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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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

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House of Lords

Thursday 31 October 2019

11 am

Prayers—read by the Lord Bishop of Durham.

Extinction Rebellion

Question

11.06 am

Asked by *Lord Dubs*

To ask Her Majesty's Government what is their response to the demands of Extinction Rebellion.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, the UK is taking world-leading action on climate change informed by independent expert advice provided by the Committee on Climate Change and other bodies. This ensures that decisions such as legislating for net zero by 2050 are based on robust scientific analysis. Climate change is an emotive issue, but a cross-community consensus will be required to ensure a transition that works for all.

Lord Dubs (Lab): My Lords, is the Minister aware that many organisations are saying that a target date of 2050 is far too far away, that we should be treating this as a major emergency and, at most, 2030 should be the target date? There is going to be a catastrophe. We cannot leave it to the next generation to deal with the mess that we have left them. Surely, we have to deal with this more urgently. We are sleep-walking into a terrible crisis.

Lord Duncan of Springbank: We are the only economy to have legislated for net zero by 2050. We have done so on the basis of science from a committee that is independent of thought. The important thing to recognise is that we as a nation are responsible for only 1.2% of global emissions; China alone is responsible for 30%. We have doubled our climate finance to address where the serious problem lies, which is indeed beyond our shores.

Lord Stevenson of Balmacara (Lab): My Lords, one of the key objectives of Extinction Rebellion's recent activities in London was to close down Westminster. Does the Minister agree that recent moves by the Government to achieve exactly that end suggest some sort of membership of the group's committee at a high level, perhaps the highest level? More seriously, how can the Government continue to support fracking while simultaneously preparing for the elimination of fossil fuels in their entirety by 2050?

Lord Duncan of Springbank: It is important to recognise that, in the US, gas has been a bridge in moving towards decarbonisation. The key challenge for this globe right

now will be addressed where serious emissions take place. Extinction Rebellion has drawn attention to the issue but in a way that is not always helpful. It needs to be very careful to make sure that it brings alongside the people, because it is the people who will have to do the heavy lifting on this matter.

Viscount Ridley (Con): My Lords, does my noble friend agree with the recent report from Policy Exchange, co-authored by Richard Walton, former head of Counter Terrorism Command at the Metropolitan Police? It said that:

"Extinction Rebellion is an extremist organisation whose methods need to be confronted and challenged rather than supported and condoned".

Will he condemn, along with responsible scientists, Extinction Rebellion's falsehoods and exaggeration, which have unnecessarily frightened young people, and will he stand with the good people of Canning Town in their determination to get to work rather than indulge campaigns for permanent austerity?

Lord Duncan of Springbank: As I said a moment ago, China is responsible for one-third of global emissions. I think that if Confucius were to comment on this he would say, "To address climate change, do not glue yourself to an electric train". I do not believe the work of Extinction Rebellion in this regard has done credit to it or to the cause of emissions reduction, and I stand beside those at Canning Town who have been frustrated when trying to use public transport.

Baroness Boycott (CB): My Lords, we invented the combustion engine, but I take the Minister's point about emissions from China. But this is a climate emergency, as the noble Lord, Lord Dubs, said. Why can we not make an agreement that the next Queen's Speech, whether it is written by the current Government or another Government, will include climate consideration in all legislation, as New Zealand has done and as many other countries are doing? Just yesterday, we heard revised figures about sea level rise, and there are fires in California and droughts in South Africa which will render whole areas uninhabitable. Surely the sensible thing is to do this and then next year, at the COP in Glasgow, we can lead the world, as we should do, on how to deal with this emergency.

Lord Duncan of Springbank: To be clear, we do lead the world in this area: our legislation is world-beating. The important thing right now, on the glide path towards COP, will be several more announcements to show exactly how we can take that leadership role and encourage others to walk in our steps.

Lord Fox (LD): My Lords, the Minister was right to call this a cross-community challenge. We are going into an election, and there will be all sorts of attempts to outbid the others with different dates and different policies, but when we come back here in December decisions will have to be made that will take a great deal of money and cause an awful lot of change in our country. They can be made only if they are made across Parliament and beyond one Parliament. Does the Minister

[LORD FOX]

agree that delivering our targets on climate change needs a cross-parliamentary approach in which the Government work with all parties across Parliament?

Lord Duncan of Springbank: The important aspect is that the work we are doing is based on the work of the Committee on Climate Change. It is an independent body advising on these matters. No matter who comes in over the next decade or so, that body will be integral in ensuring that science is at the heart of our decarbonisation.

Baroness Jones of Moulsecoomb (GP): My Lords, does the Minister agree that investment in fossil fuel subsidies for fracking and a massive road-building programme will make the climate emergency worse?

Lord Duncan of Springbank: It is important to examine the words of former President Obama on unconventional hydrocarbon recovery in North America. Had America not moved in that direction, its carbon footprint would be considerably higher. We need to look at all solutions to try to take us forward, and the gas bridge is one of them.

Lord Tebbit (Con): Does my noble friend agree that this problem arises primarily because there are so many human beings on this planet? We are making the problem, not the other creatures that live on this planet. What conclusions does he draw from that?

Lord Duncan of Springbank: I am not quite sure which conclusions I can move towards. As a geologist, I note that we are now entering into a new geological period, which is known as the Anthropocene. Our influence on this world is now much more significant than we could ever have imagined.

Lord Clark of Windermere (Lab): My Lords, does the Minister accept that trees have a major role to play in combating the problem? Will he continue to pressurise his colleagues for us to plant more trees? More importantly, will he stop the willy-nilly felling of trees, bearing in mind that it takes 50 years for a tree to grow into a situation where it is absorbing carbon?

Lord Duncan of Springbank: I believe trees are an essential element of this. At COP 26, I would like to see every world leader who comes to Glasgow plant a tree. As a result, there should be a forest that stretches from Scotland through all the nations of the United Kingdom.

Baroness Benjamin (LD): My Lords, nuclear reactors are one of the biggest contributors to climate change, unlike thorium reactors. What are the Government doing to encourage the use of thorium, which is a much safer and less-polluting form of energy?

Lord Duncan of Springbank: I do not think that nuclear is one of the biggest contributors to greenhouse gas emissions, but I recognise that thorium-based nuclear

is certainly a way forward—its half-life is considerably shorter. Decoupling nuclear from the wider weapons question might well be a way forward for us all.

Brexit: Engagement with EU on Foreign Affairs *Debate*

11.14 am

Moved by Baroness Northover

To ask Her Majesty's Government what plans they have made to coordinate joint engagement on foreign affairs with European Union member states if the United Kingdom leaves the European Union.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, on leaving the European Union the UK will continue to work closely with European partners in our shared interest or to tackle common threats. The United Kingdom is strengthening bilateral relationships in Europe and globally, as well as our multilateral and small-group diplomacy. We are seeking a comprehensive and balanced security relationship with the European Union that will respect the UK's sovereignty and the EU's decision-making autonomy.

Baroness Northover (LD): Today, we were due to leave the EU, regardless of consequence, so perhaps we will have a little more time to think through the implications of this generational decision. We have maximised our position on foreign affairs through the EU. What chance is there of retaining that influence if we are not at the pre-meetings and the EU meetings, and we are not a member of the EU caucus at gatherings of multilateral organisations—for example, those that address climate change? Does the Minister really think that paying for a few hundred more civil servants across the EU and in the UK will close that gap?

Lord Ahmad of Wimbledon: On the final point, I totally disagree with the noble Baroness. It is not just a few civil servants; it is 1,000, and that is a substantial uplift. If you are going to be on the global stage, you need more diplomats, and we have brought about just that, including in the European Union. On losing influence, I remind her that we are a P5 member of the UN and a member of the G7, the G20, NATO and the OSCE. Far from receding, that provides an opportunity after we leave the European Union to continue our relationship with our European partners, to strengthen our global ambitions and aspirations, and to truly be a global Britain on the world stage.

Lord Howell of Guildford (Con): My Lords, would “co-operate” not be a better word than “co-ordinate”? After all, Britain has vast and growing interests in a rising Asia, in the Africas and in America—areas well beyond the immediate reach or interest of our neighbouring European powers. What would be the point of latching ourselves exclusively to our neighbours' foreign policy—a committee of 27 other countries—when

we have a desperate need to develop a much more effective policy in relation to Asia and Africa, where all the growth will be over the next 10 years?

Lord Ahmad of Wimbledon: I agree with my noble friend, who speaks on these matters with great insight. Of course, he is a great advocate, as am I and other noble Lords, of the growing strength of our Commonwealth network of 53 nations. I agree with him that this is about co-operation. A specific example of co-operation with our European Union partners and European colleagues after we leave the European Union will be the E3 relationship. As Minister for the UN, I can say that we have been strengthening the European voice in co-ordinated activity at the UN Security Council, acting together co-operatively, and that is a demonstration of how we will continue to work with European partners after we leave the EU. However, I agree with my noble friend that there is a huge opportunity to work with partners elsewhere.

Lord Hannay of Chiswick (CB): My Lords, can the Minister perhaps explain to the House what loss of sovereignty exists in our membership of the European Union in the parts that deal with common foreign and security policy, given that all decisions are taken by unanimity? Is that not a bit of a red herring? Does he not agree that any relationship that we negotiate for security and foreign policy co-operation really would have to be load-bearing if it is to be of any use at all and not just leave us tagging along?

Lord Ahmad of Wimbledon: I always listen carefully to the noble Lord's contributions but, on this occasion, I disagree with him. He will know from his own insights and experience that, on issues of security co-operation, the United Kingdom will continue to work with our European partners through our continued and leading membership of organisations such as the OSCE, NATO and, indeed, the UN, which will provide that security, strength and partnership.

Baroness Blackstone (Ind Lab): My Lords, I declare an interest as co-chair of the Franco-British Council. The Minister has placed a great deal of emphasis on the importance of bilateral relationships following—if I may say so—the Prime Minister's flawed hard Brexit. Can he give the House a commitment to greatly improve the support given to these bilateral organisations, including financial support? At present, it is pitiful.

Lord Ahmad of Wimbledon: On the noble Baroness's point about a hard Brexit, my right honourable friend the Prime Minister has worked to achieve a deal with our European partners, often against great criticism and against those who said that it could not be done. It is regrettable that the House of Commons did not pass that agreement. However, we are where we are, the agreement is on the table and we hope—as the Conservative Government that will emerge after the election—that we will continue to pursue that agreement with our European partners. This is about not a hard Brexit but a pragmatic relationship with our European partners. The noble Baroness makes a valuable point

about bilateral relationships. We will continue to strengthen such relationships with our European partners, and I will certainly look at her proposal to strengthen our funding in that respect.

Lord Collins of Highbury (Lab): My Lords, bilateral relationships are only one part of the picture, as the noble Lord, Lord Evans, said in a recent article on security issues and our current policy. The noble Lord, who is of course a former director-general of the security services, said that,

“the whole approach the UK has taken is one of integration between law enforcement and the national security agencies. The risk, in my view, with Brexit is that there will be differential impact on the one hand on the intelligence relationships, and on the other the law enforcement agencies”.

What is the Minister's response to that?

Lord Ahmad of Wimbledon: The noble Lord will have looked at the withdrawal agreement, which provides for continuing our security and defence relationship through the transition period; that relationship will be a primary focus after we leave the European Union. Subsequently, as we negotiate the detail of the political agreement, we will work to take note of the very points that the noble Lord, Lord Evans, raised in his article. However, given the strength of our role on the world stage—particularly through defence organisations such as NATO and security organisations such as OSCE, of which we will continue to be not just members but leading members—I am confident that many of the concerns that noble Lords are rightly raising will be addressed.

Prisons: Pregnancy Healthcare *Question*

11.22 am

Asked by **Baroness Hussein-Ece**

To ask Her Majesty's Government, following the death of a newborn baby in HMP Bronzefield, whose mother reportedly gave birth alone in a cell with no medical care, what action they are taking to ensure that vulnerable pregnant women have access to good-quality healthcare, and are safe, in prison.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, the incident at Her Majesty's Prison Bronzefield was tragic. Ongoing investigations, including by the police, mean that it is not appropriate to comment on the details. While the police investigation has primacy, we have asked the Prisons and Probation Ombudsman to conduct an overarching investigation. This distressing incident is a rare occurrence. Every step is taken for women to give birth in hospital but, for a small number, this is not possible due to the unpredictability of labour.

Baroness Hussein-Ece (LD): I thank the Minister for that Answer, although it is not satisfactory. It seems that lessons were not learned at Bronzefield Prison as there were two such incidents in the past year, one resulting in a stillbirth. Will the Minister say why, despite the Government's commitment in the female

[BARONESS HUSSEIN-ECE]

offender strategy to reduce the number of women in prison, the figures show that they are going up? Why is it that the Government—or the Prison Service—have no figures at all for how many women in prison are pregnant? Surely an urgent and immediate audit is needed to ensure that that is rectified. In addition, the Minister said that the Prison Service is responsible for pregnant women, but surely it is also responsible for their unborn children. This Victorian incident of a woman giving birth alone in a prison cell illustrates the lack of care and support for pregnant women in prison, many of whom should not even be there. Can he explain this, please?

Lord Keen of Elie: My Lords, I cannot accept all the propositions advanced by the noble Baroness. As at 3 pm on Monday, 47 women in custody were identified as being pregnant. In 2018, collection of local data identified that there were fewer than five cases in which a woman in custody had given birth in prison. Every effort is made to ensure that suitable midwifery and perinatal care is available for all women taken into custody. Indeed, the guidance document *Working with Women in Custody and the Community*, published in December 2018, includes an entire section on caring for perinatal women in prison. This was a most unfortunate incident. As I say, it is not appropriate for me to go into the detail of the incident, given that there is an ongoing police inquiry, but I can assure the noble Baroness that, apart from the guidance I have just referred to, the National Prison Healthcare Board has a principle of equivalence of care for prison healthcare in England to ensure that the same standard of perinatal care should be available to those in custody as to those in the community.

Lord Beecham (Lab): My Lords, we have a situation where 600 pregnant women are confined. While this raises questions about sentencing, it surely also underlines the need for those in charge of women's prisons to provide proper care. There are 11 investigations currently under way. Given the shocking failure of Sodexo in this case, what sanctions will the Government impose on the company? Will it transfer the management of women's prisons to public sector or non-profit-making management?

Lord Keen of Elie: My Lords, the guidance that I referred to applies equally to public sector and contracted prisons. With reference to Her Majesty's Prison Bronzefield, I observe that the most recent report from the inspectorate, published in April this year, identified Bronzefield as an "overwhelmingly safe prison" and an "excellent institution". It found that pregnant prisoners in Bronzefield were identified and immediately referred to midwifery support. Clearly, we need to look at this incident and learn lessons from it. We are intent on doing so.

Lord Garnier (Con): My Lords, I declare my interests as a trustee of the Prison Reform Trust. Will my noble and learned friend not only take on board the points made by the noble Baroness opposite in respect of the example at Bronzefield but widen the inquiry he has

spoken about to cover all medical services provision in the prison estate in England and Wales, be it for mental or physical health? An increasing cohort of elderly, geriatric and end-of-life prisoners is underprovided for in terms of adequate medical care. Will my noble and learned friend ensure that this Government make sure that there is proper provision for all prisoners, throughout the prison estate?

Lord Keen of Elie: My noble and learned friend makes a very good point. It is essential that we provide medical care across the board for those in custody. As I mentioned, that is why the National Prison Healthcare Board has produced its principle of equivalence of care for prison healthcare in England. That followed a report by the House of Commons Health and Social Care Committee, published in November 2018, which recommended that the board should work with stakeholders over the next 12 months to agree a definition of equivalent care and indicators to ensure that they can measure that there are no health inequalities for people detained in prison. Of course, that includes mental health, which is a major issue, particularly in respect of women's custody, with more than half of women in custody recorded as reporting or suffering from mental health issues. I agree that that needs to be addressed.

Lord Ramsbotham (CB): My Lords, when I suspended my first inspection of HMP Holloway after discovering that women were routinely chained while in labour, I was very disturbed to discover that there was nobody in Prison Service headquarters responsible for the overall direction and co-ordination of women's prisons. Could the Minister tell the House who in Prison Service headquarters is responsible for the co-ordination of the delivery of services to pregnant women in prison?

Lord Keen of Elie: My Lords, that ultimately rests with the director-general, who in turn takes steps to deal with those concerned at a regional level. That remains the position. I am pleased to say that the director-general of the Prison Service is always in communication with prison group directors regarding all these issues. I am also pleased to observe that we have moved on significantly since the days when the noble Lord, Lord Ramsbotham, made the discoveries he referred to. Matters have improved. Indeed, my understanding is that Holloway prison is no longer open.

Gender Pay Gap Question

11.30 am

Asked by **Baroness Burt of Solihull**

To ask Her Majesty's Government what plans they have to address the gender pay gap for women in their 50s, following the analysis conducted by Rest Less, published on 29 October.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the gender pay gap is highest for those aged 50 to 59, reflecting the accumulation

of structural inequalities that disproportionately impact women across the life course. In July, we published our gender equality road map, setting out how the Government will tackle gender inequalities affecting women throughout their lives. This could include actions to promote women's progression, to support carers and returners, to help women plan for retirement and to understand women's reproductive health experience in work, including the menopause.

Baroness Burt of Solihull (LD): I am very grateful to the Minister for that Answer and for the co-operation we received in coalition to introduce shared parental leave and flexible working. However, these measures are clearly not enough, especially since older women face a disproportionate burden of social care. Will the Minister consider making a manifesto commitment to make all jobs flexible by default to help those with caring responsibilities stay in work and to stop them losing out on pay progression, as recommended by the Centre for Ageing Better?

Baroness Williams of Trafford: I certainly agree with the noble Baroness—it is borne out by fact—that women bear the burden of caring far more than men. She is absolutely right about the work that has gone on over the past few years to improve flexible working being offered. As she knows, all employees with 26 weeks' continuous service with their employer already have the right to request flexible working. That accounts for approximately 90% of employees. That sends a really clear signal that flexible working should be the norm rather than the exception, but we would like to take this further, which is why we are considering requiring employers to say in each job advert whether a job can be done flexibly.

Baroness Crawley (Lab): My Lords, could the Minister say what the Government are doing about the gender pension gap, which is double the pay gap, with women receiving £7,000 less on average than men in their pensions according to House of Lords Library figures?

Baroness Williams of Trafford: The noble Baroness brings up a good point on the gender road map, which we are talking about, affecting women as they reach pensionable age because they have fewer years of working service. The new state pension was introduced for people reaching state pension age from 6 April 2016 onwards to provide a clearer, sustainable system for their future. More than 3 million women now stand to receive an average of £550 more a year by 2030 as a result of recent reforms.

Baroness Sherlock (Lab): My Lords, my noble friend Lady Crawley is absolutely right: women's pension wealth is on average one-third of men's when they reach retirement age. The Minister mentioned the new state pension system, but many women who are now in their 50s often took time out of the labour market earlier to raise their children only to find that they are carers again, often for elderly parents or sometimes for grandchildren. Under the old pension system, if you took time out for caring responsibilities you could get

a credit for not just the basic state pension but SERPS, the earnings-related pension, but under auto-enrolment, if you cannot qualify because you have taken time out of the labour market, you get nothing. What are the Government doing about that?

Baroness Williams of Trafford: As I said to the noble Baroness, Lady Crawley, I agree regarding the problems that women face, and, as I acknowledged to the noble Baroness, Lady Burt, particularly when they take time out of work for caring and other responsibilities. However, I must tell her that, in 2012, 40% of women in the private sector were participating in a workplace pension. As of 2018, that has increased to 85%, which is now equalling the participation rate of men.

Baroness Altmann (Con): My Lords, there are a number of ways in which women tend to be losing out in the pension system and in the workplace. Over the last 20 years, the number of women working in their 50s and 60s has increased by 75%. I urge the Minister and the Government to look seriously at ways in which we can help women overcome age and gender discrimination, which still exist in the labour market, and address the pension shortfalls that women face, both in the state pension and the private pension. However, I congratulate the Government on the work that they are doing to improve the situation.

Baroness Williams of Trafford: I thank my noble friend for those points and acknowledge that she is far more expert in this area than me. Noble Lords have been talking about women in their 50s; that is the most disadvantaged decade for women in their working lives. In Greater Manchester, which I always like to promote, we have a returners project which will support people over 50, and those with lower-level qualifications, who want to return to work, because they are at even more of a disadvantage. The programme began in June and runs until May 2020. We are awarding money to Greater Manchester Centre for Voluntary Organisation to recruit private sector employees and support them to develop their recruitment and employment practices to make their job opportunities accessible for those returners.

Baroness McIntosh of Hudnall (Lab): My Lords, can the Minister return to the question that was asked by my noble friend Lady Sherlock? Of course, it is to be encouraged that people who previously did not have access to workplace pensions now do, and the numbers are heartening. However, she did not address the question of what those people are going to do about the fact that there is no mechanism for them to make up any shortfall that occurs as a result of them taking up caring responsibilities. Do the Government have any plans to address this?

Baroness Williams of Trafford: The noble Baroness is right that years lost in employment will create a shortfall. The Government are trying to create those opportunities, so that women in their 50s in particular can upskill or have other opportunities to enable them to re-enter the workplace.

Road Traffic Offences (Cycling) Bill [HL] *First Reading*

11.37 am

A Bill to amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to create criminal offences relating to dangerous, careless or inconsiderate cycling.

The Bill was introduced by Baroness McIntosh of Pickering, read a first time and ordered to be printed.

Gender Recognition Act 2004 (Amendment) Bill [HL] *First Reading*

11.38 am

A Bill to amend the Gender Recognition Act 2004 in relation to a change of gender of someone who is married.

The Bill was introduced by Baroness Barker, read a first time and ordered to be printed.

Business of the House *Timing of Debates*

11.38 am

Moved by Lord Ashton of Hyde

That the debate on the motion in the name of Lord Bourne of Aberystwyth set down for today shall be limited to 3 hours.

Lord Ashton of Hyde (Con): My Lords, on behalf of my noble friend the Leader of the House, I beg to move the Motion standing in her name on the Order Paper. In doing so, I inform the House that we will not start the debate on the phase 1 report of the Grenfell Tower Inquiry before 1.30 pm. We will adjourn the House during pleasure if necessary. The Legislation Office is accepting amendments for the Committee stage of the Historical Institutional Abuse (Northern Ireland) Bill, which will be taken after the Grenfell debate. It will stop accepting amendments at 1 pm. Any further tabling deadlines will be advertised via the annunciator.

Motion agreed.

Northern Ireland Budget Bill *Second Reading (and remaining stages)*

11.39 am

Moved by Lord Duncan of Springbank

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, sadly, this Bill is necessary. Although cross-party talks continue, the United Kingdom Government must take forward certain essential legislation to maintain

the provision of public services. The legislation before the House today places the budget published in February 2019 on a legal footing and enables the Northern Ireland Civil Service to access the full funding for this financial year. Royal Assent is necessary to avoid the use of emergency powers under Section 59 of the Northern Ireland Act 1998.

I shall now briefly turn to the Bill's contents, which largely rehearse what the former Secretary of State set out to the House in a Written Ministerial Statement earlier this year. The Bill authorises Northern Ireland departments and certain other bodies to incur expenditure and use resources for the financial year ending on 31 March 2020.

Lord Hain (Lab): My Lords, I apologise—for the second time this week—for interrupting the Minister so early in his speech. However, I would be very grateful if he could give the House any information in respect of the costs presumably incurred under this Bill as a result of the compensation paid under the Historical Institutional Abuse (Northern Ireland) Bill. Will that legislation go through the Commons as it will do through this House later today—speedily and without amendment, as I understand it? Does the Minister, or the Chief Whip, have any information on that, please?

Lord Duncan of Springbank: I do not mind being interrupted by the noble Lord. The sum total of the expected costs under the historical institutional abuse Bill—this is an early estimate—is around £237 million, which will come from the Northern Ireland block grant. Money has been set aside and it will be met in full; of course, it may be higher than that depending upon circumstances. I believe that the historical institutional abuse Bill will pass through this House swiftly and, I sincerely hope, without amendment, today. I would like to believe that it could pass through the House of Commons in exactly the same fashion, but while I would like to make that so, I cannot guarantee it. But I hope to be able to report back with more information during the discussions we will have on the HIA Bill. That should help the House be aware of what we are facing.

Lord Hain: I thank the Minister very much for that response. I know, and the whole House knows, that he has been fully supportive of the Bill, and I am grateful for that. But in any intervening discussions that might be had with the Chief Whip here or the Chief Whip down there, can it be made clear that there is no reason at all why the Commons cannot do the same? The victims of historical institutional abuse will not understand if that does not happen.

Lord Duncan of Springbank: I believe that the victims of historical abuse are watching us right now, not just in this House but in the other place. The noble Lord is correct in assessing what their view would be if that Bill fails to pass through both Houses. I will return to this during discussions in Committee on the historical institutional abuse Bill, to bring further matters to his and the House's attention. If I may return now to the Bill before us, I shall talk briefly on its contents.

The Bill authorises Northern Ireland departments and certain other bodies to incur expenditure and use resources for the financial year ending 31 March 2020. Clause 1 authorises the Northern Ireland Department of Finance to issue £5.3 billion out of the Northern Ireland Consolidated Fund. The sums of money granted to Northern Ireland departments and other bodies are set out in Schedule 1, which also sets out the purposes for which the funds may be used. The allocations in this budget reflect where the key pressures lie in Northern Ireland, building on discussions we have had with the Northern Ireland Civil Service, the main parties in Northern Ireland and other stakeholders. Where possible, they reflect the previous Executive's priorities.

Clause 2 authorises the temporary borrowing by the Northern Ireland Department of Finance of around £2.6 billion, to safeguard against the possibility of a temporary deficiency in the Northern Ireland Consolidated Fund. If used, this money will be repaid by 31 March 2020. Clause 3 authorises Northern Ireland departments and other specified public bodies to use resources amounting to some £6 billion in the year ending 31 March 2020 for the purposes specified in Schedule 2. Clause 4 sets limits on the accruing resources, including both operating and non-operating accruing resources, which may be used in the current financial year. Since this Bill would normally be taken through the Assembly, Clause 5 includes a series of adaptations that ensure that, once approved by both Houses, it will be treated as though it were an Assembly budget Act.

Alongside the Bill, the Government have laid a Command Paper; a set of main estimates for the Northern Ireland departments and bodies covered by the budget Bill. These estimates, which have been prepared by the Northern Ireland Department of Finance, set out the breakdown of resource allocation in much greater detail. I commend the Bill to the House.

11.45 am

Lord Lexden (Con): My Lords, although this House is strongly averse to fast-tracking, there can be no doubt that this budget, essential to the well-being of the people of Northern Ireland, must be passed before the Dissolution of Parliament. I want to address just three matters to which the budget is relevant. All were raised during our important Northern Ireland debates at the start of the week, but without eliciting full responses from the Government.

The first is the renewable heating incentive scheme, which went so disastrously wrong. As the noble Lord, Lord Alderdice, pointed out on Monday, the report of the independent inquiry, chaired by Sir Patrick Coghlin, was completed some months ago. When I last asked in a Written Question when the report would be published, I was told rather curtly to get in touch with the relevant Northern Ireland department. That has not proved a profitable line of inquiry. Are the Government able to provide some indication of when the report will appear, particularly now that the sorry episode has been described in a book by a leading Northern Ireland journalist, Sam McBride? It is a report which will provide vital lessons for the future.

The reforms that have recently been made to this unfortunate scheme have created hardship among a considerable number of participants who joined it in

good faith in its original form. This House discussed at some length the need to provide relief to those enduring hardship at the time the Northern Ireland budget was last before the House. Widespread support for action was expressed across the House in an impassioned debate on 19 March. We were assured by my noble friend Lord Duncan that a hardship scheme would be constructed. He said that he would lay a written report before your Lordships' House so that your Lordships could see what it would look like in practice. He added, perfectly fairly and reasonably:

"There is no point in pretending that this can be achieved in a fortnight".—[*Official Report*, 19/3/19; col. 1408.]

Well, a number of fortnights have passed since then and it would be good to have news of progress.

Secondly, perhaps I may touch on the severe crisis in the health service with which Northern Ireland is afflicted. It is truly shocking that in Northern Ireland someone in need of treatment is 3,000 times more likely to have been on a waiting list for a year or more than his or her counterpart in England, as my noble friend Lord Empey told the House on Monday. Over the past year or so, my noble friend has put a number of suggestions for improvement to the Government, including the appointment on a purely temporary basis of a Minister of Health. We have been given no indication of a positive response to his imaginative ideas. It should be remembered that in Northern Ireland, unlike other parts of the country, there are no elected local councillors to assist in overseeing health services, since Stormont is both an upper tier of local government and a devolved legislature.

I come finally to welfare and the deeply troubling point raised on Monday by the noble Baroness, Lady Lister of Burtsett, who cannot be in the House today. She drew our attention to the fact that arrangements that have been made to mitigate the effect of welfare reforms on the very poorest will expire in March next year unless action is taken swiftly to extend them. She pointed out that some 35,000 low-income families would be made worse off overnight unless the Government deal with the issue. It has now been agreed, I think, that a report will be laid before Parliament by 1 December under the 2019 Act. That report should contain the firm commitments that the noble Baroness and others are seeking.

I draw from these three issues one general conclusion, which I will put in the form of two questions. Should not this Parliament endeavour to devise more effective arrangements to safeguard the interests of our fellow country men and women in Northern Ireland in circumstances where their own democratic institutions are suspended for a protracted period? Should we perhaps seek, through constructive constitutional thought, to make provision in these circumstances for some form of halfway house between full devolution and full direct rule, to which so many people are ill disposed?

It would be rash to think that the prolonged impasse in Ulster's affairs, which has not yet been resolved, will not recur after a better dispensation has finally been made. For wholly understandable reasons, we made devolution in Northern Ireland dependent on the willingness of parties with diametrically opposed

[LORD LEXDEN]

constitutional objectives to share power together. I was struck by some words of my noble friend Lord Empey last Monday:

“As a Parliament, we have an obligation to protect our citizens which supersedes parties and all issues”.—[*Official Report*, 28/10/19; col. 822.]

These are words, I think, on which we can usefully reflect.

11.51 am

Lord Morrow (DUP): My Lords, it seems that we are again on the merry-go-round as we come to Northern Ireland. We on these Benches have said it umpteen times, but we want to keep repeating that we feel the best way forward is for the Northern Ireland Assembly to be making these decisions. Alas, there is no prospect of the Assembly sitting any time soon. There was an honest attempt to have the Assembly recalled just over a week ago, but that attempt was also squandered because Sinn Féin, again, stayed away and was not prepared to participate.

The noble Lord, Lord Lexden, made reference to the RHI, which was allegedly the reason that the Assembly was brought down, but those of us who live in Northern Ireland know perfectly well that that was not the reason; it was the excuse. A judge-led inquiry was established, which has now completed its report and its findings will be made public very soon, we hope. Therefore, if the RHI had been the reason, the inquiry would remove all the alleged obstacles to the return of devolution, but those of us who sit on these Benches and who live in Northern Ireland are not as naive as that. We know that the prospects of the Northern Ireland Assembly returning any time soon are very remote. Indeed, I suspect that we will be going through the same process again this time next year, so the Government have some responsibility to bring energy and urgency to the whole task of restoring devolution in Northern Ireland. I accept that you can take a horse to the water but you cannot make him drink. That is the situation that we find ourselves in today.

What we should be debating and discussing today are the issues that affect people’s everyday lives. Our health service is in dire straits. Why is no urgency applied to look at those who need urgent health services? Why are they ignored? Our education system is in urgent need of attention. Again, it is ignored. Our infrastructure in Northern Ireland is creaking at the hinges.

Lord McCrea of Magherafelt and Cookstown (DUP): Does my noble friend agree that there was no hesitancy in this House in legislating concerning same-sex marriages or divorce over the heads of the people, while a large portion of the people of Northern Ireland did not desire such legislation to be passed? It was raced through this House, yet people are allowed to die and there is no haste for legislation or for a Minister or anyone else to take responsibility for doing something to allow them to live rather than die. As for the RHI, is it not time that we had the fulfilment of the promise made by the Minister and mentioned by the noble Lord, Lord Lexden, for a chairman to be appointed to look at those enduring hardship through no fault of their own?

Lord Morrow: I thank my noble friend for making those very succinct points and I agree entirely with him. He has raised the hardship cases with the Minister before, and we need the Minister to come back on this. Perhaps this will be the day we hear a reply from him on those pressing issues. What about the hardship cases? I think he gave a clear understanding that each one would be looked at individually, that this would not just be taken in a bland way, that a chairman would be appointed, a report would be forthcoming and the Minister would come back and respond to it.

My noble friend mentions the issues that were steamed through; namely, the redefinition of marriage and abortion. Those were two of Sinn Féin’s demands—of course, the other one is the Irish language Act. It seems to me that it has moved far past that: another string of demands will surface and be announced soon, and those will have to be delivered if we want a return to Stormont. Really, the people of Northern Ireland deserve to be governed and no single party should be allowed to hold all the people to ransom, including some who actually support it and who fail to understand why they cannot have a health service that functions properly, an education system that is up to the demands of the 21st century, and an infrastructure. All these will not hurt anybody but will enhance their lives, so can the Minister today give us any assurance? I know where we are in the timetable of things. We are in the mouth of another election; that will take us on through to next year before we can get anything done, and then we will rattle on through Easter and on through the Summer Recess, and on and on it goes. There always seems to be some reason why Northern Ireland cannot be governed like any other region of the United Kingdom.

Lord Caine (Con): The noble Lord will be aware that one of the reasons that Governments are reluctant to take decision-making powers is the reaction of nationalist parties within Northern Ireland. However, does he share my assessment that if the Government did take steps in this direction there would be a gigantic sense of relief across the whole community that decisions were actually being taken at long last?

Lord Morrow: I could not agree more with the noble Lord, Lord Caine. It seems to me that the Government will not do anything that will ruffle the feathers of Sinn Féin—they cannot disturb it. We have had this constant threat, and the noble Lord, Lord Caine, has said it: if some decisions were made of importance to people in their everyday lives, there would be a sigh of relief across the whole of Northern Ireland, irrespective of what community background they might come from. We have to get to the stage where Sinn Féin can no longer dictate the pace.

I know, and I have heard it in this House, that the Belfast agreement is sacrosanct; it is the holy grail and cannot be touched. Let me say to your Lordships’ House that the Belfast agreement has had a coach and horses driven through it and it is time that the Government suspended it and took over temporarily. I want the Northern Ireland Assembly there, I served as a Minister there on two occasions, I served in the Assembly for some 18 years, I see the merits of it and the positives that can come out of it, and it is time that it was restored.

But please, do not allow our having to move at the pace of the slowest in Northern Ireland to continue infinitely. Others are being penalised here when they should be allowed to get on with their lives. Government should be supplying the necessary governance to allow that to happen.

11.59 am

Lord Bruce of Bennachie (LD): My Lords, I think that all of us, including the Minister, will agree that this is a very inadequate substitute for proper debate and decision-making by the elected representatives of the people of Northern Ireland. However, this is a necessary Bill that has to pass before the dissolution of Parliament if services are to be maintained in the Province.

My understanding is that this will maintain spending at the pre-agreed level. When the former Secretary of State Karen Bradley initiated the beginnings of this year's budget, she said that there was a real increase in funding for health, yet the noble Lord, Lord Empey, has on many occasions—although not today—given us quite a lot of detail on the waiting lists, shortfalls and problems in the health service. Can the Minister explain how that is consistent with the assurances of the previous Secretary of State that the resources have been increased—or is it just that the increase is not adequate to the challenge?

The noble Lord, Lord Hain, has already sought assurance, which the Minister has given, on funding for the Bill that we hope to get through later this afternoon. Assuming it all goes through, we hope that it will enable interim payments to be made in very short order.

The noble Lord, Lord Lexden, mentioned the RHI situation. There are two issues here: one is the hardship which Mr Buglass was appointed to try to address—it would be interesting to know when he will be able actually to take action—and the other is the lack of a report. There is some suggestion that both of these things should be happening together, because clearly there must be some explanation of who is to blame and why it happened. At the same time, people facing financial crisis need assistance now, not at some time in the indefinite future.

We are rushing this through because we are on the verge of a general election. It is also taking place in Northern Ireland, and it may well be interesting to see whether it will reflect any indication of a change of mood there. I am certain that in hustings across the Province many of the questions that we have returned to time and again will be on the lips of the voters in Northern Ireland, who will be challenging all their politicians on why they are in this situation.

I think the noble Lord, Lord Morrow, knows that the prospect of direct rule has very serious implications. He says that, as far as he sees it, the Northern Ireland agreement has had a coach and horses driven through it, and it is certainly the view of these Benches that the agreement which the Prime Minister claims to be a new deal—it is actually the original deal that the EU offered and Theresa May rejected—is totally incompatible with the Good Friday agreement. The election may well flush that out, both in the Province and across the rest of the UK.

Perhaps the elephant in the room, which I think the Explanatory Notes and the Library Note say has nothing to do with this Bill, is Brexit. Although technically it has nothing to do with it, there are clearly serious implications for Northern Ireland if anything similar to this deal goes through—which could happen within the timeframe of the money that we are currently voting. My only question to the Minister is: if it becomes apparent that there are significant costs borne by the public purse or adding to public pressure in Northern Ireland as a result of any decisions that may be taken relating to Brexit, will there be a recognition that some additional measures may be required? It would be not just adding insult to injury but putting pressure on an already overpressured budget to try to cover contingencies which, by definition, cannot be fully anticipated.

That said, we all recognise that the simple logic is that, if we did not comply with the accelerated passage of the Bill, Northern Ireland would be left with no funds whatever, which of course would be totally unacceptable. The reality is that, as long as there is no Assembly and Executive in Northern Ireland, this House—rather more than the other House, I have to say—will spend more and more time debating more and more aspects of policy issues that affect the people of Northern Ireland and may well have to make ad hoc decisions again and again, as we have done.

I understand the argument of the noble Lord, Lord McCrea, that we have enacted certain measures and not others. That, I suppose, is the nature of where we are in reality. It is not a satisfactory scenario, but my guess is that other issues, some of which may not be quite so contentious, will eventually reach such a critical situation that it will not be possible to make decisions without the intervention of UK Ministers. However, we are not there yet and, in the meantime, it is absolutely imperative that we get the Bill passed.

12.05 pm

Lord Empey (UUP): My Lords, there is no question that this process is any substitute for proper scrutiny. In normal circumstances, this budget would have gone to departmental committees of Stormont, it would have been scrutinised, and Assembly Members would have made decisions based on their priorities and what they felt was in the best interests of their constituents. But, as the noble Lord, Lord Bruce, has just said, there is no alternative to dealing with it in this way today. However, a number of things need to be highlighted.

First, on the intervention of the noble Lord, Lord Hain, both today and yesterday, I can say to him that, after the proceedings here I took myself down to the other place. It was clear, during a Statement made by the Leader of the other place to the Commons, that Members were getting information from the Front Bench that was out of date; it had been superseded by the proceedings in here that had not been transmitted to the Members there. There was overwhelming support in the other place for dealing with the Bill. I got the impression that the Leader of the House had listened to Members there and that perhaps something could be done. If it is not done, it will be the greatest kick in the teeth that this Parliament could possibly deliver to

[LORD EMPHEY]

a group of victims. I sincerely hope that we will be able to dispatch the Bill later today and get it down to the other place for its deliberations.

My noble friend Lord Lexden raised a number of issues in his contribution. It goes back to the debate earlier this year when we were looking at the question of the RHI and the scheme that was to be in place. The Minister will be aware that I moved amendments, which I withdrew only on the basis of the undertakings that he gave to the House at that stage. That centred around the report and the scheme that was to be put in place to provide compensation for those who had in good faith availed themselves of the scheme but found themselves penalised effectively at the end of the process by having made economic decisions based on an anticipated income. They had sought loans from banks to do other things on the basis of that, and then discovered that their whole economic and business plans were completely frustrated when the scheme was arbitrarily changed part-way through.

The Minister will also have to be aware that similar schemes have now been introduced in the Republic of Ireland, and the scheme has gone on here in Britain unabated.

Baroness Bloomfield of Hinton Waldrist (Con): I remind the noble Lord, Lord Empey, that he has a very authoritative voice on this subject, but he is effectively speaking in a gap which we have created for him, so perhaps he could draw his remarks to a swift conclusion.

Lord Empey: I will just say to the Minister, regarding the mitigation that was raised, that I put an amendment into the Act which required a report to be made by 1 December. Given that Parliament will not be sitting on 1 December, can the Minister tell us when that report will be published and what effect the gap of the election will have in regard to the process of ensuring that those mitigation measures are put in place? Otherwise, very significant hardship will be inflicted on many thousands of people. I would be grateful if the Minister could do that in his response.

12.09 pm

Lord Murphy of Torfaen (Lab): My Lords, obviously, the Opposition will support the Bill, albeit reluctantly, because we know why it is in front of us and why it is being dealt with so swiftly. I regret that we have to do this—I think the whole House does—but without it, there would be no money and so we must pass it today, as the House of Commons did yesterday.

Members of your Lordships' House raised a number of individual issues which I am sure the Minister will address in his wind-up speech. The mitigation of welfare reforms was raised extensively yesterday in the other place, as it has been by my noble friend Lady Lister in this House. We would be grateful for the Minister's views on something that affects some 35,000 people in Northern Ireland.

The noble Lords, Lord Lexden and Lord Empey, both raised the issue of the RHI. We look forward to the Minister's comment on that difficult issue. My noble friend Lord Hain raised the issue of progress on the

historical institutional abuse Bill. We look forward to the Minister's comments, and later this afternoon we will have a bit more detail on that.

One issue mentioned yesterday in the other place which has not been touched on today is that of Barnett consequential. As the Minister knows, if, during the course of a year, the Government decide to spend money which they had not planned to spend, the devolved Administrations get a proportion of that and it is up to the Administrations themselves to decide how to distribute that money. As there are no Ministers, it cannot be distributed. What has happened to that money and what plans are there to deal with Barnett consequential?

There is also the absence of proper scrutiny of billions of pounds worth of expenditure in Northern Ireland. We will have spent half an hour on it, and the other place spent about an hour. An hour and a half to deal with the expenditure of billions of pounds is not good enough. The reason for all this, as every Member who has spoken has said, is that there is no Assembly or Executive in Belfast. There were pleas of a sort today for direct rule. That would be an answer, but it would be an inadequate one because, as I have said many times in this Chamber, it is easy to get into direct rule but very difficult to get out of it.

What we have now is a halfway house: semi-direct rule via remote control from London, with no Ministers with direct control over the Northern Ireland Civil Service or decision-making, but a sort of control here in Westminster. That is not good enough and it cannot carry on. Northern Ireland is the only part of our country which is inadequately governed because of what has happened. In the next 10 or 15 minutes, we will consider the statutory instrument regarding further progress in the talks. We must accept the Bill: we have no option but to agree it, but, as I said in my introduction, we do so reluctantly.

12.13 pm

Lord Duncan of Springbank: My Lords, I welcome the support from across the House for the Bill. However, I have no wish to be standing here moving it and I recognise that your Lordships have no wish to be sitting here listening to me doing so. I fully appreciate that this will not be possible again.

The Executive formation statutory instrument that we shall consider shortly hereafter reminds us that there is a period until 13 January for the formation of an Executive. If we are unable to do that, I think that this House and the other place will be very reluctant to extend the period further. That will bring us into new territory in terms of what needs to happen next. I should have thought that, at that stage, there will then be an election in Northern Ireland. A lot will depend on its outcome: if an Executive can be formed, we are out of a hole; if it cannot, we are in a hole. Noble Lords here recognise what direct rule would look like and why it is not a preference that we wish to explore. None the less, we are discussing a budget, and certain questions were asked regarding both the budget and more broadly. I will try to answer them in turn.

Touching on comments made by the noble Lord, Lord Empey, both today and in the past, the noble Lord, Lord Bruce, asked whether there has been an

increase in funding for the health service. There has been an increase of 3.8% in that funding. However, as the noble Lord conceded, the reality is that that amount of money has not been adequate to address the issues raised by the noble Lord, Lord Empey, which require more than a 3.8% increase in funding. Although we have put a further £17 million into an in-year monitoring exercise, that too is inadequate to address these significant problems. Only an incoming Executive, or government by other means, can truly address these issues. The shocking statistic presented yesterday by the noble Lord, Lord Empey, and echoed again today by other noble Lords, is chilling to consider. That alone should be reason enough for the parties in Northern Ireland to give due consideration to expediting their ability to get that Executive back up and running—I hope that it is. None the less, this budget must go forward.

I want briefly to touch on the renewable heating incentive. In March, I made statements in the light of a heated but sensible debate in this place about the need for independent assessment of the hardship in Northern Ireland as a consequence of the subsequent and serious failures in developing a workable approach to RHI. I made a number of commitments then. I am reminded of the quotation from the Duke of Wellington when he chaired his first Cabinet meeting. He said that he gave them the orders and discovered that they wanted to discuss them. I said very clearly what I felt was appropriate for the Northern Ireland Civil Service to move forward with, but I cannot order the Northern Ireland Civil Service to move forward on that basis. A protracted discussion then ensued on how to move this issue forward. Steps have been taken, some of which I will rehearse now, but I commit to writing to my noble friend Lord Lexden and placing in the Library a full and detailed assessment of this issue by tomorrow. I will share that assessment, because noble Lords deserve it and should have had it before now.

Let me put on record where we are on this approach. The responsible department in Northern Ireland held a call for evidence between 17 June and 10 July to examine the issues that should be brought forward for discussion. It published the responses to the consultation on 10 October. It has appointed an independent energy consultant by the name of, I think, Andrew Buglass. His responsibility will be to develop relevant definitions of “hardship” and engage directly with the participants, so that each case will be examined to ensure that we have that information. We expect that that will be responded to before the end of the year.

I will put all this in a detailed response to my noble friend Lord Lexden, to make sure that he has the information. I put on record an apology for this not happening beforehand—he deserved it before now. I should have informed the House of the steps being taken before the debate, rather than doing so now. I hope that noble Lords will accept the apology in the manner in which it is given.

Lord McCrea of Magherafelt and Cookstown: Can the Minister tell the House whether there is any clarity on the differential between the tariff proposed for Northern Ireland and the tariffs in England and the Republic of Ireland?

Lord Duncan of Springbank: I believe that there is clarity there. I have answered that question before but, again, for the benefit of all, I will make sure that that information is included in my answer to ensure that there is an appreciation of how the tariff in Northern Ireland sits alongside tariffs in the rest of the British Isles, so that it can be understood. The noble Lord will recall that when we discussed this issue, we looked at different elements which created the need for differential tariffs for particular time periods and baselines. Rather than explaining this at greater length, I will put it in the response that I will lodge in the Library tomorrow.

Yesterday, the noble Baroness, Lady Lister, asked about welfare and I believe that I gave a positive response. She has subsequently written to me and I will respond in a similarly positive manner. I do not wish to see a situation develop in Northern Ireland where those who are experiencing these challenges and facing potential hardship suffer in any way—I repeat, in any way—as a consequence of the absence of an Executive. I will happily share that letter with noble Lords. I will put a copy in the Library, so that they can see what I believe we should be doing to ensure not only that we address this matter expeditiously but that the people of Northern Ireland can appreciate that it will be done, so they will not face the hardship which might indeed have been on the horizon had we not been able to move forward in this regard.

On the role of an incoming Executive, it is not going to be easy for them because in truth, a number of the bigger problems—not least in the health service and education—stem from before the collapse of the previous Executive; they did not start with the collapse of this one. There are long-standing issues which have not been addressed for a range of reasons, and there will be a serious challenge for any incoming Executive or whomsoever has to administer governance in Northern Ireland. For obvious reasons, I hope that it is an incoming Executive, but I am aware that there is only so long that this can continue. I have made a number of statements about this in the past and events have made a liar of me. I do not wish to repeat those statements, but I shall repeat a simple one: the people of Northern Ireland deserve much better than they have got, and we have to move forward in a sensible manner.

The noble Lord, Lord McCrea, asked why certain issues have been taken forward in this place and not others. The only thing I would note is that if we end up with direct rule, I am afraid that this House and the other place will decide which issues are going to be taken forward and in what order. I do not believe that that is the right way forward at all, and it may well be that they do not marry up with the situation in Northern Ireland, even though I would wish it to be so. That is a portent and a warning.

The noble Lord, Lord Murphy, raised the question of the Barnett consequential. I do not have the exact answer but I will find out and report back to the noble Lord if he will allow me to do so.

If I have failed to address any particular issue, I will happily write to noble Lords.

Lord Lexden: Can my noble friend give the House any information about the publication of the independent report on the inquiry?

Lord Duncan of Springbank: My noble friend has reminded me of something that I could not find in my written notes. I cannot give an exact date, but he will be aware that we published our own report on that. I shall use the word loosely, but I hope that its publication is imminent. I think it has reached the stage where it can be published and that now, it is just a question of when. The moment I am aware of the publication date, I will ensure that noble Lords are given it so that they are aware of it. I do not want to keep it a secret; it is just that I do not have the information.

Lord Hain: Perhaps the noble Lord would follow up on our previous exchange, and I apologise to noble Lords for briefly pursuing this. It is my understanding, based on recent discussions I have had at the Bar of the House with Members of Parliament, including MPs from Northern Ireland, that business managers in the Commons are telling them that there is no time to take the remaining stages of the Historical Institutional Abuse (Northern Ireland) Bill. If that is the case, perhaps I may put two things on the record. First, that is not right. To use the excuse of electing the Speaker on Monday as a reason not to take through the Bill is unacceptable. If it means MPs sitting for a few hours more on Monday, they must do so in order to protect the victims of historical institutional abuse because they have suffered horrendously.

The other procedural option—I have checked this, and I am a former Leader of the Commons—is that a First Reading in the Commons could take place. It could then go into the wash-up period. I have been told for a fact by Members of the Labour Opposition that they will support it, as will the DUP, Lady Sylvia Hermon, the Liberal Democrats and, I am sure, the SNP, so it could receive Royal Assent. The information that MPs have been given that there is no time for Royal Assent is nonsense. Royal Assent could be given at any time before Dissolution formally takes place. I am sorry to burden the House with this, but it is important to put it on the record.

Lord Duncan of Springbank: The noble Lord brings information to the House that I am not privy to. I have not had a chance to speak with business managers in the other place. I will be disappointed if his recitation of the details is correct, but I can say only that I do not know the answer because I have not had an opportunity to find out. We will return to that Bill later on this afternoon, when I will have more information. At that point, time having allowed me to have the necessary discussions with the other place, I will be in a better position, I hope, to answer the very questions that he raised.

Lord McCrea of Magherafelt and Cookstown: The Minister will accept that, if what the noble Lord was told by the other House is put into operation, that will be totally unacceptable to the people of Northern Ireland and to both Houses. I listened to the debate in the other House following a question to the Prime Minister and I have read the debates in this House on the issue, and there is unanimity on getting this matter resolved. Where there is a will, there is always a way. If there is not a way to push this through, it is because somewhere in the system, whether in the other House or within the Government, it seems there is not the will.

Lord Duncan of Springbank: I do not doubt the resolve of this House in any manner, nor do I doubt the resolve of the cross-party approach to this matter. That was made very clear yesterday and in the exchanges thus far in this debate, and I expect it will be made clear in the debate to follow. On that basis, all I can say is that I will go away, find out more and bring back to noble Lords information that I hope will help everyone to appreciate what is going on.

Lord Murphy of Torfaen: The Opposition is entirely behind my noble friend on this, but could the Minister look at the point that he made about the wash-up? As long as we pass the Bill later and First Reading is taken in the other place—nothing happens; it is simply received—it could go into the wash-up and be given Royal Assent. That is the specific thing that we are asking the Minister to do between now and 4.30 pm.

Lord Duncan of Springbank: I am happy to take on that commission from the noble Lord. I will report back on the question of the wash-up and provide any information that I have at that point.

Returning very briefly to the Bill before us, I beg to move.

Bill read a second time. Committee negatived. Standing Order 46 having been dispensed with, the Bill was read a third time and passed.

Northern Ireland (Extension of Period for Executive Formation) (No. 2) Regulations 2019

Motion to Approve

12.27 pm

Moved by Lord Duncan of Springbank

That the Regulations laid before the House on 21 October be approved.

Relevant document: 3rd Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, it is good to be back among noble Lords today. I am conscious that I have had the pleasure of updating your Lordships' House on Northern Ireland affairs frequently over recent weeks. It should therefore come as no surprise that I seek the House's approval for this statutory instrument.

The Secretary of State announced on 21 October that he was extending the period for Executive formation to 13 January 2020. That is the only extension permitted under the terms of this Act, and the Secretary of State has no discretion as to the length of that extension. My right honourable friend the Secretary of State took this decision even though he has been making every effort to ensure that there is an Executive that can be sustainably reformed. He was disappointed—I echo and emphasise that—to have to take this step.

None the less, it has unfortunately proven necessary. Noble Lords will be aware that, in the absence of Ministers, civil servants have before them a number of responsibilities that would not normally fall to them and we must ensure that they are adequately protected during this period.

As I said on Monday, the reality remains very simple: the parties are close to an accommodation that could see a restoration of the Executive. Only a few issues divide them. But it will take courage and determination for these issues, small though they may be, to be resolved. These regulations ensure that when a new Government return in December, after the election, they can move swiftly to work with the parties and the Irish Government, in full accordance with the three-stranded approach, to break—we hope—the deadlock as swiftly as possible. I know that all of us in this Chamber are very clear that we wish to see a restored Executive for the reasons discussed today and previously occasions. I beg to move.

Lord Bruce of Bennachie (LD): My Lords, I have two things to say to the Minister. It is interesting that he thinks this might be the last step on the way. That may or may not be true. We are on the brink of an election. These issues will be pretty actively debated across Northern Ireland and Sinn Féin, the DUP and the other parties will have to explain why there is no Assembly. The outcome of the election may give an indication of whether the mood in Northern Ireland is shifting to put pressure on those who are not co-operating.

The Minister said that he hopes it will be possible to get the Assembly back and that there are only a few issues. To the extent that we know what they are—they seem to come and go a bit—they are issues for the Assembly to discuss, rather than excuses not to be in the Assembly. There is a certain contrariness about it. From the Minister's statement, it is clear that the Government are looking towards the possibility of an election breaking the deadlock. The noble Lord, Lord Morrow, said he thought we will be in the same place in a year's time. I hope he is wrong, and I hope the people of Northern Ireland will prove him wrong. Elections may not fundamentally change the position but they will at least bring it up to date. Last time there was an election in Northern Ireland, it was an election to a functioning Assembly. Now people will have to ask why they have not done it, which may well make a difference. That said, we on these Benches are happy to approve the Motion.

Lord Morrow (DUP): My Lords, since my name has been mentioned, although not in the usual derogatory way, I shall speak briefly. I do not think any party is more enthusiastic than mine about the restoration of the Northern Ireland Assembly. I have read what the Secretary of State said: that there are a few minor issues that need resolution. That begs the question: if they are so minor, why are they not resolved? We have been here so often. It gives me no pleasure to stand here and say these things; that is not where I am politically and it is not where my party is on this issue. We want to be in there, not only because we have a responsibility to be there but to deliver for the people of Northern Ireland. Whatever these one or two minor issues might be—I say clearly that we have not heard

about them yet—let us hear what they are and have a resolution. Unfortunately, it will not happen before the election.

The noble Lord, Lord Bruce, is right: the parties will be challenged, and rightly so, about why we have not got a Northern Ireland Assembly up and functioning. I suspect I will be involved in some way in the election, and I am happy to take that on the chin and give an explanation of why we are where we are. I will do it with some regret.

Lord Empey (UUP): My Lords, I am sorry that the noble Lord, Lord Morrow, feels deprived because he has not been addressed in a derogatory fashion. We can easily fix that, if he feels the need.

I must say to the noble Lord, Lord Bruce, that I have heard the phrase “minor matters” before. I do not think they are minor because the headline issue is not the issue. RHI was a disaster but I accept and agree that it was not “the” issue. There were underlying issues that cannot easily be put into a Civil Service box that we can tick. There are relationship issues; there is the bigger picture of Brexit; there is the political situation in the Republic of Ireland, where some parties have a role to play; and there is the whole prospect of having to take difficult economic decisions, which will not necessarily be popular with certain elements of the parties' supporters. Therefore, I do not think it correct to say that there are only a few issues left—believe me, parties in Northern Ireland can manufacture issues. If we could turn that into an economic engine, we would be a very wealthy part of the country, because there would be no difficulty whatever in finding more issues on which to have grievances.

On paper, that is how it looks from the outside, but I suspect that it would not be the actual position when push came to shove. That is why I have continuously argued in this place that the process being used is the wrong one. We have been here before. Sometimes effort is needed to tease out the real issues that lie behind the headline ones. I think the noble Lord, Lord Murphy, knows what I am getting at and agrees. This question has come up several times today, whether on the subject of health or something else, but I think we shall have to start differentiating between issues where people's lives are at stake—and potentially being lost—and those where people's quality of life is permanently altered through non-action by agencies of the state.

I am a long-term devolutionist. I believe in it and have supported and worked for it, so I am in no rush to see powers brought back here. However, I would argue that there is an emergency when people's lives are being threatened and affected dramatically. This Parliament has a role to play in that and a responsibility to take it seriously. Obviously, when we come back, the issue will still have to be addressed. Whether it will be possible to get an agreement to establish an Assembly by 13 January, I do not know. I hope it will be but I suspect it will not, and we will then be faced with the dilemma of whether to continue with the existing arrangements, via an election, and see whether it can be kick-started again. However, I maintain that, in parallel with that, we will still have to address the fact that there are issues—in particular, on health—that require action, and the people cannot keep waiting.

[LORD EMPEY]

We have discussed money. There have been increases but everybody knows that inflation in the health service is far higher than inflation in the general economy, and that is the trap that we have been in. There is no ability to plan the workforce, and that is a contributory factor because we have only 12-month budget cycles. The point that was made about the Barnett consequential was a very good one. Technically, if money is given to health here, Northern Ireland gets a Barnett consequential, but that does not mean that it is spent on health. That decision is taken by the Executive, who might distribute it to different departments. The Civil Service is confronted with the same dilemma. That a Minister of the Crown has to stand up here and tell the House that he, as a Minister of the Crown, cannot instruct a civil servant just illustrates the impossibility and hopelessness of the position that we find ourselves in.

Lord Murphy of Torfaen (Lab): My Lords, we, of course, support this statutory instrument and, again, we support it reluctantly. This is the fourth occasion this week that Northern Ireland business has been discussed in this Chamber; this and, indeed, the last item to be discussed this afternoon, are all about the fact that there is no Government in Northern Ireland.

Looking at Scotland and Wales, which have their devolved Governments and assemblies, it is difficult to imagine what outcry there would be in the United Kingdom if democracy were suddenly to disappear from Edinburgh and Cardiff as it has from Belfast. We obviously cannot carry on like this, yet there is a chance—a window of about three or four weeks in January—when all this could change. As the noble Lord, Lord Empey, has said, it is not really about this or that issue, but more about a lack of confidence and trust between parties in Northern Ireland, and possibly between parties in government.

I agree that the general election could concentrate minds; the issue could itself become an election issue. Whether we can resolve it is another matter, but it will be discussed. Nothing will happen in relation to talks, because of the election and because of Christmas. I just hope that the parties will get together once the Christmas holiday is over, perhaps in a different way with some fresh thinking. As we have argued persistently from this side of the Chamber—it has been argued elsewhere as well—perhaps this could happen with an independent interlocutor; perhaps with a different sort of process; perhaps with the involvement of Prime Ministers, whoever they might be come the end of the year.

Something different has to happen, because we do not want a Minister to come to that Dispatch Box in January and say, “No, it hasn’t worked again”, which would mean that we would have to extend by another three months until Easter. That just cannot carry on. All of us in this place hope and pray that there will be success in those talks. In the meantime, we support the Government.

Lord Duncan of Springbank: My Lords, as I was listening to this short debate, I was reminded of a poem by Longfellow. I hope noble Lords will forgive me if I read a part that seems appropriate:

“Labor with what zeal we will,
Something still remains undone,
Something uncompleted still
Waits the rising of the sun ...
Waits, and will not go away;
Waits, and will not be gainsaid;
By the cares of yesterday
Each to-day is heavier made;
Till at length the burden seems
Greater than our strength can bear,
Heavy as the weight of dreams,
Pressing on us everywhere.
And we stand from day to day,
Like the dwarfs of times gone by,
Who, as Northern legends say,
On their shoulders held the sky”.

That is where we are, I am afraid, with dreams gone by. We are literally sitting here considering how to extend through a general election period, which will consume the oxygen in the room. We will then arrive at the other side with precious little time to move forward before 13 January when we will need, once again, to reconvene here and take these matters forward. It is dispiriting, but it is where we are. This legislation is necessary, I think we can all agree. But the reality remains that, during this period, something has to happen.

I note that a number of Lords have spoken about the notion of “minor”. The point is that one person’s minor issue is another’s major issue. If they were all minor issues, I do not doubt that we could have made great progress by now but, sadly, what for one person is massive is for another considerably different. There is a line from a Laurel and Hardy film:

“You can lead a horse to water, but a pencil must be lead”.

We can bring the people to the discussions, but we cannot always bring the outcome we want from it. I wish I was in a better position to give you positive statements on this, but I am not going to pretend any more. This needs to be done. We need to get an Executive re-formed. The alternatives are not worth considering. On that slightly downbeat and negative note, I commend the regulations to the House.

Motion agreed.

Representation of the People (Annual Canvass) (Amendment) Regulations 2019

Motion to Approve

12.43 pm

Moved by Baroness Chisholm of Owlpen

That the draft Regulations laid before the House on 14 October be approved.

Relevant document: 3rd Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the instrument)

Baroness Chisholm of Owlpen (Con): My Lords, the annual canvass is an information-gathering exercise which electoral registration officers, appointed by local authorities across Great Britain, are obliged to conduct each year to ensure their local electoral registers are as complete and accurate as possible. This currently involves

sending a form to each residential address with a prepaid, pre-addressed envelope, which households must legally respond to, whether or not the details the ERO holds for that address are accurate. This is followed up with a further two written reminders and a household visit if the household does not respond.

This one-size-fits-all approach to the annual canvass, which incorporates numerous prescribed steps, takes little account of differences within and between registration areas. The current regime is heavily paper-based, complex to administer and stifles innovation. It is expensive and inefficient, for both government and EROs, and is financially unsustainable in its current form. Furthermore, it is clear that the current process leads to confusion for the citizen. If you have lived at the same property for 30 years, it seems nonsensical to complete and return a form every year stating the same thing.

As part of our commitment to making the process of electoral registration as smooth and simple as possible, in 2016 and 2017 we worked with 24 local authorities to design and deliver pilots across Great Britain to test whether or not there were potential alternatives to the current annual canvass process which could be more efficient and at least as effective. The evaluation of the pilots provided a strong body of evidence which has informed the development of a new, less prescriptive and burdensome canvass model that will still act as an effective audit of the electoral registers.

These regulations implement this new model. The most significant change is that the new model moves away from a one-size-fits-all approach and instead provides for a more tailored canvass. Households that have not changed since the previous year can follow a more streamlined, cost-effective process, enabling the ERO to target their resources to where responses and updates to the electoral register are likely to be required. These households will be identified through a new data-matching step at the outset which will inform the ERO which households are likely to remain unchanged. The pilots showed that between 57% and 83% of households across the pilot sites remained unchanged since the previous year. By identifying these properties, the ERO will be able to focus their attention on the properties likely to require additions to the register, and specifically to direct more resources towards registering to vote those hard-to-reach groups.

The data-matching step will involve EROs matching their data on registered electors against data held by the DWP and, where relevant, locally held data sources. Where the data the ERO holds on registered electors matches data in a national or other locally held dataset, the ERO can have a level of confidence that the details they hold on their electoral register remain accurate. The ERO will then follow one of three routes for each property. Route 1 is the matched properties route. This will be used for properties for which the data indicates that the names the ERO holds on the electoral register for that property are likely to be complete and accurate. By introducing route 1, we will align the audit of the electoral registers with citizens' expectations, as they will now no longer have to take any action regarding the canvass unless updates are required to their household's entry. Route 1 will also save EROs conducting a resource-

intensive canvass exercise for a property where there is a high likelihood of the correct people being registered on the electoral register.

Route 2 is the unmatched properties route. This is the default route and will be used for properties for which the data-matching exercise has highlighted that there may be a change in the people who are currently registered, or not registered, for the property. This route is similar to the current canvass process but allows the ERO to use e-communications and telephone calls to communicate with electors instead of hard-copy correspondence. Route 3 is the defined properties route. This will be available for properties for which the ERO believes they can more effectively and efficiently obtain the current list of residents using an alternative approach. The ERO will be able to identify a "responsible person" to provide the most up-to-date list of people who should be invited to register in respect of the property. Examples of such properties are care homes and student halls of residence, where a care home manager or a university accommodation manager are in a unique position to provide the ERO with the information of everyone who lives in the accommodation.

In respect of all three routes, these regulations allow for more efficient and modern communication methods, such as emails, text messages, telephone calls or a short letter encouraging electors to respond using online channels rather than via post. With the introduction of these communication methods we have ensured that safeguards are in place, such as by guaranteeing that each property will be contacted and given the chance to update their details.

Noble Lords will wish to note that the provisions outlined in these draft regulations relate only to the parliamentary registers across Great Britain and the local government register in England. Under the respective devolution settlements, responsibility for the local government registers in Scotland and Wales is devolved. The final canvass reform policy was agreed between the Minister for the Constitution and counterparts in the Scottish and Welsh Governments. It will be for the Welsh and Scottish Governments to introduce complementary legislation to cover the local government registers in Wales and Scotland. We have worked closely with officials in the Welsh and Scottish Governments to enable them to create complementary statutory instruments, which they are due to lay in their respective legislatures in the coming weeks. This should enable these reforms to be in place across Great Britain registers by the beginning of 2020. This shows that, even in these most politically divisive times, Administrations of different colours can work collaboratively to ensure that the fundamental pillar of our democracy—maintaining a complete and accurate register enabling participation in elections—is given support to flourish and improve.

The EROs fully support these reforms to the annual canvass. Given their frontline experience administering the process year on year, they are best placed to understand how important modernising this process is. These regulations are the culmination of three years of collaboration with key stakeholders, such as the Association of Electoral Administrators, and the Scottish Assessors Association, which represent EROs and electoral administrators. A public consultation was also run on

[BARONESS CHISHOLM OF OWLPEN]

these new proposals, garnering responses from electoral administrators throughout the country. In addition to this, government officials visited every region of Britain presenting the proposed reforms to groups of electoral administrators ahead of the publication of the final statement of canvass reform policy in September. It is worth noting that feedback from the electoral community on the proposed reforms has been positive. In his response to the 2018 consultation, Peter Stanyon, chief executive of the AEA, said:

“We believe that using data to deliver a better experience for citizens is the right approach to take. Electors cannot understand the necessity to confirm their details each year and allowing them to be contacted without needing to respond is a step forward. It will also deliver much needed cost savings to local authorities”.

The Government have also worked closely with the Electoral Commission on the design of these reforms. Section 8 of the Electoral Registration and Administration Act 2013 provides that the commission must be consulted on certain changes to the annual canvass process. The Electoral Commission’s report on these regulations, laid alongside them, was also overwhelmingly positive. In particular, it noted:

“The canvass reform proposals should result in greater efficiency, allowing Electoral Registration Officers ... to focus their increasingly limited resources on areas of greatest need thereby better meeting the objective of the canvass”.

The Government were also required to consult the Information Commissioner’s Office on the regulations. The ICO noted:

“We are satisfied that the draft SI accurately reflects the aims of the project and is correctly limited in scope to deliver the Canvass Reform ... [T]he Cabinet Office has, so far, weighed the risks and benefits of the new scheme, considered its necessity and proportionality, and sought to mitigate the risks identified.”

Noble Lords may note that the Secondary Legislation Scrutiny Committee has raised some concerns around the Explanatory Memorandum, which is being rewritten to address those concerns and will be published next week. However, it has raised no concerns with the policy or statutory instrument itself. Also, it is important to note, in this momentous week with the Early Parliamentary General Election Bill 2019-20 coming through Parliament, that this draft statutory instrument has no impact on the registration for this election, and in the future will continue to maintain the high standards that electoral registration officers achieve in ensuring that all eligible electors are able to register to vote.

In conclusion, the current annual canvass process is not fit for purpose. Put simply, these regulations would give EROs greater flexibility to decide how to canvass their local areas, providing them with opportunities to identify where greater efficiencies could be made locally. They will also make the citizen experience more streamlined and user-friendly. These regulations are uncontroversial, largely technical, and have the support of all major electoral stakeholders, as well as the Welsh and Scottish Governments. They also meet our 2017 manifesto commitment to,

“continue to modernise and improve our electoral registration process, making it as accessible as possible so that every voice counts”.

By bringing the annual canvass process into the 21st century, we are doing that. I beg to move.

Lord Rennard (LD): My Lords, these regulations are important, but they appear to be being put forward in some haste. I understand that they will be taken today without debate in the House of Commons, which, ironically, leaves this place again having to scrutinise issues fundamental to our democracy.

Our Secondary Legislation Scrutiny Committee said that the Government’s Explanatory Memorandum, “failed to provide a coherent overview of the intended policy changes”. It described the Explanatory Memorandum as “impenetrable”, which does not inspire confidence. Therefore, there is a need for some caution—perhaps even a little suspicion—about these regulations, given the history of the issue of the annual canvass.

Perhaps we should remind ourselves that all parties agreed with the principle of individual electoral registration, but, when the legislation was being prepared, the Conservative side of the coalition was keen to drop the annual canvass. Those of us most concerned with levels of voter registration were strongly opposed to this, and Parliament agreed that it would be retained.

The proposals now, for a more targeted annual canvass, are sensible in principle. The present system is inflexible and, as the Electoral Commission warns, some necessary steps must be taken to help increase levels of registration if we are to proceed in this way with the annual canvass. I seek some assurances from the Government in that respect.

First, we should look at an issue of principle. For many things, such as a subscription to an information service, the data principle must always be one of opt-in. But you do not need to opt in to the right to have NHS treatment or the rights that are automatically afforded to every citizen under the law. So you should not have to opt in to the right to vote. If we make changes to the annual canvass, progress must be made towards automatic voter registration, in which any engagement with a state body showing that you are eligible to vote should result in your inclusion on the electoral register. If HMRC, the DVLA, the DWP, the passport authority, your local council or your university know where you live and that you are legally entitled to be on the voting register, you should be included automatically, as a right. If electoral registration officers have legitimate access to other data—for example, from credit reference agencies—they should be able to use it.

The new proposals for the annual canvass provide for an element of automatic re-registration when the details of people in a household have not changed. However, a survey conducted by the Electoral Commission some time ago showed that most people think that the electoral registration process is automatic for everyone and that they do not need to do anything to get registered. That is partly why so many registration forms are discarded, so many people are omitted from the register, and so many are unable to attend a polling station or get a postal vote for an election.

1 pm

In 2015, the Electoral Commission estimated that 8 million people were missing from the electoral register. If they had been included then the outcome of the general election that year—and of the referendum the

following year—might well have been different, as the youngest people were the most likely to be omitted from the voting registers. We are now preparing for a general election campaign knowing that the most recent estimate from the Electoral Commission is that around 9 million people who are entitled to vote are either not registered or not registered correctly. One does not need to know much about elections to know how important those numbers are in helping to ensure a fair and democratic outcome. Given that polling day is six weeks away today, what steps are the Government now taking to try to ensure that as many people as possible are registered in time to vote in the election on 12 December?

We have recently seen the Government spend £100 million on propaganda about leaving the EU today, which we are not doing. We have also seen them waste a lot of money producing 50p coins to commemorate leaving today, which we are not doing. But what we are doing is having a general election on 12 December, so how much money will the Government spend on advertising the need to ensure that people are registered to vote?

On the issue of principle, will the Minister confirm that the right to vote is not something that should require an opt-in principle but is a right that should be afforded automatically? The change in methodology for the annual canvass is said to result in a saving of £20 million per year. Can the Minister confirm that this sum will in future be reinvested in helping to ensure that as many as possible of the 9 million people who are unregistered, or incorrectly registered, will be included and enabled to vote in future?

Lord Wallace of Saltaire (LD): My Lords, I declare an interest as someone who was involved with the Electoral Registration and Administration Act 2013. I remember the discussions with the noble Baroness, Lady Finn, and others within the Government about the change from household to individual electoral registration; and the frustrating discussions we had then about data matching and a wider modelling of individual data held in the Government's hands, which would have made this all a great deal easier. When the Minister says—six years later—that we are bringing electoral registration into the 21st century, that is a bit generous. We are bringing a little more modernisation to electoral registration but it is not that modern yet, compared to a number of other Governments who are now beginning to bring data together.

I entirely agree with paragraph 7.2 of this dense document, which says:

“In its current form, the annual canvass ... is heavily paper based, inefficient and outdated, leaving little scope for digital innovation”. This modest change does not take us very far down the road towards digital innovation.

I strongly agree with my noble friend Lord Rennard that we have to move towards an automatic system for voter registration for all citizens. I recognise, and the noble Baroness, Lady Finn, would probably agree, that in changing the system the Conservatives are more concerned with ensuring accuracy and the Liberal Democrats are—as I suspect the Labour Party also is—more concerned with ensuring that we also get completeness. The gap between those we know are eligible to vote and those on the register is a real problem and

a scandal. We all know of the problems in the United States between a right-wing Republican Party which does its best to limit the number of people on the register and the Democrats, who are much more concerned with completeness. We do not want to go further down that road in this country.

I am impressed by the way that in a number of other countries—for example, Estonia—digitisation and the use of government digital data has taken them a good deal further towards providing a unique identifying number for individual citizens. It is a means of access to the data which government hold on you; we in this country have so far failed on that. The verification proposals have not been very successful, after bringing in Experian and a number of other private companies. This is something that we should look at in the next Parliament. Indeed, some of us ought to propose an ad hoc Lords committee, precisely on this. Perhaps the noble Baroness, Lady Finn, and I might then return to the subject on which we battled with a number of people some years ago.

We have seen with the Windrush scandal, and may see again on the question of settled status for EU citizens, that people for whom various government agencies must have held data were unable to demonstrate that they had certain rights and had lived here for a number of years. There are various obstacles as to why the Government do not put that data together: they are legal and administrative, and there is sometimes rivalry between government departments. The move towards a unique identifying number, which is far from the old debate that we used to have on ID cards, would then feed back into making sure that every citizen is automatically on the electoral register. That would take us, at last, into the 21st century—25 years too late by then, probably.

This also links into the question of voting age. I have been converted to supporting a voting age of 16, partly because it would bring young people into the system when they are still at school. The noble Baroness, Lady Finn, will remember the remark that people would make as we debated this. We were told that young people in their 20s did not register for anything: they forgot to register for their doctor and did not register for a whole range of things. That left them, particularly young men, outside the system in which government knew who and where they were. That is unfortunate. If we move to a voting age of 16, young people will go on the register, and will have to be taught about citizenship while they are still at school—another scandal which we need to resolve. The idea that all British citizens have certain automatic rights and obligations will be strengthened.

I therefore give a lukewarm welcome to this mild move. It takes us a little further forward, but it does not take us forward far enough. When some of us suggest in the next Parliament that we should look at the broader question of the collection and maintenance of government data, and individual access to it for each citizen, I hope that it will have a warm welcome in this House.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I should first declare an interest as a vice-president of the Local Government Association, as it is local authorities

[LORD KENNEDY OF SOUTHWARK]

which do lots of the work here. I support a review of the current model of the annual canvass of electors and the aim of making it easier and cheaper to administer. That is important at a time when local authority budgets are squeezed but, like the noble Lord, Lord Rennard, I am a little concerned that this provision has come here very quickly at the end of a Parliament. I would have liked a much longer debate and the time to have looked at this more carefully. That said, I would maybe give it a very lukewarm welcome; that is the best you will get out of me today.

My concern is that if we make changes, we should not damage the primary purpose of the canvass, which is of course to get more people on the register and ensure that it is accurate and complete. That is very important. Whatever changes we are making here today, we know that there are maybe seven million, eight million or nine million people who are eligible to vote in our country but who are not registered. We are doing very little about that, but it is an issue. Yes, we want to be streamlined and cost-effective, but we also want to ensure that we are doing the job properly and getting those people registered to vote. My concern is that we risk not getting that right.

The Government's new model is a hybrid of the models that they have been trying over a number of years. That in itself is a little strange. Can the Minister confirm that the model proposed has been properly tested and that it is not just a case of, "We've tested bits of other models and put them all together"? I fear that that is what the Government have done, without actually testing the model.

I am concerned that the pilots have not been enough. We have talked about the 24 local authorities, but are we confident that the number of authorities involved, and their breadth and scale, has been right? What will the impact be on underrepresented groups? The Electoral Commission did a study of the accuracy and completeness of the register. We all know which groups are more likely not to be registered: 71% of people aged 18 to 34 are registered compared with 93% of people over the age of 55; 58% of private renters are registered to vote compared with 91% of homeowners, and 75% of people from black and ethnic-minority backgrounds are registered, whereas the figure is 84% for white ethnic backgrounds. Various key groups are not registered. Will the Minister set out how the new model will ensure that those groups are registered? If it does not do that, it is a complete failure. We know the people who are not registered. What are we going to do to get them on the register? That will be the test of whether the new model works.

I am all in favour of using technology and other methods and moving on from paper-based systems, but the new model has to work. That is what worries me. I agree with the comments of the noble Lord, Lord Rennard, in this respect.

The regulations get at best a very lukewarm welcome from me. I am concerned generally about where we are. When we get back in the new Parliament—whoever is in government—we need to look at what we do about the millions of people who have the right to exercise their vote but who are not on the register.

Baroness Chisholm of Owlpen: I thank the three noble Lords who have taken part in this debate today. I am grateful for their generous, warm—albeit slightly lukewarm—welcome and for not attacking me too much; it is much appreciated.

The noble Lord, Lord Rennard, asked whether the regulations had been debated in the House of Commons. They were debated at 11.30 am today in the Delegated Legislation Committee; the Minister for the Constitution answered questions on them, and they were approved.

The noble Lords, Lord Rennard and Lord Wallace of Saltaire, asked about automatic registration, which has come up quite often in debates in this House. They probably know what my answer is going to be. We feel that automatic registration is not consistent with the principle of individual responsibility and ownership of registering to vote. There are technical obstacles; for example, no one dataset is currently identified which would allow a registration officer to establish all aspects of eligibility to register to vote, in particular nationality. Moreover, the accuracy of other datasets would also be vital. If the data underpinning any system of automatic registration were not robust, it could lead to multiple or duplicate register entries for the same individual, increasing the risk of electoral fraud.

Lord Wallace of Saltaire: My Lords, to reinforce that point, government actually has all this data, which demonstrates who people are and where they live, but it has not yet been pulled together. The question that we have to discuss as part of the broader issue of government data management is precisely how, with guarantees on privacy et cetera, that can and should be done. We all know that Google now knows much more about us than do the Government—it probably knows how often I breathe per minute. It is important that, on a cross-party basis in the next Parliament, we discuss how we might take government towards a system which would allow conveniently for automatic registration.

1.15 pm

Baroness Chisholm of Owlpen: I hear what the noble Lord says. That is a good idea and we should perhaps debate it. It is obviously above my pay grade to say exactly when and how, but I have no doubt that it will be debated in this House in the next Parliament. I will take back to the department what the noble Lord has said.

The noble Lord, Lord Wallace, also brought up votes at 16, which, again, I think will be debated. As he knows, the Government have no plans to lower the voting age at the moment having been elected on a manifesto commitment to retain at 18 the current franchise for parliamentary elections. Again, I think this is a matter that will not go away, and I am sure that we will discuss it at a later date.

The noble Lord, Lord Rennard, asked about people registered to vote for this general election and what we were doing. As the noble Lord will know, EROs have a statutory obligation to maintain a complete and accurate register on a year-round basis. They are currently finalising this year's annual canvass and will have recently written to those people identified through the

canvass who are currently not registered to vote. These people will be sent invitations to register. As always, people will be able to register online at the GOV.UK register-to-vote website. This process is quick and easy for everyone to use. The registration deadline for the 12 December election is midnight on 26 November. The EC will be running a publicity campaign to raise awareness of this.

The noble Lord also asked how much money we were spending. I am afraid that I do not have that to hand, but I will write to the noble Lord before we leave this House on Tuesday to make sure that he gets a reply to that. He also mentioned people being omitted from the register. This is one thing that we feel will be good about this new plan, as it will give EROs much more time to concentrate on the hard-to-reach groups, which we know only too well are not registering, instead of having to worry quite so much about people whose circumstances do not change.

The noble Lord, Lord Wallace of Saltaire, asked about digitalisation and what we are going to do on that. The new system, when it goes ahead—the national data-matching service—will be provided by and through the Cabinet Office digital service. This is a highly successful service, which already provides for the verification of electors' identity at the point of application. The data-matching service will be done seamlessly through the electoral registration officers' software systems, with no extra burdens on electoral administrations or citizens. The electoral administrators use the Cabinet Office digital service daily to download and upload registration applications. They hold the service in high regard and already have the required IT infrastructure in place to support the connection to the service. The intention of the proposed reforms is to identify properties where the household composition has changed, allowing EROs to target their resources towards these properties, as I mentioned earlier.

The noble Lord, Lord Kennedy, talked about the pilot evaluation. Qualitative evidence suggests that staff in all piloting authorities experienced considerably less pressure under the alternative canvass models and emphasised significant cost savings in printing, postage and staff time. It was apparent that there was no interest in returning to the legislated canvass, viewed by EROs as a repetitive process and a backwards step from modernisation attempts, such as encouraging electors to use emails instead of paper forms. The feedback from the EROs, through engagement with the Association of Electoral Administrators, has been that electoral administrative staff are strongly opposed to further delays, because they feel that this is a way forward to really engage better with the citizen.

Noble Lords also asked why we are doing this so quickly. The reason is basically that this was originally set out as an SI on 14 October and was then going to be debated in mid-November. Bearing in mind what has happened with the general election and that we are not going to be here, if we did not do this, it would mean that they could not start doing the annual canvass on 1 July 2020. That is the reason that we have rushed it through today, I am afraid. I completely understand that this has perhaps not given noble Lords the time to look at this and for us to have a full debate, but that is the reason.

I think that I have answered all questions. Would a noble Lord like to jump up and say if I have not? No—good. In closing, I thank everybody who has spoken. The regulations presented here today will make the canvass process simpler and clearer for citizens and give EROs greater discretion to run a tailored canvass that better suits their local area.

Motion agreed.

1.21 pm

Sitting suspended.

Grenfell Tower Inquiry: Phase 1 Report

Motion to Take Note

1.30 pm

Moved by Lord Bourne of Aberystwyth

That this House takes note of the Phase 1 report of the Grenfell Tower Inquiry.

The Lord Speaker (Lord Fowler): My Lords, before we embark on the next debate, it is appropriate that we collectively show our respect and appreciation for the victims of the Grenfell Tower fire and their families. I therefore invite the House now to rise and to observe a one-minute silence.

The House observed a one-minute silence.

Lord Bourne of Aberystwyth (Con): My Lords, on 14 June 2017 events occurred that have left a dreadful scar on the nation's conscience. We cannot turn the clock back, but we can take urgent action, some of which is outlined in this phase 1 report. One of the most moving parts of the report, which runs to four volumes and is considerable in its extent, is the tributes paid by loved ones and friends of those who lost their lives on that fateful night. It demonstrates what the country has lost, what the community has lost and what the families of Grenfell lost. It shows a diverse community of different races; a wondrous, breathing, living, loving community; children doing great things in sport, in school and in culture; a community at work and leisure; charitable work and strong community relations in Grenfell Tower. It also demonstrates the work that was done by the churches, the mosques, the synagogues—places of worship and public services coming together after the dreadful fire and, more widely across the country, the concern that this has left.

My focus this afternoon is on what we must do as a country and as a Parliament to honour those who died, to show solidarity with those who survived, and to work together to learn the lessons and ensure that we simply never again are in this position—and I mean never again. In that regard, I very much welcome the role, the work and devotion of Grenfell United, which I know will be following our deliberations and, more importantly, monitoring our actions. I acknowledge the work done by Sir Martin Moore-Bick and his fellow assessors in what is a very strong report with some very clear recommendations in phase 1. Of course we await phase 2, which starts in the new year and will look at other aspects, and I will touch upon them later.

[LORD BOURNE OF ABERYSTWYTH]

This part of the consideration focuses on what happened on the night, and particularly the role of the London Fire Brigade, and to some extent the other emergency services. First, I ask the Minister, who I know shares my concerns, to ensure that this is carried forward for all fire brigades in our country: it is addressed specifically to the London Fire Brigade, because of course it was the one involved on the night, but the findings and recommendations apply much more widely. We need also to ensure that it is shared with devolved Administrations and more widely across the world. There are references in the report to other high-rise fires, in Australia, the Middle East and so on, and I hope that we will share the findings much more widely.

Before I get into the meat of the report I shall look at some preliminary issues. One that is identified, and that I think the inquiry will come back to in phase 2, is the height where we consider that different rules apply. In England and Wales, it is 18 metres; while in Scotland it is 11 metres. It is not clear why there should be that discrepancy. Consistent with what the approach of the inquiry and of the Government has been, I invite the Minister to confirm that safety, not cost, will be the prime consideration in whether we carry this forward with 18 metres or 11 metres as the appropriate height.

A second issue that I think is important and is not touched on particularly by the report, although it does say something about it, and I will touch on that in a minute, is criminal charges. This is obviously independent of the inquiry and independent of this House and of the Government—it has to be—but I merely say that the report makes it clear that this should be happening concurrently. There is no reason why criminal charges have to wait while the inquiry is being conducted. Indeed, in many ways criminal charges are important early on, if that is possible, because memories fade and people forget things—they move on, they retire, they resign and they die. It is important for there to be closure for people who may well be subject to criminal charges. This issue must be carried forward and I would like the Minister to recognise that and to say that it is being made clear to the police and prosecuting authorities. When I was Minister I was able to indicate how many cases there were of people being interviewed under caution. Is the Minister able to update the House on this?

One other issue, before I look at some of the recommendations, is that of sprinklers, which many people think is important. I have heard many experts say that if sprinklers had been there, the fire would not have happened. Again, this has some urgency. I recognise that it is in phase 2 of the report, but where do the Government stand on this? Is safety the watchword rather than cost, because this is important? I invite the Minister to look at the Welsh experience, where it was carried forward in the National Assembly—I was proud to adopt and support that policy when I was there.

I turn to the report itself. A key issue was the “stay put” versus “get out” policy on the night. That is clearly central as the judge chairing the inquiry found that, if an evacuation had happened more quickly, lives would have been saved. That is a very serious point.

It has nothing to do with those who were there fighting the fire: the heroism and bravery of people in Grenfell, at the bridgehead, fighting the fire, was faultless and they went well beyond what could have been expected. It is perhaps systemic, but there was certainly an issue of communication between people in the control room and those at the fire itself. It is perhaps not surprising, in a sense, given the sheer overwhelming nature of the fire. In the Lakanal fire in 2009, a serious fire that I will make reference to later, there were six calls relating to fire survival guidance. In Grenfell there were more than 400, such was the sheer overwhelming nature of what was happening. It meant that communication was under strain. We have to ensure that the very strong recommendation about improved communication between the control room and the people in the building and at the bridgehead is carried forward. It was clearly not as effective as it could have been; there are doubts about whether the communication worked for people wearing helmets and breathing apparatus. There may be costs associated with this, and again I ask the Minister to respond on that. I know we are accepting all the recommendations; the issue is what the timeline will be. The Prime Minister said in the Commons yesterday that there would be legislation. When will it be brought into effect? This is clearly of key significance.

The switch of policy within the building itself also comes up in the report, because it was not clear; the transition from “stay put”—the normal policy when a building is sound and all the regulations are being abided by—to “get out” was not done uniformly. Again, part of that was due to not having clear notice of the switch, which can be done by a sounder device. Could the Minister comment on that as well? Good communication is key to this.

Undoubtedly, the factor that caused the fire was the flames sweeping up the outside of the building along the cladding. The judge quite rightly approves of the banning of ACM cladding and the programme to ensure that it is taken down from blocks. He also says that he agrees with the local government committee, which says that progress is too slow. He does not quite say, “Get a move on”, but does say that this should be pursued more vigorously. That is a very serious recommendation, and we need to pay attention to it. I would be grateful for a comment on how that will be pursued, because it is very important.

Another issue on the night was that communication between the different emergency services was not effective; it was not always compatible between the ambulance service, police and fire brigade. They seemed for a long time to be acting independently of each other. The system in the police helicopter was not compatible with the fire brigade, so the latter was not able to access what was happening on the helicopter. Again, some comment on how we will carry that forward would be welcome.

In terms of obligations on the owners of buildings, the judge recommends that the plans of buildings should be made available to the fire brigade and that any updates or changes to the structure or design of the building need to be carried forward as well, so that the fire brigade is aware of them. That is not happening consistently now, but there is a recommendation that

it must happen. The lifts were working, alas, in some ways, but the fire brigade was not able to take control of them. They were being used by residents, often with fatal consequences, because they did not know not to. There is a recommendation that owners should test lifts on a regular and thorough basis. This is also important.

Signage was also homed in on by the inquiry; the signage on floors was not clear and should have been advertised on each floor such that one could see it in low lighting and through smoke, both in the lobby area that needs to indicate where and on which floor the flats are and on the floors when you get to them. You can only imagine the hell it must have been for the people trying to escape and the emergency services trying to operate not always knowing where they were. Particularly in the context of Grenfell—this will not apply to every block of flats; it very much has to be appropriate to the area we are looking at, but certainly applies to many parts of the capital city and other large cities—English was not the predominant language. It was not the first language for a lot of people there. All the signs about fire procedures were in English and no other language. Individual owners of blocks need to be aware of whether signage should go up in other languages such as Arabic, Urdu, Spanish or whatever it may be. It is clearly an important consideration.

The judge also homes in on fire doors, which need regular testing. They were not working effectively in Grenfell, which meant that, although the fire was going up the outside, the smoke was not compartmentalised and spread very quickly. If the fire doors had been effective, that would not have happened. It is a really important consideration that the spread of smoke was enabled to happen. A clear recommendation from the judge, one that he says may involve extra cost, is that fire doors on buildings with unsafe cladding—those identified with ACM—should meet current standards rather than the standards of when they were built. That is a very important recommendation that must be carried through quickly; I would be grateful for the Minister's thoughts on the timeline of this, as I know the Prime Minister has accepted all the recommendations.

These are the key issues. In phase 2 we come to others: the responsibility of local government, which is not touched on; the responsibility of Government; sprinklers, which I touched on; and the Lakanal fire and the lessons from that, progress or lack thereof in relation to which will be looked at when phase 2 is considered.

It is a very weighty report with a lot of good things in it. I know that this House and the other place want to do the right thing by the people who suffered and perished that night and the survivors who have shown awesome resilience and determination in carrying on the fight to ensure that these things are done. I am very pleased that the House is taking this very seriously. We clearly have a good representation of speakers, who I know will be addressing their concerns. We have three maiden speeches, which I know your Lordships' House looks forward to hearing very much, from my noble friend Lady Sanderson and the noble Lords, Lord Henty and Lord Woolley.

In the meantime, the clear message from the judge, the community and the country is that we really have to get on with this, to make sure that it never happens again and to honour both the memory of those who perished that night and the survivors who have been carrying on the fight for justice and action. I beg to move.

1.47 pm

Lord Whitty (Lab): My Lords, I thank the noble Lord, Lord Bourne, for that introduction and for his continuing engagement with this issue as a Minister and since. I think that is recognised in the community. I also thank the House for recognising that the aftermath of this tragedy is still with us—that there is continued grieving, distress and loss within the community. This report answers some of the questions; it makes some very good recommendations, most of which the noble Lord has underlined, and I agree with them. There are serious questions to be answered by all parties in fire protection ownership and the fire forces.

However, I fear that the sequence in which we have approached these reports, and to some extent the balance of this report, which focuses overwhelmingly on the night itself, are in danger of missing the main point. Unfortunately, bits of the report were leaked. They were seized on by elements in the media effectively to put a lot of blame on the fire brigade. Undoubtedly the fire brigade's systems were found wanting in some ways, and the fire brigade has to examine whether to change its procedures; some of this has been demanded by the FBU for some years. The chief officer should perhaps consider her position, as mistakes were made. But the essential mistakes were made long before that. It is not just that the balance of blame in the media's pre-coverage of this report has been unfortunate; it also obscures the many acts of bravery, dedication and innovation by individual firefighters that night. The focus is more than slightly the wrong way around.

I hope that subsequent stages will look at the cause of the fire—Sir Martin has started to do some of that, and some of it is in the Hackitt report. A simple fire in one flat went from the fourth floor to the 24th floor in 30 minutes. That was clearly the fault of the cladding, compounded by a degradation of the compartmentalisation of the building by the refurbishment that had taken place.

The key questions in this report and at the next stage must be why so much was ignored, why the owners and managers of the building had not provided the fire brigade with sufficient information, why concerns from the tenants had been utterly ignored for several years—regrettably, that situation is not uncommon in some of our social housing—and why, as the noble Lord, Lord Bourne, said, they ignored the lessons from Lakanal in Camberwell, which is just around the corner from where I used to live, and indeed ignored the lessons from some overseas brigades and terrible incidents there. We now need to examine the relationship between the owners, public and private, of high buildings and the fire brigade, and we need to look at whether the regulations have perhaps been changed too much, taking the responsibility away from the fire brigade and leaving too much to self-regulation. We need to ensure that the regulations relating to cladding actually

[LORD WHITTY]

work. The report finds that it did not meet the law, yet the providers of it say that they met the regulations and were advised as such. There is a problem there.

The noble Lord, Lord Bourne, also referred to the issue of how we define high buildings when, for firefighting and safety purposes, there has to be an enhanced safety position. In Scotland, as he says, it is already at 11 metres rather than 18 metres. We need to re-examine that. If we do not do so and come to some conclusions, I regret to say that more individuals, families and communities will suffer the kind of distress that still exists in the Grenfell area. The real villains are not the firefighters but those who took those decisions and, in order to save money, failed to provide safe cladding or make the refurbishment safe. That is why I repeat the question of the noble Lord, Lord Bourne: where do we now stand and why are we so slow in bringing criminal charges? Otherwise, we may face this situation again in some other community in another part of the country. That would indeed be a tragedy, and it would be the fault of the authorities—by that I mean the Government and local government—that we have not learned the lessons even now.

1.53 pm

Baroness Brinton (LD): My Lords, I declare my interest as a member of the All-Party Parliamentary Fire Safety Rescue Group. Our APPG is very active and has been making recommendations and questioning Ministers—including the noble Lord, Lord Bourne, when he was Minister—since the Lakanal fire in 2009. I also co-chair the All-Party Parliamentary Group on Victims of Crime and I am a former trustee of UNICEF UK.

First, I pay tribute from the Liberal Democrat Benches to the Grenfell survivors and the bereaved families. Their determination to be heard and to achieve justice for those who died and whose lives have been changed forever by the Grenfell Tower disaster is humbling. I say to them that we too will not rest until changes are made that mean another disaster like Grenfell will not happen. We put the Minister and any future Government on notice that, while we welcome their acceptance of Sir Martin Moore-Bick's recommendations in part one, we will push for action on the many parts that can happen swiftly, especially those that do not require primary or secondary legislation.

I also note that firefighters have been praised significantly for their individual behaviour—there were many acts of heroism. The systemic failures of the fire service must not take away from the exceptional performance of individual firefighters at the scene.

We also need to note that, once again, our media has behaved badly. Grenfell United, the group representing survivors and the bereaved, has rightly said that it was “unacceptable” that people learned findings through the media, without having the opportunity to first read the report. What on earth was the *Daily Telegraph* thinking? Shame on you.

I wish to focus on some of the specific fire service-related problems but will first briefly cover some of the other key failures that contributed to the deaths of so many people. First, in report after report over the decades, coroners and chairs of inquiries have talked

about the inability of our public services to work together in an emergency. The inquiry reports that the fire commander, the Met Police commander and ambulance control all declared major incidents at different times and were not co-ordinated. Surely, at such an incident there should be one senior commander in charge of the entire incident, working together. We know that it can be done. In terrorist incidents such as the Westminster and London Bridge attacks, we have seen examples of good practice. Why did that not happen in this case? Sir Martin also comments that Kensington and Chelsea Council and the TMO were not prepared for any such emergency—and that is before we even get to the appalling issue of the lack of checks on the fire protection for the building. Fire doors that did not work and refurbishment works that destroyed compartmentation—which is absolutely key if any “stay put” policy is to work—meant that the key role of public services in supporting emergency services just did not happen. For disabled people having to wait in refuge areas, to have failing fire doors and no PEEPs—personal emergency evacuation plans—is very serious.

Secondly, the treatment of the survivors and bereaved families by the various bodies that should have been there to help was woeful. Reading the report of Inquest, the charity that provides expertise on state-related deaths, was absolutely grim. As a former trustee of UNICEF, I know that in major emergencies around the world NGOs come together to work together and respond, not just during the emergency but to support survivors long after. Through the UN and other bodies, the protocols for working in such emergencies are well known, well founded and followed. Each NGO knows what it is to do at each stage of the emergency and in the aftermath, and who leads at each stage. The UK Government fund many of these NGOs, yet Government after Government have failed to address our own problem here for our own disasters. This just is not good enough; the Government must take a lead in changing the attitude, not just through legislation but by leading by example.

On some of the specific fire service-related issues, it is just extraordinary that there was no LFS contingency plan for the evacuation of Grenfell Tower. Following the Lakanal House fire coroner's inquest in 2013, our APPG was aware of exchanges of letters between the coroner, the Secretary of State and the London Fire Brigade, and this kind of issue was supposedly satisfactorily resolved. What follow-up and monitoring have taken place since 2013, and what is the role of Her Majesty's inspectorate of fire services to ensure that such key plans are in place?

The LFB maintains an operational database and has a risk assessment policy, accessible by all firefighters at any such incident. However, the entry for Grenfell Tower contained almost no information of any use to an incident commander called to a fire, and some information was out of date as it did not take account of the refurbishment and was therefore wrong. In addition, what about the fire survival guidance calls being communicated to the incident commanders, arrangements relating to the internal spread of the fire, and deficiencies in command and control, where senior officers arrived but failed to give sufficient practical support or inform themselves quickly enough, given

that the spread of the fire was so visible? All these issues had plans in place—or should have—which should have been inspected by the HMI of fire services in its yearly inspection for each service.

Finally, I mention automatic fire sprinkler protection. We now have five years of compelling evidence from real fires in the UK that automatic fire sprinkler protection controlled or extinguished fires where they operated on 100% of occasions in flats. A single fire death in a working sprinkler building designed for the purpose anywhere in the UK is an extremely rare occurrence. Multiple deaths are unheard of. We must implement sprinklers in high-rise residential buildings. As others have said repeatedly in this House, sprinklers in Grenfell would have changed everything.

2 pm

The Lord Bishop of Durham: My Lords, I thank the Whips Office for understanding that my friend the right reverend Prelate the Bishop of St Albans cannot speak due to the change of time, and that I have been allowed to speak in his place.

It is important for us to remember that for the bereaved families and survivors of the Grenfell Tower fire, who have now suffered for so long, the past week has been particularly difficult. The report mentions many contributing factors, including issues of fire safety, communication between emergency services, building regulations and the use of materials. In his introduction, the noble Lord, Lord Bourne, spoke eloquently on all those, and many other noble Lords will be able to speak about them from a position of informed authority.

However, faith groups such as the Church of England have played what has often been an unmentioned—although I thank the Minister for his strong mention—but critical one in the lives of Grenfell survivors. That is why I and all those on these Benches feel so passionately about our collective role in this matter. In the immediate aftermath of the tragedy, three of the main spaces used for public meetings were St Clement's Church, Notting Hill Methodist Church and the al-Manaar Muslim cultural centre. The role of faith communities in bringing people together in the face of adversity was a critical factor in assisting in the immediate recovery from the fire. Local community groups, such as the Harrow Club, the Rugby Portobello Trust and the ClementJames Centre, motivated by faith in the local community life, played an important role in the wider and longer-term response. Such local community groups, faith-based and otherwise, will always provide important spaces for social cohesion and the cultivation of habits of community building. Members from all faiths and none will join me in praising the wonderful work of all those groups and all they continue to do in the Grenfell area.

Amidst the tragedy and horror of that event in 2017, there is an opportunity for policymakers and community stakeholders to consider what is wrong in some of our society's very fabric and how we can all work together to improve it. The social legacy of Grenfell is something that my colleague the Bishop of Kensington, Bishop Graham Tomlin, has spoken about repeatedly. The perception of neglect is very strong on

the ground, yet there is also hope found in local groups and communities, which provide a vision of possibilities for society in and around Grenfell Tower.

Nevertheless, the neglect felt by many before the tragedy has not gone away. Prior to the fire, as Bishop Graham states, there was an overwhelming feeling that the issue of Grenfell was not being heard. There is a common thread of perceived neglect by authority figures. Stories are repeatedly told of residents trying to get the tenant management organisation to attend to repairs. When people complained about the service they received, they were made to feel that they were the problem. This disincentivised them to pursue it.

This feeling of being a burden on society cannot be solved overnight. Nor can the perception that the voices of Grenfell are ignored. It is clear that lessons have not been learned by wider British society. Members of this House will be concerned at the sense of outrage that survivors of the tragedy have felt at the media's publication of and speculation about the report before they had time to read it themselves. Is this not a sign that Grenfell voices are still not respected, taken seriously or appreciated in and of themselves?

The experience of Grenfell residents about repairs to their homes raises wider issues of social neglect and the perception of affordable and social housing. Affordable and social housing has slipped down our list of priorities over the years, and with its loss of priority went effective opportunities for tenants to voice complaints or have a say in accommodation standards. Furthermore, as a result of our drastically reduced social housing stock, many have felt that they have become the, "dumping ground of the most vulnerable in our society", to cite my colleague Bishop Graham again. As Christians, we believe that each person is created and loved by God and that within all people is an innate value. Moving towards a better regulated social housing framework would do much to work towards that valuing of every person.

Housing is a health issue as well as a moral one. The WHO's report on health states clearly:

"Improved housing conditions can save lives, prevent disease, increase quality of life, reduce poverty, ... mitigate climate change". We need to find a wholly distinct approach to housing, which sees it primarily not as a financial asset but as a home and a key to our well-being. All people deserve to live in a place that is truly a home. Until we can deliver on that ideal, the contributing factors to the Grenfell tragedy cannot be said to have been solved.

In conclusion, can the Minister provide clear data on the link between the quality of British social housing and the health of those communities? Can he explain to the House what steps are being taken to address the shortage of social homes and the quality of existing social housing? Above all, will he comment on the perception of neglect felt by far too many of our citizens?

2.06 pm

Baroness Finlay of Llandaff (CB): My Lords, the report makes deeply harrowing reading. Memories of the terrible hell of that night and the awful pain of loss are bound to be worsened by the thoughts of "if only" and "what if". Of course, people are seeking who to blame, but reading the report one senses that a web of failures resulted in disaster, against which incredibly

[BARONESS FINLAY OF LLANDAFF]

brave humans at many levels risked their lives to try to save others. They now live, day in and day out, haunted by the harsh fact of so many deaths.

From the outset, the noble Lord, Lord Bourne, has done all he could to keep this House updated with unfailing sensitivity. From all Benches, we owe him a debt of gratitude.

In my few minutes, I shall focus on the trigger-point for evacuation. The communications failure seemed to be at many levels, from equipment not working, the way to how calls were handled, where the gas should be in such buildings and, crucially, how survivors were collated and supported immediately and in the long-term.

At the core is the decision to stay put rather than evacuate. As soon as fire gets hold, the risk of rapid spread rises so fast that there seems no reason to avoid immediate evacuation. Sir Martin's powerful report states:

"The evidence taken as a whole strongly suggests that the 'stay put' concept had become an article of faith within the LFB so powerful that to depart from it was to all intents and purposes unthinkable".

That the commissioner had to ask the rhetorical question, "It is all very well saying, 'Get everybody out', but then how do you get them all out?", emphasises that the London Fire Brigade was inadequately prepared, trained and equipped to lead a total evacuation of such a building. People have to practise evacuation. Should we return to timed fire practice for all buildings where people are grouped together, whether residing, working or studying?

The report refers to the need to have instructions in languages other than English. If you make people do something, they will remember it, but if you hand them a leaflet written in their own language or give them a drawing or cartoon, they will remember it only in part, if at all. Is every first responder in the country now required to stress-test their major incident emergency procedures to the limit and beyond in order to prepare them for dealing with the unthinkable, so that back-up systems are active?

The trigger-point for recognising Grenfell as a major incident and the point at which to evacuate seemed to be remarkably slow, as if protocols were taking precedence over professional, collated judgments. That may be because the information was not being collated rapidly due to the communications failures, but it was terrible to read that some of the same errors were made as those that had occurred in the Lakanal House fire. Let us not forget that failures in communication also hampered rescue efforts in the London Underground bombings.

On the 999 calls coming in, it was not just the number but the rate of calls that should have alerted people that something quite remarkably dangerous and awful was going on. Are 999 call handlers now undergoing thorough stress testing in order to cope with the unthinkable? Communication between those on the ground and people in the control room was inadequate. The military organisation that one would expect was seriously lacking. There was also a lack of compatibility between the systems used. I would ask the Minister whether we are moving towards a national

system, with an additional national back-up system, if the first one fails. If the communication systems do not work, everything falls apart.

Sir Martin cites the watch manager, who lacked critical information from the control room, which meant that he was doubly blind to what was unfolding. A relatively junior fire officer had, "little or no support from more senior officers", and was let down by institutional failings. As the report states:

"The behaviour of the fire was outside his experience and nothing he had done appeared to be having any effect. He was at a loss to understand what was happening or to know how to respond".

When that happens, is it not by definition serious, if not major?

The co-ordination of emergency services was lamentably slow. This lack of communication marked a serious failure to comply with the joint working arrangements and protocols designed for major emergencies in London. The failure to share declarations of a major incident meant that the need for a properly co-ordinated joint response was delayed, conversations that should have happened did not, and there was no single point of contact.

In his opening remarks, the noble Lord, Lord Bourne, eloquently invited us to change behaviours. Will the Government now undertake to amend the JESIP *Joint Doctrine* to make clear that each emergency service must communicate the declaration of a major incident to all other category 1 responders as soon as possible?

I also wonder about gas in high-rise buildings. While it was not directly implicated, should we be pushing towards the use of electricity in all such buildings, along with trip-switches in place if they overheat or surge?

Perhaps the most worrying aspect relates to the survivors themselves. People had difficulty in establishing the whereabouts of friends and relatives who may have been taken to hospital after escaping from the building. They had no idea where they were and did not know how to contact them. We are meant to see a Metropolitan Police casualty bureau, but we need such bureaux to be set up across the country to establish the identity and whereabouts of people and to provide a central point of contact for gathering and distributing information about individuals who have been or may still be involved in an incident. No register of building occupants will ever be up to date, but there must be rapid contemporaneous information gathering. People were left for days and weeks desperate to know the fate of their nearest.

It has been estimated that more than 11,000 people have been directly affected by Grenfell, so we must take forward the lessons learned. I suggest that we return to this issue year on year for at least five years in order to keep it in our sights. We owe it to Grenfell United.

2.14 pm

Baroness Sanderson of Welton (Con) (Maiden Speech):

My Lords, it is a great honour to stand before the House today. I confess that I do so a little earlier than I had intended and while there is still an awful lot to learn. Yet, in the space of less than a fortnight, one thing is overwhelmingly apparent, and that is the

good-hearted professionalism of all those who work in this place. From the doorkeepers to the librarians to Black Rod and her team, everyone has been so kind in gently, and sometimes literally, steering this new Member around the House.

I would like to thank all those in the Chamber for their unfailing courtesy and encouragement, as well as my supporters, the noble and learned Baroness, Lady Butler-Sloss, and my noble friend Lady Barran. Their humour and warmth on the day of my introduction helped to keep the nerves at bay. More importantly, it was a privilege to receive the support of these two formidable women who have achieved so much, particularly in the fields of modern slavery and domestic abuse. I would also like to thank my noble friend Lady Jenkin of Kennington. She is someone who has helped many women in the political sphere, and she has certainly helped me with her generous mentoring and characteristically no-nonsense advice.

I hope that my former press colleagues will not be offended when I say that this is a very different atmosphere from that of Fleet Street, where I spent 17 years at the *Mail on Sunday*. I worked in the features department, sometimes known as the “shallow end” of a newspaper; in truth, it is anything but. While I covered my fair share of lighter stories, the real privilege of the job was in meeting people—real people, not celebrities or those seeking to promote themselves—who found themselves, for whatever reason, in unforeseen and unimaginable circumstances. They were men and women from all walks of life who had become the victims of events that only ever happen to “other people”—until they happen to you.

In a House where the noble Baroness, Lady Lawrence of Clarendon, and my noble friend Lady Newlove both sit, I would never pretend to any great authority. Their dedicated and courageous campaigning was cited again and again by those I met after moving to the Home Office to work for the then Home Secretary, Theresa May. During her time there, and in No. 10 as Prime Minister, she gave a voice to many who had previously gone unheard, very often for decades. She established public inquiries for the victims and survivors of child sexual abuse and those affected by the infected blood scandal. She fought for justice for the families of Hillsborough and introduced the landmark Domestic Abuse Bill. Through her, I have learned what it means to engage in work that makes a difference, and through her I have had the honour to work with many different people, all of whom have found themselves in those unforeseen and unimaginable circumstances, which brings me to today’s debate.

I think noble Lords will agree that none of us can truly comprehend what the residents of Grenfell Tower and their neighbours, friends and families went through that night. Yet amid the devastation, in the days and weeks after the fire, the residents and relations came together to form a number of different support groups, the main one being Grenfell United. In the months and years since, they have proved themselves to be powerful advocates, and they have done so while having to rebuild their lives, return to their jobs and settle into new and unfamiliar homes. It has been an uphill struggle, and I know that those of us working in government often added to their frustrations. The machinery of

the state is agonisingly slow in such circumstances, yet the survivors have prided themselves on showing dignity throughout. It would have been easy not to.

Sir Martin Moore-Bick’s report makes clear in unflinching detail the horror of that night and is unambiguous about the grave mistakes that were made. He states that the cladding breached building regulations and caused the fire to spread, and he draws the distressing conclusion that fewer people would have died had the “stay put” policy been revoked at an earlier stage. I am pleased that the Government have agreed to all of his recommendations, but there is of course more to do. Sir Martin has clearly signposted his intentions for phase 2 of the inquiry, which will establish how Grenfell Tower came to be in a condition that allowed this tragedy to occur. He will also look at the response of the Government and the Royal Borough of Kensington and Chelsea in the aftermath.

Then there is the work which is outside of the inquiry’s remit, in particular the response to the Green Paper consultation on social housing and forthcoming White Paper, which must now wait until we return to this place. If it tackles, as it must, the stigma of living in social housing and gives tenants a proper voice, then residents believe, rightly, that this can be the positive legacy of Grenfell.

Someone from North Kensington once told me that you can always tell the people who live in the area from those who do not. Those who live there never look up at the tower—there are too many painful images; too many painful memories. The Grenfell community will have to live with those memories for the rest of their lives, but it is to their enormous credit that they wish to be remembered not for what happened in the early hours of 14 June 2017 but for the change that must happen as a result, for which they continue to fight tirelessly.

I thank my noble friend Lord Bourne of Aberystwyth for calling this important debate. I join other Members of the House in making sure that we do all we can to help them, thereby honouring all those who lost their lives.

2.20 pm

Lord Young of Cookham (Con): My Lords, it is a pleasure to follow my noble friend and to commend her on her moving maiden speech. Following the Grenfell tragedy, as we heard, my noble friend worked closely with the survivors of the fire and the families of those who lost their lives.

My noble friend has skills which we are going to need, because she was also involved in setting up the inquiries into child sex abuse and infected blood. The theme running through all three inquiries—one mentioned by the right reverend Prelate—is the loss of trust in authority on the part of those who felt let down. When we have such a breakdown in confidence in the governance of the country, my noble friend can help us build the bridges that we need to restore it. We welcome her warmly and look forward to her future contributions.

I endorse the sympathetic remarks made by my noble friend Lord Bourne and others for the survivors and the families of those who perished in this tragedy. We were all moved by the press conference that they held

[LORD YOUNG OF COOKHAM]
yesterday, at times dignified and at times understandably emotional. I also endorse the commendations for the individual firefighters who risked their lives to save others, as mentioned by the noble Lord, Lord Whitty, the noble Baroness, Lady Brinton, and others.

I too welcome this debate initiated by my noble friend Lord Bourne, who, when he was a Minister, handled our debates and questions on the Grenfell Tragedy with such sensitivity, as well as taking a close personal interest in the welfare of the survivors. He was a model of a Lords Minister and I hope that it will be possible, perhaps after the election, for him to return to the Front Bench.

I will focus on one aspect of the consequences of the fire that has not been mentioned so far—namely, its impact on the residents of high-rise blocks in private ownership. The Government successfully persuaded a number of freeholders to take responsibility for remediation, without passing the costs on to leaseholders. But they were a minority. Case law has established that freeholders can pass the costs on to leaseholders. The Government responded in July, with the document *Private Sector ACM Cladding Remediation Fund*. I welcome this and know that my noble friend Lord Bourne pressed hard for it.

As the freehold of a number of privately owned blocks is now owned by the leaseholders, there is, in effect, no freeholder for them to look to. My questions for the Minister are about the regime set out in that document to help leaseholders in private blocks that are vulnerable. The document mentions the figure of £200 million. Is that a cash limit, or will the figure be higher if it turns out that the costs are also higher? If it is exceeded, will the excess come from the Treasury or from the department's budget?

Then there is the issue highlighted in the *Times* earlier this week, which pointed out that of the nearly half a million flats in high-rise buildings clad in combustible materials, only 30,000 are covered by the Government's scheme. Those leaseholders are unable to sell or remortgage. The Select Committee in another place recommended support for all high-rise buildings with unsafe cladding. There is a risk of long-term erosion of the value of the housing stock and its impact on mobility. I understand the Government's reluctance to take on more liabilities, but I hope they might be proactive in looking for effective solutions for those in the blocks.

In Answer to a Written Question on 22 October, the Minister for Housing, Esther McVey, stated that, to date, no buildings had been awarded a grant from the fund. The Answer also stated that, by 18 October, 55 applications for funding had been started. It went on to say:

"We expect first applications to be approved in October. Homes England and the Greater London Authority are our delivery partners for the fund and are working with eligible building owners to ensure remediation is completed".

Can my noble friend update us on progress?

The document also says that "building owners"—and in the case I have in mind, leaseholders—should, "actively identify and pursue all reasonable claims against those involved in the original cladding installations, and to pursue insurance and warranty claims where possible".

I quite understand that, but are those costs covered by the fund, and how will the department judge that enough has been done to try?

The document states that state aid declarations are required from every leaseholder. Is that absolutely necessary? Many leaseholders may be overseas and some are offshore companies, and it is really difficult to track them down. Is it really the case that everyone else is denied help if one leaseholder does not sign the state aid form? Finally, will right-to-buy leaseholders in local authority tower blocks get the help outlined, or is it just for those in private blocks? If they are not covered, they will be uniquely disadvantaged?

I appreciate that these are complex questions and my noble friend the Minister may not have all the answers, in which case I would settle for a written reply. But I know he will understand that there are many anxious leaseholders out there hoping for reassurance. The cry that went up yesterday, "Never again", was repeated by my noble friend this afternoon. It is one that they hope the Government can respond to.

2.26 pm

Lord Henty (Lab) (Maiden Speech): My Lords, it is a sad thing to make a maiden speech in a debate on a tragedy such as this, but I have one point to make, albeit one that has already been referred to by the noble Baroness, Lady Brinton. But like the noble Baroness, Lady Sanderson, I begin with thanks. I am indebted to noble Lords for the kindness and warmth of welcome from all sides of this House since I was introduced last Monday, and the help that you have all given me. Mind you, I have to say that the well of gratitude is a little shallower than it might have been, as noble Lords introduced me to this House on Monday and on Wednesday decided to dissolve it, although I am told that there is no connection between the two. I also thank the amazing staff of the House who have been unfailingly helpful to me in giving me advice, telling me where to go and so forth.

It was not quite the same in East Ham magistrates' court when I started my practice at the Bar many decades ago. However, my life in crime was cut short because I spent the past 42 years in the practice of labour law—the law of the workplace, of workers, employers, employers' associations, trade unions and industrial relations. I mention that because I am conscious that, in coming to the House with that specialism and with that interest, I am attempting to follow in the footsteps of my late noble friend Professor Lord Wedderburn of Charlton, whom many noble Lords will remember. I can never hope to emulate his achievements, but he will be an inspiration to me in my time here.

I have not spent all my time in labour law. I interspersed it with other areas of the law, and I should mention them because they are relevant to the point that I have to make. I had the privilege of being instructed in a number of public inquiries, the first of which was into the King's Cross Underground fire disaster, where I appeared on behalf of the Association of London Authorities. After that, I appeared for the bereaved and injured in the Southall train crash inquiry and then for the bereaved and injured in the Ladbroke Grove train inquiry. I appeared at the Potters Bar train crash inquest and for the bereaved and injured in the

Lakanal House fire disaster, which has already been mentioned. I appeared for the National Union of Journalists in the Leveson inquiry, and I currently appear for the Fire Brigades Union in the Grenfell Tower fire inquiry. In speaking this afternoon, I do not pretend to speak for the Fire Brigades Union—I have declared the necessary interest—because I do not think it would be proper to do so in this House and, perhaps more significantly, because the Fire Brigades Union, particularly its general secretary Matt Wrack, has made its reaction to the publication of phase 1 of Sir Martin Moore-Bick’s report into Grenfell Tower very clear over the past 48 hours.

All those inquiries shared a number of features, of which two are significant. One was, of course, that they were terrible tragedies which cast a long shadow over all those involved in any way. I speak not of that. The other was that they all involved the publication of reports. They were public inquiries. What is significant about that is that in every case the judge in charge of the inquiry, having written the report and prepared it for publication, gave it to the core participants 24 or 48 hours before it was released to the public. The reasons are obvious: so that those who were so deeply affected would have a chance to prepare themselves for the media onslaught that would follow, and those who were the subject of criticism would have a chance to speak to lawyers if the inquiry report might lead to prosecution.

Sir Martin Moore-Bick followed that process. On Monday, the report was released to the core participants, of which there are over 600. Every one of them was required to sign a non-disclosure agreement to keep that report confidential until the deadline of midnight on Tuesday night had passed. Somebody leaked it to the *Daily Telegraph*, as my noble friend mentioned. The *Daily Telegraph* then set journalists on to reading that report, cutting and pasting pieces in order to publish it in the next day’s newspaper. Other responsible media outlets—the *Guardian*, the BBC and so forth—followed suit and cut and pasted from what the *Telegraph* had written. That leak is clearly reprehensible, and I trust that whoever did it will be discovered in due course, but the publication of that report, breaching a non-disclosure agreement and the embargo set by Sir Martin Moore-Bick, is absolutely outrageous. I hope that Sir Martin at least considers the possibility of summoning the editors involved and the director-general of the BBC to explain what conceivable public interest there could have been in releasing parts of that report verbatim before Wednesday morning.

I thank noble Lords for their patience in listening to me.

2.33 pm

Lord Harris of Haringey (Lab): My Lords, it is an enormous pleasure to follow my noble friend Lord Hendy, who made an outstanding maiden speech. I am not surprised. I am sure that somebody who cut his teeth in the Newham Rights Centre and then became “the barrister champion of the trade union movement” will fit into your Lordships’ House and its various strands of view with great aplomb and that he will add immeasurably to the quality of our debate and counsels. In fact, I am sandwiched between two maiden

speeches. I am looking forward to the maiden speech of the noble Lord, Lord Woolley, whom I think I first worked with about 20 years ago, possibly more, on Operation Black Vote.

The fire on 14 June 2017 was an appalling disaster and a tragedy for all affected. I am quite clear that the reason why so many lost their lives was the nature of the cladding and the condition of the building. I want to focus today on one narrow aspect of the tragedy: the problem with communicating effectively with the residents. Assistant Commissioner Andrew Roe told the inquiry that he made a decision to change the policy soon after taking over as incident commander and by 2.47 am—almost exactly two hours after the fire started—control room staff were told to advise residents who called to evacuate immediately. At 4.14 am, an hour and a half later, the police started telling onlookers to contact anyone still trapped in the building and tell them to evacuate immediately. There were no other means of contacting residents in the tower directly. Indeed, the Commissioner of the London Fire Brigade, Dany Cotton, told the inquiry that as there was no central fire alarm, evacuating the building,

“would physically require someone to go and knock on every single door and tell people to come out”.

Likewise, Michael Dowden, the North Kensington watch manager, told the inquiry:

“For me to facilitate and change a stay-put policy to full evacuation was impossible”.

because there were no means of communicating directly with the residents in the 20 floors above the fire.

I am not wanting today to make any judgment on the rightness of the “stay put” policy generally in fires in tower blocks, nor am I qualified to make any comment on how quickly that policy should have been overridden in the specific circumstances of Grenfell Tower. What I want to concentrate on is that through no fault of its own, the fire brigade could not tell those in the tower that the “stay put” policy had changed and that they should evacuate at once.

One of the many tragedies of that appalling night was that the technology that would have enabled that communication to happen exists and is widely deployed elsewhere in the world, but not in Britain. It has been tested here; the Cabinet Office deemed the tests a success; but it has not been deployed. The issue has frequently been raised in your Lordships’ House. The noble Lord, Lord Young of Cookham, was wheeled out time and again as a Minister to defend the indefensible. I apportion none of the blame to him personally because I know that behind the scenes, he tried to get this issue moving.

This technology was trialled in Easingwold in North Yorkshire on 18 September 2013. Those with a suitable mobile phone handset received an alert on the home screen of their phones saying “UKAlertTest. No Action Required”. It was trialled again in Glasgow on 3 October 2013 and in Leiston in Suffolk on 20 November 2013. Those tests were part of a Cabinet Office project on mobile alert systems for use in an emergency. The conclusion from those trials was that,

“emergency responders are still very keen to see the implementation of a national mobile alert system. Views from members of the public also suggest that the vast majority of people (85%) felt that

[LORD HARRIS OF HARINGEY]

a mobile alert system was a good idea it would be an effective way of getting people to take specific protective action during an emergency”.

The report recommended further trials. They never happened.

I looked at this as part of my 2016 review for the mayor—*London’s Preparedness to Respond to a Major Terrorist Incident*. That led to my recommendation that,

“the Mayor should quickly work with the Cabinet Office to introduce a London-wide pilot of this public alert technology”.

Three years further on, there is still little progress.

The fire brigade has said that it could not have communicated directly with the residents because it did not have the people to do so and, in any case, it would have taken too long, but the technology has been used regularly in Australia since 2009. The United States and the Netherlands started doing so in 2012. Portugal uses it. The summer before last when I was on holiday there, I received a text message on my mobile phone, in English, alerting me to the danger of forest fires. Norway, Sweden, Belgium, Saudi Arabia and Iceland have alerting systems. Earlier this year, thousands of lives were saved in India when 2.6 million text alerts were sent to residents in the path of Cyclone Fani. These systems work, are proven and save lives.

Australia’s emergency alert can send an SMS text message to every mobile phone in a tightly defined area. Precisely the same sort of scenario as the Grenfell Tower fire was tested six years ago. It focused on the 37-storey Department of Justice and Community Safety building in the heart of Melbourne. The system’s mapping tool was used to draw a warning polygon over the building and the presence of 5,736 mobile devices was detected. When the alert was sent, it reached over 90% of those devices within 12 seconds and delivered the alert to people on every floor.

Therefore, we have had six years of drift. Apparently, no one could decide which government department should lead and whose budget it should come from. Then there was a whole row about which technology was best—the best being made the enemy of the good.

I do not know whether an alerting system such as that deployed in Melbourne would have saved lives in Grenfell Tower, but at least residents could have been told that the “stay put” advice had changed and they could have tried to leave. Debating “what if” does not bring back any of those who lost their lives and it cannot heal the hurt of bereaved families and friends, but we cannot go on any longer without emergency alert technology being made available in this country. Next time there is a disaster, those alerts would make the difference between the life and death of those involved.

2.41 pm

Lord Woolley of Woodford (CB) (Maiden Speech): My Lords, I am grateful for the opportunity to speak in this extremely important debate. The tragedy of Grenfell makes us all weep, all the more so because it should not have occurred. However, before I talk about Grenfell, I should like to use my maiden speech to express some thanks.

First, I thank the great staff here in the House of Lords. They are attentive, polite and very helpful. For two weeks now, I have been constantly getting lost around the Westminster estate. A member of the Lords staff said, “Lord Woolley, you look a bit lost. Can I help?” I replied, “Yes, sir. Could you tell me where the Chamber is?” Back came the reply, “Yes, my Lord, it’s behind you”. I also want to thank the police. I met two black police officers, to whom I spoke briefly. I had a casual rapport with them. One said, “Yeah man, respect. It’s good to see another black Lord in the House”.

Equally, I want to thank noble Lords. They have made me feel very welcome in their—now, our—House. I spoke to my noble friend Lord Hogan-Howe before I came in. He was going to leave half an hour earlier but said, “I heard that you are speaking, so I’m going to stay”. That is the type of generosity that I have encountered.

I particularly want to thank my supporters and friends, the noble Baronesses, Lady Young and Lady Hussein-Ece, my noble and learned friend Lord Judge, the noble Baronesses, Lady Warsi, Lady Lawrence and Lady Chakrabarti, my noble friend Lord Hastings and the noble Lord, Lord Morris. I follow in their footsteps.

It is also right that I thank the right honourable Theresa May, the former Prime Minister, not only for appointing me to this prestigious role but for having faith in the idea of a race disparity audit. That leadership role has meant that we have established a policy framework that lays bare the uncomfortable truths about racial disparities: the educational underachievement of some white working-class boys and girls; the fact that youth incarceration of black, Asian and minority-ethnic individuals is at a staggering 45%; and the simple fact that too many people of African, Asian and Caribbean origin are born into poverty. All that data has been laid bare, with the former Prime Minister establishing the mantra, “Explain the inequality or change through policy and collaboration”. The model has been applauded by the United Nations, and the Organisation for Economic Co-operation and Development has said that it is an exemplar framework for migration analysis.

Lastly in my list of thank-yous, I want to thank my mother, who fostered and then adopted me. On the St Matthew’s council estate in Leicester, where we lived, my mum taught me to have good manners and respect, to fight for myself and to fight for others. I think that she knew I would be a disciple of Dr Martin Luther King and Bernie Grant—this is still Black History Month, by the way. They both had a dream but also a plan, and step one of that plan was voter registration. They said, “Don’t ask for justice; demand it. We don’t beg for equality; we vote for it”. That is how we started Operation Black Vote nearly 25 years ago with Rita Patel, Lee Jasper, Dave Weaver, Ashok Viswanathan, Audrey Adams, and Meena Dhobi.

Back then, we had four black and minority-ethnic MPs. Now, there are over 50, with a number of city mayors, many from Operation Black Vote, including Mayor Marvin Rees of Bristol, Lord Mayor Anna Rothery of Liverpool, Tan Dhesi MP, Helen Grant MP, Marsha de Cordova MP and Clive Lewis MP. However, we have also nurtured BAME magistrates—

more than 100 who have collectively completed more than 1,000 years of public service. Voter registration was, and still is, our bedrock. You give people a voice by ensuring that they have political power. It is our duty to ensure that we get all our citizens registered to vote and engaging in our democracy. It takes three minutes to register to vote and we should ensure that everybody has a voice.

I hope that noble Lords are getting a picture of what I care about—social and racial justice. My view is that there is potential talent in every street, in every city and in every corner of Great Britain. I put it to the House that it is our task to ensure that there are real pathways for that potential talent to flourish. This is not a zero-sum game, by the way. We all benefit by unleashing talent. We become more creative, more dynamic and more comfortable with ourselves.

Noble Lords should also know that I care deeply about some of the most vulnerable and, often, voiceless in our society. They are the Roma, Gypsy and Traveller communities. Both here and right across Europe they are among the most persecuted peoples. My message—our message—to them must be, “Your struggle is our struggle”.

My other challenge is for us to have an adult conversation about drugs policy. It is heart-breaking to read about young men, many of whom are black, murdering other young men, often in drug gang rivalry. Equally, I am saddened when I hear about those with a drug addiction overdosing when I know that their deaths might have been prevented. If we have an adult conversation—a grown-up discussion—about drugs policy through the prism of public health, I promise that we will save lives, and actually we will save money too, as well as heartache.

My final point concerns the tragedy of Grenfell. We owe it to those who have lost their lives, to the survivors and to the families and friends still grieving, to lay bare the most uncomfortable truths not just around that day but around broader contributory elements, including poverty and powerlessness. This is not a party-political point; I am just imploring noble Lords, from their position of privilege, to give voice to those families. How do we challenge the systemic structural failures?

My final, final point—for today at least—is that we should be a beacon of hope, even more so than we probably are now. More than ever we must rise above what is often the very tribal nature of British politics and seek common ground. Right now, our society and our nation are crying out for leadership: strong, decent and collective.

2.49 pm

Baroness Pinnock (LD): My Lords, what a privilege to follow the magnificent maiden speech of the noble Lord, Lord Woolley. I have long been an admirer of the work of Operation Black Vote, and of the noble Lord as its inspiration. As he has described, huge strides have been made in social and racial equality in the past 20 years, much of it the result of his campaigning work. I thank him. Having heard him speak today with insight and passion, it is clear what a significant difference he will make to the work of this House, as well as continuing his campaigning zeal across the country. I wish him good luck.

There are just a few tragic incidents of such magnitude and horror that they become seared into our collective memory: Aberfan, the “Herald of Free Enterprise”, Lockerbie—and now Grenfell.

Grenfell brought out the absolute best of human reaction: Grenfell residents supporting, caring for and rescuing others; the heroic efforts of the firefighters who put their own lives at risk. All those at the heart of that horrific fire need to know that reasons are unearthed and responsibilities allocated. The Phase 1 inquiry report is thorough and unflinching in setting out some of the answers. It says:

“The principal reason why the flames spread so rapidly ... was the presence of the aluminium composite material”,

as well as panels which,

“acted as a source of fuel”.

We should bear that in mind as we consider the responses of the London Fire Brigade.

What struck me as I read the report was that communication failure and lack of training were fundamental to how the emergency services responded. The control room operators were understandably inundated with calls. There were insufficient operators, and routing the calls to other fire and rescue services was not as helpful as it should have been because there was no ability to share information of the incident; as a consequence, differing advice was given. Neither did the emergency services have sufficient training in fire survival guidance or, crucially, the implications of a decision to stay or evacuate; nor were they able to give firm, clear messages when evacuation was the only option.

The lessons of the Lakanal House fire of 2009 have not been learned and here the Government bear considerable responsibility. Information between the control room and the site of the fire were totally inadequate. That finding in the report is quite astonishing; in itself, inadequate information-sharing contributed to poor decision-making at a senior level that surely led to lives being lost.

As we have heard from the noble Lord, Lord Harris, the report states that the communications equipment used by the LFB was unreliable and in some cases failed to work at all. How can it be that firefighters are asked to put their lives at risk without the invaluable aid of modern and effective communications equipment that is reliable in all situations? How can that be?

The failure in communication systems did not end there. Each of the emergency services that responded so heroically to the fire failed to share vital information. For example, as we have heard, each service declared a major incident at a very different time. During the incident, this lack of shared information meant that the nature and extent of the fire was not properly understood. Even helicopter surveillance of the fire was of little help as the pictures of the scene could not be communicated to the incident commanders because the downlink failed to function.

This catalogue of communication systems failures should be—must be—a lesson learned by emergency services and gold command operations across the country. In an age of easy, instant communications, it is simply shocking that the failures were so widespread.

[BARONESS PINNOCK]

These failures have made me question whether the very deep cuts to government funding to the London fire service contributed to that communication failure, resulting in more lives at risk and more lives lost. There ought to be a review of the impact of these cuts in the light of Grenfell. Will the Minister respond to that?

This report focuses on the horrors of the day itself. It is rightly critical of operations, but also clearly indicates the failures of others; for instance, the landlord. A further obvious failure of communication was the lack of internal signage in Grenfell. The floor numbers were not clearly marked and, where there were floor numbers, they did not reflect the additional floors created during the refurbishment. That leads me to conclude that the managers of the building were not sufficiently concerned about the building's safety or appearance, and that this reflects what they thought about their tenants.

The Grenfell Tower inquiry report is thorough. It concludes with over 40 detailed recommendations. It is the utmost duty of this Government not just to accept but to respond with urgency to all these recommendations to assure Grenfell survivors that the loss of their loved ones was not in vain.

2.56 pm

Baroness Lawrence of Clarendon (Lab): My Lords, I thank the noble Lord, Lord Bourne of Aberystwyth, for bringing this debate to our House. I also thank the three noble Lords who have made their maiden speeches today: the noble Baroness, Lady Sanderson, and the noble Lords, Lord Hendy and Lord Woolley.

I welcome the phase 1 report on the fire that took place at Grenfell Tower on 14 June 2017 and on why the fire spread so rapidly on the night. Before the night of the fire there were complaints about the block, which housed many families from different backgrounds. The majority of residents were refugees, asylum seekers and British citizens from our diverse society. Some residents felt that, prior to the fire, the local authority did not give their complaints attention because of who they were. This information was gathered after the fire. There were complaints prior to the fire about safety and, as far as the tenants were concerned, their complaints fell on deaf ears in Kensington and Chelsea Council.

Many survivors and families are still experiencing trauma from that night. One survivor I spoke to was Mr Paulos Tekle, whose six year-old son died that night. Mr Tekle lived on the 18th floor with his wife and two children, and they were joined on the night of the fire by another family; so they were five children and three adults.

After some time and several calls, he was told to leave his flat. He entrusted his six year-old son to an adult—a tenant from the block—who was to lead his son out to safety while he followed down with his wife and the other children. When Mr Tekle got out, he started looking for his son and the man he had entrusted him to. Mr Tekle's only concern on the night was to get his family out safely once he knew that the block was on fire.

My support of Mr Tekle in a recent interview was to do with the maintenance of the building and the length of time it took for him to get his family out to safety. His trauma continued as he searched for his son at the local hospital. It took 11 days before it was confirmed that his son was one of the victims who had died because of the fire. I would like to put on record that my comment about authority was to do with Kensington and Chelsea Council, its lack of building maintenance and the low-level cladding to the building, not the fire brigade.

There may be many reasons why there was a delay in Mr Tekle receiving this information about his son. He is unable to speak without crying as he feels such guilt that he allowed someone other than himself to take care of his son. On the night of the fire and in the days that followed, there were 72 deaths. Seventy other people were injured and 223 people escaped. I would like to pay my respects to all those affected by the tragedy of that night.

3 pm

Lord Porter of Spalding (Con): My Lords, I declare my interests as the vice-chairman of the APPG for fire safety. I am also the Local Government Association's building safety spokesperson.

I was with some of the families of the victims and a couple of the survivors yesterday morning, and universally they had nothing but good words to say about the report. So Sir Martin has delivered a report in tragic circumstances in a way that has gone down well with the people who are most affected by it. That is the nice thing—but now I will disagree with the order of the reports. We should not be talking about the phase 1 report today but the phase 2 report. Phase 2 should have been first. While phase 1 deals with some serious failings by the bureaucracy that was supposed to look after the welfare of the people the firefighters were trying to protect—and that is important—they are largely lessons for London to learn. We have high-rise buildings at the same risk as Grenfell all over the country. We need to get to the bottom of what that fire was about and understand why that piece of white goods, which was a recalled machine, still burst into flames. Fire safety for white goods in this country does not work properly. There is no accessible national database for the public to see. We should be pushing hard for that.

The cladding seems to be what everybody is focusing on at the moment, but that is not the only part of the problem. The problem is also the insulation that sits behind it. There are lots of other buildings with that insulation but different cladding. The fire breaks that were supposed to be there did not work, so the compartmentalisation was breached from the day the building was renovated. Nobody knew about that until it was too late, but we know about it for other buildings now.

Those are the things that we should be drawing out from this, but the trouble with this report is that it has allowed the public narrative to be about the failings of the fire service. When you say, "fire service", most people think, "firefighters". How can we allow a situation in which so many brave men did things on the night that seem insane—going in and out of that building several times and risking their lives—and now we have

that whole group of people feeling that they are the butt of the problem? Clearly, they were not; they were real heroes on that night, and this House should make sure that the message that leaves here is that we feel nothing but immense gratitude to the firefighters on that night and to the support staff who worked with them. I cannot imagine how traumatic it must have been for everybody.

If we are really going to do anything about this, we need to insist that the second report is started now, not in the new year, and is done expeditiously, rather than taking two years to deliver. Every single interim finding must be released, as soon as it can be, so that the Government can bring in policies to act on it and try to do something to make people safe when they sleep at night. I know it is a hard thing for the Government to get their head around, but we have to accept the fact that this was caused largely by failures in the system that were beyond the control of any one individual or set of partners. Local councils have a lot to learn from this, as do the Government. I hasten to add that that is not just the current Government; this goes back to when Members on the other side of the House were running what was going on. The seeds of Grenfell started in 2006, I think.

So there is learning that needs to be learned, but it is a bit like being an alcoholic; unless you realise you have a problem, you cannot hope to fix it. We all need to make sure that the Government—of whatever colour after the election—are held to account. They must accept the failings that have gone before and have a clear plan for what to fix. If these reports had been the other way around, we would now have a solid evidence base to start to do that—but at the moment we still do not have it.

I will ask the Minister for two things. First, in summing up, will he make sure that the House's feelings about the bravery of the firefighters on the night is the main bit that sits in the public record about this report? Secondly, will he urge the department to make sure that the report is done expeditiously and that we get early sight of any recommendations, so that the Government can start to formulate policies that will address some of the safety issues? This goes much wider than just the one building. This is a national problem affecting buildings all over the country, including some with different types of material, not just the type that has been singled out here. Until we get that done, we are letting the real criminals off the hook—and, with some of the things that have gone on with this, they are criminals, almost certainly.

3.05 pm

Baroness Kidron (CB): My Lords, I start by commending the firemen who carried out such acts of bravery on the night, as the noble Lord, Lord Porter, rightly said.

I wish to declare an interest. Since the day after the fire, my husband has been a regular visitor to Grenfell, and on behalf of the National Theatre, with a colleague, has been writing a play that directly captures the voices of the survivors and the bereaved. Because of that, I have watched much of the inquiry and been able to speak directly to lawyers and survivors. I thank them today for taking the time to brief me.

I commend the patience and bravery of the residents, survivors and bereaved of Grenfell Tower who have not only tirelessly fought to seek justice for themselves and their loved ones but made it their mission to ensure that a fire of this nature should never happen again. I want to put on the record that Mr Kebede, in whose 4th floor flat the fire broke out, has been entirely exonerated. The vilification of this man, who at each point did the correct thing, was a disgrace.

Sir Martin Moore-Bick's phase 1 report confirms that the fire at Grenfell was a preventable tragedy. Significantly, the report finds that the cladding used in the refurbishment—which was a primary, but not the only, cause of the fire spreading—was non-compliant with building regulations. That is a shocking and scandalous fact, yet he also finds that similar cladding remains on 400 other tall buildings across the UK. On this issue he makes no recommendation because:

“It is unnecessary for me to recommend that panels with polyethylene cores on the exterior of high-rise buildings be removed as soon as possible and replaced with materials of limited combustibility because it is accepted that that must be done”.

Sir Martin then adds his voice to that of the Housing, Communities and Local Government Committee that called the lack of progress in removing Grenfell-like cladding “unacceptable” and speaks of the Government's moral duty to act swiftly. The chairman of this most rigorous and thoughtful report felt that the removal of cladding was already identified as such an urgent and obvious action that it was “unnecessary” to make a further recommendation. So I ask the Minister, when he is back in his place, whether he can today commit to taking down non-compliant cladding of all varieties, irrespective of the occupants' tenure or the final cost. It seems that fire spreads quickly, but justice moves slowly.

The report is a bracing critique of the specific failings which, on the night, contributed to the tragedy at Grenfell. However, it will escape no one who reads the report in full that Frances Kirkham, the coroner who investigated the cladding fire at Lakanal House in 2009, also made recommendations, which were equally clear but remained unheeded. If they had been heeded, we may have avoided the fire at Grenfell.

I hope that the House will be as appalled as I was to be told that between 2014 and 2017 the All-Party Parliamentary Fire Safety and Rescue Group wrote to Ministers 21 times to ask for the Lakanal House recommendations to be implemented—only to be comprehensively ignored. That is an outrage, and it must not happen this time. It is imperative that the Moore-Bick recommendations are implemented without delay. While I welcome the Prime Minister's statement yesterday that he will accept the findings and act on the recommendations, it is necessary for the Government to say today when those recommendations will be implemented and how we can trust them to do so.

A briefing from the campaign group Inquest, which has worked closely with the families of Grenfell, makes a recommendation for the establishment of a “national oversight mechanism”, described as,

“an independent public body tasked with the duty to collate, analyse and monitor recommendations and their implementation arising from inquiries, inquests and post-death investigations”.

[BARONESS KIDRON]

Perhaps the Minister can say whether the Government will implement such a mechanism to make sure that history does not repeat itself, because we cannot take oversight for granted. The Public Authority (Accountability) Bill, which had its First Reading just three months before the Grenfell fire, provided statutory duties for public and private bodies to protect and implement recommendations in the interests of victims—but it was withdrawn just before the 2017 election and never reappeared. We are about to have another election, so can the Minister assure the House that the interests of victims will not once again be sidelined for political expediency?

The Grenfell inquiry has been world class—a collective effort of the residents, bereaved and survivors, and the tireless work of the legal teams and the inquiry team itself. But it has met obfuscation and obstruction by commercial companies actively responsible for creating a non-compliant building surface that not only failed to prevent the spread of the fire but actively promoted it. It is clear from chapter 34, paragraphs 7 to 12, that Sir Martin intends to tackle this forensically during phase 2, so I will not pre-empt those findings. But there is something rotten with our culture when our regulatory system and business practice can commission a human tragedy on the scale of Grenfell. I hope that the Minister will join me in condemning the obstruction of those who should step up and acknowledge their part in the tragedy. As one survivor said to me this morning, “We fear a carousel of scapegoating and finger-pointing, but what we need is for the carousel to stop and for individuals and organisations to now accept their responsibilities”.

The legacy of the lives lost and the safety of those in buildings still dangerously clad are in the Government’s hands. The Moore-Bick recommendations must be taken up with the greatest expediency. This would represent the best way of moving towards justice for Grenfell.

3.12 pm

Lord Shipley (LD): My Lords, I am grateful to the noble Lord, Lord Bourne, for the opportunity to have this debate. I acknowledge the huge efforts he made as a Minister in the aftermath of the Grenfell disaster. I pay tribute to the resilience of local people since the fire, in particular to the campaigning work of Grenfell United, which has had a profound impact on our thinking and will have much more yet.

We have heard that this report is forensic in its detail, and it is. It shows that compartmentation did not work; that the “stay put” policy became a mistake; that external walls failed to comply with building regulations; that the new cladding and insulation boards actively promoted the spread of fire; that the command plan on the night of the fire was not adequate; and that there were some very serious deficiencies in training and organisation. That said, we must pay tribute to all the individual firefighters who showed immense personal bravery on the night.

A great deal has been said about the causes of the fire and its extent and I shall not repeat it all. Rather, I will concentrate on the implications of Grenfell for tenants and leaseholders in residential blocks, whether

over 18 metres or lower. The first relates to compulsory electrical safety checks. We know that the fire broke out as the result of an electrical fault in a large fridge-freezer. It should not have done. Do the Government take account of the experience of other countries and their policies for regular safety checks of electrical appliances, and how policies in this country might be changed to reflect the need to reduce the number of faulty electrical appliances? What discussions have the Government had with the Electrical Safety Council on ways risks can be reduced?

My second concern relates to local councils and fire and rescue services right across the country, and the quality and robustness of their emergency planning. At this point, I remind the House that I am a vice-president of the Local Government Association. I have previously asked this question but I ask it again: have the Government taken any steps to ensure that the emergency plans of local councils and fire and rescue services across the country are up to date and properly tested?

My third point relates to the need for the Government to be clearer on timescales for the next stages of their work on building safety, by which I mean they need to speed things up. The report by Sir Martin Moore-Bick is very critical, at paragraph 33.6, of the Government’s slowness in getting combustible materials off affected buildings. I hope the Minister is in a position to clarify how quickly they can achieve that clear objective.

Further, the Government’s consultation on strengthening building safety regulations, arising from the Hackitt report, ended in July, so can the Minister tell the House what the Government’s timescales for reform actually are, given that it is now the end of October? The noble Lord, Lord Porter, made a very forceful case for faster action. I support every word he said.

Next, I have an issue about the right of tenants and leaseholders to have up-to-date information about the safety of their blocks. Surely everybody should have a right to know how safe their building is, yet it is astonishing that Grenfell, which was run by a tenant management organisation, fell outside the remit of the Freedom of Information Act, as do all housing associations. I raised this issue in a debate in July and the then Minister, the noble Lord, Lord Young of Cookham, said:

“The review of social housing regulation, announced in the Government’s social housing Green Paper last summer”—
that is, in 2018—

“will look at how transparency and accountability for tenants can be improved. I will ensure that this review takes on board the points made by the noble Lord, Lord Shipley, about the legitimate requirements of tenants”.—[*Official Report*, 23/7/19; col. 740.]

I make the request again: it is terribly important that information is available for those who live in buildings about which they might have concerns.

I mentioned the need for the Government to speed up. It was reported in the *Times* on Monday that owners of up to 500,000 flats might have difficulty selling them because of the Government’s guidance in their advice note 14, “Advice on external wall systems that do not incorporate aluminium composite material”. The noble Lord, Lord Young of Cookham, referred to this issue in his speech in greater detail I plan to, but there is clearly a very serious problem. Mortgage lenders are requiring a certificate of compliance, which can be

impossible to get since it requires technical information on the original construction of the building. Can the Minister confirm what government policy now is in respect of such blocks, since they represent 94% of the total? ACM cladding affects only 6% of all blocks.

As we have heard, the fire at Grenfell Tower should not have happened. I am pleased that Sir Martin Moore-Bick's recommendations are being accepted by the Government, but the question that has been posed by several contributors in this debate remains: how quickly will those recommendations be implemented?

3.19 pm

Lord Adonis (Lab): My Lords, our thoughts and prayers are with the families and friends of the 72 people who lost their lives at Grenfell, and our admiration is for the firefighters and emergency staff who dealt with that terrible tragedy.

The noble Lord, Lord Bourne, made a very well-judged and comprehensive speech when opening the debate. He highlighted all the major issues, which I hope the Minister will address in his conclusion. However, reading Sir Martin Moore-Bick's report and, crucially, the House of Commons' Housing, Communities and Local Government Committee's *Independent Review of Building Regulations and Fire Safety*, published on 15 July, it is clear that cladding and what should be done to remove it is a big and compelling issue.

I will cut to the chase, as this is an issue directly for the Minister. Significant criticism is being made of the speed at which the Government are responding to the recommendations on the cladding, the amount of money they are prepared to put in and their acceptance of the scale of the task of removing the cladding. The speech of the noble Baroness, Lady Kidron, was absolutely to the point on this. She made all the points that I would wish to make in my speech. They go to the heart of the issue, because in Sir Martin's report, it is clear that the 400 other blocks with the same cladding, and others with related types of cladding, are a set of further disasters waiting to happen. There can be no excuse whatsoever for not being forewarned and taking the appropriate remedial action.

As the noble Baroness rightly pointed out, this goes back not just to the Grenfell Tower catastrophe but further, to the 2009 Lakanal House fire and the coroner's report, which was very specific about this type of cladding and what should be done to remove it. Reading the report, it is clear that we are in exactly the same position we were in after the 2009 disaster. The failure to act speedily after clear recommendations, then by the coroner and now by Sir Martin Moore-Bick, could lead—let us be blunt—to further lives being lost if there is another incident of this kind.

Therefore, I would like to put to the Minister the four key recommendations of the House of Commons' Housing, Communities and Local Government Committee report, which was published in July, and ask for his response to them. I have gone through the paper trail and there still has not been a compelling and adequate government response to those recommendations. Let me repeat them. First:

“The Government should set a realistic, but short, deadline by which time all buildings with any form of dangerous cladding should be fully remediated. It is taking far too long to remove and

replace potentially dangerous cladding from high-rise and high-risk buildings. Government policies and funding mechanisms should work to meet this deadline, while sanctions should follow for building owners who fail to make their buildings safe within a reasonable timeframe”.

What timescale are the Government setting for removing the cladding from these 400 buildings? Can the Minister give us a date by which it will be removed?

The second recommendation was:

“The Government is highly likely to need to provide additional funding to remediate buildings with dangerous ACM cladding. It is welcome that the Government has finally provided funding to meet the costs of replacing unsafe ACM cladding from privately owned high-rise residential buildings, as we called for in July 2018”. That was well over a year ago.

“We fear, however, that £200 million will not be sufficient to fully remediate all affected buildings”.

That is the judgment of the House of Commons. Can the Minister tell us what his judgment is? Is the £200 million enough? If it is not, what additional resources will the Government provide?

The third key recommendation from the committee was that:

“The Government cannot morally justify funding the replacement of one form of dangerous cladding, but not others”.

The committee then asked what the Government's view was on related types of cladding, and I would like to ask the Minister that question too.

The fourth and final, but equally important, recommendation of the committee, was that:

“The Government should immediately extend its fund to cover the removal and replacement of any form of combustible cladding—as defined by the Government's combustible cladding ban—from any high-rise or high-risk building ... There is an unfortunate feeling of *deja vu* around the Government's approach to non-ACM cladding and a sense that they will inevitably end up paying for it after a short period of prevaricating. In the meantime, tens of thousands of affected residents continue to live in potentially dangerous buildings, or have been sent large bills for remedial works”.

It cannot be satisfactory to Parliament that tens of thousands of residents of blocks with potentially dangerous cladding are being subject to high risk and potentially high personal bills to deal with circumstances which are beyond their control. Therefore, although I enormously admired the measured tone in which the noble Lord, Lord Bourne, opened the debate, I stress that the issues raised here are extremely urgent. The judgment of Sir Martin Moore-Bick and the House of Commons committee is that the Government are not acting with sufficient alacrity. We hope that the Minister will give a reassurance that this is now going to be tackled.

3.26 pm

Baroness Bennett of Manor Castle (GP): My Lords, I can begin only by repeating the sentiments that many noble Lords have expressed about the amazing, powerful work of Grenfell United, the victims, survivors and families, who have, through their grief and suffering, fought to say, “Never again”. Like many other noble Lords, I pay tribute to the brave work of so many firefighters and emergency staff on the ground that night.

I begin by reflecting on a personal experience. In 2007, there was a fire that in many ways presaged later tragedies. It was in a block called Bucklebury, on the

[BARONESS BENNETT OF MANOR CASTLE]

Regent's Park estate in Camden. The staircases—the fire escapes—filled with smoke because the fire doors had been removed. The firefighters had to use breathing apparatus to evacuate the residents. I know about this because, until a couple of months before, I had been a resident of Bucklebury. When using the fire stairs, I had noticed that some of the doors were missing. I rang the council, after which I assumed that the matter had been dealt with. I was moving, so I did not think about it again, yet when we heard the reports of the fire in the excellent local newspaper, the *Camden New Journal*, we found that those fire doors had not been fixed.

We move forward two years, to an incident that many noble Lords have referred to, the Lakanal House fire. My noble friend Lady Jones was part of the London Assembly inquiry into that fire. There were lessons from that fire: the “stay put” guidance had to be reconsidered, and it was noted that there was no plan in place to change that advice to “get out”. That was in 2009. The noble Lord, Lord Bourne, and the noble Baroness, Lady Brinton, referred to the fact that there is very strong evidence of how sprinkler systems could make an immediate difference. Yet we are two years on from the great tragedy of Grenfell and nothing has happened. We have heard again and again, on many different points, a call for action. We do not want to be here next year, the year after that and in five years' time, making calls for the same kind of action on fire safety in tower blocks that I was calling for in 2007. I do not want to go over the same ground. Many powerful points have been made already, but I want to follow the lead of the right reverend Prelate the Bishop of Durham in looking at some big systems issues behind what happened in the tragedy of Grenfell.

Your Lordships will hear me talk often about the need for transformational system change. I used to be a newspaper editor and one of the stories behind the Grenfell tragedy is the loss of local newspapers, and their local journalism and reporting. There was a very powerful website for the Grenfell Action Group blog, which drew attention to many of the issues now covered in this report. There was also a local journalist called Camilla Horrox, who reported for the *Kensington and Chelsea Chronicle* in 2014 on the issues around fire safety and electricals in Grenfell Tower. Later that year, the newspaper closed down and those stories disappeared from the internet. When the residents sought local journalists—we have to ask other London journalists why they had not picked this up—to report their concerns, there was nothing there. In his powerful maiden speech, the noble Lord, Lord Hendy, referred to the Leveson inquiry. The undelivered second part of that inquiry focused on the concentration of media ownership, and it might have looked at the lack of local media coverage. If we are to have democracy and safety, we need strong local media.

To address another systemic issue, I go back to February 2017, when details were posted on a government website about an anti-red-tape agenda on new-build properties. In a separate report at about the same time, the Government were boasting that fire inspections were being reduced, in some cases, from six hours to just 45 minutes. There is a very lazy phrase that we

hear not just, I am afraid, from one side of this House or one side of politics: “We are going to cut red tape”. I ask your Lordships to consider Grenfell every time you hear that phrase, and think about replacing “red tape” with “the rules and regulations that keep us safe, at work and in our homes”. I really had this driven home to me back in 2014 by a meeting at the Green Party conference with the brilliant Hazards Campaign, which focuses on safety at work. It has a phrase, “Better red tape than red bandages”, which is one that I have repeated often since.

We have to focus on the issues about cladding and safety rules, and about the resources available to our emergency services. But in looking at Grenfell, we also have to look at some very broad systemic problems in our society and the need for transformational change.

3.33 pm

The Earl of Lytton (CB): My Lords, I too express my thanks to the noble Lord, Lord Bourne, for introducing this debate. As a practising chartered surveyor, I spend much of my time investigating and trying to head off building defects. I must declare my interests as a vice-president of the Local Government Association and patron of the Chartered Association of Building Engineers. However, I speak not from a special knowledge of tower blocks but more generally. I warmly congratulate our three maiden speakers on their splendid contributions to our debate and look forward to hearing from them in future debates.

That in this country, with its systems for product testing and approval and its long history of construction regulation and fire safety, we should be considering a report into so many avoidable deaths and shattered lives, and the gutted shell of a once purposeful block of homes, should make us all pause to reflect. I share the appreciation of Sir Martin Moore-Bick's inclusion of a place in his report for each and every one of the victims by name. His Grenfell phase 1 report is truly vast in scope and forensic in its detail. I congratulate his team on it.

My purpose is to look at the failings across the sectors of building construction, improvement and maintenance, and use and management. Like the noble Lord, Lord Porter, I would have preferred to see phase 2 now rather than later because we have a substantial legacy of, and commitment to, high-rise residential blocks in this country. Over time, the perceived risks and the regulatory environment governing them has evolved. Not all critical change to a building is obvious; some really quite subtle changes can alter risks in ways not apparent even to local authority building control or environmental health officers, let alone to the fire and rescue service. Regulations governing post-construction alterations are not always retroactive in effect, as I understand it. At any given time, many buildings will almost certainly not meet the latest standards. On fire doors, at any rate, the report serves to change that, but there is clearly yet more to uncover about wider systemic construction failings.

It seems that there is no more than an informal voluntary system among management bodies for recording or storing the critical features of design and performance data for buildings, for the handing over of core information

to successive owners and for logging alterations and repairs. In some cases, these are carried out without reference to expert examination, or perhaps even to the insurers and other interested parties—including, yes, residents. Localised or specialist installation works can fail to take into account the larger implications for a block as a whole. But to be fair to the fire and rescue service across the country, it can fulfil its duties only to the extent that the information is current and available in a useable form, so that it can use it. The report makes valuable recommendations here also and let us note that poor co-ordination is not the exclusive preserve of public bodies.

There has in the past been no equivalent to product recall for buildings, whether from a design fault, critical component failure or poor manufacture and assembly. Many construction warranties seem to protect the developer under the caveat emptor principle and give comfort to mortgagees rather than provide a guarantee of construction adequacy to the consumer. Stricter liabilities will, I am certain, be something for the future.

I note that a recent fire in Greater London in a modern four-storey block of flats erected by a respected housebuilding group appears to have revealed serious workmanship, construction management and warranty sign-off shortcomings. It looks as if, even now, we are not erecting new residential accommodation to the standards legally required. I am not sure that the current regulatory balance of expendable buildings provided occupants can get out safely gives the right signal or avoids perverse outcomes. Not only should occupants be able to evacuate safely but the accommodation unit must contain fire, and perhaps modest explosion, safely and not result in wholesale building failure.

The report's implicit assertion that blocks of flats should withstand modest kitchen fires is therefore timely. From faulty tumble dryers subject to recall but where the ownership, whereabouts and circumstances of use may be largely unknown, to poorly manufactured smartphone and laptop batteries, in dwellings accidents can happen.

Some will point to the dwindling resources available to local authority building control as a factor. The truth is that their resource has been eroded by manpower losses to the private sector. Approved inspector firms have taken a lot of the available capacity. I have on too many occasions seen defective workmanship and short-cutting in site supervision and construction management. We need more inspectors of higher quality and better regulation and not their alienation.

There is not always an adequate understanding of a building's fire protection philosophy, any more than there is sometimes of the thermal envelope or the style and category of occupation. That is not unique to social housing or to tower blocks; it happens everywhere. There is fragmentation of responsibility, lack of integration and limited scope of roles, the silo mentality that we hear about, budgetary delimitations, a lack of holistic approach and checks by rote rather than asking those awkward "what if" questions. As we know, modern contracting arrangements in building construction are also fragmented, with known shortcomings in labour, management and contractual arrangements.

I sense that we have lost sight of some of the objectives of delivery of safe, durable and competent housing, and lost an ability to maintain an all-encompassing grasp of the construction process. Technology could assist us, but it is no good if the raw data is not stored properly. Management clearly needs to know, and to inform and educate residents. The bottom line, referred to by other noble Lords, is that the process of the law will follow. The Australian court decision in the Lacrosse fire case has put all on notice of collective responsibility and the pursuit of justice when professionals get it wrong. Phase 2 will undoubtedly complete the picture of just how much more work there is to do, and I look forward to it.

3.40 pm

Lord Stunell (LD): My Lords, it is both a privilege and a challenge to contribute to this debate, in which there have been so many excellent contributions. The terrible events of 14 June 2017 will leave a mark on our national public consciousness for years to come. Today, we have remembered the victims and their families, and those traumatised by their experiences not just that night but in the days, weeks, months and, sadly, years since. They were all victims of a catastrophe that should not have happened and that must not be repeated. To avoid that, we must have a clear understanding of what went wrong, what the contributing factors were, what measures are needed to remove and change those factors; and, quite rightly, survivors and residents want to know who made the mistakes that created the disaster.

I want to join other noble Lords in warmly welcoming the phase 1 report by Sir Martin Moore-Bick. It is forensic; it is forthright, and it is devastating. I want to hear the Minister repeat what I heard the Prime Minister say yesterday—that the Government will accept all the recommendations—and I hope that he can put some timescales on it, as a number of noble Lords have requested.

If one looks at chapter 34 of that report, one sees that it gives a precursor of the likely, equally devastating conclusions that will come from phase 2 next year; that is, in respect of the adequacy of the regulations, the monitoring and competency of the construction and material supply industry, the testing of products and the record-keeping. All these are matters which noble Lords have raised during this debate, and I hope that the Minister will take to heart the point that we do not have to wait for the publication of phase 2 to start work on tackling the problems already identified.

It is a sad truism of major disasters of this sort that they happen only when there are multiple system failures—it is never just one thing. Unfortunately, at Grenfell that was exactly the case, so it is not to be expected that the solution comes from one particular sector; it comes from all sectors and we have to be alert to that.

I want to thank the noble Lord, Lord Bourne, for introducing this debate, which has been valuable and has had plenty of expertise brought to bear on it. I thank him for the leading role he played as a Minister in the Government post Grenfell, not just for keeping this House well informed but for the sensitivity and thoughtfulness that he always showed, and continues

[LORD STUNELL]

to show, about the terrible issues that Grenfell raises. His courteous and thorough answers to our sometimes difficult questions have been a model of ministerial accountability over the past two years, and I echo the thoughts of others that I hope on a future occasion—but perhaps not in the next Government—he will again have that opportunity.

I also want to say how much I value the contributions from all three of our maiden speakers today. The noble Baroness, Lady Sanderson, is clearly far from being at the shallow end, and we look forward to her further contributions very much. I say to the noble Lord, Lord Hendy, who is perhaps the self-definition of a Labour lawyer, I am sure that we will find many occasions to listen carefully to the advice that he gives. And it is a real pleasure to see the noble Lord, Lord Woolley, in this House. I think the noble Lord will find that he already has many noble friends. You will be able to tell the friends of the noble Lord, Lord Woolley, because they will all have little nibbles in their ears from the times that he has so effectively lobbied us to take action, in our political parties and in our public life, to make sure that we have a more diverse public life. We have seen from his outstanding speech today that he will not rest until we get there.

There were so many other important and valuable contributions that it is quite embarrassing to comment or not to comment, but there were some really important points that I hope the Minister has noted. Those that particularly struck me were: the need to stress-test for the unthinkable, which is something that, apparently, had not happened; the need to look carefully at the public alert technology that the noble Lord, Lord Harris, referred to, which it seems is stuck in a ministerial in-tray and just needs a good kick to get going; and that red tape is not always what it looks like. Sometimes, red tape is a safety net, and knowing the difference between red tape and a safety net is something that we need to be absolutely sure we get right.

I echo what has been said about the valiant work done on the night by firefighters. I absolutely support and commend the work that they did and the comments in their support that have been made today, but there is no getting away from the fact that the report found that there were fundamental problems with the command and control systems of the emergency services. I am indebted to the London Fire Brigade, the mayor's office and the LGA for their responses to the report's criticism. They have made some strong and pertinent points by way of what we might broadly speak of as rebuttal. However, the report did expose that recommendations made by the coroner to the brigade and other emergency services back in 2013 as a result of Lakanal had not been implemented. The response of the fire chief at the inquiry hearing was deeply troubling, as the report sets out.

London is one of the largest cities in the world. It is complex and multi-risk, and the London Fire Brigade and emergency services in general are charged with protecting it and the people who live here. We need to have confidence that the resources, the competencies and the leadership are there for them to do so. I want to hear the Minister say that the Government will

make sure that they are, and that resources from the centre will never be a barrier to making sure that that happens.

Phase 2 needs to start immediately and to proceed at pace; I absolutely agree with the noble Lord, Lord Porter, on that really important point. Apparently, it will start in the new year—which is about when the new Government is going to start, so perhaps I should not be too critical of that—but we surely need to get things moving. Residents are already downcast at the time it has taken to produce phase 1, and they are urgently in need of reassurance that phase 2 will start quickly, deliver quickly, and produce closure and outcome for them. Of course, it is also important because we need to get started on putting right the many systems that must be overhauled and changed. We must allow the police to pursue their own inquiries into criminal liability and to bring charges where evidence supports it. We absolutely must not have another sequence of events like Hillsborough, where lingering uncertainty and prosecutions go on stretching years ahead.

In parallel to that, I want to see rapid action by the Government on legislation to implement the Dame Judith Hackitt report. I welcome the Government's consultation proposals on that. They are due to complete that consultation in January; I hope that they can say—as a new Government—that they will commit to having in their new Queen's Speech a Bill to cover that, just as I can assure the Minister that, if the Liberal Democrats have any power to do so, we will certainly be saying exactly the same thing.

I want to pick out some of the consequences of the Hackitt consultation. In many ways, its implementation will answer many of the points that the noble Earl, Lord Lytton, and others raised about the need for far higher quality buildings, properly supervised, with a golden thread of responsibility from the very beginning of the design, right through the building's life, to demolition at the end of its life. Many of the questions and problems that have emerged in this debate and from the report will be answered by such a system being in place. The London Fire Brigade in its response this week has said it wants to see the Hackitt programme of oversight and supervision of high-rise buildings, which is in the report, extended to all buildings, not just high-rise buildings. I notice that the Government's consultation document, in paragraphs 241 and 243, asks for views on extending it to all building regulations: the one way of improving the woeful standards of our construction industry is to say yes to that question and to get on with it.

Grenfell has been an unmitigated disaster for the families and the local community and has touched the hearts of the whole nation. It must not happen again, and I believe that every noble Lord in this House will want to make sure that whatever Government we have after the election are held to account to deliver that.

3.51 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I draw the attention of the House to my relevant registered interest as a vice-president of the Local Government Association. I thank the noble Lord, Lord Bourne of Aberystwyth, for bringing this Motion

to the House today. I agree with the noble Baroness, Lady Finlay, and others, that he always kept the House informed when he was a Minister. If we are going to have a Conservative Government, I hope that he will be a Minister in it—maybe not soon, but if there is to be one I will always want him to be a member of it. The report enables the House to debate the first stage of the Grenfell Tower inquiry, and we are very grateful to him for bringing the Motion before us.

We heard three excellent and powerful maiden speeches from the noble Baroness, Lady Sanderson of Welton, the noble Lord, Lord Woolley of Woodford, and my noble friend Lord Hendy. I congratulate them all and, like others in this House, look forward to further contributions from each of them in the period ahead. I thank Sir Martin Moore-Bick for his thorough and comprehensive report into what happened at Grenfell Tower. It is a powerful and compelling document. The noble Lord, Lord Porter, made an important point about the order of the inquiry and the fact that it is actually back to front. I agree with him, but that is what has happened so we must now get on with the second stage of the inquiry as speedily as we can in the new year, as other noble Lords have said.

As the noble Lord, Lord Bourne, referred to, reading chapter 32 is heartbreaking, telling of 70 lives lost on the night, a child stillborn as a result of the trauma and another resident who died in hospital a few days later. It is a fitting tribute to celebrate their lives, their hopes and dreams and the contribution the victims made to their community. I pay tribute to the survivors and their families in their fight for justice and to uncover the truth with that steely determination and dignity they have shown all the way through. I endorse the comments of the noble Lord, Lord Bourne of Aberystwyth, about the work of Grenfell United.

It makes me even more angry at the lack of respect shown to the victims of the fire, to the survivors and their families, by the publishing of parts of the report in the *Daily Telegraph* on Tuesday of this week. There is no justification whatever for the paper: it was a truly dreadful thing to have done. My noble friend Lord Whitty referred to this. No public interest was served; it was just to get it out there first, ahead of other media outlets, ahead of the game and ahead of colleagues who would be attending the press briefing and getting copies of the report the following day. Survivors, families and core participants should have been able to read the report, take in what had been said and prepare themselves for the formal publication yesterday, but that was cruelly denied them. I condemn the actions of the *Daily Telegraph* in the strongest possible terms.

I agree with my noble friend Lord Hendy that it would be very welcome indeed to learn that Sir Martin intends to summon the editors of the newspapers to the inquiry to explain their actions. I hope that there will be a full investigation into the leak, that we will identify whoever was behind it and that action will be taken against them. When the Minister speaks shortly, could he confirm that the Government will ensure that a proper police investigation into it will take place? Let us be clear: if the leaker and the *Daily Telegraph* get away with this in stage 1, it will happen in stage 2, and

then any other inquiry on any other issue in the future will be at risk of leaks and the further hurt and damage they entail.

The report makes it clear that it was the cladding on the building, the aluminium composite material rainscreen and the combustible insulation behind it that was the cause of the fire spreading so rapidly on the outside of Grenfell Tower. The cladding was fitted in breach of building regulations, producing a fire which cost 72 people their lives. It would be helpful if the Minister could tell the House how many other blocks of flats, nearly two and a half years after the fire, still have the same cladding fixed to the building. Private or public, it makes no difference; even if there is only one block, it is a scandal and must be rectified immediately.

My noble friend Lord Adonis made the point that there can be no excuse for the remedial work taking so long—it must be done urgently. However, there is a further problem. Cladding is being used on schools, hospitals and office buildings. It is everywhere. This material has to come off all buildings; it is just not an appropriate material to use today. In this Chamber I have called on the Government to empower local authorities to remove cladding from private blocks where there is no response from the building owner or where they refuse to act. We must ensure that happens. Could the Minister update us on that?

I pay tribute to all the emergency services for their bravery and courage: the Metropolitan Police, the London Ambulance Service and particularly the London Fire Brigade, the firefighters on the night who went into that tower to fight the fire and save people. These are enormously brave people who worked in the most challenging of circumstances at Grenfell Tower, going well beyond what would normally be asked of them at any time. I concur completely with the remarks of the noble Lord, Lord Porter, in his tribute to the brave firefighters risking their lives again and again to save people on the night of the fire. They are heroes.

Sir Martin Moore-Bick's recommendations are thorough and challenging and need to be carefully assessed and fully implemented. They will require changes to practice and procedures, new ways of working and a whole new approach to building safety. There can be no excuse for not delivering what has been set out in the report: changes to operations in the London Fire Brigade, and in every other fire and rescue service in the country and I expect across the world, and changes in how first responders communicate with each other and members of the public. My noble friend Lord Harris of Haringey gave a compelling case for the urgent introduction of emergency alert technology into the UK without any further delay.

There is also the question of how local authorities look after blocks of flats and their tenants and leaseholders, and how the owners of private blocks of flats maintain them and look after their residents. There is a huge challenge for the Government not only in implementing the recommendations or the legislation that is needed but in providing the resources that must be commensurate with the new obligations that will be placed on fire and rescue services, first responders and local authorities and others: the training on an ongoing basis which will have to be repeated again and again;

[LORD KENNEDY OF SOUTHWARK]

the gathering of information and making it immediately available as required to those who need it in times of emergency; the establishment of thorough procedures; the upkeep of that information; and the powers that will have to be given to the fire service, the police, the Health and Safety Executive and local authorities so that they can take legal action and prosecute to the full extent of the law those who will not take their responsibilities seriously.

Dame Judith Hackitt called for fundamental reforms to fix the broken system of building regulations. Buildings must be designed, built and maintained with fire safety as a priority. We need to see urgent action from the Government on these matters. Could the Minister update the House on the progress they are making in this regard?

I very much hope that the Government listen to calls from the noble Lord, Lord Bourne of Aberystwyth, and others for sprinkler systems to be introduced. This happened in Wales, having been introduced by the Welsh Assembly when he was a Member. The Government have to follow that action and introduce sprinklers here in England. I fully support the calls for urgent research on buildings that fail on fire safety, as that leaves the “stay put” advice compromised and no longer viable.

The noble Baroness, Lady Brinton, said that the response in the aftermath of the fire was truly shocking, and it was. It was the community, the churches, mosques, the synagogue and the charities that stepped in when the local authority failed to deliver. The right reverend Prelate the Bishop of Durham told the House of the wonderful work they undertook, and I join him in paying tribute to everyone involved. I also recognise that when the emergency support plans were put in place a few days after the fire, teams of local authority staff from across London and civil servants came together to bring stability to the situation on the ground. We also pay tribute to them for their work.

I agree with the right reverend Prelate that we have to change our attitude to housing. The loss of council housing and the failure to see housing as homes needs to change. Everyone deserves to live in a home that is clean, safe, warm and dry, and there is nothing wrong with growing up or living in a council property.

I very much agree with the remarks of the noble Baroness, Lady Bennett of Manor Castle, about the loss of local papers and the ability to hold local power to account, be that the local council, the local police or any other power centre. As a local councillor in Southwark in the 1980s and 1990s, the *South London Press* was a vital part of holding the authority and others to account. It knew what was going on in Southwark, Lambeth, Lewisham, Greenwich and Wandsworth, it knew who the leadership was, and it would hold you to account. The current state of affairs is regrettable, as we do not have those local papers in many parts of our country. I also agree with her remarks about red tape. As has been said, these regulations often keep you safe and alive. The “two in, one out” policy was daft—absolute nonsense—and I hope that the Minister can confirm that it is no longer the case.

In concluding my remarks, I again pay tribute to the survivors, the families and to Grenfell United for their determination to get to the truth of what happened at Grenfell Tower. I thank Sir Martin Moore-Bick and his team for all their work to date and as we move on to the second phase of the inquiry, and I look forward to the Minister’s response.

4.02 pm

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Viscount Younger of Leckie) (Con): My Lords, I am grateful to my predecessor in my role, my noble friend Lord Bourne, for initiating this debate on the Grenfell Tower inquiry phase 1 report. I, and the whole House, know that he understands these matters so well, and I am now honoured to respond.

It is fitting that my noble friend Lady Sanderson of Welton made her heartfelt maiden speech in this House today. I pay tribute to her for her tireless work in the aftermath of the tragedy, building a strong relationship with the Grenfell community on behalf of the previous Prime Minister and ensuring that those impacted received the critical support that they needed. I also thank the noble Lord, Lord Woolley of Woodford, a tireless campaigner for social and racial equality, and the noble Lord, Lord Hendy, a renowned QC in the field of industrial relations and employment law, for their maiden speeches in this House, which were both excellent and had some serious messages. We will no doubt hear much more from them in future, and from my noble friend, as they make their mark in this Chamber.

Over two years have passed since the tragedy that shook the nation, but the 72 people who died following those horrific events will for ever remain in our thoughts and prayers. All those who lost loved ones and their homes deserve to know why the Grenfell Tower fire happened. Yesterday’s publication of the report was an important step in this regard. I take this opportunity to thank Sir Martin Moore-Bick and the inquiry team for their work, both in producing this report and in preparing for the next phase of hearings. It provides some comfort that, as we have heard today, the report is widely regarded as thorough, informative and, as the noble Lord, Lord Stunell, said, forensic.

It was important for the Government to establish this as a full independent public inquiry. It has been able to establish, first, what happened on the night of the fire; secondly, how emergency services responded; and, thirdly, how the building was so dangerously exposed to the risk of fire. We were clear that the inquiry should leave no stone unturned, no matter how uncomfortable the facts. The people of the Grenfell community must be allowed to learn the truth behind that appalling loss of life and how it was allowed to happen. They deserve nothing less.

My noble friend Lord Bourne and the noble Lord, Lord Stunell, asked about criminal charges and how many people have been interviewed under caution. It is not for the Government to comment on an ongoing criminal investigation, but I can say that the Metropolitan Police continues to investigate the causes of this terrible tragedy, needing to take into account the work of the inquiry, including this report and the next.

I take a moment to commend the bereaved, the survivors and everyone affected by this tragedy. We will never truly understand all that the victims of this tragedy went through. My noble friend Lady Sanderson mentioned the essential need for change. She is right. Let there be no doubt: our commitment to ensure change is unwavering.

Noble Lords will know that the phase 1 report is focused on what happened that fateful night, and particularly on the response of the emergency services. Let me be clear in my message today, particularly to the noble Lord, Lord Kennedy, and my noble friend Lord Porter. I also pay tribute to the heroism and bravery of those who responded to the fire: running towards danger, some more than once, entering a burning building and saving lives that night.

Sadly, heroism alone could not counter a fire of this nature, and Sir Martin outlines several significant shortcomings in the London Fire Brigade's response. Clearly, there are lessons for our fire services from this tragedy and from this report. Crucially, he identifies the failure to change the "stay put" advice once it became clear that it was no longer the correct strategy. However, as Sir Martin said in the report:

"Effective compartmentation is likely to remain at the heart of fire safety strategy and will probably continue to provide a safe basis for responding to the vast majority of fires in high-rise buildings." The Government already took action on this issue following the Lakanal House fire, in particular by working with the sector to review national guidance on high-rise firefighting, including the "stay put" policy and evacuation. This was carried out both before and after the coroner's findings in 2013.

As my right honourable friend the Secretary of State highlighted in the other place, the Government, along with the National Fire Chiefs Council and others, will continue to review the "stay put" advice to ensure that lessons are learned. We have already completed a call for evidence and published a summary of the responses, which showed consensus that "stay put" was the right approach but for buildings correctly designed, built and maintained.

The noble Lord, Lord Harris, and the noble Baroness, Lady Pinnock, raised some important points about communications—the noble Lord particularly asked about mobile telephones. This must indeed be part of our work with the National Fire Chiefs Council. I will ensure that that issue is raised, if it is not already part of its considerations. I acknowledge those important points.

I am also acutely aware that the report concludes there were significant failings in both the construction and design of the building. I want to be clear today that we plan to accept in principle all the recommendations that Sir Martin makes for central government.

My noble friend Lord Bourne and the noble Lord, Lord Stunell, asked about legislation. We will work with stakeholders to deliver that. That will include proposing legislation ahead of the Hackitt reforms, if that would mean that the recommendations can be implemented sooner. Our task must now be to consider how we can best implement the recommendations quickly and build on the work we have already done to ensure that people are safe in their homes.

To answer my noble friend Lord Porter's question about the decision for phase 1 to focus on the events of the night, I must stress that the order of the independent reports is very much a matter for the chairman. I can only point to Sir Martin's statement, in which he said that,

"there is an urgent need to find out what aspects of the building's design and construction",
led to the disaster, and to,
"understand the chain of events",
of the night,
"in some detail"—

and, as such, find out what steps must be taken so that those who live in other high-rise buildings are safe.

The noble Lords, Lord Adonis and Lord Stunell, and the noble Baroness, Lady Kidron, made points about timings and urgency. That certainly chimes with me. The Government did not wait for the publication of this report, or the hearings to begin on the phase 2 inquiry, to press ahead with strengthening building and fire safety measures.

My noble friend Lord Bourne asked about high-rise buildings. The department has already consulted on proposals to apply higher standards to new high-rise residential buildings, including on sprinklers, signage and communication systems, which are now also a recommendation of the inquiry.

My noble friend also asked about the height at which buildings are considered to be high-rise. Although the consultation proposes a height of 18 metres, the Secretary of State has been clear that the Government will follow the evidence, should the height threshold need to be changed.

Lord Adonis: The Minister mentioned my remarks and those of the noble Baroness, Lady Kidron. The House of Commons committee recommended:

"The Government should set a realistic, but short, deadline by which time all buildings with any form of dangerous cladding should be fully remediated".

Can the Minister tell us what date the Government intend to set?

Viscount Younger of Leckie: There is a lot of detail in what I want to say; I will come on to cladding. I also point out to the noble Lord that much of what we are doing must be regarded as part of a holistic approach so, on timetables, there may not be one particular date by which everything is done. It is a very complex process.

Soon after the fire, in July 2017, the Government commissioned Dame Judith Hackitt to conduct a review of building and fire safety. Noble Lords will recall that we have already agreed to take forward the recommendations of Dame Judith's report in full as the basis for regulatory reforms in building and fire safety. Our comprehensive building safety programme, announced in the recent Queen's Speech in the form of a Bill, will bring about a radically new building and fire safety system by: establishing a new regulatory framework; creating greater accountability and responsibility; issuing sanctions to tackle irresponsible behaviour by those responsible for buildings; and giving residents a stronger voice.

The right reverend Prelate the Bishop of Durham referred to social housing. It is important that we improve quality and quantity, with a beneficial knock-on

[VISCOUNT YOUNGER OF LECKIE]
effect on health. We have committed to taking forward the social housing White Paper at pace. It will set out proposals for the standards that we set for social homes. We remain committed to increasing the supply of social housing, committing more than £9 billion as part of our affordable homes programme and delivering more than 250,000 homes by 2022.

Of course, we have had to take urgent steps in the interim to ensure that people are safe today. Much of this work has been around cladding. First, we have banned the use of combustible materials on high-rise homes and identified all buildings over 18 metres with unsafe ACM cladding.

The noble Baroness, Lady Finlay, asked whether gas should no longer be used in high-rise buildings. It is an interesting point. I cannot answer her question easily today, but I can say that the Government have signalled their intention to prohibit the use of fossil fuels such as gas in new homes by 2025 for reasons of environmental protection.

Secondly, we have established a comprehensive programme to oversee the remediation of unsafe ACM cladding, providing £600 million of funding to support this work. My noble friend Lord Young and the noble Lord, Lord Adonis, asked about the funding; it is beyond the £200 million that the Government are putting forward for private residential high-rise remediation. Both noble Lords asked what would happen if the costs go beyond this. I can confirm that the money set aside is an estimate and that plans are in place, should it become necessary, to revisit that estimate.

I am pleased that all social sector residential buildings with ACM cladding either have had the cladding removed, are undergoing work to remove it or, at the very least, have had such work scheduled. We have pushed on every front to ensure that the work is completed quickly, and today only a handful of building owners have yet to confirm their intention to remediate the ACM cladding on their buildings.

We have now completed remediation work on 61 buildings in the social sector, have begun work on a further 81 buildings and are working hard to ensure that remediation is completed on the remaining 16 buildings as soon as possible. My noble friend Lord Young asked about progress on this. As of October, only 10 of the 89 private sector buildings in scope of the fund have yet to engage. We will continue to put pressure on developers and building owners to get on with remediation. In response to a number of questions he raised, I will shortly provide a letter detailing the take-up of the private sector remediation fund and set out a fuller picture of the remediation figures, as well as the responsibilities of leaseholders and freeholders. As the Secretary of State for Housing, Communities and Local Government made clear yesterday in the other place, there will be consequences for any building owners not making clear progress, including naming and shaming and enforcement action.

Thirdly, interim measures are in place in high-rise buildings with ACM cladding to ensure that all residents remain safe. We are working at pace to review different parts of the building safety regime. We have now

completed testing on non-ACM cladding panels and are analysing the results, which will be released in the coming months.

We have recently launched a consultation on the use of sprinklers in all new residential buildings over 18 metres—a point that was raised in the debate. It also seeks responses on evacuation alert systems and improved signage, which was raised by my noble friend Lord Bourne and others. The consultation will close in November. My noble friend Lord Bourne also asked about fire doors. On the advice of the independent expert panel, the Government conducted an investigation and testing programme of glass reinforced plastic composite fire doors, leading to their withdrawal from the market. Following this, the Association of Composite Door Manufacturers has committed to deliver an industry-led remediation plan, which has our full support.

The noble Lord, Lord Shipley, asked about product safety, which was part of my old brief when I worked in the former BIS, now BEIS. In May 2018, an independent investigation into the Whirlpool fridge-freezer involved in Grenfell Tower confirmed that there was no need for further action, and BEIS supports its conclusion that no product recall other than corrective action is required. People who own that particular model can continue to use it as normal. The noble Lord also raised a point about electrical safety checks. Existing legislation already requires landlords to keep electrical installations in safe working order. However, the Government have reviewed the issue and have now committed to introducing mandatory five-yearly electrical safety inspections. I am confident that these steps will help us boost safety and transform the way we build in the future.

We have also been working across government to co-ordinate action on fire safety. First, the newly established fire protection board provides a bridge across the Home Office, my department, MHCLG, local government authorities and the National Fire Chiefs Council. The board will provide greater assurance that fire safety risks in high-rise residential buildings with ACM cladding are being identified, managed and properly recorded. It will oversee an increase in inspections and audits of high-risk buildings, and we have already signalled our commitment to getting this right by pledging £10 million a year. As my right honourable friend the Secretary of State said in September in the other place, he expects,

“all high-rise buildings to have been inspected or assured by the time the new building safety regime is in place, or no later than 2021”.—[*Official Report, Commons, 5/9/19; col. 373.*]

Secondly, the Home Office has run a call for evidence, alongside MHCLG's Building a Safer Future consultation, on the fire safety order. This consultation seeks to ensure that the order remains effective and works as a whole with the new regulatory regime and other existing legislation. The call for evidence closed on 31 July and we are now analysing the responses.

Thirdly, the Home Office has established an independent Fire Standards Board, which should not be confused with the FPB, and has provided £1.5 million of funding to support its work. The board is supported by the National Fire Chiefs Council's Central Programme Office to support continuous improvement of fire and

rescue services. The board will be responsible for the development of a high-quality useable framework of professional standards, aligned to the work of the National Fire Chiefs Council and its national initiatives. It is clear from the report's findings that this Government need to be playing an active role in supporting the sector through the fire reform programme.

In July 2017, the then Home Secretary expanded the remit of HMIC to establish Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. This move sought to highlight areas for continuous improvement of good practice for fire and rescue services and to increase transparency for the communities they serve. The inspectorate has now completed inspections of all 45 FRs in England and has published reports on 30 of them. We expect reports on the remaining 15 to be published shortly, alongside the inspectorate's first "state of fire" reports.

Baroness Brinton: Does that also include ensuring that all the points that I referred to that used to be covered by inspections are being covered by plans throughout every area of each fire service? It is one thing to do this at a superficial level, but part of the problem appears to be that inspections have not been as detailed as they used to be.

Viscount Younger of Leckie: Yes, I can reassure the noble Baroness on that front and reiterate the point I made earlier about greater joined-up thinking across different agencies and bodies.

Learning from the inspectorate's reports and the creation of national standards based on the best operational practice will help the LFB and the fire and rescue service as a whole to respond to the issues that the inquiry identified. We expect the NFCC to support services faced with challenging reports to drive improvement and make sure that cross-service learning is happening, which helps to answer the noble Baroness's question.

The noble Baroness, Lady Finlay, and my noble friend Lord Bourne asked about collaboration and co-ordination, and communication within the emergency services. An assurance programme was conducted in 2017 on joint interoperability with more than 100 police, fire and ambulance services. Findings showed that new processes are embedding, and the Home Office is continuing to drive work to embed this programme locally.

The noble Lord, Lord Harris, and others raised the issue of problems with communication between firefighters. Each fire and rescue authority, including the London Fire Brigade, must evaluate local risks and determine its priorities, policies and standards for fire protection and response, including equipment. It does this through an integrated risk management plan. It is for the Mayor of London to set the budget for the London Fire Brigade so that it has the equipment needed to do its work. The Government will work with the fire and rescue services to ensure that lessons are learned from this terrible tragedy.

Lord Harris of Haringey: To make it clear, my point about emergency alert communications was not a matter for individual fire brigades or for the Mayor

of London. It is a more general one about the Cabinet Office and other government departments agreeing a system and ensuring that it is available for all emergency services.

Viscount Younger of Leckie: I take note of the noble Lord's point and will feed that back.

I realise that my time is running out, but on this very important subject I want to spend a couple of minutes on some final remarks. I want to reflect on the work of the Government in and around the Grenfell community. Rehousing the 201 households that lost their homes has been an absolute priority for the Government. Today, 95% of these households have now moved into their new permanent homes and, as the right reverend Prelate the Bishop of Durham alluded to, they must truly be places that they can call home.

We will continue to support the Royal Borough of Kensington and Chelsea Council to ensure that the nine remaining households can move into permanent homes, and that those affected continue to have access to the services and support they need to rebuild their lives. But of course, there is much more to do to restore trust in that community and, as the right reverend Prelate the Bishop of Durham said, bringing different faiths together to help with this is of paramount importance.

We are committed to ensuring that government support remains in place for the bereaved and survivors for the long term. This is reflected in the Grenfell Tower Memorial Commission, which is made up of representatives of the bereaved, survivors and local residents. While the Government have taken ownership of the site of the tower, it is for the community to determine the most fitting and appropriate way to remember those who lost their lives.

The right reverend Prelate the Bishop of Durham spoke about his concern about the neglect of humanity. Let us never forget that this tragedy is about human beings: human beings who lost their lives, human beings who survived and human beings who keep fighting for the truth and justice they so rightly seek, but now it is also about human beings who are taking—and must continue to take—responsibility and bring about the changes we need to see. No report can change what happened that night or bring back those who lost their lives, but yesterday's report is an important step on the road to lasting change, and we must work tirelessly and without delay to ensure that we achieve it, so that when we say "Never again" we really mean it.

4.25 pm

Lord Bourne of Aberystwyth: My Lords, I thank Members who have participated in this debate of enormous strength with many different contributions over a great range of issues. I think we all essentially spoke with one voice to say that we need urgent action to ensure that we never face the prospect of 14 June 2017 again. That is central and must be the prime aim. We had three incredible, moving and visionary maiden speeches and we look forward to hearing from those speakers again.

[LORD BOURNE OF ABERYSTWYTH]

I thank the Minister. I know from private conversations that he is very concerned and intent on making sure we make the necessary progress, as is the Secretary of State, the right honourable Robert Jenrick. I press the Minister to write to contributors to the debate with a timeline for the recommendations and to place a copy in the Library. That is vital. We all agree on what needs to happen, but it is a question of when it happens. Until we have made it impossible that we ever face that prospect again, I do not think any of us can truly rest.

In addition, in the light of the Prime Minister promising another debate in the other place early in the new year, on the very valid assumption that there will be a Conservative Government, can we commit ourselves to a debate as well? Obviously, that decision involves the usual channels, but it would be good to know the progress that is being made.

Motion agreed.

Royal Assent

4.27 pm

The following Acts were given Royal Assent:

Early Parliamentary General Election Act
Northern Ireland Budget Act.

Historical Institutional Abuse (Northern Ireland) Bill [HL]

Committee (and remaining stages)

4.27 pm

The Deputy Chairman of Committees (Baroness Fookes) (Con): My Lords, I understand that no amendments have been set down to the Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. With the agreement of the Committee, I will now report the Bill to the House without amendment.

House resumed.

Bill reported without amendment. Report and Third Reading agreed without debate.

4.29 pm

Motion

Moved by Lord Duncan of Springbank

That the Bill do now pass.

Lord Hain (Lab): My Lords, the Minister kindly offered to report to the House—I see that the Chief Whip is sitting next to him—on likely progress in the House of Commons following this Bill going through.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): I thank the noble Lord for this opportunity to do so. I agreed to come back on certain specific points. The

first was the question of whether the Bill could be included in a wash-up. From speaking with parliamentary lawyers, I understand that the wash-up exists only between Sessions, not between Parliaments, so it would not be possible for the Bill to fit into that category. I understand that there are ongoing discussions at the other end about whether there will be opportunities to take this matter forward there. Unfortunately, I cannot give a commitment here on behalf of the other place but, as I said, I understand that those discussions are ongoing.

It is clear that there has been a very strong consensus—not just one based on the natural rhythm of the House but one that has been adapted to make that point crystal clear. We send that message to the other House with a degree of unanimity, which is perhaps rare in a number of areas, not least in the area of Northern Ireland. On that basis, I hope that it will be received in the same manner in which it has been received here and that the usual channels will reach what I believe to be the right conclusion. However, I cannot commit to that on their behalf, although I wish that I could.

Lord Murphy of Torfaen (Lab): My Lords, I associate myself with my noble friend Lord Hain and indicate that the Opposition entirely agree with the Government on this Bill. It was, after all, a government Bill—the very first introduced in the House of Lords. We will do nothing at all to obstruct its passage either in this House or in the other place. To the contrary, we wish the Minister and his colleagues well in trying to get this legislation on to the statute book before the general election, because there are literally hundreds of people in Northern Ireland waiting on the Government's decision on this matter.

Lord Empey (UUP): My Lords, I understand and agree with what the noble Lord, Lord Murphy, has said. Perhaps the Minister could get across to his colleagues and the business managers in the other place the degree of anguish that would be caused by a failure to deliver this legislation, given that everybody in both Houses and in every party, both here and in Northern Ireland, supports it—a situation that is very rare. Such a failure cannot be explained away. We know that there is time next week—there will be two sitting days in the other place—and I cannot imagine that it is not possible to achieve this. I urge the Minister to make that point strongly to the Government.

Given the nature of the victims of this abuse and given that inquiries are also taking place in England, it behoves us all to show an example—to show that we are serious about it and that we intend to alleviate the suffering. I think that people would find it inconceivable that we would be incapable of delivering this legislation.

Lord Morrow (DUP): My Lords, I endorse what has been said without repeating the multiplicity of words. It will not be understood if this Bill does not reach the statute book. It is incredible that here we have something that unites everyone, yet we now find that we are struggling to get it to its last point. That will not be understood at all, and I find it incredible that we are even questioning whether that might arise.

Lord Bruce of Bennachie (LD): My Lords, if we had not had our concerns about what the other place would do, I think *Hansard* would have recorded that this Bill went through all its final stages in about three minutes. It is beyond belief that, at the other end, the House of Commons cannot find a few minutes to deal with the Bill, given that I cannot believe that any Member of Parliament would raise any objection from any quarter. And even if they did, it would be on the head of the Member concerned. If this is not put to the House of Commons, I am sorry to say that it will be on the head of the Government, and I do not believe that the Government would want to go into an election having failed to deliver this.

I know that the Minister is entirely with us. Everything that we have done and said here is to support him, and indeed his colleagues in the Northern Ireland Office. I want to impress on the Government, through him, that this is something they would be well advised to find time for. They should recognise that there will be no understanding of an incapacity to find the few minutes that would be needed.

Lord Hain: My Lords, I echo what has been said but simply add one point. If this historical institutional abuse of the most horrible kind had taken place in Surrey, Sussex, Kent, Yorkshire, or any one of the regions of England or in the nations of Scotland or Wales, do

we seriously imagine that this Bill would not be speeding through the House of Commons immediately it followed its passage here? The answer is surely self-evident: it would have been dealt with. I would not like this Parliament to be in the position where it has failed the people of Northern Ireland, where it would not have failed anybody in Great Britain, because the MPs in Great Britain would make sure that the ruling party was held to account, as I know the Minister wants it to be.

Lord Duncan of Springbank: My Lords, in my time in the Northern Ireland Office, I can say that this is the most important Bill, and one which, I think, we can take forward. It will leave here in rapid order, having been discussed for a needful time, but remarkably quickly. I thank all noble Lords for their work on this, which I know has been challenging and sometimes very difficult. The Government are very much of the view that this is an important Bill. That is why it was in the Queen's Speech and first off the blocks to come into our House, so that we could move it forward. I hope that it will leave here with the momentum to carry it to where it needs to be. I hope that all those who have a role in this will fulfil that role.

Bill passed and sent to the Commons.

House adjourned at 4.36 pm.

