noble Lords will know that fuel duty is most definitely a matter for the Chancellor, but I will certainly pass on the noble Lord's suggestion.

**Lord Lexden (Con):** Potholes or not, how can pedestrians on the pavements alongside these roads maintain themselves in a safe condition when cyclists refuse to equip their machine with a bell and curse those, like me, who politely ask them to mend their ways? Could they possibly be in league with those who will stop at absolutely nothing to reduce the size of this House?

**Baroness Sugg:** My Lords, we absolutely want to improve the safety of cyclists and all other road users, including pedestrians. Obviously, we are in favour of cycling. It improves people's health, cuts congestion and is good for the environment. Among employers, it has been associated with fewer sick days and improved productivity. We are keen to support cyclists, as I said. Last year, we published our cycling and walking investment strategy, which included £1.2 billion of funding to encourage more people to travel by foot or by bike—but I will certainly see whether there is anything we can do to ensure that cyclists put a bell on their bicycle.

**Baroness Randerson (LD):** My Lords, Local Government Association analysis shows that, over a five-year period, the Government plan to spend £1.1 million per mile on the strategic road network but to provide local authorities with just £21,000 per mile for local roads. Of course, local roads make up 98% of the road network and bear the brunt of congestion, which is made worse by

pothole problems and the lack of money to invest in modern road networks. There is a serious knock-on effect on emissions. Does the Minister accept that the Government need to redress the balance on funding?

**Baroness Sugg:** My Lords, local road maintenance funding is rising, but I accept that we need to readdress the balance. It is right to concentrate spending on where it is needed most. While the strategic road network includes only 2% of all roads by length, it carries one-third of traffic. However, we know that other important roads have long gone underfunded, and that is why we are introducing a major road network from 2020 and will provide a share of the national roads fund to invest in bypasses, road widening and other road improvements.

**Lord Sugar (CB):** My Lords, will the Minister comment on the fact that utility companies seem to dig up our roads, and three months later another utility company digs the same hole? Would it not be a good idea to get some form of licensing, with the authorities giving permission for these holes to be dug, and for the utility companies to contact other utility companies to make sure that there is no common ground there?

**Baroness Sugg:** I certainly agree with the noble Lord on that. We have introduced the lane rental scheme, which has encouraged utilities to work together at weekends and in the evening to reduce congestion and the inevitable annoyance to motorists. We saw disruption to drivers cut by half in Kent and London, where we ran a pilot, and we are looking to extend that across the country. On licences and permits, we absolutely encourage local authorities to use permit schemes for works on the roads, which will help with planning. They will also ensure that utilities work together. Around 65% of local authorities use permit schemes now, and we encourage others to join.

**Lord Tunnicliffe (Lab):** My Lords, will the Minister tell us whether Her Majesty's Government believe in value for money? If the answer is yes, will she explain how patch and mend delivers value for money on a whole-life basis? If the answer is no, does she accept that Her Majesty's Government are storing up a massive bill as roads self-destruct under the present policy?

**Baroness Sugg:** My Lords, I can certainly confirm that this Government believe in value for money. We are spending a record £23 billion on the enhancement, renewal and maintenance of our roads up and down the country, and will continue to invest in that to provide better journeys for motorists and to cut congestion. We have seen improvements and that our investment is making a difference. A, B and C roads combined have seen a gradual improvement, with fewer roads being considered for maintenance.

**Lord Lang of Monkton (Con):** My Lords, in her reply to my noble friend Lord Lexden, the Minister seemed to imply that she could do nothing about bells on bicycles. If the law does not require the fitting of bells on bicycles, does the Minister agree that it would be a very good idea, and will she consider whether the law should be amended?

**Baroness Sugg:** My Lords, as I said, we have introduced cycling and walking investment strategies. We are also looking at cycling safety and I will certainly feed in that suggestion.

**Baroness Hayman (CB):** With respect to bells on bicycles, perhaps the Minister would like to go back to 1998, because I seem to remember that, when I was a very junior Minister in charge of road safety, I found myself on the front page of every tabloid newspaper for saying, when answering a question, that all new bicycles should have a bell.

**Baroness Sugg:** My Lords, I do all I can to avoid being on the front page of tabloid newspapers, which is why I am not committing to it now—but, as I say, I will certainly take that back.

## Personal Independence Payment: Assessments *Question*

2.53 pm

*Asked by Baroness Thomas of Winchester*

To ask Her Majesty's Government what action they intend to take to improve the outcome of Personal Independence Payment assessments in the light of the increasing number of successful appeals.

**Baroness Stedman-Scott (Con):** My Lords, we want assessments for PIP to be right first time, every time. This would certainly negate the need for appeals. You might say that this is a tall order, but that is what we must go for. Of the 3 million decisions made since the personal independence payment was introduced, 9% of all decisions have been appealed and 4% of all decisions have been successfully appealed. We are determined to continue learning and making improvements to ensure that decisions are right first time. For example, we introduced 150 presenting officers who provide valuable feedback from tribunals, and we intend to make video recording of PIP assessment a standard part of the process.

**Baroness Thomas of Winchester (LD):** My Lords, I am grateful to the Minister for that reply, but the latest statistics show that nearly two-thirds of initial decisions are overturned by appeals, which are very stressful, not to say very expensive. Therefore, either the process is flawed or the assessors are not good enough—both, probably. Will she agree to hold a meeting with stakeholders from relevant charities to discuss the way forward?

**Baroness Stedman-Scott:** I completely understand the stress that people have to go through in an appeal. I heard somebody say last week that they were dreading their PIP reassessment. That is clearly unacceptable, but we are working all the time to improve the assessments to ensure that the assessors are up to the job. It is often in collecting the evidence and information at the final-stage appeal that material comes forward that has an impact on the outcome of the appeal. We have to make sure that information is available sooner rather than later.

[BARONESS STEDMAN-SCOTT]

In preparing for the Question, I also discussed health professionals being written to for clarification on matters during the appeal process. Large numbers of them do not respond, which is most unhelpful. I cannot give you numbers, but it is certainly something that I will take further with officials. The noble Baroness will know that I will meet anybody, but I am afraid that the Minister for Disabled People has got there before us and is committed to hosting a session where she and officials will take the Disability Charities Consortium through how we can improve and increase satisfaction in the process. I suggest that the noble Baroness makes sure that she has a seat at that table.

**Lord McKenzie of Luton (Lab):** My Lords, we know that the current PIP and ESA contracts are drawing to a close. In both cases, the decision to contract out was driven by a perceived need to introduce efficient, consistent and objective tests for benefit eligibility. Given that none of the providers has ever hit the quality performance targets required and that many claimants experience a great deal of anxiety during the process, is it not time to consider whether the market is capable of delivering assessments at the required level and of rebuilding claimant trust? Does the Minister not think that these assessments are better delivered in-house? For how much longer can we allow the system to fail sick and disabled people?

**Baroness Stedman-Scott:** The noble Lord raises very valid points; he is right to raise them. Extending the contracts does not mean accepting past poor performance—in fact, the DWP Select Committee accepted the extensions as the correct thing to do—but there is a need for stability to support continued improvement. Just to disband those contracts would certainly not give us that stability. We have to work with suppliers to ensure that they build on progress during any extension. We are looking at a two-year extension, which, if I have understood it correctly, will give the department time to look at the possibility of an in-house service.

**Lord Shinkwin (Con):** My Lords, I thank my noble friend the Minister for saying that improved performance is important. Does she agree that it is quite difficult for non-disabled people who do not have direct experience of living with a disability to fully appreciate the challenges that can come with it? I would be grateful if she would write to me to say how many PIP assessors are disabled and what plans her department has to increase their number.

**Baroness Stedman-Scott:** That is a very important question and a good point to raise. I do not know how many assessors are disabled, so I will find out and write to my noble friend. I can say that the assessors are recruited because of their competence in identifying people's needs with the conditions they have. All of us pay tribute to people who have to live with their conditions; I sometimes have no idea what it must be like to live with those conditions.

**The Lord Bishop of Durham:** My Lords, personal independence payments make a significant difference to those living with mental health difficulties. Sadly,

Mind found that only 8% of the 800 it surveyed felt that the assessor understood their mental health and 90% felt that the claims process itself had a negative impact on their well-being. Will Her Majesty's Government require assessment providers to ensure that they hire more assessors with proper experience of working with people with mental health issues, and audit the quality of the mental health training?

**Baroness Stedman-Scott:** I will certainly pass on the point that the right reverend Prelate raises in relation to assessors having an understanding, directly or indirectly, of mental health issues. On DLA, 6% of recipients received the top rate, while with PIP that has gone to 30%. The issue of mental health is on everybody's agenda and we are doing more to help people get the support that they need.

**Baroness Brinton (LD):** My Lords, I am grateful for the Minister's response on the introduction of recording of interviews. When is that planned to start? A number of people have asked if they can record their own assessments and have been told recently that they may not do so, which means that the power is very much in the hands of the assessor. We know that many appeals happen because people have been misrepresented in the written assessment reports, which has resulted in successful appeals.

**Baroness Stedman-Scott:** My understanding is that pilots of recording will start in the summer. We are trying to make sure that we encourage companions to attend and participate at the assessment—you have somebody with you at the appeal, and we want to make sure that they are there sooner. The facility for verbal recording exists now and there is a pilot to do video recording, so that the whole thing is on record.

## European Union Referendum: Alleged Russian Interference

### Question

3.01 pm

Asked by **Lord Tyler**

To ask Her Majesty's Government whether they will conduct an investigation into alleged Russian interference in the European Union referendum, including the Leave.EU campaign.

**Lord Young of Cookham (Con):** My Lords, the Electoral Commission is the independent regulatory body responsible for ensuring that elections and referendums are run effectively and in accordance with the law. The Government are committed to defending the UK from all forms of malign foreign state interference, whether from Russia or from any other state. To date, however, we have not seen evidence of successful interference in UK democratic processes by any foreign Government, but we remain vigilant.

**Lord Tyler (LD):** My Lords, do the Government not recognise that this piecemeal approach is potentially quite dangerous? Given that it is the considered judgment of the chairman of the DCMS Select Committee—the Minister's Conservative colleague—that the leaders of

the Leave.EU campaign have been lying, and given that there is ever-rising evidence of illegality, with even Mr Banks admitting that there was Russian collusion in the leave campaign, is it not now urgent that the Government should authorise a comprehensive investigation into what exactly happened? After all, this calls into question the very marginal outcome of the referendum, where for every 17 people who voted leave, 16 voted to remain. Does that not, in turn, raise real questions about the whole Brexit process?

**Lord Young of Cookham:** On the first question, the noble Lord will know that it is for the Electoral Commission to investigate any alleged irregularities concerning the referendum. It has already published a decision on Leave.EU and fined that body £70,000. Investigations continue into allegations that Vote Leave avoided the cap on election expenditure on the referendum by channelling resources into another, linked organisation, and that is a matter for the Electoral Commission to resolve. As far as the outcome is concerned, 1.3 million more people voted to leave than to remain, and I am not sure that one can attribute that fairly substantial margin to the activities of the Russian bots or, indeed, any other outside agencies.

**Lord West of Spithead (Lab):** My Lords, there is absolutely no doubt that the Russians are behaving in a dangerous and threatening way in cyberspace: we know that and it is a real threat to Europe. The noble Lord was no doubt celebrating yesterday the victory of 203 years ago, when we thrashed the French, in conjunction with the Prussians, at Waterloo; and the victory of 100 years ago this week, when, with the French, we thrashed the Germans at the second Battle of the Marne. We have expended a huge amount of blood and treasure on European security. Does the Minister not believe, in view of that, that the decision on Galileo is quite extraordinary?

**Lord Young of Cookham:** If I may focus on the first part of the noble Lord's question, which is about Russian involvement in covert activities, he may know that the Intelligence and Security Committee, on which two noble Lords sit, is currently investigating Russian involvement in the 2016 referendum and the 2017 general election. It makes sense to allow that important inquiry to be completed, and then we will have a clearer view of the impact, if any, of Russian involvement in the election, which is the subject of this Question. So far as Galileo is concerned, I commend the noble Lord's ingenuity but I have listened to fellow Ministers give very adequate answers on Galileo and I will not attempt to rise to that level.

**Lord Hannay of Chiswick (CB):** My Lords, will the Minister say whether the Government are satisfied that the Electoral Commission has access to all the rather complex means—obviously, I do not want to go into intelligence matters in this House—that foreign Governments have to interfere in our affairs? Is the Electoral Commission really equipped to carry out that inquiry in all its aspects?

**Lord Young of Cookham:** The noble Lord makes a very good point in that, obviously, it makes sense for the Foreign and Commonwealth Office, not the Electoral

Commission, to have overall responsibility for our relationship with Russia. It makes sense for the DCMS to have overall responsibility for “fake news” and for the Information Commissioner. It makes sense for the Cabinet Office to have overall responsibility for electoral law and a dialogue with the Electoral Commission. Where all these things come together, which I think is the noble Lord's point, clearly, we need a collective view. It makes sense to await the outcome of the ISC inquiry that I mentioned a few moments ago, the DCMS inquiry into fake news that is currently under way, and the Electoral Commission inquiries into the referendum campaigns. When we have all that, we can stand back and see whether we have the right resources and the right information in the right place and come up with a collective view on the serious issue raised in the original Question.

**Lord Clement-Jones (LD):** My Lords—

**Lord Davies of Stamford (Lab):** My Lords—

**The Minister of State, Ministry of Defence (Earl Howe) (Con):** My Lords, it is the turn of the Liberal Democrats.

**Lord Clement-Jones:** My Lords, Cambridge Analytica was using so-called online political microtargeting, which involves collecting, often illicitly, huge amounts of personal data, creating personal profiles for voters and delivering specifically tailored, often false messages. Irrespective of the question of expenses—and I have no doubt that this could form part of the many inquiries that the Minister has mentioned—is this not exactly the kind of secret online targeting which is a threat to our democracy? Should it not be made transparent and be highly regulated under our electoral law?

**Lord Young of Cookham:** The specific case that the noble Lord mentions—the alleged misuse of data provided by Facebook to Cambridge Analytica—is currently being investigated by the Information Commissioner. So far as the impact of social media is concerned, research shows that social media consistently ranks as one of the least trustworthy sources of information—along with politicians. By contrast, the public continue to see national and regional television, news websites and broadsheets as the most reliable sources of news. This may help put in context the concern just expressed by the noble Lord.

## Long-term Plan for the NHS

### Statement

3.09 pm

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con):** My Lords, with permission I will repeat the Statement made yesterday in the other place by my right honourable friend the Secretary of State for Health and Social Care about the Prime Minister's announcement of a new, long-term funding plan for the NHS. The Statement is as follows:

[LORD O'SHAUGHNESSY]

“The NHS was built on the principle that good healthcare should be available for everyone, whatever their background and whatever their needs. Seventy years on, it remains this country’s most valued public service—an institution that is there for every family, everywhere, at the best of times and the worst. No one in this House underestimates the importance of putting the NHS on a steady financial footing, not just for the sake of their constituents but for their own families and loved ones. That is why I am proud today that this Government have announced their commitment to a long-term funding settlement for the NHS.

From vaccinations and IVF to radiotherapy and next-generation immunotherapies, the NHS has always been at the forefront of excellence in medicine. However, as only the sixth universal healthcare system in the world, it has also come to symbolise equity both at home and abroad. Despite pressures in recent years, the Commonwealth Fund rates the NHS as the best healthcare system in the world; cancer survival rates are at a record high; stroke mortality is improving faster than almost anywhere else in the OECD; and heart disease mortality rates continue to fall. All this is thanks to NHS staff, who continue to work tirelessly day in, day out, to make it the world-class service that it truly is.

However, alongside advances in medicine, demographic pressures pose a potentially existential threat to the NHS as we know it. With the number of over-75s expected to increase by 1.5 million in the next 10 years, these pressures, far from reducing, will intensify. So in March the Prime Minister made the bold decision to commit to a 10-year plan for the NHS, backed up by a multiyear funding settlement. Since then I have been working closely with the Prime Minister and the Chancellor, and I can announce today that the NHS will receive an increase of £20.5 billion a year in real terms by 2023-24—an average of 3.4% per-year growth over the next five years. The funding will be front-loaded, with increases of 3.6% in the first two years, which means £4 billion extra next year in real terms, with an additional £1.25 billion cash to cope with specific pension pressures. Others talk about their commitment to the NHS, but this settlement makes it clear that it is this Government who deliver, and the details will shortly be placed in the Library of the House.

This intervention is only possible due to difficult decisions made by the Government, opposed by many, to get our nation’s finances back in order and our national debt falling. Some of the new investment in the NHS will be paid for by us no longer having to send annual membership subscriptions to the EU after we have left. But the commitment that the Government are making goes further, and we will all need to make a greater contribution through the tax system in a way that is fair and balanced. My right honourable friend the Prime Minister said that we will listen to views about how we do that, and my right honourable friend the Chancellor will set out the detail in due course. I pay particular tribute to the Chancellor, whose careful stewardship of the economy, alongside that of George Osborne before him, is what makes today’s announcement possible.

The British public also rightly want to know that every pound in the NHS budget is spent wisely. It is therefore critical to the success of the plan that the whole NHS improves productivity and efficiency; eliminates provider deficits; reduces unwarranted variation in the system so that people get consistently high standards of care wherever they live; gets better at managing demand effectively; and makes more effective use of capital investment. We have set the NHS five key financial tests to show how it will play its part in putting its service on a more sustainable footing, and I expect the NHS to give this work the utmost priority. The tests will be a key part of the long-term plan.

However, this is more than just a plan to get finances back on track. In its 70th year, we also want our NHS to make strides towards being the safest, highest-quality healthcare system in the world. That means making a number of improvements to the treatment and care currently offered, including getting back on track to delivering agreed performance standards, locking in and further building on the recent progress made in the safety and quality of care, and transforming the care offered to our most frail and vulnerable patients so that we prioritise prevention as much as cure. It also means transforming our cancer care, where we still lag behind France and Germany despite record survival rates. There is no family in this country that has not been touched by cancer, so the whole House will want to know how the NHS intends to make our cancer treatment and care among the best in Europe.

Many of our constituents worry about the mental health of their loved ones, families and friends. Again, I am proud of this Government’s record here: investing more in mental health than ever before and legislating for true parity as part of one of the biggest expansions of mental health provision in Europe. A critical part of the plan will be to decide what next steps will enable us to claim not just that we aspire to parity of provision with mental health but that we are actually delivering it.

For our most vulnerable citizens with both health and care needs, we also recognise that NHS and social care provision are two sides of the same coin. It is not possible to have a plan for one sector without having a plan for the other. Indeed, we have been clear with the NHS that a key plank of its plan must be the full integration of the two services. As part of the NHS plan, we will review the current functioning and structure of the better care fund to make sure that it supports that. While the long-term funding profile of the social care system will not be settled until the spending review, we will publish the social care Green Paper ahead of that. However, because we want to integrate plans for social care with the new NHS plan, it does not make sense to publish it before the NHS plan has even been drafted, so we now intend to publish the social care Green Paper in the autumn, around the same time as the NHS plan.

Finally, there are two further elements crucial to putting the NHS on a sustainable footing. Alongside the 10-year plan, we will also publish a long-term workforce plan, recognising that there can be no transformation without the right number of staff, in the right settings and with the right skills. This applies

to both new and existing staff. As part of this, we will consider a multiyear funding plan for clinical training to support this aim. Similarly, we know that capital funding is critical for building the NHS services of the future and, again, we will consider proposals from the NHS for a multiyear capital plan to support the transformation plans outlined in the long-term plan.

Given the national economic situation, yesterday's announcement is bold and ambitious. For the first time, national leaders of the NHS will develop a plan for the next decade that is clinically led, listens to the views of patients and the public and is backed by five years of core funding. We want to give the NHS the space, certainty and funds to deliver a comprehensive, long-term plan to transform health and care and to ensure that our children and grandchildren benefit from the same ground-breaking health service in the next 70 years as we all have in the first 70. That is the Government's commitment to our NHS, and I commend this Statement to the House".

My Lords, that concludes the Statement.

3.16 pm

**Baroness Thornton (Lab):** My Lords, I thank the Minister for repeating this Statement. I also declare an interest as a member of a local clinical commissioning group.

It would indeed be churlish to say that an injection of funding into our NHS is not welcome right now. However, the 70th birthday present is an uplift in funding of below the 60-year average—from 1948, the birth of the NHS, to 2010, it is just on 4%. Of course, we would all, not least the patients and staff, welcome not having to face another winter crisis like the one we have just had. After what, I suspect, were some serious tussles within the Government about quantum, timing and explanation of where the funding will come from, the Minister and his colleagues must be a little disappointed in the headlines that have been generated so far. The IFS said, with respect to the Brexit dividend that, "over the period, there is literally zero available".

Sky News has done a data poll which suggests a majority of people do not believe there will be a Brexit dividend to help to boost NHS funding, a reaction made more unpalatable to the Government because the same polls show that a majority of people, 54% to 38%, say that they would be happy to pay more tax to fund the NHS, which we in the Labour Party have known for quite some time. In 2002, when the then Prime Minister Tony Blair made a commitment to massively increased funding to the NHS, he also announced an increase in national insurance to pay for it. He and then Chancellor Gordon Brown had spent two years preparing for that announcement and preparing the plans for the investment in the NHS that was necessary to turn it round from the previous 18 years of Conservative neglect and underfunding and to deliver the waiting list targets, cancer treatment targets and A&E targets which then followed. So when Theresa May says, as she did over the weekend, that Labour spent only half of the increased expenditure on patient care, that is completely misleading and plain wrong. If she means that replacing falling-down buildings and worn-out equipment, paying staff decent wages, and investing in massively increasing the number of doctors and nurses available is in some

way not spending money on patient care, one has to question the right honourable lady's understanding of what the NHS is and what it does.

Leaving aside the issue of how the £20 billion will be raised, we do indeed need to address how it can best be spent. We recognise that it will take time and planning to work out how to make the best use of this funding over 10 years. The challenge is huge because the prevailing state created by a combination of cuts for both health and social care, and the overcomplex bureaucracy of the NHS as a result of the Health and Social Care Act, make this a serious challenge. Waiting lists of 4 million last winter in the NHS were so severe it was branded a humanitarian crisis. Some 26,000 cancer patients are waiting more than 60 days for treatment. There have been billions in cuts to local government and social care.

My questions to the Minister start with three basic ones about the legal obligations of the NHS. These were also asked by my honourable friend Jonathan Ashworth. Will the waiting list for NHS treatment be higher or lower this time next year than the 4 million it is today? This time next year, will there be more or fewer patients waiting more than 60 days for cancer treatment? This time next year, will there be more than 2.5 million people waiting beyond four hours in accident and emergency or fewer—a target not met since 2015?

If the Secretary of State wants, as he says he does, to transform the health and social care system, how will he do this when every economic expert, from the Institute for Fiscal Studies to the Health Foundation, tells us that with a growing ageing population—which the Minister mentioned—increasingly living with long-term conditions, this announcement will do nothing more than see the NHS stand still? As my honourable friend Liz Kendall put it yesterday:

"We cannot put the NHS on a steady financial footing without a proper funding settlement for social care, yet the Secretary of State now says that that will not happen until the spending review, which in reality means no substantial extra money for social care until 2020 at the earliest. We cannot transform care for older people or reduce pressure on the NHS until we look at the two together".—[*Official Report*, Commons, 18/6/18; col. 63]

Why are the Government still ducking that vital integration issue?

Why is the social care Green Paper delayed yet again, and how can this funding be used to mitigate the £7 billion in cuts and 400,000 people losing care support? How will the Government bring together health, social care, parity in mental health and the essential preventive work of public health, when they are scattered across different delivery bodies, often with differing commissioning regimes and accountable sometimes to different regulatory regimes? How will that be done under the proposals for the 10-year plan? Will this injection of funding ensure that we have a service with new models of care fit for the 21st century? Finally, we have a £5 billion repair bill facing our NHS right now, and outdated equipment. When will the Government start investing in the fabric and equipment of the NHS?

**Baroness Jolly (LD):** My Lords, I too thank the Minister for his Statement. I welcome any increase in funding. Should the Chancellor be wondering how to pay for it, we on these Benches would be quite happy

[BARONESS JOLLY]

to see a 1% increase on income tax, for starters. The IFS has said that increases of close to 4% are needed for social care, as well as a funding boost for the NHS. Yet the Statement had nothing to say on this vital issue. We all know that the NHS cannot function efficiently unless social care is working well too. Many local authority leaders are indignant that the Green Paper has been moved further down the track, so when the new funding does arrive there is already a sizeable deficit to claw back. They are extremely anxious about the situation with adult social care funding being insufficient for this financial year.

What conversations have been held with the LGA, local council leaders and the Ministry of Housing, Communities and Local Government in advance of these statements? We are also dismayed about the silence on mental health, public health and community health funding. One in four of us will be affected by mental illness, there is an obesity epidemic among our children, too few health visitors, and we are critically short of psychiatric social workers. Is the Minister confident that these issues can wait until the autumn NHS plan and the Budget?

**Lord O'Shaughnessy:** I thank the noble Baronesses, Lady Thornton and Lady Jolly, for their questions. I think that our debate on the report of the Lords Select Committee on the sustainability of the NHS and social care was revealing, in that we got a hint that, while the settlement would receive a broad welcome across the House, the party opposite might not be in quite the same positive mood, and, unfortunately, we have had that confirmed today. Perhaps that might generously be described as a cautious welcome.

The noble Baroness asked about the funding of this settlement. We were very clear yesterday that it will come, effectively, from three sources: from taxation, from economic growth, and from the fact that, as we are leaving the European Union, we will not be paying annual subscriptions any more. It will be a combination of those factors that determines the spending. Indeed, the Treasury is confident in that, and it would not have signed off this deal if it had not been.

On the noble Baroness's specific questions about the legal obligations under the NHS constitution, actually the money that was given to the NHS at the Budget was to help it to get back on target—in the case of A&E, by the end of this financial year and, for elective procedures, to halt the growth in the expansion of the waiting list. Clearly, one of the reasons for this settlement, which is set out explicitly, is to get back to those key standards, which we know are the yardsticks by which people judge their everyday experience of the NHS.

On the point about there not being enough money, there can always be arguments for more, but it is instructive that two former Health Ministers, one from the Labour Party and one from the Conservative Party—my noble friend Lord Prior and the noble Lord, Lord Darzi—set out last week that they felt that 3.5% was the right figure, which we have got very close to. We should take the suggestion of those two very experienced and knowledgeable former Health Ministers as a good yardstick for our achievement.

The noble Baroness asked about social care funding, as did the noble Baroness, Lady Jolly. The intention behind the delay in the Green Paper—which I recognise is a source of regret for people in this House and elsewhere—is to make sure that integration, which we all agree has got to be at the heart of this 10-year plan, actually happens in planning terms and policy terms as well as in announcements and delivery. That is why there is that co-ordination between the two. Again, it is worth stating that, over the current three-year period, at previous Budgets an extra £2 billion was put into the social care budget, which is rising now for the first time in a number of years, and that is obviously important as we put together that long-term solution.

Finally, let me deal with two other points. On the repair bill and the capital settlement, again at previous Budgets the Chancellor has pledged £10 billion through a number of sources towards the capital settlement for the NHS, but we are expecting the NHS, through this process, to come forward with long-term, multi-year capital proposals, because clearly that underpins so much of the transformation.

In terms of the impact on other elements of the broader health budget, mental health is included in there, including a clear commitment to deliver on parity of esteem within this period. Public health and community health will be dealt with in the next spending review process, which will be happening in the next year. Again, there are clear commitments that there will not be additional pressures, if you like, created for the NHS by what happens to the public health and social care budgets in the future. Ahead of a spending review process, that is a clear indication that there is not a desire to create trouble, if you like, in those budgets that would land at the feet of the NHS.

3.28 pm

**Lord Warner (CB):** My Lords, could the Minister say something about the economic literacy of this announcement? As I understand it, the Conservative chairman of the Health Select Committee, Dr Sarah Wollaston, has said that the Brexit dividend idea is “tosh”. If we write that one out of the script, can he say something about what economic assumptions the Government are making on the growth of GDP in each of the next five years?

**Lord O'Shaughnessy:** I know that the noble Lord no longer serves the Labour Party, but he might be interested to know that the Labour leader said in February that,

“we will use the funds returned from Brussels after Brexit to invest in our public services”.

Clearly, we are not alone in believing that, once we leave the European Union—and, as a party, we are committed to leaving the European Union—we will no longer be sending subscriptions to Brussels but using them for the NHS. For further detail on the funding settlement, the noble Lord will need to wait until the Budget, when the Chancellor will outline the plans.

**Lord Ribeiro (Con):** My Lords, I welcome this report, but note that the Statement refers to the number of over-75s increasing by 1.5 million, which will prove a challenge in the future. One of the recommendations

of the long-term sustainability report was that we should look at other methods for ensuring funding. I was very pleased to hear the noble Baroness, Lady Thornton, say that the review suggests that the public are prepared to pay more towards the NHS. I suggest that if we look at the experience of Japan, where people over the age of 40 start making contributions towards their long-term care, we may well have an opportunity to resolve this problem. If the public are willing, the Government should look seriously at this in the context of social care.

**Lord O'Shaughnessy:** We have in this debate just started the lively conversation that we will be having on taxation in the next few months. Clearly there are a number of ideas; they have been voiced by Members on the Liberal Democrat and Labour Benches as well as those on my Benches and the Cross Benches. We know that there are a number of ways that this could be done; the Prime Minister has shown incredible leadership to admit that this is necessary. These are very difficult decisions: in polls, people say that they want to pay more tax but when it comes to the crunch they often feel slightly differently. True leadership is being able to take us through that situation, and that is what the Prime Minister is showing.

**Lord Clark of Windermere (Lab):** I thank the Minister for taking the trouble to repeat the Statement made yesterday in the other place. Of course we welcome the money, but let us not get carried away. Every health trust charity believes that the increase needs to be at least 4%. Secondly, this still leaves only one country in the G7 paying less towards healthcare than we are.

May I ask the Minister three very brief questions? I saw a report saying that the training costs of doctors and nurses were not included in these figures. Is that correct? Secondly, when we pursue the Government's concept, which is right, of bringing the NHS and social care together, hence delaying the plan, will the extra costs of social care come out of the 3.4%? Finally, when it is discovered that there is no exit bonus when we leave the EU, will the Government guarantee that that shortfall will be made up from elsewhere?

**Lord O'Shaughnessy:** The noble Lord mentions the figure of 4%. I have looked at a number of think tank reports and their assumptions on what is required. They make some very cautious assumptions of the productivity improvements that the NHS is making, based on historical performance. The improvements in productivity over the last five years are very healthy—in fact, in the last year the NHS became more productive at a rate of 1.8%. If you add that to the 3.4%, that gives an increase of more than 5% in terms of bang for your buck. It is incumbent on us during this process not only to put in more money but to make sure that we are driving those productivity gains that we have seen in the last five years. If that then gives a 5% effective increase in funding, that is what we will need to deal with the long-term pressures that the noble Lord has quite rightly highlighted.

On the three questions, there is an explicit commitment to deliver this workforce strategy that the NHS comes up with as part of its plan. On the extra costs of social

care, we clearly need a social care settlement that delivers the funding for those rather than their being covered by the NHS. That is what we mean about the commitment not to create extra pressures. As I have said, the funding will come from three sources—whatever the mix, the funding will be there.

**Lord Willis of Knaresborough (LD):** Will the Minister accept that in terms of productivity, one of the issues that is holding us back in developing things at speed is the overregulation of the whole of the health system? We have two systems regulators and seven professional regulators; we were promised in 2014 that there would be legislation to simplify the regulatory system. Can the noble Lord assure the House that we will have a bonfire of regulations and put the right regulations in place to move this agenda forward?

**Lord O'Shaughnessy:** The noble Lord speaks with great insight and makes a very important point. There is broad agreement on the need to simplify the structure of the health system but there has not to date been broad agreement on how we should do so. We are expecting in the next few months to explore the potential for the kind of streamlining that he is talking about. I hope that that can be done as a collaborative effort and, if it comes to primary legislation, that we can deliver it as a collaborative effort too.

**Lord Kakkar (CB):** My Lords, I declare my interest as chair of University College London Partners Ltd. Although this substantial increase in funding has quite rightly been welcomed, important questions remain. It is essential that real progress is made in integrated care—integrated care between the community and secondary and tertiary sectors, and integrated care between hospitals and social care. It is vital that progress is made in the rapid adoption of innovation at scale and pace across entire health economies. It is also vital that a programme is put in place to ensure that there is a transformation of the healthcare workforce so that those who have committed themselves to being healthcare professionals can continue to be developed and serve their fellow citizens across an entire professional career. How do Her Majesty's Government propose to achieve this? There has been much good intention and great commitment in this area over the past two decades, but we are now at a critical moment where a failure to deliver the transformation required will result in failure to achieve the long-term sustainability to which we are all committed.

**Lord O'Shaughnessy:** The noble Lord makes excellent points. It is right at this moment to applaud the wisdom and far-sightedness of the Lords Select Committee on the long-term sustainability of the health and social care system. It called for, among other things, funding of growth in line with GDP, delivering integration, a 10-year workforce strategy, a commitment to reduce variation and a joined-up Department of Health and Social Care, all of which, if we were not able to deliver it in time for our response to the report, we are delivering in short order afterwards.

One of the first ways in which we shall do it is to draw on the wisdom that resides in the NHS, in Parliament and elsewhere in the profession. In the

[LORD O'SHAUGHNESSY]

Statement given by my right honourable friend, I point again to the commitment to take on integrated care, that being one of the tests of success. Equally, there is the commitment to transformation of the workforce, to make sure not just that we have enough people but that we have enough flexibility and digital skills, for example.

The final point, on innovation, is very close to my heart—and indeed the Secretary of State's. We know that doing things in the same way will not deliver the standards we need. We really need a transformation in how we deliver healthcare, much greater digitalisation of the entire sector and the ability to take the amazing innovations that we develop in our laboratories and universities, such as the noble Lord's own, and get them into use across the NHS. That is one reason why I was so delighted that we were able to announce today that the noble Lord, Lord Darzi, will be chairing our Accelerated Access Collaborative. It is hard to think of anybody more committed to this agenda than him.

**Lord Mackay of Clashfern (Con):** My Lords, I seem to recollect that some years ago there was a royal commission on social care. Is there any wisdom to be gained from it? I do not think much action was taken on it when it reported.

**Lord O'Shaughnessy:** My noble and learned friend is quite right: these commissions do not always produce action. I realise that there is some frustration in the House over the delay to the social care Green Paper. I hope noble Lords will respect the fact that it is sometimes difficult to fight battles on many fronts. We have made some progress on the NHS and the army moves on to win the war on social care as well.

**Lord Turnberg (Lab):** My Lords, I for one from these Benches welcome the influx of funds. We have been waiting quite a while for it so it is well received. Everyone knows, however—we have heard today—that without changes and improvement in social care, this 3.5% will go down the drain as well. It is not just that we need to do both together; we need provision for social care at the same time as, if not in front of, the influx of funds for the NHS.

**Lord O'Shaughnessy:** I agree with the noble Lord and thank him for his welcome. We all agree; indeed, the Statement sets out clearly that the two must go hand in glove. I should point out that additional money for social care in the short term was put in a previous Budget by the Chancellor—£2 billion extra over three years, a budget that is now growing. Clearly that was a short-term measure. Now we need to find that long-term settlement that goes hand in hand with the NHS and ensure that we have true service integration as well.

**Lord Hannay of Chiswick (CB):** My Lords—

**Baroness Walmsley (LD):** My Lords—

**Baroness Manzoor (Con):** It is the turn of the Liberal Democrat Benches.

**Baroness Walmsley:** My Lords, first, the Statement mentions £1.25 billion cash to cope with specific pension pressures. Is that because so many doctors are retiring early, and therefore drawing their pensions early, because of the pressures of the job? I know three GPs who are retiring far too early because of those pressures, so will the NHS be able to spend some of that money to relieve those pressures? Secondly, the Statement mentions that the Government want to prioritise prevention and that the NHS should get better at managing demand effectively. There are two factors that limit its ability to do that: social care has been mentioned by many noble Lords but I would also mention prevention. Can the Minister assure us that, when we get the spending review, the amount of money that goes to local authorities co-operating with the NHS on the prevention of ill health will not just be enough to make up for the cuts they have suffered over recent years but enough to really go forward and transform prevention measures?

**Lord O'Shaughnessy:** To answer the noble Baroness's first question, I believe that changes in actuarial calculations were the driver of that change. However, it is a technical issue and I will write to her and place a copy of the letter in the Library so that other noble Lords can see the rationale for it. Regarding her question about public health funding, obviously it is not for me to make predictions about exactly what will be in the spending review, save to say again that there was a clear commitment in the Statement that we would not create further pressures for the NHS through the settlements delivered for social care and public health.

**Lord Hannay of Chiswick:** My Lords—

**Baroness Hollins (CB):** My Lords—

**Baroness Manzoor:** My Lords, it is the turn of the Cross Benches.

**Baroness Hollins:** My Lords, there is much concern in this House about social care. Can the Minister confirm that the now-promised social care plan will address not only the needs of older people but the needs of all vulnerable people of all ages? It is a little-known fact that the cost of meeting the needs of people with learning disabilities will soon overtake the cost of care of the growing number of older people. It is really important to address that.

**Lord O'Shaughnessy:** The noble Baroness is quite right to highlight the care for this vulnerable group of adults. As she knows, there has been a parallel work stream alongside the work for the Green Paper. Those are two allied but separate pieces of work. At this point in time I do not have a specific date for when that work will emerge into a report or a review, but I will write to her with the details because the Government agree with her that this issue is of equal importance.

**Lord Higgins (Con):** My Lords, given the Administration's traditional objection to the hypothecation of revenue, does my noble friend agree that the Chancellor is likely to be reluctant to say that he is putting up taxation

specifically for the NHS? In any case, would it be more acceptable to the public for the money to be raised by way of an increase in national insurance contributions rather than through general taxation?

**Lord O’Shaughnessy:** I should not like to put any words in the mouth of my right honourable friend the Chancellor. What I do know, as was evident yesterday, is that he has committed to deliver the finances required to fulfil the plan that the NHS puts forward. Clearly, as my noble friend points out, there are a number of ways that we can do that. Polling suggests that some forms of taxation are more popular than others, and we know that technical challenges are associated with hypothecation. As I said, this is a very important and valuable conversation in which this House has a leading role to play in making sure that we get the right outcome.

**Lord Davies of Stamford (Lab):** My Lords, this otherwise very welcome announcement was accompanied by quite misleading and—I hope the noble Lord will agree—deplorable PR spin about a Brexit dividend. Does he accept that the OBR, which provides the government economic statistics, has said that there is no such thing as a Brexit dividend? There is a Brexit penalty, because the reduction in tax revenue as a result of lower economic activity than would otherwise have taken place is significantly greater than the saving of our net contribution to the Union. Is it not the case that, in trying to pretend that there is a dividend, the Government have actually tried to mislead the public, and is that not something that, on reflection, the noble Lord would agree is most unfortunate?

**Lord O’Shaughnessy:** I would not agree with that because it is clearly the case that once we have left the European Union we will not be paying for membership of it—and it is those funds which will, in part, go towards helping us solve the funding challenge that we have set ourselves for the NHS.

**Lord McColl of Dulwich (Con):** My Lords—

**Baroness Ludford (LD):** My Lords—

**Baroness Manzoor:** My Lords, we have plenty of time. It is the turn of the Lib Dem Benches.

**Baroness Ludford:** My Lords, further to the question from the noble Lord, Lord Davies, is it not true that the OBR forecast budget deficit is twice our net EU contribution? We will also be making continuing payments for participation in EU programmes and agencies, let alone the £39 billion divorce Bill. Is not the Brexit dividend claim on the No. 10 website—which is a government website, not a Tory Party website—a breach of the Government’s duty to ethics, truth and accuracy?

**Lord O’Shaughnessy:** No.

**Lord McColl of Dulwich:** Does the Minister agree that the obesity epidemic is costing well over £25 billion a year? Would he consider having an all-out campaign—including every man, woman and child, every institution, school and government department—not to tell people what to do but to tell them the truth? For instance,

there are 4 million people with type 2 diabetes due to overeating. If they ate less the savings would be terrific and most of them would be cured of their diabetes.

**Lord O’Shaughnessy:** My noble friend sets a tremendous personal example in this case. He is a fearless and tireless campaigner on the causes of obesity. He knows that it is our hope and intention that we will return to this topic so that we can start to reduce this plague on children and adults.

**Baroness Pitkeathley (Lab):** My Lords, in the Statement the Minister referred to full integration between health and social care. Does he mean full integration of services, workforce and budgets? If so, is he confident that it can be done without the kinds of reorganisation that all of us dread?

**Lord O’Shaughnessy:** The noble Baroness makes a good point from her experience. There is agreement across the House—and, indeed, across both services—that there needs to be an integrated service. It is clearly not satisfactory to delineate in the way that we have done historically. How we get there will obviously be difficult. We need the NHS and local government to take the lead and to come up with proposals. If we believe that those proposals will deliver what we want without creating upheaval, it is incumbent on us all to get behind them.

**Baroness Watkins of Tavistock (CB):** I welcome this additional contribution to the health service. However, have there been overoptimistic algorithms on improving productivity? We know that staff are currently stretched, and to expect continued productivity increases before we invest in modern technology will result in more staff leaving, and that would not be rational.

**Lord O’Shaughnessy:** The noble Baroness makes an excellent point. We know that NHS staff do a wonderful job and work incredibly hard. In talking about productivity it is wrong to think of it only in terms of getting more out of the same people. The wage bill, I think, makes up around 40% of the total NHS spend, a great deal of which is on buildings, on items and on technology. We need to use more technology so that we can deliver the productivity gains that we need.

## Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill

*Committee*

3.49 pm

### *Clause 1: Hereditaments occupied or owned by the same person*

*Amendment 1*

*Moved by The Earl of Lytton*

1: Clause 1, page 2, line 30, at end insert—

“( ) Any change made in the 2010 Rating Lists to the existence or extent of a hereditament by virtue of this section applicable on 31 March 2017 must also be given effect by the Valuation Officer in the 2017 Rating Lists, unless physical circumstances affecting the constitution of the hereditament changed on 1 April 2017.”

**The Earl of Lytton (CB):** My Lords, I know that after Brexit, the question of business rates and council tax must be one of the high points of your Lordships' week. With that in mind, I start by declaring my interests as the owner of business property and the occupier of business premises, my professional interests, and the fact that I am a vice-president of the Local Government Association. Although business rates, the subject of this amendment, do not quite have the pull of Brexit, they are nevertheless of great significance to businesses. I suspect that, like Brexit, they will be a matter that we will still be debating long after the initial dust has settled. Moreover, the issue will be debated whatever the outcome of our relationship with Europe.

I pay a brief tribute to my two external advisers who have been helping me with these amendments, and to staff in the Minister's department for their willingness to discuss, both formally and informally, matters to do with business rates that have concerned me over many months. I have a sort of private pact that I have just agreed with the noble Lord, Lord Kennedy of Southwark, to keep things brief, and I will do my best in that regard.

I hope Amendment 1 will be seen for what it is: a means of preventing unfairness and an aid to streamlining. I should explain that the Bill provides for business rate payers to seek to amend principally the 2010 list and later assessments, to which the Bill applies, affected as they were by the Supreme Court case of *Woolway v Mazars*. However, while under the Bill the facility to amend appears on the 2010 valuation list, a successful application under that list does not automatically translate into the assessment in the 2017 list. To me, this seems an oversight. In the absence of a material change of circumstances, the 2017 list should use the same general basis, valuation levels apart, as that which applied to the 2010 list.

This matters to ratepayers, billing authorities and business rates administration more generally. Amendment 1 seeks to remedy the matter by allowing the automatic carryover of an adjustment made pursuant to the Bill on a 2010 list assessment or assessments into the 2017 list. Without this provision, the business rate payer will have to make a *de novo* application under the 2017 list using the government portal that operates the system known as "check, challenge, appeal". Noble Lords will know that I have raised significant concerns about the "check, challenge, appeal" procedure, principally at the end of last summer in a debate I secured for the purpose. Although it has improved, and I acknowledge that improvements continue to be made, for appellants it remains a barrier to fair access in terms of both the need to register the timeframes and the complexity of sorting out the various stages, especially if the matter is not considered clear-cut or is contested by the Valuation Office Agency. I once had the privilege of working for its predecessor organisation, the Inland Revenue Valuation Office, for nearly seven years.

I do not believe it should be necessary to jump through these hoops under the 2017 "check, challenge, appeal" process where a simple administrative adjustment would suffice. That is the purpose of the amendment and I beg to move.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, briefly, the amendment in the name of the noble Earl raises an important point and I am happy to support it. As he said, this is a simple administrative change that could help people.

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, I am grateful to the noble Earl, Lord Lytton, for his amendment and the noble Lord, Lord Kennedy, for his contribution.

The measure we will deliver through Clause 1 has been welcomed by stakeholders. It will return the practice of the Valuation Office Agency back to the position that applied before the Supreme Court decision in *Woolway v Mazars*. As highlighted by the noble Earl, Lord Lytton, it is important that we still consider how this measure will be implemented. In December last year, my department issued a consultation document that contained a draft of Clause 1 and set out how we plan to implement this change in the law. As we explained in that consultation, to protect ratepayers from unwanted backdated bills on the 2010 rating lists, we will allow ratepayers to choose whether they want their bill changed before 1 April 2017. We will achieve this by allowing a new right of appeal on the 2010 rating list for those ratepayers affected by Clause 1. I understand that my officials are already working with the Rating Surveyors Association and other professional bodies on the regulations to deliver this new right of appeal on the 2010 rating list.

For the 2017 rating list—about which I think the noble Earl, Lord Lytton, is concerned—the Valuation Office Agency will update the list as it becomes aware, through ratepayers and local authorities, of assessments impacted by the change in the legislation. Keeping an accurate rating list in this way is a normal part of the business rates system. Where appeals on the 2010 rating list mean that the valuation officer believes that the 2017 rating list also requires changes, I assure the Committee that these will be resolved by the Valuation Office Agency as part of its normal duty to maintain the list. Ratepayers will also be able to request a prioritised check of their 2017 rateable value if they believe it has been affected by the ruling.

From the consultation, we have seen widespread support for this approach to implementation. The amendment before us would require the valuation officer to make consequential changes to the 2017 rating list after they have resolved a case on the 2010 rating list. As I have said, it is the intention of the Valuation Office Agency to make these necessary changes. What is more, the requirement of the Valuation Office Agency to correct the 2017 rating list is already captured in primary legislation. That is significant. Under Section 41 of the Local Government Finance Act 1988, the valuation officer is required to compile, and then maintain, local rating lists. Therefore, if through the settlement of an appeal on the 2010 rating list the valuation officer concludes that the 2017 rating also needs to be changed, they are duty bound to make that change. I can offer that legislative assurance. With those assurances, I hope the noble Earl, Lord Lytton, will agree to withdraw his amendment.

**The Earl of Lytton:** My Lords, I thank the Minister for that very helpful reply. From what he has said, I appreciate that making these consequential amendments is a matter of the general duty of the Valuation Office Agency, as it deems necessary. I certainly did not intend to press my amendment at this stage. I will simply say this: resources that are destined to continue being cut year on year as part of a planned resource reallocation are of concern to practitioners who have to deal with the Valuation Office Agency. I hope these cuts will not mean that it is unable to make these sorts of consequential changes. On the basis of the Minister's reassurance, I beg leave to withdraw my amendment.

*Amendment 1 withdrawn.*

4 pm

### *Amendment 2*

*Moved by The Earl of Lytton*

2: Clause 1, page 2, line 30, at end insert—

“( ) Any refunds payable by a billing authority by virtue of assessment alterations directly consequential upon this section must be reimbursed to that authority by the Exchequer.”

**The Earl of Lytton:** My Lords, I shall speak to Amendment 2, which is grouped with Amendment 4. In a sense, it is covered partly by subsection (2)(d) of the proposed new clause in Amendment 4 in the name of the noble Lord, Lord Kennedy. I will let him speak to that at the appropriate moment.

I fully expect the Minister to say that under no circumstances will the sort of refunds that I am looking for be refunded to billing authorities. As I understood it—perhaps I used a somewhat extreme example at Second Reading and I will not use that one again—it is assumed that immediately after the Supreme Court case of *Woolway v Mazars*, billing authorities somehow swept into action like avenging angels to deal with all the various assessments that would have qualified under that, and therefore it is supposed that they might have made some sort of gain. I do not believe that has actually happened, or that billing authorities banked this dividend to any significant extent. That is a matter that perhaps warrants further investigation as to exactly what the situation is financially, but they might none the less find, as the effects of the Bill work their way through the system under the 2010 valuation, that they face some sort of deficit. I felt it was unreasonable that billing authorities should suffer a material loss in that respect, so that is what Amendment 2 would deal with.

I support the noble Lords, Lord Kennedy and Lord Shipley, on Amendment 4, which is grouped with my amendment, because one of the points made to me by the Institute of Revenues Rating and Valuation was that there has been very little assessment of the precise impact of much of this. That is a mistake and a lacuna. Local government finance—from what I can gather, not being directly involved with it myself—is in many cases in a critical situation. Budgets are on a knife edge and even seemingly small amounts—we do not really know what the magnitude is of all this—need to be dealt with. I therefore support that amendment, and in doing so I must declare that I am

an honorary member of the Institute of Revenues Rating and Valuation, having been, for much of my working lifetime, an ordinary subscribing member. I beg to move.

**Lord Shipley (LD):** My Lords, I will speak to Amendment 4, on which my name appears, and remind the House that I am a vice-president of the Local Government Association. The case was very well put by the noble Earl, Lord Lytton, a moment ago. I am struck by the fact that this amendment, in the names of the noble Lord, Lord Kennedy of Southwark, and myself, seems to contain a reasonable set of proposals. I am particularly concerned by the noble Earl's assertion that the professional bodies are saying that there has been little assessment of the impact and that we ought to know more. I have a particular concern about the authorities that are piloting the 100% retention of business rates. I very much hope that they will not be put in a position of having to refund more money than they originally gained. So this amendment—a probing amendment, in my view—seeks to ensure that the consequences of the Bill are well understood and reported to Parliament.

**Lord Kennedy of Southwark:** My Lords, I remind the House of my relevant interest as a vice-president of the Local Government Association. Amendment 2 in the name of the noble Earl, Lord Lytton, goes to the heart of the first part of the Bill, namely the positions some local authorities find themselves in—having to make refunds and potentially being out of pocket. In the 2017 Autumn Budget we heard the Chancellor of the Exchequer announce, following the decision of the Supreme Court, a return to the previous practice, and Clause 1 does just that. Business would further be allowed to ask the Valuation Office Agency to recalculate valuations so that business rate demand would be based on the previous practice, backdated to April 2010.

The Budget papers confirmed that the Government would fully compensate local government for loss of income—but then they had a change of heart and decided that if they had the extra money it was an unexpected windfall. The council would be very pleased about that, but if it had to pay anything back there would be no compensation for the authority concerned. The noble Earl's amendment would require the Government to do exactly what they said they would do in the first place, and it has my full support.

Amendment 4 in my name and that of the noble Lord, Lord Shipley, would place in the Bill a requirement for the Government to undertake a review of the impact of the provisions in Clause 1. That seems a sensible and proportionate thing to do. The amendment would require the Government to have a review, sets out what it should cover and requires that the Government should lay it before both Houses of Parliament—but nothing beyond that. They would have to do nothing other than lay the review.

I hope that when the noble Lord, Lord Bourne, responds to this probing amendment and the noble Earl's amendment he will see the point that we are trying to highlight. We are trying to give the Government the tools to do the analysis to make sure that they have got this right.

**Lord Bourne of Aberystwyth:** My Lords, I am most grateful to noble Lords who have spoken on this amendment and for that very considerate point from the noble Lord, Lord Kennedy, that he is trying to help the Government. I shall ensure that that is underlined when I get my copy of *Hansard*, and I appreciate his general approach on these issues.

I am grateful to noble Lords for raising this matter. The amendments before us would require a review of the impact of Clause 1. I agree with the point made many times by the noble Lord opposite; we probably have rather too many reviews, and this can sometimes get a little top-heavy. However, such a review would require compensation to be paid to local authorities for any refunds made to ratepayers as a result of Clause 1.

To assist the Committee in considering this, I will explain a little about how Clause 1 will be implemented by the Valuation Office Agency. Before I do, I remind the Committee that, as the noble Earl quite correctly anticipated, the Government do not intend to compensate local government for the reductions in rateable value that will flow from the implementation of Clause 1. This is not because we cannot estimate or measure those impacts—although there are considerable challenges in doing that. We are not compensating local government in this instance because the revenue it might have received from the Supreme Court decision in *Woolway v Mazars* was unexpected. Indeed, all professional bodies involved with rating, including the Rating Surveyors' Association, viewed the Supreme Court's decision as a surprise and an aberration: indeed, neither party to the case was arguing for it. It came as a surprise to political parties, too.

The decision disturbed the settled practice of rating as understood by valuation officers and ratepayers alike for decades. Therefore, any additional income was indeed a windfall. The noble Earl seemed perhaps to suggest that, if there had not been a refund or reduction, there was still the prospect of some obligation to repay. That is not the case. If the money has not been expended, there can be no question of any repayment. We are merely returning this windfall to ratepayers—something that I think is widely welcomed. In some cases these ratepayers have also lost small business rate relief as a result of having their property split. We do not believe that it is fair for these hard-working small businesses to be hit by large backdated bills, and we do not believe that it would be right for local government to benefit from revenue accrued in this way.

The amendments would require a review of the impact of Clause 1 and compensation for any refunds under it. Put simply, the impact of Clause 1 is to return the law to what it was always understood to be before the decision of the Supreme Court. It follows that, taken together, the combined financial impact of the Supreme Court decision and Clause 1 will therefore be neutral. So, in looking at just the impact of Clause 1 we are, in fact, looking at only part of the picture.

For those businesses whose rateable values were not adjusted by the Valuation Office Agency following the Supreme Court decision in *Woolway v Mazars*, there will be no change. The only situation in which there will be a repayment of business rates as a result of

Clause 1 is where the Valuation Office Agency has amended rateable values to reflect the Supreme Court decision. That will be reversed.

The Bill will also allow those rateable values to be changed so that they once again reflect the practice of the Valuation Office Agency before the court decision. The way in which this will be implemented in practice by the Valuation Office Agency will be different in respect of the previous 2010 rating list compared to the current 2017 rating list. I will go into that in a bit more detail in a minute. I will ask the Valuation Office, because it does seem reasonable, to publish information as a consequence of Clause 1. I will make sure that any information that is readily to hand is published, that noble Lords receive a copy and that we leave a copy in the Library—because that will not involve any unreasonable burden at all.

Since 1 April this year the Valuation Office Agency has been unable to amend the 2010 rating list, other than as a result of an outstanding appeal. These rules protect ratepayers against very long periods of backdating, but they mean that, in this instance, ratepayers would see the benefit of the Bill in respect of the 2010 rating list only if they still have an outstanding rating appeal. Therefore, we will, through regulations and existing powers, allow a new right of appeal on the 2010 rating list for those ratepayers affected by the Bill. I assure noble Lords that it will be possible for local authorities and the Valuation Office Agency to identify these new appeals made as a result of the Bill and see the resulting change in the rateable value on the 2010 rating list. As I say, I will endeavour to ensure that information on that is passed to noble Lords.

These new 2010 appeals will, in part, provide the information sought in this amendment. However, they will not provide a complete picture of the impact, as some ratepayers will choose to use existing 2010 appeals, some of which may also deal with other, unrelated changes to the property or valuation. Therefore, the resulting change in rateable value will not always be an accurate reflection of the impact of Clause 1 alone—it is not necessarily that straightforward. Nevertheless, local authorities will be able to identify the new appeals on the 2010 rating list and see the resulting change in rateable value, and we expect these new appeals will, in part, give a reasonable guide to the impact of Clause 1 on the 2010 rating list.

I fear that it will be much more difficult to track the impact of Clause 1 on the current 2017 rating list. The Valuation Office Agency will implement Clause 1 on the 2017 rating list in the normal course of its business. For example, it may apply the new rules in Clause 1 in the course of putting new properties into the rating list, when correcting rateable values or when reflecting improvements or demolitions to the property. It may do this following a request from a local authority, following a check made by the ratepayer or using its own notices to amend the rating list. Within these different types of cases and different reasons for altering the rating list, the Valuation Office Agency cannot statistically isolate those which are due to Clause 1 alone. To resolve this, the VOA would have to manually examine each change and each valuation and calculate how much was due to Clause 1. Bearing in mind

comments made with some justification about the financial impact of some of this on the VOA, this is not something we would want to do: it would be extremely resource intensive. Since this is an organisation responsible for clearing a backlog of 2010 appeals—something it is doing—implementing a new check, challenge and appeal system and delivering a revaluation in 2021, I am sure noble Lords will agree that we should not add to its burden in this way.

I fully understand that local government and others want an accurate view of the impact of Clause 1. I share that desire and have explained to noble Lords why this is so difficult on the current 2017 list. I hope I have reassured the Committee that some information will be made available in respect of the new appeals on the 2010 rating list that will be allowed once the Bill receives Royal Assent. As I said, I will ask the Valuation Office Agency to publish that information.

With regard to the Government's stance on compensation, this does not signal any departure from the normal approach to compensating local government for changes to business rates introduced through the Budget. In this year alone, we expect to compensate local government to the tune of £1.5 billion for changes to the business rates system announced in previous Autumn Statements and Budgets. I hope the Committee will recognise that the circumstances of the Mazars Supreme Court decision and Clause 1 are very different in respect of so-called compensation. With all this in mind, I hope the noble Earl will agree to withdraw his amendment.

4.15 pm

**Lord Kennedy of Southwark:** Is the Minister saying that the Chancellor did or did not say in the Budget that the Government were going to reimburse local government on these matters? I understood that the Chancellor had announced that the Government were going to reimburse local government but then the Government changed their mind.

**Lord Bourne of Aberystwyth:** My Lords, I say this with some hesitation because the noble Lord seems relatively certain about what he is saying, but I think I am right that in the 2017 Budget the Chancellor said that we were not going to reimburse local government in relation to this. I do not think that statement had been made before; or if it had, it was only shortly before. But I think in the 2017 Budget he made it clear that we would not be doing so. But that can be checked. As I say, I might be wrong on that.

**Lord Kennedy of Southwark:** That would be very helpful. Does the Minister have any estimate of the amount of money involved for local government? I accept that people have had the benefit of these sums of money for a period of time but, equally, everyone was surprised by the judgment of the Supreme Court. What are the sums of money involved for local government? They may be negligible or huge. We all know that local government is really pressed in terms of budgets and finance, and things are very difficult, with many competing demands. If it was a large amount of money, that could cause problems.

**Lord Bourne of Aberystwyth:** My Lords, from what I can gather—admittedly, it is anecdotal, from speaking to local government and getting a feel for this—this position is relatively evenly spread across the country, although focused more in the urban areas, as your Lordships would expect. Again, I cannot give a precise number but I do not think it is a massive one. If I can give a more precise indication, perhaps I will do that in a letter to noble Lords ahead of Report. I do not think it is a massive number, from what I can gather.

**The Earl of Lytton:** My Lords, I thank all noble Lords who have spoken, and the Minister for his response. In defence of any appearance of lack of numeracy on my part, I say in connection with whether or not billing authorities have gained some windfall that the point outlined by the noble Lord, Lord Kennedy, is correct; namely, the budgetary process does not arise evenly or as an even offset or indeed even in a comparable year. But I do not proclaim to be an expert on local government budgeting and finance—thank goodness. I am only a humble valuer and therefore doomed to perdition for having only managed to get an O-level in ordinary maths. With that in mind, I beg leave to withdraw Amendment 2.

*Amendment 2 withdrawn.*

### *Amendment 3*

*Moved by The Earl of Lytton*

3: Clause 1, page 2, line 30, at end insert—

“( ) The Valuation Office Agency must forthwith upon the coming into force of this section publish on its website such advice and guidance as to the provisions of this section, and such means of identification of the hereditament, as to enable a ratepayer by accessing the online Rating Lists readily to check the status of their assessment and whether the provisions of this section apply to it.”

**The Earl of Lytton:** My Lords, this is another tidying-up amendment, which is really to ensure that there is adequate publicity for people wishing to avail themselves of the facility under the Bill, bearing in mind that there are a number of very complex matters involved in business rates. The amendment is intended to ensure that the Valuation Office Agency places on its website adequate,

“advice and guidance as to the provisions of this section”,

and the means whereby a business rate payer can make the necessary identification so that they can ascertain whether—and, if so, how—the provisions apply to this.

The wording is deliberate in setting out the publication process,

“forthwith upon the coming into force of this section”.

The reason why I say so is that at the end of last summer, when we discussed matters to do with business rates, I was given to understand that there would be guidance—for instance, on the question of how fines would be applied for misdeclarations of fact in going through the “check, challenge, appeal” process. I have not seen that information yet and I do not know whether it is available. I am not voicing this as a criticism; I am just saying that because of the particularly time-limited nature of the way in which the provisions will apply—particularly looking back into the 2010 list—it

[THE EARL OF LYTTON]  
will be important that this information is published in a timely and reasonably prominent manner and, I hope, written in plain English. That is the purpose behind Amendment 3. I beg to move.

**Lord Kennedy of Southwark:** I fully support the noble Earl in his Amendment 3. I think we all deal online very much more now in our work and in terms of official and unofficial things, so this is a very sensible amendment.

**Lord Bourne of Aberystwyth:** My Lords, with the indulgence of the House, I would like to pick up a point from the last group. I failed to address a point made by the noble Lord, Lord Shipley, on the pilot business rate retention issue. We are speaking to the Local Government Association and others about that. It is not straightforward but we are not convinced that there is any loss. Still, I shall seek to address that in more detail in the letter. I apologise to him for not picking that up earlier.

I thank the noble Earl for moving this amendment, which would require the Valuation Office Agency to publish on its website guidance and advice on the effect of Clause 1. I understand and appreciate the motivation behind the amendment, backed by the noble Lord, Lord Kennedy. Business rates can be a complex area and confusing to ratepayers, and of course we support ideas that would give ratepayers more information to help them to plan for their business rates liability.

On Clause 1, I agree that it is especially important that the VOA provide clear guidance to ratepayers on when they may be affected. Clause 1 concerns contiguous properties that are assessed for rating in more than one part, but there are many reasons why a ratepayer may have seen their property split into two or more rating assessments. That will include properties whose rating assessments have split because of the Supreme Court decision in *Mazars*, but will not be limited to that. Clause 1 will change the law to mirror the practice of the VOA prior to the Supreme Court decision. Those ratepayers may therefore fall within Clause 1. However, there will be many other reasons why a rating assessment may have been split into several parts. A property may have seen physical change requiring it to have more than one rating assessment, for example, or part of the property may have been sublet. These splits are unlikely to be related to the Supreme Court decision, and those ratepayers will not be affected by Clause 1.

It is therefore important that we explain this to ratepayers. The VOA already has clear guidance on its website explaining in simple terms how the law currently applies under the Supreme Court decision, including some clear examples. I assure the Committee that once the Bill receives Royal Assent, the guidance will be quickly changed so that it explains the operation of the new law under Clause 1. I further assure the noble Earl that the VOA will share that guidance in draft with the professional bodies, including the Rating Surveyors' Association. The noble Earl will therefore have the opportunity to consider this guidance from his expert perspective before it is published. I appreciate

that we are very fortunate in having him look at this legislation in some detail because of his professional understanding of it. This, together with the information that ratepayers can already access about their own property on the VOA website, will provide ratepayers with the information that they need to decide whether they fall within Clause 1.

I hope that with these assurances the noble Earl will agree to withdraw his amendment.

**The Earl of Lytton:** My Lords, I thank the Minister for that reply and the noble Lord, Lord Kennedy, for his support. The Minister probably credits me with a great deal more expertise than I feel I actually possess, but that is probably because, the more one knows about something, the more one realises one does not know. That seems to be one of the facts of life that one has to face. But I am reassured by what he said in terms of making sure that the information is readily available on the Valuation Office Agency's website. Obviously, I am aware of some of the advice generally on that website, which for the most part seems to me to be clear. I thank the Minister for the assurances that he has given and I beg leave to withdraw the amendment.

*Amendment 3 withdrawn.*

*Clause 1 agreed.*

*Amendment 4 not moved.*

### **Clause 2: Higher amount for long-term empty dwellings**

#### *Amendment 5*

*Moved by Baroness Pinnock*

**5:** Clause 2, page 2, line 33, leave out subsection (1) and insert—

“(1) Section 11B of the LGFA 1992 (higher amount for long-term empty dwellings: England) is amended as follows.

(1A) In subsection (1)(b) (maximum percentage by which council tax may be increased), leave out “of not more than 50 as it may so specify” and insert “as specified in subsection (1A)”.

(1B) After subsection (1), insert—

“(1A) If a dwelling has been empty for—

- (a) between two years and five years, the percentage is not more than 100;
- (b) between five years and ten years, the percentage is not more than 200;
- (c) more than ten years, the percentage is not more than 300.”

**Baroness Pinnock (LD):** My Lords, I remind noble Lords of my entry in the register of interests as a vice-president of the Local Government Association and a councillor in the borough of Kirklees in West Yorkshire.

As I made clear at Second Reading, we are broadly supportive of the measures in this Bill. Clause 2 gives powers to local authorities to increase the financial incentive to owners who have empty properties to encourage those same owners to take action so that their empty property can be brought back into use. This financial incentive can, of course, also be seen as

a financial penalty. The purpose is clear: to ensure that the many thousands of long-term empty homes become homes for families once more. As there is a crisis in the supply of housing, we think that penalty is justified. Indeed, local authorities have the discretion as to whether to take advantage of the powers in this Bill, and there are exemptions to safeguard owners where homes are empty for wholly understandable and legitimate reasons.

Nevertheless, we want to explore more variation of the additional powers in the form of an escalator. The proposals in the Bill provide for the power to impose a 100% premium for homes left empty for two years or more. The proposal in this amendment is to increase that premium up to 200% for properties that are empty between five and 10 years, and up to 300% for those properties that are empty for 10 years or more and do not obviously fall within the exemptions already described in the legislation—in other words, to increase the financial penalty or incentive, whichever way you look at it, the longer the property is kept empty. This amendment is tabled to explore the potential of this approach. Can the Minister indicate whether increasing the council tax premium in this way will have the desired effect of bringing more long-term empty properties back into use?

One reason for this approach is because previous government legislation has not been anywhere near as effective as it was hoped to be. The empty dwelling management order of 2006, then amended in 2011, is far too complex and costly for local authorities to implement, except in extremis, so it has been used on very few occasions, considering the extent of the problem of long-term empty properties. Local authorities have tended to use other less legalistic methods of tackling the scourge of empty homes. It is apparent from the statistics of longer term empty homes that more needs to be done—hence the proposals in the Bill and hence our amendment. We support the council tax premium way of doing this, but are proposing in this amendment to extend the variation to take account of the length of time in which a property has lain empty. I beg to move.

4.30 pm

**Lord Stunell (LD):** I will speak to Amendment 7, which looks at the same issue but with a different point in mind. The intention of tackling the issue of empty homes is laudable. I support the proposals in the Bill—I could hardly do otherwise, having been the Minister who introduced them in the coalition Government. The test of time over the last few years has shown that the escalation proposed here is a legitimate and practical measure and it is a good thing to expand it.

I support the amendment in the name of my noble friend on the Front Bench as well, but this amendment has a different perspective. It is a way of supporting improvement in the energy performance of buildings. The general aim of the Bill is clearly to get homes back into use as quickly as possible. That produces a risk of short cuts and of doing things the quickest and cheapest way possible, in order to avoid the penalty—or, as my noble friend said, the incentive—of the increased council tax payment by getting it done and let or sold as

quickly as possible. That is the Bill's general and laudable aim. The amendment aims to mitigate that risk in the situation where somebody is prepared to increase the energy performance of the home. It limits the additional payment that a local authority can charge if the developer or owner improves the energy performance of a property in refurbishing or redeveloping it.

That is the principle; Amendment 7 is just one simple illustration of how that might be done. The amendment says that there would be a 25% reduction in penalty if the energy performance of the home was going to be increased by at least two energy performance levels. In other words, if it is raised from level E to level C, or from D to B, there would be only a 75% increase replacing the numbers in the Bill. There are clearly plenty of other options. I have played around with a few of them, but just bringing forward the most simple and basic version allows the Committee to consider the general principle. I would be more than happy to discuss with Ministers the best way of introducing this approach before Report. It avoids, or at least lowers, the risk of cutting corners to get work finished at the expense of energy performance. It nudges those doing refurbishment to have more ambition in reaching energy performance without, at the same time, having to look at their back pocket and what might be lost if they take an extra few weeks to do the work.

More widely, this is a plea for joined-up legislation. The Government have decided not to proceed with the Green Deal or zero-carbon homes. On the other hand, they have introduced new rules for energy performance standards for lettings. This is a simple mechanism to produce a good outcome. I urge the Minister to adopt it, if not in the detail which I proposed then on the principle, which we can work on before Report.

**Lord Kennedy of Southwark:** My Lords, this is an interesting group of amendments. My amendment in this group is Amendment 6, which simply seeks to increase to 200% the amount of extra council tax that can be levied on an empty property. We all agree that we want to bring long-term empty properties back into use, and these amendments would give local authorities the discretion to use these powers.

Having said that, I very much like Amendment 5, moved by the noble Baroness, Lady Pinnock; it provides for an escalator, which I think works very well. The longer a property was empty, the more you would potentially pay, and that could be a good incentive to get people to bring their empty property back into use. I also like Amendment 7, in the name of the noble Lord, Lord Stunell, which would take account of whether people had spent money on their property to make it more energy efficient. The increase would be discounted or reduced to take account of that, and that seems a very sensible thing to do. Amendment 10 is just a tidying-up amendment.

I agree with the noble Lord, Lord Stunell, that these are interesting ideas. Perhaps if we could all get together and have a discussion and we brought something back on Report, the Government might support it. I think that there is something here that could improve the Bill dramatically.

**The Earl of Lytton:** My Lords, I have some mixed feelings about the amendment moved by the noble Baroness, Lady Pinnock. In my own mind, I cannot quite get my head round whether this is to be a charge to discourage long-term empty properties as defined in the Bill or, in effect, an escalating fine. It seems to me that the two are slightly different.

At Second Reading, I highlighted the fact that there is a general lack of information about the reasons for long-term vacancy, and the high probability is that it varies quite a lot from one area to another. For instance, in some former industrial cities, whole streets of Victorian housing may have lain empty for some time because no one wants to occupy them.

On the definition of “empty dwelling”, it is a moot point, as far as I can see, as to the ease or difficulty of chasing the sums of money involved, as is the likelihood or otherwise of the “empty dwelling” label simply evaporating. I think that I may have used the example of an itinerant with a van load of cheap second-hand furniture going around populating odd properties that might otherwise be subject to this. The point is made not entirely in jest, because there is no plumbing the ingenuity of people who wish to avoid some impost or other.

Another point is that there is a reputational risk if one is not careful here. I seem to remember that, not very long ago, one local authority was said to be investigating the contents of people’s refuse bins, and I would hate to think of local government being again painted into that sort of scenario. One needs to be careful to ensure that there is a justifiable reason for an escalator.

If we are talking about what is in effect a fine, there would need to be a clear and justified framework as to how that would apply, possibly with provision for making an appeal against the charge. Now, I am not clear what happens about appeals against things like this. I am clear what happens with an appeal against one’s business rate assessment, and I am clear what happens with an appeal against a council tax banding. What I am not clear about is, where something like this comes in by dint of this type of legislation, if someone thinks that it has been unfairly applied, where do they go? I hope that a noble Lord, or a noble Baroness, with better knowledge than I have will tell me what the situation is.

I rather took to Amendment 7 in the name of the noble Lord, Lord Stunell. As we heard at Second Reading, there can be a number of different reasons why vacancy and long-term empty property status can apply. I think of the minimum energy standards regulations which came into force only a couple of months ago, making it impossible to let a property with an EPC of less than E. I think of the many hard-to-insulate properties—those Victorian properties with nine inch solid walls or suspended floors, where it is difficult to get insulation to the required standard.

In essence, the noble Baroness, Lady Pinnock, is right: there is often a local need to take a differential approach. I would appreciate the Minister saying how differential he thinks that that needs to be, or can be: whether it is endless or will be circumscribed in some way.

I think of areas I know well in national parks, where you occasionally come across properties that are long-term empty, but also in former industrial cities, to which I referred. One needs to be careful about that. I do not have a solution, but I simply flag up those issues for further consideration.

**Lord Bourne of Aberystwyth:** My Lords, I thank noble Lords who have participated in the debate. I am most grateful to those noble Lords and the noble Baroness, Lady Pinnock, who tabled the amendments on the level of the empty homes premium, as they allow us to discuss the factors we have to consider in deciding the maximum charge on empty homes in setting the framework for local authorities. I reiterate that, once we have set the framework, this is a discretionary measure for local authorities: something we are giving local authorities discretion to administer, according to their local needs and personalised or very localised factors affecting particular properties.

I think we all agree that there is a clear case for increasing the cap on the premium that applies to long-term empty properties. The noble Lord, Lord Stunell, gave distinguished service in the coalition Government—I think in my current role—and rightly referred to the importance of the issue. We have borne down on it. My noble friend Lord Patten, who is not in his place, referred at Second Reading to how the number has reduced—we have squeezed it very effectively—but there is still more to do.

The debate is about the level to which we should take this charge and the circumstances in which it should apply. These are the difficult judgments we face. We propose through the Bill that owners of long-term empty homes should see their council tax bills double. This is a major step in allowing local authorities to incentivise such owners to bring their homes back into productive use.

One amendment tabled by the noble Lord, Lord Kennedy, would mean that owners of empty homes would be paying triple the level of council tax payable on occupied homes within two years, or within one year if his other amendment were to be enacted. In fairness, that is from the Labour Party manifesto. Perhaps it is all the more surprising that nothing happened in the other place on the Bill: no amendment was proposed, still less debated. That said, it is something we should discuss.

Under the amendments supported by the noble Baroness, Lady Pinnock, and the noble Lord, Lord Stunell, properties empty for between five and 10 years could face premiums of up to 200%, and those empty for more than 10 years could be subject to 300% premiums. I of course understand the rationale behind the amendments, and as homes are remaining empty for longer and longer, the logic of that is obvious: the figure goes up after five years and after 10 years. In addition, empty properties can be a nuisance to local residents, and potentially sites of crime or squatting. I share the concern about the need for robust measures to tackle what may become, and often are, blots on the landscape, to the benefit of those seeking a place to live as well as of local communities as a whole. I think we all understand that.

4.45 pm

We have considered whether doubling the charge is enough, and we have to strike a balance in making this judgment. But I have concerns that increasing the cap even further for some or all cases may give rise to problems of principle. The noble Earl discussed whether we are being punitive or whether this fulfils some basic housing principle, and we have to look at that as well. However, as I say, I follow the logic of the argument. Noble Lords will know that the purpose of the council tax system is to generate revenue that councils need to fund local services, including adult social care, children's services, refuse collection and leisure facilities. I recognise that the level of the premium is, therefore, ultimately a matter of judgment. But one issue that increasing the cap raises is whether we would then be moving, as I say, from the tax being a source of funding to a more punitive type of measure.

The noble Earl asked me how a particular premium being placed on a particular property could be challenged. Given that this is a matter for the discretion of the local authority, provided that it is within the parameters we are setting out in this legislation, it cannot be easily challenged. It cannot be challenged on any of the principles but only on the basis of judicial review where there is misapplication, somebody has shown bias in reaching the decision, or there has been failure to declare an interest where the council has reached such a decision in specific circumstances that would go towards the bona fides of the decision itself, rather than the principle behind it. Therefore, it would not be easily challenged, if at all, and only in those specific circumstances.

To move to a more punitive measure may have unintended consequences. For example, there may be cases where home owners struggle to sell or rent out a property within the two-year limit—although I accept that the longer escalator provision is unlikely to catch people in the same way. Others may face financial or other difficulties because of structural repairs. It is therefore important that we strike a careful balance between providing a strong incentive, which I think we are all in favour of, for bringing empty homes back into use and not disproportionately penalising struggling home owners. I am keen to get that right. The aim is to strengthen the incentive. A universal 100% cap will provide flexibility for local authorities to incentivise the reuse of long-term empty properties, and of course they have a discretion within that.

That brings me to the second major issue raised by this group of amendments and by the noble Lord, Lord Stunell: setting a lower premium cap of 75% within the framework for long-term empty dwellings that are undergoing works to increase their energy rating by two or more levels. Again, I can appreciate the sentiment underlying this amendment—particularly as I was previously in the Department of Energy and Climate Change, as it then was—and the desire to ensure that people making their empty properties more energy efficient receive a measure of relief. I am sure that many local authorities would, like me, see the merits in such considerations. But that is not to say that we should mandate it from the centre. As the noble Lord hinted, there are other admirable principles we could seek to address in the same way—perhaps enhancing

in a sensible way the environment that surrounds the building if it has a public use, for example, such as being open to the public. There may be many localised reasons why a particular council might want to give some relief here, and it is best dealt with locally, although that is not to say that this is not a noble principle.

We have always been clear that it is for local authorities to decide whether to use the premium. Most do so—I think only 30 local authorities do not—but that is a matter for local authorities, as is the level of the premium under the maximum level we set. Imposing a rule on local authorities would also add complexity to the administration of the premium. We could undermine its effectiveness if we started to mandate reductions for particular circumstances, noble though those are. I see no reason to change our approach.

It may be helpful to the noble Lord and the noble Baroness to remind them that if an authority wishes to reduce the council tax liability of a property for any reason, including in support of energy efficiency, it has powers to do so under Section 13A of the Local Government Finance Act 1992, quite apart from the area of law that we are looking at today.

In addition, we recognise that home owners may renovate their homes for a wide range of reasons, including for energy efficiency purposes. The two-year period before the premium comes into effect provides an appropriate length of time for such works to be completed, whether they are for energy efficiency purposes or something else. This is one of the reasons why we oppose reducing the qualifying period to one year—if I may anticipate that point.

As I have said, I think we all recognise the benefits of a measured increase in the premium cap. We may not agree on the level of that charge. I understand the argument that has been put in relation to the escalator. Without committing us to adopting it, I am happy to consider it further and discuss it ahead of Report. We still have to consider the risk that we could disproportionately penalise those who might be struggling to bring their properties back into productive use.

I am certainly willing to discuss the escalator without prejudice to an ultimate decision, but the energy efficiency points are best left to local authorities. I can see the strength of the argument put by the noble Lord, Lord Stunell, but localised decision is best. With that, I urge noble Lords not to press their amendments.

**Baroness Pincock:** I thank everybody for contributing to this debate. The escalator idea was a bit of a shot in the dark and it has generated some useful comments. I am grateful to the Minister for responding relatively positively to the idea.

I absolutely support the energy performance amendment tabled by my noble friend Lord Stunell. It is a pity that the Minister thinks that it will be too difficult to pursue further. I thank the noble Lord, Lord Kennedy, for his supportive comments.

The noble Earl, Lord Lytton, said this was complex. He asked whether the escalator is a penalty and whether the 300% premium that I have proposed for very long-term empty properties goes too far. Right from the outset, it can be viewed as a penalty, because it is not related to service provision or the rateable value or

[BARONESS PINNOCK]

banding of your house in the way that other council tax is. In that sense, it is a penalty—or it could be seen as an incentive because we are trying to bring more empty homes back into use.

Other methods have been tried—I referred to the empty dwelling management orders—and have not been successful in bringing empty homes back into use. There is a scourge of long-term empty properties across the country. My gut feeling is that local residents would support an escalator on the grounds that very long-term empty homes are a blight on their community. I have them where I live. There is such a property at the end of a terrace of homes. Everything is overgrown, with grass and trees beginning to grow out of the gutters. It has not been used for years. Nobody seems to know where the owner is. There is a problem that we ought to try to address, because from local residents' point of view it is not just the blight on their community but the fact that they are seeing their usually much-loved green spaces built on to provide the homes this country needs, when at the same time they can see properties that have been empty and nobody seems to be able to do anything about it. Any measure that will provide greater incentives for owners to bring those dwellings back into use would be generally supported by council tax payers.

I think I have covered all the issues that have been raised. I thank the Minister for saying this is worth considering. As I said at the beginning, this was a bit of a shot in the dark. Let us have a think about an escalator rather than a set time limit, because the longer homes are empty, the worse they become for people who live around them. There should be a penalty in order to get some action to bring such dwellings back into use, so that people can live in them and the community in which other people live is not blighted in that way.

Given all that, and the fact that we are in Committee, I beg leave to withdraw the amendment.

*Amendment 5 withdrawn.*

*Amendments 6 and 7 not moved.*

#### *Amendment 8*

*Moved by Lord Kennedy of Southwark*

8: Clause 2, page 2, line 35, at end insert—

“( ) In section 11B of LGFA 1992 (higher amount for long-term empty dwellings: England), in subsection (8) (definition of a long-term empty dwelling), for “2 years” substitute “1 year”.”

**Lord Kennedy of Southwark:** My Lords, this amendment, which has already been referred to, seeks to change the length of time specified in the definition of a long-term empty property from two years to one. As with the amendments in the previous group, it is an attempt to improve the situation by reducing the number of empty properties and get more properties back into use by incentivising owners. It is in that vein that I move this amendment. In short, this probing amendment seeks to halve the amount of time required before a property can be considered a long-term empty dwelling.

The amendment tabled by the noble Lord, Lord Bird, who is not in his place, is grouped with mine. It is an interesting amendment because it requires local authorities to determine what constitutes a long-term empty property in their areas. Perhaps we can return to it on Report when the noble Lord is, I hope, in his place. I beg to move.

**The Earl of Listowel (CB):** My Lords, I missed most of the earlier debate and the commencement of this one but I have two or three questions that the Minister might be able to help me with now or, if not, to write to me about. My questions arise after listening earlier to my noble friend Lord Lytton. I know of men, for instance, who care for their mothers who are getting frail and elderly, and I can imagine a man in a rather unattractive rental area in the north who has a property which he vacates so that he can live with his mother and look after her. It is all a bit too much to manage as money is short and there is not much demand by people wanting to use that property. I would not want someone like that to have to pay a fine. Local authorities are very tough on those who do not pay their council tax. I imagine that that may well have been dealt with in earlier debates, and I am sorry that I could not be here for those. However, that is an example of something that might happen.

I guess that this discussion brings up the question of how we make the private rented sector attractive so that there are not areas in the north of England where it is difficult to find people to rent properties.

**Baroness Pinnock:** I am just a bit concerned that we seem to think that all these problems are in the north of England, where I live. I would rather that we were all a bit more careful about how we describe the north of England. There are some wonderful places there in which to live and, like everywhere else, including this great city of London, there are some not so pleasant places in which to live. I hope that noble Lords do not mind me saying that we should not always use the north as an example of an area where there are difficult places to live.

*5 pm*

**The Earl of Listowel:** I thank the noble Baroness for her intervention and I very much take note of what she says. I will try to be a bit more careful. There are certain places in this country where it is more difficult to let private property, and that is what I might have said.

What comes out of the debate is the question of how we make private rented property more attractive in those areas where it can be difficult to let. This might be a bit off the board but, as there are not enough properties to buy, it seems very important that rental property is made a more attractive option. I believe that the Government had been thinking of introducing new tenure arrangements so that tenants could have a minimum of three years' security of tenure. If the Minister can say what progress there has been on that, or perhaps write to me with the information, I shall welcome hearing from him.

It also occurs to me that the private rented sector might benefit from some sort of arm's-length body to oversee security of tenure and fair rents so that

the winds of politics do not intervene in the market too much, making long-term investment unattractive and putting people off becoming tenants. That is another issue on which I would be interested to hear from the Minister, and, again, he might like to write to me about that rather than respond now. The Government are introducing an ombudsman with responsibilities in these areas, and people might have recourse to him or her if they experience unfair treatment. Perhaps the Minister can respond on that as well.

Finally, I might not have declared my interest as a landlord, as listed in the register.

**Lord Bourne of Aberystwyth:** I thank noble Lords very much for their contributions. I appreciate that the noble Lord, Lord Bird, is not in his place at present but he lobbed in a hand grenade, as it were, before departing the scene. I appreciate the point made by the noble Lord, Lord Kennedy, and will try to address some of the suggestions from the noble Lord, Lord Bird. He is always worth listening to on this area in particular, but he always has some innovative ideas.

I am grateful to noble Lords for raising the question of how the legislation will apply. The noble Lord, Lord Kennedy, is suggesting a one-year vacancy. I am also grateful for the cross-party support that we have received in both Houses for the measure that we are bringing forward, and I appreciate the points about possible refinements.

We are not seeking to alter the circumstances in which the premium is applied. Ninety per cent of local authorities applied a premium in 2017-18, and we are not aware of widespread concern that the two-year period is inappropriate. I feel that one year might be far too short a period in many circumstances. There are some exceptions where the premium does not apply, one of which is people going into social care, which the noble Earl, Lord Listowel, raised. However, situations that are not exceptions include that of people who might be adapting a property and trying to sell it. I fear that in those circumstances a year would be too short a period, and I have no doubt that there are other situations where that would be the case as well.

I understand the rationale for decreasing the qualifying period at a time of great concern about empty properties, but I remind the House that we have squeezed the number of empty properties down to a low level—a level that it has not been at for a long time, if at all. We have to make a judgment about how long the timeframe should be. I know from correspondence that the department has received that some home owners take longer than expected to sell or rent out their properties in a challenging local market. In such circumstances, retaining the two-year qualifying period therefore strikes the right balance. I understand the point that the noble Lord, Lord Kennedy, made about his desire to strengthen the incentive.

The amendment in the name of the noble Lord, Lord Bird, would allow councils to decrease or increase the qualifying period as they see fit. Local authorities would be given complete freedom to remove the requirement that a property be substantially unfurnished in order to be considered empty. I am happy to address

those points. Although we should support giving councils as much discretion as is reasonable, the noble Lord's amendment could lead to a confusing situation where the property, depending on where it is located, could attract premiums after just a few months or after quite a few years.

The principle of specifying that an empty property is one which is substantially unfurnished is well understood, and we will come on to amendments addressing that issue later. The risk of the amendment proposed by the noble Lord, Lord Bird, is that it would give local authorities an open door to extend that definition to types of properties that are not genuinely empty. Premiums could be applied to furnished properties that are periodically occupied either because they are someone's second home or a job-related home or simply because the owner is away on holiday. I know there are views about second homes and properties that might be considered to be underoccupied, but this legislation is about long-term empty properties, which is a different matter. The design of the system already provides the right balance of flexibility for local authorities.

On the points raised by the noble Earl, Lord Listowel, about the impact of these provisions, I remind the House that local authorities have a discretion they can apply either in relation to excluding properties along the energy-efficiency line suggested by the noble Lord, Lord Stunell, or in terms of something highly personalised which relates to a particular property and the person in it. That is why it is best left to the local level to determine this issue.

The noble Earl also asked about the private rented sector and three-year leases. We are committed to dealing with this issue, which has strong support from the sector, and we are making progress. He will be aware that the private rented sector has grown significantly, and continues to grow. We are putting in place a framework that will apply in a reasonable way, with tenant fees proposals—which we will be looking at shortly—and that addresses the control of deposits, requires client money protection and so on. I will cover that in the normal write-round letter that I will issue to pick up the points made by the noble Earl.

With the comments I have made about how we are not persuaded of the need to alter the minimum period from two years to one year or anything below two years, I urge the noble Lord, Lord Kennedy, to withdraw his amendment.

**Lord Kennedy of Southwark:** I thank all noble Lords who have spoken in this short debate. I am happy to withdraw my amendment at this stage. This amendment and those in the previous group were designed to explore whether we have got this right. I may wish to come back to these amendments—particularly those in the previous group—on Report, but I am happy to withdraw this amendment given what I have heard from the noble Lord.

*Amendment 8 withdrawn.*

*Amendments 9 and 10 not moved.*

*Clause 2 agreed.*

*Amendment 11*

*Moved by Baroness Pinnock*

**11:** After Clause 2, insert the following new Clause—  
“Definition of long-term empty dwelling

In section 11B of the LGFA 1992 (higher amount for long-term empty dwellings: England), after subsection (8) insert—

“( ) The Secretary of State must by regulations provide guidance to billing authorities on how to determine whether a dwelling is “unoccupied” or “substantially unfurnished”, under subsection (8).”

**Baroness Pinnock:** My Lords, this amendment seeks definitions of the terms “unoccupied” and “substantially unfurnished” dwellings. On the face of it, the descriptions pose no difficulties of interpretation—but in practice that is far from the position. Is a dwelling unoccupied if it is used for, say, all but two or three weekends in a year? Does that usage enable the property to be classified as, for instance, a second home? What does “unoccupied” mean? Under the Bill there would be a significant financial cost to the owner if the dwelling is deemed to be unoccupied—one that a homeowner might well challenge if there is no clarity as to the definition.

There is a similar fog around the meaning of “substantially unfurnished”. There must have been calls for clarity from the local government sector, because in September 2014 the DCLG, as it then was, sent a letter to local authorities headed:

“Council Tax Information Letter: Council Tax—Definitions of Empty Homes and Second Homes”.

In my view, the letter does little to clarify the definitions. It states, unhelpfully, that it, “outlines the current situation and the Department’s informal view on these matters”.

In other words, the descriptions provided have no basis and are open to challenge. For instance, it states:

“There is a misconception that the premium”—  
on council tax—

“is easy to avoid by simply placing some furniture into a property. We do not have evidence that this is the case. ‘Substantially unfurnished’ is not defined in council tax legislation, but is used for the purposes of the empty homes discount regime and the empty homes premium”.

So it says that, while there is no evidence that people are putting furniture into property, “substantially unfurnished” is not defined. I am seeking a definition. If these penalties or premiums on council tax are to be raised significantly, local authorities require further guidance on what “substantially unfurnished” means.

The letter further states:

“Local authorities will have formed their own views on the definitions”—

which of course may result in a multitude of definitions of “substantially unfurnished”, and that could lead in turn to disputes. I quote again from the letter:

“A property which is substantially unfurnished is unlikely to be occupied or be capable of occupation. A property which is capable of occupation can reasonably be expected to contain some, if not all, items from both of the following categories: furniture such as bed, chairs, table, wardrobe or sofa, and white goods such as fridge, freezer or cooker”.

Noble Lords will recognise that properties which are left unoccupied often contain such items as are listed, as they are nowhere near as valuable as they once were and so are not worth removing.

The letter goes on to explain further checks that can be made. For instance, it suggests that,

“it will be reasonable for the local authority to cross-check with the electoral roll, or ask for evidence, such as utility bills showing usage of services, driving licence as proof of address, or receipts or other proof of moving costs”.

Of course, that means that the owner can be traced—but in my experience of properties in the neighbourhood where I live, certainly long-term empty properties, that is often not the case. I am sure that the Minister knows that many property owners now live abroad and are difficult to contact. Certainly, my experience of the electoral roll is that it is not a sure test of occupancy in either direction.

In our view, the Government have a responsibility through regulations to provide guidance to billing authorities on how to determine whether a dwelling is unoccupied or substantially unfurnished. The financial cost to an owner of a dwelling that has been classed as unoccupied could be significant, so natural justice demands that local authorities have that legal guidance. Failure to provide such guidance may result in local authorities not using the powers provided for in the Bill, for fear of a legal challenge and the inability to get the supporting evidence. This would undermine the whole purpose of the Bill, the direction of which I support: namely, to try to get empty homes back into use by families, whether in the relatively short term or the very long term, and to cut the need for the building of even more homes on greenfield or green-belt land. I beg to move.

5.15 pm

**Lord Shipley:** My Lords, this part of the Bill is about empty dwellings. My noble friend Lady Pinnock asked some important questions about the meaning of “unoccupied” and “substantially unfurnished”. I want to address a crucial, related issue: second homes that are substantially, although not completely, unoccupied. The Minister may be aware of a parliamentary petition to close the loophole that allows second home owners to pay business rates rather than council tax. The petition states:

“In England, second home owners can avoid council tax by claiming to be a business if they say they are available for letting for 140 days a year—they do not have to actually let at all. As their rateable value is below £12k, they also qualify for 100% small business rate relief—so pay nothing”.

In Southwold on the Suffolk coast, where many houses are second homes, research by Liberal Democrat colleagues suggests that this loophole may cost the local council about £500,000 a year in lost revenue. Crucially, second home owners in England only have to say that their properties are available for letting to qualify as a business, even if they are not actually let.

However, in Wales—the Minister will know that many good ideas come out of Wales—it is a requirement that any house designated as a business, rather than being liable for council tax, must be let for a minimum of 70 days. In one sense, that number is comparatively low, amounting to just over two months a year. However, it is a very important figure because it effectively prevents a second home owner avoiding paying council tax by registering the house as a business and then falling below the small business threshold.

In discussion on the Bill, the Member of Parliament for Totnes, Sarah Wollaston, asked:

“Will the Minister also use this opportunity to ensure that those who own second homes are contributing their fair share through council tax, and that they are not able to sidestep that by opting to pay business rates and then claiming eligibility for small business rate relief?”

Dominic Raab, the Minister of State for Housing, Communities and Local Government, replied:

“We have also made changes on holiday homes in the context of council tax and stamp duty. We will keep the point she raises under due consideration”.—[*Official Report, Commons, 23/4/18; col. 649.*]

Indeed, the Government have done that, but I hope that they will review this issue in much greater detail because the impact of both the reforms I mentioned—council tax and stamp duty—has been limited. I also hope that, when the Minister said that the Government would give it due consideration, it was not an attempt to push the issue into the long grass, but rather an acknowledgement that the department is indeed giving it due consideration.

Returning to Suffolk for a moment, I want to pay tribute to the work of local campaigners there for what they have undertaken so far. The Suffolk coastal communities embrace some of the largest proportions of second home owners in the United Kingdom. This impacts on the cohesion of these communities and pushes up house prices, reducing the available housing stock for local people.

I want to acknowledge that many second home owners do pay council tax. They can contribute to community life and they might hold a property as part of their future retirement plans to live in the area. However, business rates relief exists to help struggling businesses, not second home owners. Will the Government look at this issue in much closer detail and order an urgent review of the whole system? It is not that I am against second home owners: I am not against them. However, it does seem to be unfair that people who can afford two homes are subsidised by people who cannot afford to own one home.

**Lord Deben (Con):** My Lords, I support the comments that have just been made. As the former Member of Parliament for Suffolk Coastal and as someone of whom, if you asked him where he really lived, the answer would be in Suffolk—although not coastal Suffolk—I am the owner of a second home. It is a situation in which I am happy to pay my council tax in full, as I do in on my small flat in London. That is how we operate, and I think that is right. One just has to recognise that there are circumstances in which people have to work in one place and live in another, and that is absolutely acceptable.

I emphasise the point about the coastal communities of Suffolk, which I represented for so long. I saw the change; it was fascinating. Southwold was but latterly added to my former constituency—as they moved me closer and closer to the sea, people said that they were trying to tell me something. It has very largely become a place of second homes, and so has Aldeburgh and, increasingly, many other villages round about. It is a real problem for community cohesion; I understand that, having committed myself to the view that people

should be allowed to have—and very often need—a second home. However, I do not support the idea that people can avoid their proper contribution to the community by using what has elegantly been referred to as a loophole. It is worse than that, because they are telling a direct lie. They are not running a business; they have no intention of running a business. They are trying to get the business rate and then not to pay it because they have the small business special arrangement. Of course, however, you can be a small business even if you do not let anything. It is not difficult. We could all be a small business if making nothing were the purpose of being a small business. With my family, I own and run small businesses, but we intend to make a profit, otherwise there is not much point in us doing it. However, to run a small business in order not to make a profit and to get the profit from the community is entirely unacceptable.

I want to make some difficult comments. I have now been in one or the other House of Parliament for a very long time. It does not matter which Government are in power—or which mixture, as sometimes it is a coalition—when they want to avoid dealing with something, they always promise the most careful consideration and the most urgent assessment of the real issues that may well arise. They warn that there may be other unintended consequences, meaning that one should not move too quickly. Sometimes they suggest that, although they have looked at it, they have not found quite the right answer, but the House can be assured that such an answer will be found, but not yet. I say to my noble friend, whom I respect enormously, as he knows—I have told him so from time to time—that Wales is right on this. Wales is right on quite a number of things in the climate change committee. I have to remind the United Kingdom Government how much better in some things Wales and Scotland are at moving on climate change. It is not surprising that Wales is right on this.

We have to deal with this for a reason that is not just about equity—although that is very important—or the resources of Suffolk Coastal District Council; I do not have to declare an interest there because I live in the Mid Suffolk District Council area. That reason is social cohesion, in the sense that it annoys, upsets and very often angers people that their neighbours are not paying what they are paying for local services. I do not think it is acceptable or reasonable and it seems something very simple to change. All we have to do is what the Welsh have done. It would be jolly nice to acknowledge that the Welsh got there first and that we in the rest of the United Kingdom are following suit.

**Lord Kennedy of Southwark:** My Lords, briefly, I endorse the comments made in the debate so far, particularly those from the noble Lord, Lord Deben. He is absolutely right. Suffolk is a beautiful part of the world. I know that as well as him; I spend a fair bit of time down there. It is a wonderful place. He is absolutely right that people should not be allowed to pretend to have businesses and to take advantage of these things to avoid paying what they are supposed to pay to provide for local services. That is completely wrong. I hope that when the Minister responds to the debate he can give us some comfort that the Government will

[LORD KENNEDY OF SOUTHWARK]

look at this. It is totally out of order. If someone lives in an area they should contribute to the services provided by the local authority.

**Lord Bourne of Aberystwyth:** I thank noble Lords very much indeed for what has been an interesting and diverting debate on this amendment. I will seek to deal with all the points that have been made. I will deal with the points made by the noble Baroness, Lady Pinnock, relating to the definitions of “unoccupied” and “substantially unfurnished”; then I will seek to deal with the issues relating to second homes brought up by the noble Lord, Lord Shipley, reinforced by my noble friend Lord Deben and briefly addressed by the noble Lord, Lord Kennedy.

The definitions are clearly important to the successful operation of the premium. Indeed, they are already important to its successful operation because it already uses these terms. It is something that more than 90% of local authorities are already doing. In so far as I can see, none of them is having difficulty interpreting these terms. If anyone can come forward with some issue they feel needs addressing I would be very happy to look at it. It is of course right that local authorities must understand the meaning of these terms and that they are applied consistently across England, as I said on an earlier group of amendments. I certainly share that view.

It might assist noble Lords if I explained a little about these terms. I do not want to repeat what the noble Baroness said about the information letter of 2014, although the more she said the more I felt that we have covered these points. You cannot produce a 100% reliable definition by saying how many cups and saucers you can have left in a cupboard or how many forks and spoons can be in the drawer. To say that these furniture items would normally be there—a bed, chairs, a table, a wardrobe, a sofa, and white goods such as a fridge, freezer or a cooker—is as good as it gets for guidance.

I think that the noble Baroness said at one stage that it was not always possible to have utility bills and that some people were overseas and so on. If that is the case, it will be very difficult for them to reinforce the fact that the property is being used. That is the whole point: these people might seek to have their property as occupied so that they do not have to pay the empty home premium. If they cannot establish it, because they are overseas or so on, that seems absolutely correct. As I say, I am very happy to engage with the noble Baroness and others to look at this issue if they can bring forward evidence that local authorities are having particular difficulties with this. However, in the light of the letter and in the light of case law, I do not think that this is an issue.

5.30 pm

The noble Lord, Lord Shipley, referred to an issue extraneous to this legislation but very germane. I thought at first that there must be some by-election pending in Southwold from the fact that he seemed to be focused on the Suffolk coast—I am happy to see him shaking his head. I know he does not indulge in some of the ploys that some of his colleagues in the

Liberal Democrats and others may indulge in from time to time; I am sure that all parties do these things. No, I accept that this is a serious issue. The noble Lord, Lord Kennedy, referred to the beauty of Aldeburgh and Southwold and that is certainly true. We have these issues also in Cornwall—in St Ives, and Mevagissey has just held a referendum on this. I understand it, but what can I say? If I say we are looking into this matter and considering it, I am then told that I cannot be taken seriously because that is what noble Lords at the Dispatch Box always say; but we really are taking it seriously and my honourable friend Dominic Raab is taking this forward because it is an issue.

I am very grateful for the compliments to Wales, which is, as so often, leading the way. I think that Scotland was ahead of Wales on the smoking ban, but we were certainly out there on the carrier bag levy, the first Children’s Commissioner and many other issues. We should certainly look at what Wales is doing. Since I have been in this job, one thing I have done is to set up a devolved administration forum which meets in the different capitals of the United Kingdom to gain experience from what is happening elsewhere and to exchange ideas. It has been very valuable in testing whether something works: we have exchanged views on all these issues. It has been useful on Grenfell, on Windrush and elsewhere.

**Lord Shipley:** My Lords, the noble Lord, Lord Deben, explained what could happen. It is not complicated to do; the question at issue is probably simply whether the law in Wales is working effectively. At 70 days proof of letting, that ought to be easy to demonstrate, because evidence will have to be produced. I hope that the Government will speak urgently to the Welsh Government and assess what evidence they have, and, as a consequence of that, possibly organise a meeting of all parties involved in this issue to see whether legislation could be introduced in both Houses which would help to solve this problem. To help this along, I plan to table a set of Written Questions later this week, because securing an even better evidence base than we have at the moment would be helpful. This is not a problem just of east Suffolk, parts of Cornwall and one or two other places. I think it is quite a general problem now, or at least it seems to be, in many parts of the country which are attractive holiday areas.

**Lord Bourne of Aberystwyth:** I thank the noble Lord very much for putting down lots of Questions: my officials will be doing cartwheels at the news. However, there is a serious point behind what he is putting forward and I absolutely accept that this is a national issue. Our officials will certainly be speaking, if they have not already—I suspect they may have done—to Welsh and Scottish officials to see what is being done there. We are taking it urgently. I will cover this in more detail in a letter: it is certainly very much on the radar though I had not expected that it would come up in this context—and I should have. I will make sure that we get some more detail in the letter and I thank noble Lords for raising this. I realise now that the noble Lord, Lord Campbell-Savours, who is not in his place, raised a similar issue in Questions today. I could not quite

understand what he was getting at but I understand now and I apologise to him. We will make sure that he gets the letter as well.

Given that, and the fact that I and my department take this seriously, I ask the noble Baroness, Lady Pinnock, to withdraw her amendment.

**Baroness Pinnock:** I thank everybody for a really interesting and stimulating debate. My noble friend Lord Shipley raised some issues. I am glad that my proposal has gained support because this affects all areas of the country that have large numbers of second homes, including in the north—the Lake District, for instance. We have all noted the new definition of “seriously considered”. I look forward to this being seriously considered.

I brought the definition of “unoccupied” and “substantially unfurnished” to the attention of the Committee because, with the rise in the premium, it is more likely that there will be challenges from owners that their homes are furnished and all the rest of it. Therefore, it would be helpful to local authorities to have more definite clarity on this, rather than an information letter. I think that could be achieved. I know that from time to time the department sends guidance notes to local authorities, which have greater import than information letters. That would give them something to fall back on if they are challenged, as I think may well happen. Those are the reasons for my endeavours this afternoon but I beg leave to withdraw the amendment.

*Amendment 11 withdrawn.*

#### *Amendment 12*

*Moved by Lord Kennedy of Southwark*

**12:** After Clause 2, insert the following new Clause—

“Impact of the charging of a higher amount for long-term empty dwellings

- (1) Within 24 months of the date on which this Act is passed, a Minister of the Crown must undertake a review of the impact of the provisions contained within section 2.
- (2) The Minister of the Crown must lay the review before both Houses of Parliament.”

**Lord Kennedy of Southwark:** My Lords, the previous couple of debates have highlighted why this amendment is needed. We have talked about the effects of the Bill—although it is a small Bill—particularly with regard to council tax payers and empty properties. I think it is worth having in the Bill a clause that enables the Government to review—my amendment suggests within 24 months—what has happened in respect of Clause 2 and the impacts of the decision. My amendment also requires that after the review a report is laid before Parliament.

The noble Baronesses, Lady Pinnock and Lady Thornhill, have tabled a very similar amendment. Subsection (2) of their new proposed new clause suggests that,

“the Minister may also consider the impact of any penalties imposed on persons for failing to register their dwelling as empty”.

I am happy to support that as well. Considering the debates we have had on the previous groups, having a mechanism whereby the Government can look at the effects of the Bill, small though it is, is a good thing to do. I beg to move.

**Baroness Thornhill (LD):** My Lords, I declare my interest as a vice-president of the Local Government Association. I fully support the words of the noble Lord, Lord Kennedy. I thank the Minister for the very detailed and informative letter he sent all of us after Second Reading; in particular, his response to my comments on fiscal incentives and deterrents with regard to empty homes. I really appreciated that and took on board what he said. Perhaps he will indulge me by allowing me to hang on to the one measure that he did not elaborate on—that is, the matter of penalties.

It is probably little known that councils actually have the ability to levy a civic penalty on an owner for not informing councils that their home is empty. It is not surprising that it is little known; the maximum penalty for doing so is actually £70, so it is no surprise that it is rarely, if ever, used, and that the general public are oblivious to it. In fact, I suspect that if we talked to the general public we would find they believed that by informing the council that their home was empty they would actually pay less or no council tax, so that shows that we have a long way to go. As the average council tax, the band D monthly payment, is now around £165 a month, a penalty of £70 is nothing—it is neither a penalty nor a deterrent. So this is a small matter but I feel that the two should have been taken together. If we are going to, justifiably and rightly, hike up council tax premiums, the penalty that goes with not informing the council should send the same level of message—£70 is, frankly, derisory.

I see both these measures—the penalty and the increased premiums—as really important in motivating councils to move this up their agenda. I say this with a degree of experience in local government, particularly in district councils where this is not a priority, largely because of costs. At Second Reading we heard a lot about powers not being used because of costs, but I think that together these two things would encourage councils to publicise the need to not leave homes empty, and to make it a publicly unacceptable issue so that people would be enraged by it and want us to do something about it. If there were to be a review, would we also review penalties in this regard, as I feel that it would be a missed opportunity if we did not? I beg to move.

**Lord Bourne of Aberystwyth:** I am very grateful to the noble Lord, Lord Kennedy, and the noble Baroness, Lady Thornhill, for their contributions on this group of amendments that relate to how we seek to address the penalty point just covered by the noble Baroness and the issue of the review, which was raised by the noble Lord.

The amendments would require the Government to review the impact of the increase in the maximum permitted level of the empty homes premium. I pause briefly to say that I think I am going to organise a list of all the things that the noble Lord, Lord Kennedy, has asked us to do reviews on. I know that he very often says that we have so many things out for review

[LORD BOURNE OF ABERYSTWYTH]

and then we have a critique of that, but we have had a couple of issues today at least where he has asked for reviews. I am only teasing.

**Lord Kennedy of Southwark:** I am very happy that the department does this. My issue with the reviews is that the Government never come to a conclusion.

**Lord Bourne of Aberystwyth:** I think the noble Lord's issue has been that there are so many of them that there is a bit of a logjam. Anyway, we could perhaps debate that on some other occasion.

The amendment tabled by the noble Baronesses, Lady Pinnock and Lady Thornhill, would also require the Minister to determine whether the review should also consider the impact of any penalties on council tax payers who fail to tell their local authority that their property is empty. The review would need to be undertaken within two years of the legislation being enacted, with a report laid before both Houses of Parliament.

I am afraid that the Government are unable to accept the amendments. First, the Government are clear that the use of the premium and the consideration of its impact and enforcement are best undertaken by local authorities. As I have said, we are giving a discretion to local authorities; some local authorities do not apply the premium at all while others apply it in its totality. We have provided local government with complete discretion on whether to introduce the premium. Noble Lords will recognise that local government has been running the empty homes premium now since 2013, with a steady year-on-year growth in the number of councils making use of the power. Fewer than 30 councils have no premium in place at all. That gives a very clear indication that councils across the country consider this to be a useful power to drive behavioural change in owners of long-term empty properties.

In considering the Bill's proposal to increase the maximum level of the premium from 50% to 100%, I have been struck by the widespread support from across the House—admittedly with variations, but there has been support for that increase. There is clear confidence that this is a sensible step to take. Given that, I am not persuaded that we should introduce uncertainty into the process by committing the Government to a review within two years. That could be perceived as demonstrating a lack of faith in the measure which, of course, is not the case.

5.45 pm

The noble Baronesses, Lady Pinnock and Lady Thornhill, incorporate within the text of their amendment calling for a review a suggestion that it might consider the impact of penalties on those who fail to register their dwelling as empty. It may be helpful to the House if I briefly explain that there is actually no requirement for empty homes to be registered with the local authority.

Councils have the flexibility to determine the level of premium, reflecting the circumstances of their area. They can also apply discounts to the council tax bills of individuals, or groups of people, as they see fit. Councils will make reasonable efforts to determine whether properties are empty and meet the requirements of their scheme, then issue a bill accordingly. Council

tax demand notices are required to include a statement requiring the council tax payer to inform the council when they believe that the premium does not apply, or applies at a different amount. That is when a penalty of £70 may be payable—when a council tax payer misleads or fails to provide information when requested to do so. It is therefore somewhat different. The level of the penalty, which was set in 2008, is intended to facilitate the smooth operation of the system, rather than to be punitive. I accept that, on the face of it, it appears low, but the Government have no current plans to increase the penalty, nor am I aware of any suggestions from the local government sector that the level is inappropriate or should be changed. However, I am very willing, ahead of Report, to engage with local government if it feels that this should be looked at.

I thank the noble Baroness, Lady Thornhill, very much indeed for her contribution at Second Reading and now. I know that she comes with great experience in Watford, and as a department we listen very carefully to what she has to say. I am sure the noble Baronesses will be encouraged to hear that some councils provide incentives for owners of empty properties to provide notification of them, typically by offering a council tax discount for a short period. That helps to ensure that the council has relevant and up-to-date information on properties that might later become liable for the premium.

These procedures are well established and effective, and contain a number of safeguards for taxpayers. Furthermore, they are administered by those in the locality best placed to consider their impact and make any necessary changes. I entirely appreciate the desire of the noble Lord and noble Baronesses to ensure that the implementation and impact of the change to the empty homes premium are reviewed. However, I assure them that this is what councils across the country should be doing as they make annual decisions about their local council tax regime. I am very willing to engage on the issue of the penalty, if there is evidence that local government is finding that it is hampering them. In the circumstances and in the light of what I have said, I appeal to the noble Lord to withdraw the amendment.

**Lord Kennedy of Southwark:** I am very happy with that explanation from the noble Lord and very happy to withdraw my amendment.

*Amendment 12 withdrawn.*

*Amendment 13 not moved.*

*Clause 3 agreed.*

*House resumed.*

*Bill reported without amendment.*

## Upskirting Statement

5.50 pm

**Baroness Vere of Norbiton (Con):** My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given by my honourable friend the Parliamentary Under-Secretary of State for Justice to an Urgent Question in another place. The Statement is as follows:

“I am very pleased to have this opportunity to respond to the Urgent Question asked by the honourable Member for Bath because she and Gina Martin have campaigned tirelessly for upskirting to become a criminal offence. I am delighted to have met both of them on a number of occasions to discuss how we can progress this important legislation, and to have worked with them to support the honourable Lady’s Private Member’s Bill—the Voyeurism (Offences) Bill. I welcome Gina Martin to the House today. We will continue to build on their efforts to ensure that this activity becomes a criminal offence because upskirting is an invasion of privacy, and a humiliating and distressing experience. The Lord Chancellor and I were disappointed when the Private Member’s Bill did not make progress on Friday.

Although there are existing offences that can be used to punish upskirting in some circumstances, there is a gap in the law. The offences of outraging public decency or voyeurism may be used to capture upskirting. However, the public order offence is limited, as the offence needs to take place in a public place and two people need to be present. Conversely, the voyeurism offence needs to be a private act and must take place in a place where one would expect privacy. There may be activities, such as photographs taken in schools, that are not caught by either provision. This law will close that loophole, and ensure there is no doubt that this activity is criminal and will not be tolerated. For the most serious sexual offences, we will ensure that the offender is also placed on the sex offenders register.

Upskirting is an invasion of privacy that leaves victims feeling humiliated, so we will bring legislation before the House, in government time, to ensure that this practice becomes an offence. We will introduce the Bill in the House of Commons on Thursday, with a Second Reading before the recess. The leadership of the honourable Member for Bath and the outstanding campaign of Gina Martin have shown how it is possible for individuals to make a difference. I am looking forward to working with colleagues from across the House to progress this matter and make upskirting an offence”.

5.52 pm

**Baroness Chakrabarti (Lab):** My Lords, I am incredibly grateful to the Minister for that Statement and for her prompt and unequivocal assurance that the embarrassment inflicted on this Palace in recent days will be corrected without delay. Does she agree that, far from being a constitutional outrage, Private Members’ Bills can perform a vital function, especially in areas of broad cross-party agreement, particularly in relation to positive human rights? The Executive need not have the complete monopoly in instigating progressive legislation. Does she also agree that our feminism is to be judged by deeds, not words—not only statues but statutes protecting all women’s bodily integrity and dignity?

**Baroness Vere of Norbiton:** My Lords, this statute actually protects all men and women and their bodily dignity, as it includes kilt upskirting, which I only recently became aware of. The two Houses have different PMB systems. It is not for me to comment on the processes of the other place, but from my point of

view the system can work very well. I am working on the Assaults on Emergency Workers (Offences) Bill and the Parental Bereavement (Leave and Pay) Bill. These are extremely important measures and it will be good to get them on the statute book.

**Baroness Barker (LD):** My Lords, Private Member’s Bills are, by their nature, about narrow issues of intense concern to a small number of people and to minorities. It is therefore particularly galling to watch the behaviour of a few privileged—largely white—men who seem to treat the shooting down of Private Members’ Bills as some kind of sport. I hope that, like me, and like the majority of members of the Conservative Party in another place, the Minister will ask her colleagues to reflect on that behaviour. What procedure will the Government now use to reintroduce this Bill, which we all agree is important? How will they protect what is proposed from further intervention by those who would seek to frustrate this business?

Will the Minister also undertake to discuss the draft legislation with the Opposition Front Bench? If this measure is to reach the statute book quickly—and we are all agreed that it should—it is important that it does not become a vehicle to which there might be attached a whole load of related matters. It should be a small, defined measure on which we can command broad, if not total, agreement.

**Baroness Vere of Norbiton:** I think the vast majority of people in my party condemned the actions of that individual last Friday, and it is certainly not reflective of the way that our party wants to be seen in terms of these important issues.

We will publish the Bill on Thursday, in the House of Commons, and it will be substantially similar—the noble Baroness will notice—to Wera Hobhouse’s Bill. It will go through as a government Bill and, as such, will have full engagement with all the Opposition Front Benches. Indeed, there will also be Back-Bench meetings so that noble Lords can learn as much as possible about the Bill, so that we can get it through our House as quickly as possible and in as appropriate a state as possible.

**Lord Dykes (CB):** My Lords, there is no collective view on the Cross Benches on any matters at all, by definition, but I am sure that in speaking from the Cross Benches I will be speaking for other individual Members in saying a warm word of thanks to the Government for their powerful initiative in responding to the most unfortunate set-back to the Private Member’s Bill on Friday last and for the Government’s apparent determination to bring in proper legislation. We thank the Minister very much for that and for repeating the Statement from the Commons.

I just want to mention one thing, and that is the total depravity of this practice. I do not think that that is too strong a phrase, because although it may be regarded as a bit of a joke among some late teenagers or whatever—though I am not sure about the evidence on that—this awful insult to women and humiliation of women really does need drastic action. I am very glad that it appears that the Bill the Government will introduce will be couched or constructed in very strong

[LORD DYKES]

terms to avoid what is often the sad result of legislation, which is the creation of new doubts, objections and exceptions.

Also, can the Minister enlighten the House whether there are any indications that, unfortunately, because of the perverted publicity about this awful behaviour, there may have been an increase in the number of such incidents? That often happens when bad things happen and they are relayed through the press.

Finally, having listened to the wise words of the Liberal Democrat spokesman, and speaking with some psychological authority, having been in the House of Commons for 27 years, may I ask the Minister whether the Government could not, at long last, look at this absurd practice on Fridays whereby just one person can shout out “Object”—as Sir Christopher Chope did, who is not known for his wisdom and good practice, I am afraid, as an MP of many years’ standing? Is it not time that that was got rid of? That could be done easily, because there would be huge support, I am sure, in the House of Commons if that was destroyed. Will the Minister try to look at that longer-term problem as well?

**Baroness Vere of Norbiton:** I thank the noble Lord, Lord Dykes, for his kind words. I think it showed extraordinary leadership by the Prime Minister over the weekend to take this issue by the scruff of the neck and to lead on it.

On Private Members’ Bills procedure in general, that is for the House of Commons to structure and is not really for the Government, but of course we will do what we can, working with the Commons, on improving the procedures.

On the other questions that the noble Lord raised, I completely agree with him that it is absolutely not a joke. Upskirting is and can be a serious sexual offence. For that reason, the Government have taken the Wera Hobhouse Bill and have added to it notification so that, for the most serious sexual offences, offenders will need to go on to the sexual offenders register. It will mirror the existing voyeurism offences.

**Lord Beecham (Lab):** My Lords, I join others in congratulating the Government on their rapid response to the fiasco of last Friday. Is the intention to include in the Bill provision to make it an offence to disseminate pictures of that kind through social and other media? If it is not—it may very well be—perhaps she will undertake to look at that issue.

The Answer refers to activities such as photographs taken in schools. Will the Government look to develop with the Department for Education an approach for ensuring that students at schools are firmly informed that such behaviour is unacceptable but also that those who may be the victims of such activity in schools are given support?

**Baroness Vere of Norbiton:** I thank the noble Lord, Lord Beecham. Dissemination of images would fall outside the scope of the Bill, but we are looking into the role of technology in distributing images—upskirting or, indeed, any images. That is a much broader issue that must be considered.

I am sure that the noble Lord is aware that most—probably all—schools teach children about the rights and wrongs of using modern technology and what to do with it. We have to be extraordinarily careful that we do not unnecessarily criminalise children in the Bill, which I hope will be enacted. The police will take a similar approach to cases of sexting, where Outcome 21 is used: the crime is recorded but no action is taken, so that the children are not criminalised but can learn from their poor behaviour.

## Drugs Licensing Statement

6.01 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, with the leave of the House I will now repeat a Statement made by my right honourable friend the Home Secretary in another place today. The Statement is as follows:

“With permission, Mr Speaker, I would like to make a Statement on the medical use of cannabis.

Over the weekend I issued an emergency licence to allow Billy Caldwell’s medical team to access cannabis-based medicine to treat life-threatening seizures caused by a severe form of epilepsy. This was an emergency procedure that was led by a senior clinician with the support of the medical director at Chelsea and Westminster Hospital. I am pleased to say that Billy has now been discharged from hospital. It is now for his senior clinicians to develop a long-term care plan.

I am sure that the whole House will join me in expressing my sympathy for Billy and his family, who have been going through a very difficult time. The course of action in this case was unprecedented. There is strong scientific evidence that cannabis is a drug which can harm people’s mental and physical health and damage communities. There are currently no legally recognised medicinal or therapeutic benefits. To date, under successive Governments, Home Office policy has been to permit the production, supply and possession of raw cannabis solely for research purposes under a Home Office licence. The cannabis-based medicine Sativex can, however, be prescribed in the UK because there is a proven case for its safety and efficacy.

However, cases like Billy’s, Alfie Dingley’s and others like them have shown that we need to look more closely at the use of cannabis-based medicine in healthcare in the UK, because it has become clear to me since becoming Home Secretary that the position we find ourselves in currently is not satisfactory. It is not satisfactory for the parents, it is not satisfactory for the doctors and it is not satisfactory for me.

I have now come to the conclusion that this is the right time to review the scheduling of cannabis. Before I go into the detail of the review, let me be absolutely clear that this step is in no way the first step in the legalisation of cannabis for recreational use. The Government have absolutely no plans to legalise cannabis, and the penalties for unauthorised supply and possession

will remain unchanged. We will not set a dangerous precedent or weaken our ability to keep dangerous drugs off the streets.

The approach that we will be asking the review to consider would be no different from that being used for other controlled drugs where there is evidence of medicinal benefits. The government review will take place in two parts. Part 1 of the commission will consider the evidence available for the medicinal and therapeutic benefits of cannabis-based medicines. Professor Sally Davies, who also serves as the Chief Medical Officer, will take this part forward. This will then inform exactly which forms of cannabis or cannabis-based medicines should be taken forward to Part 2.

Part 2 will be led by the Advisory Council on the Misuse of Drugs. The ACMD will not reassess the evidence issued by Professor Sally Davies but will provide an assessment, based on the balance of harms and public health needs, of what, if anything, should be rescheduled. If the review identifies that there are significant medical benefits, we will reschedule. We have seen in recent months that there is a pressing need to allow those who might benefit from cannabis-based products to access them. It will take time for Professor Sally Davies and the ACMD to complete their work and for the Government to consider their recommendations.

In the short term, the Policing Minister announced yesterday that the Government will be establishing an expert panel of clinicians to advise Ministers on any applications to prescribe cannabis-based medicines. This is intended to ensure that advice to Ministers on licensing in these cases is clinically led, is based firmly on medical evidence and is as swift as possible. The Chief Medical Officers across the UK have been actively working together, and the expert panel will be able to start considering applications within a week.

Earlier today, the Policing Minister also spoke to Alfie Dingley's mum, Hannah Deacon, and informed her that we will issue a licence for Alfie today. All the work I have outlined today is about making sure that we keep in step with the latest scientific evidence and that patients and their families have access to the most appropriate course of medical treatment. I pay tribute to the Policing Minister for all his excellent and sustained work on this important issue.

As a father, I know that there is nothing worse than seeing your child suffer. You would do anything to take away their pain. That is why I have the utmost sympathy for Billy Caldwell, Alfie Dingley and others like them, and for their parents, who have been under unimaginable stress and strain. I know that they are following a gut parental instinct to do whatever is in their power to try to alleviate their child's suffering. Today I would like to say to this House that I will do everything in my power to make sure that we have a system that works so that these children and these parents get access to the best medical treatment. I commend this Statement to the House".

My Lords, that concludes the Statement.

6.07 pm

**Lord Rosser (Lab):** I thank the Minister for repeating the Statement made earlier in the House of Commons, and endorse the views expressed in it of sympathy for

Billy Caldwell, Alfie Dingley and others like them, and for their parents, who, as the Statement says, have been under unimaginable stress and strain.

With yesterday's Urgent Question in the other place on the medical use of a cannabis-based medicine updated to today's Statement on drugs licensing, this appears to be another example of the Government making decisions on the hoof, in a flap and in response to embarrassing media stories, rather than being a proactive Government who make measured, fully thought-through proposals to address developing issues before they hit the national headlines. Despite this, we still welcome the Home Secretary's statement that the Government will look more closely at the use of cannabis-based medication in healthcare in the UK, and that they will review the scheduling of cannabis. As the Minister said, what started this off was the case of a 12 year-old boy suffering from severe epilepsy, whose cannabis-based medication was confiscated on arrival at Heathrow from Canada—a decision now modified by the Home Secretary. It contains THC, the primary psychoactive constituent of cannabis, which is illegal in this country but not in a number of other countries, including Germany, the Netherlands, Italy and much of America.

Yesterday, the Government said that the Chief Medical Officer for England had been asked to establish a panel to advise on an individual-case basis on when medicinal cannabis-based products should be prescribed. How many such cases per month do the Government anticipate the panel having to adjudicate on and advise, and against what criteria will that advice be given? What fresh instructions have been issued to officials over allowing through or confiscating cannabis oil and other medicinal cannabis products as from now at our borders and entry points in the light of the Billy Caldwell case? Through what procedure and process will an individual case reach the expert panel? How many instances have there been during the past 12 months of cannabis oil needed for medical use being confiscated at our borders and entry points, and how many of those cases were reviewed by the then Home Secretary, and with what result, under the powers which have apparently just been used by the current Home Secretary? What is the Government's estimate of the time it will take for the two-stage review just announced by them to conclude its work?

The Statement says:

"If the review identifies that there are significant medical benefits, we will reschedule".

In other words, the Government do not yet know whether there are such significant benefits. In which case, against what criteria or evidence will the expert panel of clinicians being set up to advise Ministers on any individual applications to prescribe cannabis-based medicines—based firmly on the medical evidence, as the Statement says—make its judgments? I ask that because the Government believe that a two-stage commission is needed to decide whether there is even a case for any change on scheduling in the light of the available evidence.

I come back to the Statement and the words:

"If the review identifies that there are significant medical benefits, we will reschedule".

[LORD ROSSER]

Would that apply if the Advisory Council on the Misuse of Drugs came to the conclusion that there were also significant harms from rescheduling, which is what the ACMD is apparently being asked to consider under stage 2?

Finally, a recent report in *Private Eye*, under the heading “Pot and Kettle” and referring to the Alfie Dingley case as does the Statement, stated:

“A UN report this month found that the UK is in fact the largest producer of legal cannabis in the world—responsible for almost half the global total ... As ... the drug reform think tank Transform, said: ‘The government is denying that cannabis has medical uses but at the same time licensing production of the world’s biggest medical cannabis production and export market’. Is that report correct?”

**Baroness Walmsley (LD):** My Lords, I, too, welcome the Statement and thank the Minister for making it. I thank her also for her efforts in this cause and those of her noble friend Lord O’Shaughnessy, who is in his place. I welcome the fact that Professor Sally Davies will now review the mountain of evidence for the medicinal and therapeutic benefit of cannabis-based medicines. She will undoubtedly find that the fact that there are no legally recognised benefits is quite wrong and must change. By what means will Professor Davies hear evidence from the many patients who already know about the benefits? Their doctors know the benefits, too. If she does not already, I am quite sure that Professor Davies will soon know them as well.

I also welcome the fact that the Government will reschedule cannabis when Professor Davies demonstrates those benefits. It should never have been scheduled as a drug without any medical benefits in the first place. Can the Minister estimate how long this process will take, as thousands of patients await the outcome in pain and discomfort?

While we wait for this to be done, it is very welcome that the Government have set up an expert panel to advise Ministers on any applications to prescribe cannabis medicines. It is outrageous that the Dingley family’s heroic doctors should have been put through the wringer by the inappropriate processes which the Home Office has imposed on them during the past four months.

I cannot say how delighted I am that Alfie Dingley and Billy Caldwell will get their medicines at last. However, it should not have taken four months since the Prime Minister promised Alfie’s mother, Hannah Deacon, when she visited No. 10 with me and a group of Peers and MPs, that her son would get a licence for his cannabis medicines on compassionate grounds and speedily. During that four-month period Home Office officials were trying, mistakenly, to operate a system for licensing which was not intended for such cases but was intended for normal clinical trials. It became clear very quickly that the system they were trying to use was not fit for purpose, yet they persisted. I would like to be assured that a system that is fit for purpose will be put in place. Will the Minister give me that assurance? It should not have taken a child, Billy Caldwell, being put in a life-threatening situation for the Government to take this action but I am delighted that they now have.

During the campaign I have been convinced of the Minister’s good faith in this matter but, frankly, although she is always welcome in her place, it should be a

Health Minister standing there at the Dispatch Box. I am delighted to see the noble Lord, Lord O’Shaughnessy, in his place listening to this debate. Drug licensing is a health matter, not a Home Office matter and clearly the Secretary of State for Health and Social Care agrees with that, so how will the Department of Health and Social Care be involved in the new arrangements outlined in the Statement and those that will inevitably follow?

Yesterday the Prime Minister said a system is already in place for the medicinal use of cannabis and that government policy would be driven by “what clinicians are saying”. The system has failed thousands of patients, but it is good news that the Government are now trying to put that right, and I thank the Minister for that. Can she say whether expert evidence from countries such as the Netherlands, where cannabis medicines have been safely used for some time, will be heard during the review?

**Baroness Williams of Trafford:** My Lords, I did not do it yesterday, but I welcome the noble Lord, Lord Rosser, back to his place. It is such a pleasure to be debating with him. The first question he asked me was about whether we are doing this on the hoof given the Alfie Dingley case. We are not. One of the noble Lord’s further questions was about why it took so long between Alfie Dingley’s family coming forward and him being issued with a licence today. That is because the correct process was followed. Noble Lords would expect the correct process to be followed. The reverse of this is that a child gets given the wrong drug and becomes very ill. The correct process was followed here. The Home Office and the Department of Health and Social Care have worked extensively together over the past three months to ensure that Alfie has been well cared for, and the licence for his drugs was issued today.

The noble Lord asked how many people would be on the panel. I cannot say. It was announced today, and numbers and people will be announced in the coming week. He asked about the criteria the panel will use for who will be issued with drugs. I assume that there will be clinical experts on the panel and that they will base their criteria on their clinical judgment of the benefits.

On stuff being confiscated, I hope that people do not present at the border with drugs that are not yet licensed, and will come forward to the panel for consideration and for drugs to be issued if that is appropriate. The noble Lord asked how long the review will take. Cannabis is a very complex substance, as noble Lords probably know. It will be a complex review, but the Home Secretary expects an interim report to him within three months.

The noble Lord asked about the expert panel and the advice that it will give. Again, the proper process will be followed. It will be a scientific process with clinical judgment at its heart. He also made the *Private Eye* point about the UK being the largest producer of cannabis. I do not think that the Government are saying that there are no benefits to be had from cannabis; they are saying that cannabis as a whole plant is currently classified as a Schedule 1 drug, as we have discussed previously. However, as we have seen, constituent parts of it have huge benefits, particularly in the areas of MS and, now, epilepsy.

The noble Baroness, Lady Walmsley, asked for details of the review. We are working through those. I certainly know, because my noble friend has just told me, that Sally Davies will be carrying out a literature review. There are findings from across the world. Much work has been done on this and that will be very informative.

The noble Baroness also made the point about the Dingley family being put through the wringer. Again, it was important that the proper process was followed, and it was. A licence application needed to be made. It was made and I am very pleased to say that Alfie Dingley's licence was issued today. She asked for an assurance that a system fit for purpose will be put in place. The answer to that is firmly yes: the system has to have longevity. This has been a very big and important step for the Government today.

6.21 pm

**Lord Howarth of Newport (Lab):** My Lords, the noble Baroness has listened sympathetically to representations in this area in the past, and that has been much appreciated. Does she accept that the issue of cannabis-based medication for children with severe epilepsy, which has aroused intense sympathy and concern on the part of the public, should be part of a wider review? Does she agree that that review should look at the substantial body of existing evidence that cannabis-based medication might have significant and, in some cases, unique benefits for people suffering from cancer, multiple sclerosis, Tourette's syndrome, chronic severe pain and other distressing conditions?

Will the noble Baroness recognise that the Government's position on rescheduling that she has described creates something of a Catch-22 situation? The categorisation of cannabis as a Schedule 1 drug of no medicinal value has, in the past, proved to be a considerable impediment to the advancement of research. Therefore, will the Government straightaway reschedule cannabis to Schedule 4 in order to unblock the barrier to research? May we take it that the involvement of Professor Dame Sally Davies that she described is indeed the prelude to the transfer of lead responsibility from the Home Office to the Department of Health?

**Baroness Williams of Trafford:** Of course, Sally Davies will be advising on the review. The scheduling of cannabis will be looked at with a fresh pair of eyes, being mindful of the international research on this subject. In talking about the benefits of cannabis-based medication for epilepsy and multiple sclerosis and as pain relief in some forms of terminal illness, the noble Lord has precisely laid out the point of the review. It will look at all the benefits to be gained in all areas of medical consideration, but it will be clinically and scientifically led. As I said, I think that today the Home Secretary has prompted a first in the consideration of cannabis and its medical benefits.

**Lord Winston (Lab):** My Lords, perhaps I may take odds with my noble friend Lord Rosser on the Front Bench because there are times occasionally when members of the Opposition should congratulate the Government on what they are doing. This is a good decision which is urgently needed. To be fair to the Government,

20 years ago I chaired the Science and Technology Select Committee when we had an inquiry into the medicinal purposes of cannabis and, before our report was even published, the then Home Secretary in a Labour Government refused to take any notice of what we had said and published his comments in the newspapers. So we are making progress here.

It is good to see that the noble Lord, Lord O'Shaughnessy, is also on the Front Bench with the Minister because this is an important issue which the Department of Health should also consider. I am glad that there is joined-up government in this consideration.

Given my experience from that committee, it might be worth while looking at our original report, which is still relevant. The people that we saw again and again who were suffering from these terrible conditions were absolutely clear that they did not want to get high. They were all suffering from spasms and other problems and wanted relief of their serious symptoms. That can be regulated through the medical profession because, after all, sensible medical practitioners have access to all kinds of drugs which, if used wrongly, are dangerous.

I hope the Government will continue with their plans and that the review will not take an age to complete.

**Baroness Williams of Trafford:** I thank the noble Lord for his words of congratulation. The history that he tells is interesting. Successive Governments have not done this and today is an historic day in the advancement of a substance that may prove to have huge benefits for all kinds of conditions. I worked with sufferers of multiple sclerosis for 10 years and the use of cannabis-derived products—and now Sativex—helped to ameliorate some of their spasms. They did not want to get high; they just wanted to stop the spasms that happened day and night.

I recommend that we look at the original report because I bet there will be a bit of *déjà vu* when we do. I thank the noble Lord for his comments and his sound advice.

**Lord Paddick (LD):** My Lords, it would be appropriate to draw a parallel with opium. The fact is that heroin—a derivative of opium—is a dangerous and addictive illegal drug, whereas morphine has a medical use derived from opium. Here we are talking about the medical derivatives of cannabis—which it would be helpful to move to a different schedule—and not about the legalisation of recreational use.

The Statement says that there are currently no legally recognised medicinal or therapeutic benefits, but it also says that the Home Secretary has issued an emergency licence to allow Billy Caldwell's medical team to access cannabis based on medicine to treat life-threatening seizures caused by a severe form of epilepsy. As a consequence, Billy has now been discharged from hospital. Can the Minister explain why the clear medicinal and therapeutic benefits of cannabis are not legally recognised?

**Baroness Williams of Trafford:** The noble Lord underlines precisely why we are where we are today. Clearly, for those two little boys it has had obvious benefits and—once the doctors and the clinicians who

[BARONESS WILLIAMS OF TRAFFORD]

are treating them are satisfied that those benefits of the cannabis-based medicine are real and that without them they would go back to their previous suffering—that entirely underlines why this review is well worth doing.

The noble Lord is right to make the point about opium, which of course is schedule 2—which states that it has medical benefits—but is class A in terms of control. Cannabis is schedule 1 but class B. He is also right that this review is well overdue and I look forward to some of the work that will be done over the coming months. It will take time because cannabis is a complex drug and it is important that the proper process is followed and sound clinical judgments are arrived at.

**Viscount Ridley (Con):** My Lords, further to the question of the noble Lord, Lord Howarth, and having taken a little advice from the noble Baroness, Lady Meacher, can I ask the Minister whether the Government will review not only the schedule but also the regulations to ensure quality standards so as to set out the conditions for which prescriptions should be made available? Does she recognise that if cannabis is widely prescribed, it could save the NHS billions of pounds? Will she also look at the report on this subject prepared for the APPG by Professor Michael Barnes which collates a great deal of evidence on this topic?

**Baroness Williams of Trafford:** My noble friend has read out the question of the noble Baroness, Lady Meacher, very well. I knew that there was mischief going on behind me. The answer to those questions is yes.

**Lord Judd (Lab):** My Lords, I feel that we should certainly put on the record our appreciation of the steps the Government are taking. I declare an interest in this because for some time my daughter and her partner worked with drug addicts. They would never leave me in peace on the issue of how soon we could move to an understanding in our society that drugs are primarily a health issue, not a crime issue. They used to berate me about the amount of resources used for anti-criminal activity and how they could have been deployed so effectively in positive work, not least education in and around the subject.

I should like also to put on the record our deep appreciation of the courage of the parents and families who are standing by these two boys, but I hope that we are now beginning a process which will have its own self-generating logic within it so that we can reach a more enlightened and effective—that is the important word—policy on drugs and their use in medical treatment.

**Baroness Williams of Trafford:** As my right honourable friend the Home Secretary said today, this is not about the recreational use of cannabis. This is entirely about making medicines available to very sick children as well as adults, should they need them. We are not going into the pros and cons of the recreational use of drugs because this is an entirely separate matter. I take on board what the noble Lord has said, but I think he will appreciate that I will not go there today.

## Bee Population

### Question for Short Debate

6.32 pm

Asked by **Baroness Bloomfield of Hinton Waldrist**

To ask Her Majesty's Government what steps they are taking to encourage a recovery in the population of bees and other pollinators.

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, I begin by thanking noble Lords who are supporting this debate and I look forward very much to hearing their contributions. In many ways, the debate is a perfect antidote to the divisive EU withdrawal Bill, being on a subject that will affect us and future generations long after the world has forgotten what the initials "EU" even stood for.

I confess that I was generally pretty ignorant about bees and pollinators until around a year ago when a remarkable young woman, Polly Birch, who had such a passionate commitment to spreading the word about their importance, reminded me and many others about just how much we rely on them and how their numbers are in decline. This debate is timely as the Private Member's Bill tabled by Ben Bradley MP to make provision for the protection of pollinators started its passage through the other place on 8 May.

I have only now discovered that bees are the second most written about species after man. There is even a whole body of law relating to honey bees, most of which has its basis in Roman law. A swarm still belongs to you even when it has left its hive, as long as you can still see it, and allegedly one may trespass on a neighbour's land in order to retrieve it. Somewhere in my consciousness was the threat repeated last week by David Attenborough that should bees disappear from the face of the earth, man would have only, "four years left to live".

The quote is wrongly attributed to Einstein, but it is the sort of thing that he might have said. We probably would not starve because wind is a good pollinator, but there is no doubt that our diet would become very dull and getting our five-a-day would be very tricky.

This Government and the coalition before them have already done a great deal to encourage the habitats of the 1,500 or so species of insect pollinators that we have in this country. Although we may think of bees as the primary pollinators—there are 250 different varieties of them, 35 of which are currently in danger of extinction—we also have hoverflies, butterflies, beetles, moths and even bats. Most of these live in the wild, with the exception of the headline-grabbing honey bee. The NFU estimates the economic value of their pollination services at £690 million per annum but they also support a small but thriving industry of some 250 bee farmers, as well as thousands of amateur beekeepers.

The report also highlighted progress in a number of areas including habitat creation, public engagement and the protection of honey bee health, all as a result of many different sections of the community—not just the bee farming industry and the farming community, but schools, universities, charities such as the National Trust, Buglife, BeeConnected and the Bumblebee

Conservation Trust, and central and local government—working collaboratively. Productive beehives at Defra’s offices in London and York now produce Defra honey, as do hives on the roofs of Fortnums, Coutts and the Garrick Club.

Funding has also been provided for a range of primary research projects covering everything from genetic sequencing and the taxonomy of insect pollinators to the relationship between pollinators and pollination services in crop production. I know that the Bee Farmers Association hopes that more funds will be directed to the National Bee Unit in the Food and Environment Research Agency once the Green Paper on nature and harmony is published.

Despite all this, bees and a variety of pollinators are in decline. Clearly, much more can be done, not only by government but by us all. Let us stray into the area that is most likely to cause controversy—the use of insecticides—which I am sure will be covered in more depth by my noble friend Lord Ridley. Integrated pest management is central to this Government’s approach. The objective is to reduce the overall use of pesticides by using them in a more targeted way, to reduce resistance, and supplementing them with improved crop husbandry and the use of natural predators.

The EU recently banned the use of neonicotinoids on all field crops, not just those that are attractive to bees, as had been the case since 2013. Neonics are a group of insecticides that have been linked to a sharp reduction in bee numbers. Environmental groups welcomed this move but, interestingly, the Bee Farmers Association was agnostic about the ban. Perhaps we should be cautious. Bees in Australia, a large user of neonics, do not appear to be adversely affected and the research by the European Commission’s Joint Research Centre on which this policy was based concluded that the ban may be counterproductive. It has resulted in an increased use of more damaging pesticides, mainly pyrethroids, which are sprayed rather than seed-treated; that is worse for non-pests. The study found that UK farmers have more than quadrupled the number of insecticide applications on oilseed rape but pest pressure has still increased. The JRC report has not been made public and although I urge the Government to ensure that the regulation of pesticides continues after we leave the EU, it needs to be developed on the basis of independent and verifiable scientific research.

An undeniable cause of the declining number of pollinators has been the destruction of their habitat. Over 97% of all flower-rich grasslands have been lost in England since the 1930s, whether through transport, infrastructure, modern farming methods or housebuilding. The habitats that exist have become particularly fragmented; the southern margins of their distribution are shrinking northward, while the northern margins are static. Buglife, a charity that works closely with the Government on strategy, has developed the award-winning concept of “B-Lines”, a series of insect pathways running through our towns and countryside. Along them stretch a series of wildflower-rich stepping stones, linking existing wildlife areas into a network. Much work is being undertaken to identify areas suitable for grassland habitat restoration and creation. The proposed Bill will encourage local authorities to include such

considerations in area plans since the creation of a channelled pattern of habitats is the most effective way of promoting species dispersal.

Since there is a need to restore pollinator-friendly habitats, and to establish wildflower recovery areas, this could perhaps link with the aim to replace the countryside stewardship payments from the CAP with a scheme that will incentivise farmers to look after the environment. Perhaps it could also be tailored in such a way that it favours pollinators and the bee farming industry, as is the case already in Germany.

We, the public, whether city or country dwellers, can all play our part by growing a range of bee-friendly plants that will provide pollen and nectar for all pollinators. I suggest that we avoid rhododendron ponticum, whose nectar is toxic to bees, and the silver lime—*Tilia tomentosa*—which uses caffeine to trick bees into visiting empty flowers, whereupon many die of starvation. Moreover, although farmers and bees alike love oilseed rape, I am told that it is not ideal for honey production.

There is so much to say about bees, and I shall end by sharing what I have learned from noble Lords who have passed by my desk in the Library over the past week or so. Bees measure distance by the way the hairs on their backs flatten as they fly from the hive; they prefer trumpet-shaped flowers; they are colour-specific and will not go from a blue flower to a red one to a yellow, and they dance on the hive to direct their fellows to nectar-rich areas. And my favourite fact: it was one of St David’s missionaries who introduced bees to Ireland in the sixth century.

Lastly, there is also, perhaps, much to be learned from the way bees organise themselves. The cleric and philosopher Samuel Purchas, in his *Theatre of Political Flying Insects*, written in 1625, observed:

“Bees are political creatures, and destinate all their actions to one common end; they have one common habitation, one common work; all work for all, and one common care ...”.

That is not a bad dictum for this House.

6.41 pm

**Lord Stevenson of Balmacara (Lab):** My Lords, I thank the noble Baroness, Lady Bloomfield of Hinton Waldrist, for securing this debate. I am in awe of the research that she has carried out for this debate. She confessed to me a few months ago that she did not know quite what was in her mind when she put her name down for this debate: she did not seem to know very much about bees, but she certainly may have more than made up for it in the last little bit. I will have to go around my garden eradicating rhododendron ponticum, which I have just planted in large numbers. I had no idea that it produced poisonous honey for my bees. I am also looking forward to contributions from other noble Lords.

We have been building up to a bee event on a biannual basis since I joined the House eight years ago. In fact, I decided that my maiden speech was going to be on bees—that is the arrogance one has when one first comes into this House—and then, of course, I discovered that that did not actually mean that there was going to be a debate ready for me to speak in. I had to adapt what I wanted to say to a rather esoteric discussion about special education,

[LORD STEVENSON OF BALMACARA]

although I was rescued by the noble Baroness, Lady Walmsley, who very kindly saw what I was trying to get at and came to my rescue and said some nice things about my speech. It is best forgotten.

I should declare, of course, that I am a beekeeper myself, although in truth I am a bit nervous about that name “beekeeper” since it implies some sort of role that I certainly do not have in relation to my bees. Bees are independent: they may well be on one purpose and a model for one aspect of this House, but they certainly do not do what I want them to do. I think that they keep me, rather than that I keep them and I am very nervous about them. I have a very good breed at the moment, however—they come from Buckfast Abbey, but I do not think that that means anything about their religious behaviour, although their Irish connection is very strong—and they are a joy to work, or were a joy to work until I moved them two years ago, whereupon they turned vicious. I have been stung so badly in the last couple of years that I was almost at the point of giving it up, but I went back there last weekend in view of this debate and went through them comb by comb, the sort of thing that only a very dedicated beekeeper can do. I did not get stung and had a wonderful time and they are thriving. I am delighted to report that to your Lordships’ House, and I am sure they will want to have some honey when it comes later in the year.

My neighbours in West Cork, though, have not been so lucky. That area was very badly hit by the storms. Storm Ophelia made landfall about a mile from where we have a house and a number of local farmers and others who have bees have lost a huge number of hives and most of their stock over this period. Indeed, I have been trying to find a nucleus to build up my bee collection but I have not been able to find anybody who has anything for sale this year. I just have to hope that a swarm appears in the next few weeks, although it is very late in the season for that.

There are 25,000 to 30,000 beekeepers in this country, a significant number of people. It is interesting, however, that we have a very different model of industry here compared to the rest of Europe. In most of Europe beekeeping is carried out by professional beekeepers and bee farmers. We have a slightly different situation compared with the EU as a whole, but it is broadly the same pattern: we do not produce nearly enough honey to meet our demands. Just think of the savings we could make if we could generate more activity around beekeeping and more of our own honey.

It is a very strange industry. There are a few industrial producers in this country—I think the figures were given by the noble Baroness—and a very large number of amateur keepers like me. Their numbers have grown in the last two years. Indeed, we have seen a surge of interest in urban beekeeping, as I think has been referenced. It is good to hear that the drones of the Garrick Club have a hive on their roof. I hope that they are more liberal with their use of the honey from the women who are doing all the work there than they are with their guests. I will pass on quickly from that.

As has been said, honey bees are a very important part of our agriculture: some £650 million per annum. But the survey that was recently carried out by the

BBKA—the British Beekeepers Association—shows that the amount of honey per hive has decreased again this year, down some 10% from last year. We are worried about the number of hives, mainly because of the bad weather, as I said. Taken with the weather, we have to think about pests and diseases, loss of habitat, and possible pesticide effects, all of which have been mentioned. It is a very interesting and complex matrix. I look forward to the Minister’s comments when he responds. I do not expect him to wave a magic wand over the weather—I will forgive him that—but it is worth pointing out that the sort of climate we are experiencing at the moment is very bad for bees. They can cope with cold and are not too bad in snow, but they do not do wind and rain because it gets into the hives and they cannot get rid of it. It is really problematic for them when we have the sort of weather we are having in this period.

On health, there are still real problems with how we deal with our bees and how we provide effective medicine. The Varroa mite, which was the subject of a lot of discussion in the previous bee debate, has not increased very significantly. It seems that we are able to cope with it, but we cannot treat for the foulbroods, which are difficult to eradicate. There is a disease called nosema, which is likely to become more prevalent because the medicines used for it have been withdrawn.

The questions I have for the Minister are first on neonicotinoids, or neonics, which is easier to say. The Government are to be congratulated on their decision. At the time of the previous debate there was some doubt about whether the Government would follow the evidence, but it is very good that they have done so. The evidence was very convincing. I accept that there are problems about switching to other insecticides, but we should do what we can. Although the Government’s decision is welcome there is still a problem because these chemicals are not completely banned. They can be used to treat sugar beet and seed for winter cereals. I would be grateful if the Minister could tell us whether any further work is being done on that and whether there will be action should the evidence prove it to be necessary.

Agricultural production has a significant impact on bees by affecting the quality and diversity of habitat within the landscape. I hope the Minister will say something about what the Government can do to provide more support for those who wish to make fields a little more readily accessible for bees and pollinators. Is there any research they can do about what type of pollination is the most helpful? For example, it is widely thought that tomatoes are fertilised by bees, but in fact it is bumble bees that do that job. It is done by vibration, not transmission through the pollen. It is important that we better understand what goes on when pollination takes place.

Agri-environment schemes have great potential and I hope there will be some news on them. More generally, habitats around the country need to be thought about as not just passive areas of land, but important forage and nesting resources for bees. Could the Government think about ways to strengthen protection for the sites by designating more with priority habitats of bees, perhaps reforming the environmental impact assessment

regulations and improving cross-policy co-ordination to deliver stronger benefits for bees over the whole landscape?

There is a link here to planning. Maybe the planning system should also be looked at carefully to see whether it has sufficient protection for bees and their habitats. At the moment we think only in terms of houses and infrastructure, but surely it is important to make sure that we have the right approach in law to how we deal with the insects that we rely on. Some bees are recognised as national conservation priorities but, as a group, bees have received very little formal monitoring and conservation effort. I hope that the biodiversity strategy and the other work being done on long-term thinking in the department will allow bees to feature. I read the documents that are available at the moment, but they do not seem to mention bees in particular. I look forward to the comments of the Minister.

Finally, I talked about the workforce involved in bees. It is largely amateur and elderly, I fear, although there is a growth in the number of younger people who work with candles and other artefacts that come from bees. Are the Government thinking of creating a statutory beekeeper register, which might at least give us some fix on what the issue is? Are there any schemes, such as apprenticeships, that might be available in this area? Perhaps the Minister would think about that.

6.50 pm

**Baroness Miller of Chilthorne Domer (LD):** My Lords, first I warmly congratulate the noble Baroness, Lady Bloomfield, on her very informative and excellent introduction. It is wonderful that she has such an appropriate name for this debate. She outlined really well that it is a toxic mix of habitat loss, parasites and pesticides that is affecting our bee population. The only thing to be said for the drastic reduction in some of the numbers is that it has motivated government and the public—and, indeed, industry, the farmers—into doing far more to counteract whatever it is that is affecting bees so adversely. Because it is a toxic mix, it has been very complex to establish which part of that mix, whether it is the pesticides, the habitat loss or the parasites, is responsible for the decline in which species.

The thing that continues to slightly confuse our debate is the terminology. We use the term “bees” when we mean honey bees, but we also use the term generically, as the noble Baroness said. There are 250 species of bee in the UK: 25 are bumblebees, one is the honey bee, and there are 224 species of solitary bees. Of course, the solitary bees are equally important in pollination and they have suffered something like a 50-year decline in diversity. Undoubtedly, a lot of that is due to habitat loss. Particular bees focus on particular plants, and I say to the Minister that it is important to bear this in mind when developing wildlife corridors. Wild flowers, as he knows, are not just generic. We sometimes find in seed packets in garden centres that just say “Wild Flowers”, but specific plants grow in specific geologies and at particular altitudes.

I think it is widely accepted that bees are declining—but, in fact, according to the last House of Commons research, 7.7% of species were said to be declining, 12.6% were stable and 0.7% were increasing, yet we know nothing about 79% of these bee species because

the research has not been done yet. I particularly welcome the fact there is going to be research across the EU, known as PoshBee—it was mentioned on “Farming Today” this morning—looking at exactly what is affecting all these various pollinators. I congratulate the Government on endorsing the proposal to ban the outdoor use of the three sorts of neonics. Research is undoubtedly very important. We have organisations in this country, such as the Centre for Ecology and Hydrology and the Natural Environment Research Council, all applying their minds to it.

I hope and expect that when the noble Viscount, Lord Ridley, comes to speak, he will be a bit less excoriating than he has been in the past about green groups and a bit less defensive of neonicotinoids, because the fact is that research proves that there are a lot of unknowns in this area—so it is quite right that these questions are asked. I know it makes for lively reading on his blog to be dismissive of many pieces of research that have been done, but I think that probably, as somebody who has done so much work in the area of science, and exploring it, he can accept that there is a lot still to be explored in this area.

I welcome the fact that there is going to be a new Bill on a national network of pollinator corridors. We definitely need species-rich wildflower habitats. I am sure that many noble Lords speaking in this debate will have read *The Moth Snowstorm* by Michael McCarthy, in which he makes the very good point that we really need to engage our natural wish to nurture nature and our natural propensity to take joy in nature. That will be far more motivating to people than sustainable development policies. I am not dismissing the policies, because there is a need for government action and policies, but there is a huge need for public motivation.

For example, we could say that it is not just pesticides but herbicides that are a threat to pollinators. Weed killing can take out all sorts of the food elements that a bee will depend on. There is also the close mowing of lawns, because clover in a lawn is a rich source of nectar, as are dandelions and thistles. I am worried about the herbicides which wipe out every bit of food that a pollinator might hope to find. Lawns made of AstroTurf are the final straw: they will not provide anything for any pollinator. So there is lots of action that the public can take. I have seen many designs of bee hotels, which are really interesting. I am looking forward to building one over the summer out of pellets, old flowerpots and so on.

When it comes to farmers, there is also much going on that we can welcome. The Crop Protection Association sent a helpful briefing on its BeeConnected scheme, which talks about how the responsible farmer or grower will be obliged to tell beekeepers when they are going to spray. That is a great step forward that will allow beekeepers to take the necessary precautions—what about the 249 other species that are not looked after by a beekeeper? They will be out and about, soaking up the pesticide. That is an issue on which I hope the Government and industry will work together and will think about.

In vineyards, which I know a bit about as I have one, pyrethrum use is allowed under the organic regime but it is actually more toxic than many of the modern

[BARONESS MILLER OF CHILTHORNE DOMER]  
mite-focused sprays. Again, organic regulations need to be looked at to make sure that they are as up to date and pollinator-friendly as possible.

Finally, I ask the Minister for some clarification about protection for local wildlife sites, which will be really important in this pollinator corridor work. Protection status was called into question under the new planning policy framework. When I asked a Question on this—HL7636—the Answer said that the Housing Minister had written to all Peers and MPs clarifying protections for local wildlife sites. Well, I have not had a letter. Perhaps other noble Lords have. Perhaps the Minister can say that he will make this letter publicly available and clarify that the Government do not intend to change planning protection for local wildlife sites.

6.58 pm

**Viscount Ridley (Con):** My Lords, like others, I congratulate my noble friend Lady Bloomfield on securing this debate and join her in paying tribute to the Hymenoptera and other pollinators. I declare my interest as the owner of a farm. Actually, this is a bit of a humble brag of a declaration because I am proud of having created, at my own expense, the largest new wildflower meadow in the north-east of England—about 50 acres. Last week it was a riot of honey bees, bumble bees, solitary bees, hoverflies and butterflies, feasting on vetch, trefoil, daisies, buttercups and other flowers. It was indeed, as the noble Baroness, Lady Miller, said, a blooming field. There you go.

Our farm and others that I know have also started creating flower-rich margins around arable fields as part of high-level stewardship schemes. That is my first point: farmers are doing a lot for pollinators these days, certainly much more than they once did. That is a huge change from 10 years ago, and one on which we can surely build.

Yet we are told that bees especially are in peril and that farmers are, at least in part, the cause of that peril. Is this true? Let us start with honey bees. Globally, there have never been more hives of honey bees; there are about 90 million in the world compared with about 60 million 50 years ago. In Europe and the UK, too, we are near to a record number of hives. There are of course continuing problems with *Varroa* mites, as the noble Lord, Lord Stevenson, said, and *Nosema* and other pests, but there is no evidence of a decline in honey bees. It is true that there was colony collapse disorder 12 years ago, mostly in the United States, but it was a brief episode and is now reckoned to have been something to do with diseases or pests, not farming.

Presumably, that is why the opponents of neonicotinoids stopped talking about honey bees a few years ago and started talking more about wild bees. But where is the evidence that any decline in wild bees is recent or related to pesticides rather than to land management and habitat change? One recent study found that wild bees declined significantly before 1990 because of agricultural intensification but that the decline has since ceased or possibly reversed. I quote from that paper:

“these negative trends became substantially less accentuated during recent decades, being partially reversed for certain taxa (e.g. bees in Great Britain and Netherlands)”.

Even the 2016 Centre for Ecology and Hydrology modelling study by Woodcock et al showed that the most prolific crop pollinators among wild bees, which are the bumble bees, are not declining and some are increasing.

I am sure the Minister is aware of an important study published in *Nature* in 2015 that was conducted by 58 researchers across five continents. It found that, “the species that are the dominant crop pollinators are the most widespread and abundant species in agricultural landscapes in general”.

It found that only about 2% of wild bee species are responsible for 80% of the crop pollination performed by wild bees. These are of course the wild bees that would come most into contact with neonicotinoid pesticides, yet the study finds that these 2% of species are actually ones that are thriving. Is the Minister also aware that leaf-cutter bees, which should be especially vulnerable to neonics because they eat leaves and because they are non-social, are thriving in neonic-treated canola fields in North America? Indeed they are used as commercial pollinators in western Canada.

I turn to the neonicotinoid issue. Neonicotinoids can kill bees; of course they can. They are insecticides—the clue is in the name—so lab studies showing that they can kill or harm bees are beside the point. Every farming system, as the noble Baroness, Lady Miller, said, uses pesticides, even organic systems—neem oil, nicotine, spinosad, pyrethrin and copper sulphate are all used on organic farms. So it is a question of which insecticides do the least harm to non-target insects such as bees. Here, as the noble Baroness, Lady Bloomfield, said, neonicotinoids have one advantage over their main alternative, pyrethroids: they are almost always used as seed dressings, not sprays, so only an insect that eats the plant gets poisoned. When I raised some of these points with an official from Defra, I was told that the persistence of neonics in the soil is a new worry that we have to take into account. However, I have researched the literature and can find no evidence to support that point, so I would be grateful if the Minister could enlighten me on it. Is he also aware that some 18 major field studies and nine review articles published over 10 years have overwhelmingly shown that under realistic conditions neonicotinoids have no effect on honey bees at the hive level, and that the EU’s bee guidance document was effectively constructed so that tier 3 field studies, which show no negative effects at the hive level, have been discounted or dismissed?

On my own farm we stopped using insecticide sprays almost entirely after the introduction of neonicotinoid seed dressings. We also stopped using slug pellets because, again, neonics are good for protection against slugs. We may now have to go back to using both to prevent slug damage and to prevent barley yellow dwarf virus, which is spread by aphids. If so, we will be using pyrethroids, which are probably worse. Even the French Agency for Food, Environmental and Occupational Health & Safety—ANSES—says that of the 130 uses for neonics, 89% will be replaced by other pesticides, often pyrethroids. It said that it,

“has not been possible to identify substances or families of chemical substances that generally have a less unfavourable risk profile than neonicotinoids”.

In other words, the replacements will all be worse than the environment. So please will my noble friend the Minister promise that a proper unbiased study is done to check whether the ban on neonics makes things better or worse for bees? As the noble Baroness, Lady Miller, said, we just do not know the answer to that.

Of course, the environmental movement would prefer that we used fewer insecticides altogether—and so would I—so why on earth does it still oppose the introduction of genetically modified crops? That is the one proven way in which to farm with fewer insecticides and still produce competitive yields. Twenty-five years of increasing GMO use all around the world has shown that they unambiguously and undeniably reduce insecticide use. Wherever the Bt GMO technology has been applied, in maize, cotton, soybean and canola, it results in less insecticide use. We now know that we made a huge mistake in listening to the greens on this issue; they shot themselves and us in the foot. Had we developed insect-resistant GMO wheat, by now we would be using far fewer insecticides in the British countryside. Why are not the Government saying that out loud? Why is not Buglife saying it out loud? Why is not the organic movement saying this?

Since others have done so, I end with a little bee story. I was sitting on a river bank about a month ago and noticed that there was a very big colony of solitary mining bees digging holes in the bank. I lay down and watched them for a happy hour in the sunshine; then I noticed that there were also some very pretty little wasps hanging around—like ordinary wasps, except smaller and with red legs and red antennae. They were not digging their own holes but just hanging around the mining bee holes. I went back and looked them up and found that it was not a wasp but a bee called the nomad cuckoo bee. It sneaks in when the mining bee is not looking and lays an egg which eats the mining bee baby and then takes over the hole. I do not know what lesson I am drawing from that for your Lordships' House—none, I hope.

7.06 pm

**Lord Marland (Con):** My Lords, I must confess that a smile plays on my lips as we are about to enjoy this debate with Brexit raging around our ears, and we discuss the most calming and generous of insects. I congratulate my noble friend on tabling the debate. It is also appropriate that we should be discussing this in National Insect Week, which was opened yesterday by the Royal Horticultural Society. So well done to my noble friend—very good timing and top of the class, as you always were at school, of course.

Over the last 10 years or more, I have been a keen but not always diligent beekeeper. As someone who is not noted for his patience, beekeeping is for me a life lesson in how to control one's impatience and intolerance. Some people say that my best look is when I am behind the visor of my beekeeping unit. It all started when I suffered from hay fever and was told that, if you eat your own honey, you do not suffer any more. How true that was—it immediately vanished when I produced my first crop. I am a proud garden owner and part-time gardener, and the work of bees and cross-pollination of my plants has had a splendid effect on my garden, for which I appreciate their presence.

For those of us at the moment who are, shall we say, tense with Brexit, what a marvellous life example bees and their colonies give to us. Their hierarchy is somewhat awesome—and the discipline of their roles and the energy and productivity of these insects is quite remarkable, whether it is the solitary bee, like the bumble bee, or those that form colonies, whether they be masonry bees, of which I have many, or the common honey bee. For the honey bee, what a life it is. The drone is basically a lazy man who, for a short period, impregnates the queen and sits back with the equivalent of a big cigar and a deckchair and lets the women do the rest of the work. The worker bees are, of course, infertile. They create the hives and make the honey. Twice a year, if I am lucky, I can take honey off my hive; I hope to do it this Friday. I will put it into my new electric spinner—the lesson is always have an electric spinner—and the fruits of my labour, and theirs, will be satisfied.

As noble Lords across the Chamber have enunciated so beautifully, it is not as easy as it seems. It has been a struggle for these great insects. My own hives have suffered from Varroa mites and were reduced from five to two. Happily, we are now back up to three. The problem of pesticides from neighbouring farmers has been mentioned. My noble friend Lord Ryder told me, as I came into the Chamber earlier today, that he had found 24 bumble bee nests in his neighbourhood destroyed by the badger. If you live in the countryside, those are the perils for the bee.

I am happy to see that the population, including mine, is on the increase again. I look forward to hearing what the Minister has to say about preservation and the Government's plans for helping us humble beekeepers to create the most beautiful and delicious product.

7.11 pm

**Viscount Falkland (CB):** I also thank the noble Baroness, Lady Bloomfield, for the opportunity to speak on the wonderful subject of bees. I came across her by chance in the Tea Room and she said she was going to speak on this subject. I was particularly upset that day by some acerbic remarks in a Brexit debate and I thought this would be a gentle outing. I then suddenly realised that I did not know much about bees. I am afraid I have been rather a bore to my friends, and people who are not necessarily my friends, by stopping everybody and asking, "What do you know about bees?" I went to one or two authoritative sources. My former noble friend Lord Taverne introduced me to the head of the staff who look after insects at the Natural History Museum. He started our conversation off with the rather alarmist term—I think it is American—"colony collapse disorder", which made me rather nervous.

I was also nervous about, but looking forward to hearing, the speech by the noble Viscount, Lord Ridley. I was rather fearing it. I do not know why—perhaps I had been listening to the wrong people. Yet I was vastly reassured by it; it dispelled a lot of my fears. I was in my club today and sat next to a young man whose father I know. He has recently come from Nottingham University, from where he has a very good degree in biology. I asked him, like I ask everybody:

[VISCOUNT FALKLAND]

“What do you know about bees”? He said that he had learned, either at university or not, the alarming fact that the human race could survive a kind of Armageddon of bees for 50 years—the noble Baroness mentioned that. He added that there had been an article on this subject in *Science Today* some time ago which said that the world would then be a better place for non-humans, because we are the biggest polluters. That is an interesting thought.

I am a great honey eater. I eat it in the morning with a bit of turmeric. For those who have not heard of that fine spice, it is excellent with honey and porridge. The noble Lord, Lord Marland, alluded to the health properties of honey, particularly that grown in one’s vicinity. I understand that there is a reason why that is better for health—if you can get it—than relying on honey bought in a shop. I was convinced by an article written some years ago by Rose Prince, the excellent food writer in the *Daily Telegraph*. She wrote very informatively about honey and bees. I wish somebody else would do something similar now, so that people can have some of their fears allayed, like I have today, and learn about the health effects of honey.

I am told that the throat in particular is an area of the body which, if you have problems, is improved with honey. However, it should be crystallised honey. I understand that in crystallised honey the water content is reduced, but that is something you can do yourself—you can also buy it, but it will be more expensive because it has been done for you. Then, all that you do, rather than put it into your cocoa at night, is take a lump of the crystallised honey and put it in your throat and swill it around a bit, and your throat discomfort is gone, I am told. So I have learnt a great deal—I do not suppose many people will learn a great deal from my speech—and I am very glad to be able to speak in the debate today.

Initially, my major interest in the bee was from having been an arts spokesman in the House who is still rather keen on the arts. The bee is an astonishing creature, in that over centuries it has caught the imagination of rulers and others. One thinks of Napoleon, who chose the bee as his emblem because he thought that Charlemagne, who was his great guide before he became the emperor that he did, had a great fixation with the bee. Napoleon did not understand the image; it was in fact the cicada that Charlemagne had.

Actually, if you look up bees on your computer or iPad, you can get the most wonderful definitions in works of art and so forth. One of the most remarkable escutcheons is that of the Barberini family, one of whom became Pope Urban VIII. Although he was always at war with Galileo, he was nevertheless a force for good. The Barberini family, who were Tuscan by origin, became part of baroque Rome, and there were many reproductions, in carvings and so on, of the honey bee. The honey bee lends itself to gilding, particularly in the baroque world, because it has a remarkable shape, with remarkable eyes. It was also taken up by many others—in ancient Greece, and also in ancient Egypt I understand, there was the same fascination with the shape and the nature of the bee in terms of creating images.

Having said that, I do not think that I have anything very informative to say, other than to thank the noble Baroness for allowing me to spout on like this, which I rarely do these days—I think I am too old but, since I can ride a motorbike, surely I can get up in the House and talk about something from time to time.

**Noble Lords:** Hear, hear!

**Viscount Falkland:** I am very cheered by the reception that I got there—whether it was honest or not, or just good banter, I do not know. I am very much for banter, particularly since the House was advised to discourage banter among the staff. I actually rang up the company involved, which had been consulted at great cost, which said that banter must be discouraged. Mainly—I do not know why I have gone on this bifurcation of subject—it is discouraged “Not because of what you say in your banter, but because of what people may overhear and understand from it”. Apparently, that is why the staff are not supposed to banter. I encourage them to banter, because I think they are happier in doing their work and we have a wonderful staff.

Having said that, I would just like to say thank you very much for giving me the chance to speak briefly on this subject. I have really enjoyed it, and I will come back at future dinner break debates.

7.20 pm

**Lord Framlingham (Con):** My Lords, it is a great pleasure to follow the noble Viscount, Lord Falkland. I thoroughly enjoyed his speech, which widened our debate hugely. We are all learning so much this afternoon. I am trying to work out which is the better image of him: eating his honey or riding his motorbike. It was a tremendous contribution.

I, too, compliment the noble Baroness, Lady Bloomfield, on tabling this debate. Again, I learned an awful lot from her. I think she will learn a little from me, but I learned an awful lot from her. I am now anxious about *rhododendron ponticum*, which I fear I have quite a bit of as well. Hers was a comprehensive coverage of the topic and set the scene wonderfully well for the debate today. If the noble Lord, Lord Stevenson, is looking for a swarm, he knows the old adage: a swarm of bees in June is worth a silver spoon, but a swarm of bees in July is not worth a fly—so he will have to get cracking if he is to get his swarm organised.

I cannot tell you what joy I found as a schoolboy in simply understanding and marvelling at the life history of *Apis mellifera*, the honey bee. It was explained to me just once in great detail. I was immediately enthralled and have never forgotten it. The role of workers, drones and queens, the mystery that is royal jelly, and how workers run the hive, find their food and communicate with each other is all quite magical.

This leads to the crucial part they play in our lives: for the most part unnoticed and unheralded. Without their pollinating efforts, our fruit and vegetable production, which has been touched on several times today, would be devastated and our world would be a very different and darker place.

Our bees are constantly under threat, and it is vital that we do all we can to make everyone aware of their importance and vulnerability, in both countryside

and town. I commend all the organisations such as Buglife, which has already been mentioned, involved in this work.

Although there has been an overall decline in different kinds of bees over the past 50 years, recent trends in our managed population are better. The Varroa mite did terrible damage to our hives in the 1990s, but now the number of hives and the number of colonies is significantly increasing. I commend the Government on their positive approach to this issue. Both the present Secretary of State and our Minister are showing real understanding, concern and readiness to act.

I particularly commend the Government's national pollination strategy, which brings together all those people and organisations able to influence the landscape and habitats, which are so precious. I am also glad that we will be tougher on the use of neonicotinoids—although, after the contribution of the noble Viscount, Lord Ridley, I am a little wiser and will give it some more thought. But I am sure it is right to be tougher on them and I firmly believe in the precautionary principle.

The noble Baroness, Lady Miller, mentioned a campaign called BeeConnected, run by the Voluntary Initiative, which in turn is funded by the agricultural sector. Time does not allow me to elaborate, but, put simply, it is a system that allows crop sprayers automatically to notify beekeepers that spraying will take place where they have hives to allow them to take appropriate action. To me, that sounds very sensible.

We must be—and I know that the Government are—ever alert to the threat of invasion by dangerous species. In trees, we keep a wary eye on *Xyllella fastidiosa* and the emerald ash borer, which threaten our shores. We have already had an incursion by the Asian hornet, which eats bees. Fortunately, so far, it has been kept at bay.

I end, therefore, as someone who loves both trees and bees, by telling your Lordships that the tree bumblebee, which has the wonderful Latin name *Bombus hypnorum*, has arrived here under its own steam and has spread quite rapidly. It does not appear to be damaging any of our native bee population, and it is a very effective pollinator—so, as far as I am concerned, it is very welcome.

7.25 pm

**Lord Robathan (Con):** My Lords, I rise to speak in the gap and shall be very short, perforce, not least because I have been threatened with pain of death by my Front Bench. I apologise for speaking in the gap; it is only because I am so hopelessly inefficient. I lost my password for the Whips website, which I needed to put my name down for this debate, took part in the debate yesterday and voted, and then arrived 30 seconds after 6 pm, when they had closed the speakers list for today. I declare an interest in that I have a diverse, small mixed farm in south Leicestershire, and I will talk about my experience. I do not want to be self-congratulatory, but it paints a relatively good picture of what can be done if one cares about the environment.

When I was at school, some 50 years ago, I had a hive of bees. I was scared of them and I was a hopeless beekeeper, and the result was that they all died, so

I did not think that I would try that one again. But I now have six hives, I think—the number varies a bit—on my farm, which are kept by a local retired GP. He says that it is the best place he has hives, and he has them scattered around south Leicestershire. I also have bumble bees—humble bees—masonry bees and solitary bees in abundance. Do not ask me about species, because I am not an expert, but there are stacks of them: all sorts of different types buzz around. As a result, we also have a lot of insects, which means that we have fantastic birdlife. We have a lot of swallows at the moment and—something which particularly pleases me—a pair of curlews, which I think may have chicks in a hayfield, because they were bombing me and calling at me last weekend.

The question I wish to put is: why is this? The reason is that we have a very diverse habitat—it is a mixed farm. We have some maize and winter wheat at the moment, and we also have largely grass. I planted stacks of trees and hedges—courtesy, I might say, of the British taxpayer via the CAP, and agri-environment schemes. I congratulate this and other Governments and, indeed, the European Union, on their encouragement of agri-environment schemes, because that has enabled me to plant trees and hedges. I also go round on fallow—which used to be called set-aside—scattering wildflower seeds like they are going out of fashion. I am delighted to say that, after about a decade, I have established good cowslip populations all the way down the drive. My children laugh at me, but I am thrilled about it. The reason I am able to do it is because of the Countryside Stewardship Scheme and the HLS, in which I now find myself. My reason for saying this is that we need to realise that it is not all gloom and doom. There are lots of bees, and we can make productive farmland environmentally friendly and good for conservation. That is my message today.

Before I sit down, after my four minutes, with regard to neonics, of course we should reduce pesticides and herbicides—that is sensible. Farmers want to do that, because it is rather expensive to use herbicides and pesticides. I am not sure that neonics are not better than the alternative. My neighbour has a huge field of rape on the other side of our stream, which has certainly been treated in the past with neonics, and yet the bees flourish. We should rely on empirical evidence rather than emotion in this case. Finally, nitrate fertilisers have to a large extent reduced the diversity in our grassland and our fields. We should look at reducing their use, because I can see that where people have used nitrate fertilisers there are no longer the wildflowers that I spend my life trying to encourage.

7.28 pm

**Baroness Walmsley (LD):** My Lords, I congratulate the noble Baroness, Lady Bloomfield, on the debate, and I particularly enjoyed her stories about bees. I point out to her that lime pollen makes bees drunk, so they die happy, and that once a swarm is out of sight of the person whose hive it came from, if you can collect it, it is yours, and you can decide where to put it. I have benefited from that, because my gardener found one in someone else's garden and brought it to me; they did not want it anyway. I too am a beekeeper,

[BARONESS WALMSLEY]

and I keep Welsh Black bees, not Buckfast bees. They came and squatted in an empty hive. I am very pleased with them because they are very strong.

It has been lovely to hear stories from fellow beekeepers. The noble Lord, Lord Stevenson of Balmacara, should get a new bee suit. If he is being stung so often, it obviously has holes in it. The noble Viscount, Lord Falkland, was right about hay fever—the noble Lord, Lord Marland, mentioned it as well—but the honey must be raw and not overfiltered or heat-treated, so that you get the pollen from your local garden. It certainly works for me as well. By the way, I am very jealous of the noble Lord, Lord Marland, and his electric honey extractor. I am afraid that I have the manual kind. When it is time to harvest my honey, I have to call on the strong right arm of my husband, my noble friend Lord Thomas of Gresford. I think that he will be wondering whether I am going to raid the family coffers and buy an electric extractor. His strong right arm would certainly be grateful.

As a beekeeper, I am well aware of the need to conserve all our important pollinators as well as our honey bees and wild bees, many species of which are endangered. The mouth parts of different insect species are adapted to reach the nectar in different-shaped flowers, so we need the whole range of insects to pollinate our crops. I am afraid that wind will not cut it because of the shape of the flowers.

I must congratulate the noble Viscount, Lord Ridley, on his species-rich wildflower meadow and the noble Lord, Lord Robathan, on his cowslips, because they are important. I want to mention the many groups of volunteer gardeners such as my daughter and her colleagues in Altrincham in Bloom, who, with permission, have sown species-rich beds of wildflowers and other flowering plants in public places in the town. These have provided not only beauty for residents but a corridor of forage for a wide variety of bees and other pollinators. Such voluntary activity is to be encouraged and not discouraged, as happens when council workmen strim down the lot. I hope that most local authorities will encourage and co-operate with this sort of voluntary group who give so much of their time in the interests of our pollinators. It is also important that verges of major roads and motorways are left to flower and not strimmed to within an inch of their lives at the earliest opportunity. Does the Department for Transport have a policy on this?

Gardeners can play their part. As a keen gardener myself, I have a wide variety of plants in my garden. In fact, it has often been commented that I have less of a garden and more of a plant collection, but a wide variety of plants is important because of the need for a wide variety of pollinators.

Of course, beekeepers make a big contribution to pollination by protecting honey bees. Beekeeping is an excellent hobby, combining biology, physiology, history, horticulture and pharmacy. However, it is a big commitment and there is a great deal to learn. I have made some terrible mistakes in the past, from which I hope I have learned. It makes sense for new beekeepers to join local beekeeping associations and make use of the courses they offer and the advice so freely given.

I am very grateful to my own bee mentors, Lloyd Roberts and Dell Hannaby. Does Defra provide supportive funding for these groups that are so valuable, particularly to new beekeepers?

Bee inspectors provided by the National Bee Unit are important, too, because they check the health of bees and help prevent the spread of disease. They also give good advice, as I can testify. It is sad to see that Defra, which runs the NBU at arm's length, is not replacing bee inspectors. I heard recently from a bee inspector in Wiltshire that when he retires at the end of this year Wiltshire may not have an inspector. This is very dangerous for the health of bees in the county—we have heard all about the various diseases that are rampant. Can the Minister tell me whether this situation is happening in other areas of the country and what, if anything, is being done to replace these valuable officers?

One of the biggest hazards for bee colonies is the use of certain pesticides. The Government's code of practice, which is due to be updated shortly—perhaps the Minister can tell us when—states that certain pesticides which may harm bees will be labelled as “harmful” or “high risk”. The person responsible for a spray operation is obliged to tell local beekeepers, or the British Beekeepers Association's local spray liaison officer, 48 hours before the use of an insecticide at certain times of the year, giving beekeepers time to take the necessary precautions. The SLOs act as go-betweens, informing beekeepers when the farmer is going to spray.

However, this process has not always been effective, so a new initiative, which has already been mentioned by two noble Lords, has been set up by responsible farmers and growers. It is called BeeConnected and aims to help reduce pollinator exposure to insecticides by alerting beekeepers electronically before spraying. As my noble friend Lady Miller mentioned, BeeConnected has been developed in conjunction with the BBKA to replace the need for SLOs and instead inform beekeepers directly. It is a simple process whereby the person responsible for the spraying registers on the website and identifies the fields using Google Maps. The system automatically informs local beekeepers when someone intends to spray a particular field. Beekeepers who have plotted the location of their hives on the system will then receive a notification ahead of a spray event. This is an excellent initiative, and I intend to go on the website and register my hives.

Such initiatives are important in the light of the risk to bees if we exit the EU and are no longer bound by the ban on neonics and other substances, unless the Government take similar action. Can the Minister assure us that the Government will continue to protect our pollinators if, unfortunately, we leave the EU?

Finally, the noble Viscount, Lord Ridley, made a point about how crop-pollinating insects are thriving. If we grow more crops to feed the world's growing population, it occurs to me that we are providing more food for their pollinators, so I am not surprised that they are thriving. I wonder whether the noble Viscount agrees. I look forward to the Minister's response.

7.37 pm

**Baroness Jones of Whitchurch (Lab):** My Lords, I am very grateful to the noble Baroness, Lady Bloomfield, for giving us the opportunity to debate this issue and to all noble Lords who have contributed their considerable expertise and understanding. Like many other noble Lords, I have learned an enormous amount from listening to this debate. It seems to me that in this Chamber we are doing more than our fair share to nurture the habitats and the hives of our insect population.

It feels as if policymakers are having to relearn the importance of biodiversity and ecodependence, which was known instinctively to previous generations of our forebears, who would probably have known that rhododendrons were poisonous and other things that we are having to learn again, but so be it. Nevertheless, the reality is beginning to sink in. Defra's research tells us what we can see for ourselves: that the number of insects in our fields and gardens is dropping, and that that decline includes the rather crucial pollinators. As noble Lords have said, there are a number of reasons for this decline. Disease, habitat loss, climate change and pesticides have all played their part.

Noble Lords have described the fantastic communication and navigation systems that bees have, but a simple change in a habitat can disrupt a bee's memory and route finders and prevent it reaching sources of pollen. Very simple things in the ways bees operate can make an enormous difference to their effectiveness. This matters not just for those of us who care about the environment, but because the vast majority of food grown for consumption worldwide is pollinated by bees and other insects and we are rather reliant on them.

First, I pay tribute to the work that Defra is doing to raise awareness of this issue and to put policies in place to tackle the problems. For example, we very much welcome the Government's announcement of a total ban on neonicotinoids. That has been our party's policy for some time. We know that when neonicotinoids are used on one crop, residues of the pesticide can be found right across the wider habitat and can remain in the soil for many years. It is our belief that they have undoubtedly contributed to the decline in insect colonies.

Does the Minister recognise that more needs to be done to address the damage caused by pesticides? The fact is that non-neonicotinoid pesticides can cause just as much harm. A much more fundamental review of their use is needed—a point made by the noble Baroness, Lady Miller. I agree with the noble Viscount, Lord Ridley, that we should always follow the science on this. That is why we need to make sure that our knowledge is as up to date as possible so as to apply the latest scientific information. With that in mind, I echo the question asked by the noble Baroness, Lady Walmsley: what has happened to the review of the *UK National Action Plan for the Sustainable Use of Pesticides*, which George Eustice promised would take place in the first half of 2018? Try as I might, I cannot find any evidence of it, but I am sure that the Minister can put me straight on that.

Secondly, when I looked again at the 25-year environment plan, I was disappointed that there was only a passing reference to bees and pollinators. That is not to say that the Government are not taking the

matter seriously but it would be good to see some more joined-up policy development in that area.

I hope that the Minister will agree that in future we should move away from chemical-intensive farming and focus our research on less damaging ways of tackling persistent weeds and pests. We should aim to work with and not against nature's inherent defences. Whoever commented that pesticides are quite expensive made a very good point. If we can only harness nature's own defences and the benefits of inherent ecodeiversity, we will be all the better for it.

Thirdly, interestingly, a 2016 study in Germany found that bumble-bee abundance and the pollination of wild flowers were higher in urban than in rural areas. Is the Minister able to say whether that is also the case in the UK? If it is, on the one hand it tells an alarming story about what is happening in the countryside, but, on the other, does it not also underline the importance of involving urban gardeners and public authorities in maintaining and cherishing our insect population in urban areas? This is where there is a need for better cross-government thinking on the issue.

The point was made that local authorities can play their part in sowing grass verges and parks with wild flower seeds. I take the point made by the noble Baroness, Lady Walmsley, that volunteers, not just local authorities, can play their part in that. The noble Baroness, Lady Bloomfield, mentioned B-Lines. Plymouth City Council, for example, has taken that idea further and created city-wide bee corridors. The development of those sorts of activities should be welcomed.

Transport authorities also have to play their part. Network Rail needs to recognise its responsibility to maintain biodiversity on its land. So much more could be done to encourage the planting of wild flowers and pollinators on motorway verges, instead of the sterile scrubland that we so often have to tolerate. The Department for International Trade needs to fully understand its responsibility not to facilitate trade with countries that contaminate our food and our pollinators with the use of pesticides which are banned in the EU. How far are these cross-departmental discussions going to ensure that all departments, not just Defra, take the threat to our food supply and our biodiversity seriously?

Finally, on a more upbeat note, I pay tribute to the army of beekeepers in the UK. I take the point made by my noble friend Lord Stevenson that "beekeeper" is probably a misnomer to describe dealing with what is essentially a very independent and untameable species. Nevertheless, the volunteers who keep bees play a very important part in helping biodiversity. Their numbers have doubled in five years, with nearly 130,000 colonies registered in the National Bee Unit's database, which is to be welcomed. As noble Lords have said, the quality of their honey and their individual flavours is one more reminder of our rich biodiverse heritage, which we squander at our peril. The noble Lord, Lord Marland, made the point that beekeeping, in addition to making a huge contribution, also helps their own sanity.

Will the Minister take this opportunity to say what more his department is doing to support the beekeepers so that wild and honey bees can both play their part in sustaining our unique but dwindling ecosystem for the future?

7.45 pm

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, my noble friend Lady Bloomfield is undoubtedly to be congratulated—as your Lordships have done—on securing this debate which, as ever, has been enriched by your Lordships’ own experiences. I agree with the noble Viscount, Lord Falkland. Many of us here come to this afresh and have learned a great deal, whether it is through references to literature, history, politics, architecture or health. In particular, I shall take away the practical advice of my noble friend Lord Marland and the noble Baroness, Lady Walmsley, with her Welsh blacks—which I always thought were cattle until this evening—and the noble Lord, Lord Stevenson of Balmacara.

The well-being of bees and other pollinators has been in the public consciousness a great deal over the last few years. People value bees and other pollinators in their own right but they are also vital for the growth of our wildflowers and our crops. I was struck by what the noble Baroness, Lady Miller, and my noble friend Lady Bloomfield said about the 1,500 species of pollinators’ annual contribution to UK oil seed, fruit and vegetable crop production, which is, to my understanding, valued at up to £700 million a year.

For many reasons, protecting bees and pollinators is a priority for this Government, and I particularly welcome the generous remarks made by the noble Baroness, Lady Jones of Whitchurch, and my noble friend Lord Framlingham about the national pollinator strategy and the wider biodiversity strategy. I, in turn, commend the more than 30 members of our Pollinator Advisory Steering Group—representing conservation groups, farmers, beekeepers and researchers—for their supreme efforts and expertise in helping us to deliver the strategy’s successes thus far.

The noble Baroness, Lady Miller, referred a great deal to research in her speech and we are fortunate that outstanding scientists help us monitor our collective efforts, including the Pollinator Monitoring and Research Partnership of academics and NGOs which Defra has helped to establish.

My noble friend Lord Ridley and the noble Baroness Lady Miller referred to the numbers. My understanding from the Government’s own indicators is that the confirmed long-term decline in the abundance and distribution of pollinating insects at a national scale has stabilised in recent years. However, we are clearly determined to continue working to see ever more positive results. Local level data collected by volunteers is also available, supported by public bodies, including the Joint Nature Conservation Committee and the research councils.

A number of your Lordships, including my noble friend Lady Bloomfield and the noble Lord, Lord Stevenson, referred to our 25-year environment plan setting a goal to create or restore 500,000 hectares of wildlife-rich habitat outside the protected site network. What we have heard from my noble friends Lord Ridley and Lord Robathan is an example of two noble Lords giving a personal lead in this matter. Government research shows that increases in pollinator numbers and diversity follow such increases in habitat.

The noble Baroness, Lady Jones of Whitchurch, rightly asked whether the Government are playing their part—an important point, given the considerable land holdings in the public estate. In 2016 the Ministry of Justice created more than 20 hectares of wildflower meadow, and now manages more than 50 sites with native habitats for pollinators. The Ministry of Defence has established areas for pollinators to thrive, collaborating with organisations that include Plantlife, National Parks, the Wildlife Trust and indeed its tenant farmers. These are but two of a range of areas and it is very important that the Government are joined up and that we collaborate as one in a common purpose.

My noble friend Lord Robathan raised the particular issue of agri-environment schemes. Since 2011, these schemes have played a huge role in helping landowners already to establish more than 100,000 hectares of land for restoration to flower-rich habitat. The Countryside Stewardship scheme is often woven into partnership initiatives such as Buglife’s B-Lines, referred to by my noble friend Lady Bloomfield, as well as through farmer clusters, which have been developed by the Game and Wildlife Conservation Trust with support from Natural England for farmers, landowners, managers and foresters to help develop shared plans for nature. For example, at Martin Down National Nature Reserve, 36 farmers have linked grassland habitats so successfully that since 2016, three new colonies of the scarce small blue butterfly have been established. The Bumblebee Conservation Trust, through working to reintroduce the short-haired bumblebee, has created more than 1,300 flower-rich hectares and has already seen other bumblebee species arriving on site which have not been seen for 40 years. Defra’s “Health and Harmony” consultation on agricultural policy gives us the opportunity to explore how farmers can continue to benefit pollinators and wider biodiversity, and of course contribute to successful food production.

I turn now to honey bees. We are protecting honey bees through the Healthy Bees Plan and the National Bee Unit. The noble Baroness, Lady Walmsley, my noble friend Lord Marland and the noble Lord, Lord Stevenson—the beekeepers of this House—stressed the importance of education. The educational output of the National Bee Unit last year increased to 190 courses, benefiting 9,000 beekeepers. It is aided by partnerships with the British Beekeepers’ Association, the national diploma in beekeeping and the Bee Farmers Association, to whose apprenticeship scheme Defra last year gave around £20,000. The beekeepers of the House may be particularly interested in that. Having sampled it, I can thoroughly recommend what is known as “noble House honey” from the two beehives just along the way here.

I should have said in response to points made by the noble Baroness, Lady Miller, about habitat that, in line with the Housing Minister’s May statement, there is absolutely no intention of watering down wildlife protections. The NPPF is out for consultation and before it is finalised, we will make sure that the protection of local wildlife sites is crystal clear. Defra officials continue to work closely with MHCLG to address the issue, and of course we will share the letter not only with the noble Baroness, but with all noble Lords who have spoken in the debate.

Perhaps I may make a number of points in response to the noble Lord, Lord Stevenson, on NBU inspections. These are important in helping us to manage pests like the Varroa mite, keep endemic diseases like foulbrood at low levels, and ensure that exotic pests such as the small hive beetle are absent from the United Kingdom.

My noble friend Lord Framlingham quite rightly raised the issue of the Asian hornet. It is an insect for which I have zero tolerance. It requires constant vigilance, immediate containment action and public engagement via the Asian Hornet Watch app. We are absolutely fully seized of the threat of the Asian hornet. There is every opportunity to raise awareness, for example through important collaboration with beekeepers and the app. A number of people have reported their concerns about Asian hornets—thankfully, almost all of them were not Asian hornets—but that collaboration will help us to ensure that we keep Asian hornets at bay and ensure biosecurity at all times.

Many of your Lordships have expressed opinions about pesticides. I thought that my noble friend Lord Ridley would express the views he had. I want to say, candidly, that as far as pesticides, which include insecticides, are concerned, the Government will always base their decisions on the best scientific evidence available. I say to the noble Baronesses, Lady Walmsley and Lady Jones of Whitchurch, that we will draw advice from the Health and Safety Executive and the UK Expert Committee on Pesticides.

My noble friend Lady Bloomfield cited a report by the European Commission Joint Research Centre. To my understanding, the report was published in August last year in the peer-reviewed journal *Pest Management Studies*. The report looked at a small number of sites and crops in Europe and spoke about the increased use of pyrethroids and changes to cultural practices, such as sowing densities or seed-bed preparations. It is worth noting that increases in pyrethroid use have not

been detected in national pesticide usage surveys in England. Again, pyrethroids are subject to rigorous regulation and authorised for use only where scientific assessment finds no unacceptable effects on the environment. However, I agree with my noble friend Lord Ridley that we should continue to monitor the consequences of the neonicotinoid ban and help farmers to adapt. I could say much more but it is not possible with the time I have. We will always base our decisions on the scientific evidence that we receive from our expert committee.

With the time I have left, I want to say that Defra's annual "Bees' Needs" campaign encourages us all to provide food and a home for pollinators. I will ensure that all noble Lords receive further information on it. This year, with immense gratitude to Shaftesbury plc, London's Carnaby Street—part of Shaftesbury's Carnaby urban wildlife haven—will be renamed "Carnabee Street" from 9 to 15 July. I hope to encourage your Lordships to be part of that. Importantly, we will also celebrate the next generation of pollinator protectors such as Saint Alban's CE Primary School and its "Pollinator Promise", which asks people to dedicate a square-metre plot to grow plants for pollinators. So far, pupils, parents, neighbours, churches, companies, civil servants and this Minister have signed up.

I very much hope that the message in this exceptional debate from your Lordships, whether from experience of being stung or otherwise, is an example of what pollinators bring to us. I will answer in full the many questions that I have not attended to because of the time limit, because it is important that this is carried forward. Pollinators are an essential part of the ecosystem; they are also essential for food production. I cannot think of a better cause to unite us than this matter. I thank my noble friend Lady Bloomfield for gathering us together in such harmony.

*House adjourned at 7.59 pm.*





**Volume 791**  
**No. 155**

**Tuesday**  
**19 June 2018**

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**CONTENTS**

**Tuesday 19 June 2018**

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