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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

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

Friday 13 March 2020

10 am

Prayers—read by the Lord Bishop of Portsmouth.

House of Lords (Hereditary Peers) (Abolition of By-Elections) Bill [HL] Second Reading

10.06 am

Moved by **Lord Grocott**

That the Bill be now read a second time.

Lord Grocott (Lab): My Lords, this is the third time in four years that I have introduced a Bill to end the hereditary Peers by-elections. From my point of view, of course, there are certain advantages in reintroducing the same Bill: it saves all the bother of having to write a brand-new speech, although there will be some variance. I must say how nice it is to see so many hereditary Peers here to speak in the debate—I think it is 10 out of the total of 30 or so who are speaking. I gently remind them—the noble Lord, Lord Strathclyde, is speaking first, so he can set the example—that it is quite clear from item 11(b) in the rules of conduct of this House that when Members have an interest, they should declare it before they speak. They quite clearly have an interest, so perhaps they can remember that.

On all the previous occasions, I have seen this Bill filibustered by a tiny number of Members of this House. I persist in trying to get it passed, knowing that there is overwhelming support in all parts of the Chamber—Labour, Liberal Democrat, Conservative and Cross Bench—for getting it on to the statute book. I include many hereditaries who have wished me luck this week in getting the Bill through, because—unlike a minority of their friends—they can see the sense in doing that.

Given that this process has been going on for so long, and that new Members have arrived and long-standing Members may not have caught up with recent developments, it may be helpful for me to take stock of this whole by-election saga: what has happened so far and what needs to be done. For our new listeners, here goes.

There are 92 hereditary Peers in this House, 90 of whom—when they die, retire or are expelled, though none have been—are replaced by a system of by-elections. The number 90 is constant, fixed in law by the 1999 House of Lords Act. Of the 90, 75 are elected on a party basis from the four groupings in this House. For a Conservative vacancy, the electorate consists of the Conservative hereditary Peers in the House; there are 46 at the moment. For a Cross-Bench vacancy, the electorate is 29; for Labour it is four and for the Liberal Democrats three. With such small numbers, the by-elections for these two parties are particularly absurd. There was a quite farcical by-election for a Liberal Democrat vacancy in April 2016, which many Members of the House will

be familiar with, when there were more than twice as many candidates as voters—seven candidates and three voters. Six of the candidates received no votes at all and, with a 100% turnout, the winner got all three. The cost of the by-election was £100 for each vote counted, a total of £300. I would be quite happy to have done it for a mere £150. I can update the House on costs, which have escalated following a recent tendering process. The new prices for the by-elections are as follows: for a Conservative or Cross-Bench election, the cost to the House is £600; for a Labour or Liberal Democrat one, it is £570. So the Labour and Liberal Democrat hereditaries provide better value for money.

I invite any Peer in today's debate who opposes my Bill to explain what it is that they most admire about an election with an electorate of three; but it gets worse. Earlier, I mentioned that 75 of the 90 are elected by party groups. The remaining 15 are elected by the whole House—811 of us. To explain, the 1999 Act reserved 15 hereditary places to enable those hereditary Peers who were Deputy Speakers at the time to remain in the House. Not surprisingly, however, after 20 years most of the original 15 are no longer Deputy Speakers and anyone who wins under one of these by-elections is not expected to be a Deputy Speaker. To summarise, in these Deputy Speaker by-elections, the departing Member does not have to be a Deputy Speaker and the person replacing him does not have to be one either: you know it makes sense.

There have been seven by-elections since the Second Reading of my previous Bill in September 2017. They are, in essence, parliamentary by-elections—they provide us with a new Member of Parliament—but not in terms that we would normally understand. Sadly, the media are not present to capture the drama of the count: “one”, “two”, “three”. The votes for each candidate are not announced by the returning officer and the winning candidate does not have the chance to thank his supporters. I think we all know why: the more light that shines on this system, the more ludicrous it is shown to be. I make no apology for saying, yet again, that in order to be a candidate for these by-elections, you have to be a hereditary Peer who has notified the Clerk of the Parliaments of your interest in standing for any vacancy that might arise. There are 216 names on the current register of hereditary Peers; 215 of them are men. It has been said so often that it loses its impact, but I will say it again: 215 of the 216 are men. Anyone opposing my Bill today needs to explain to the House why he or she thinks that is acceptable in the 21st century.

To summarise: there are 90 places in the House of Lords exclusively reserved, by law, for people who have inherited titles, and for which any vacancies are effectively for men only.

The main argument—I sometimes think almost the only argument from opponents of my Bill who want the by-elections to continue—is that during the discussions on the 1999 Act, the Government indicated that the 90 hereditaries would remain until there was comprehensive reform of the Lords. That argument carries no weight whatever, because of the absolutely fundamental principle of our constitution that no

[LORD GROCOTT]

Government can bind their successors. If Governments could bind their successors, there would not be much point in holding general elections.

Another equally weak argument I have heard advanced and may hear again today is that because the hereditaries are not appointed by party leaders, they bring a uniquely independent perspective and judgment to our proceedings. Demonstrably, they do not. Apart from the Cross-Benchers, of course, the hereditaries are elected by the political parties and almost without exception they vote with their parties in any Divisions, just like the rest of us. So here we are, 21 years after the House of Lords Act, with a so-called temporary measure still in operation, while in the meantime, 37 new hereditary Peers have arrived in the House, all of them men, and the size of the House continues to grow.

That brings me to the Burns committee. As the House knows, the committee was established by the Lord Speaker in order to recommend ways to reduce the size of the House. The basic formula that the Burns committee recommended was to reduce the size gradually by ensuring that for every two departures, there should be one replacement. This put the hereditary Peers yet again in a privileged position because by law, whenever a vacancy occurs, a by-election has to take place to ensure that the number remains at 90. For the hereditaries it is one for one, while for the rest of us it is one for two. The effect is that as the overall numbers reduce, the proportion of hereditaries increases. I am pleased that the noble Lord, Lord Burns, will be speaking later in the debate and I look forward to hearing what he has to say.

Most people would surely think that the by-election system is indefensible, but unfortunately it continues to be defended by a small number of Members of this House. I have tried to abolish these by-elections with two previous Private Member's Bills, first in 2016 and then in 2017. On both occasions, the Bill ran out of time thanks to dozens of wrecking amendments, nearly all of them tabled by two Peers who I am pleased to see are in their places: the noble Lord, Lord Trefgarne, and the noble Earl, Lord Caithness. Whenever votes have taken place at previous Committee stages, the majorities in favour of the Bill have been huge. One particular amendment moved by the noble Lord, Lord Trefgarne, was defeated by 127 votes to two. Both my previous Bills were lost, not by votes or by argument, but by procedural tricks.

On one occasion, 50 wrecking amendments were tabled by the noble Lord, Lord Trefgarne, and the noble Earl, Lord Caithness, the day before the Committee stage was due to begin. Both previous Bills ended in what were frankly embarrassing and chaotic scenes on the Floor of the House, so I think it is time for these two noble Lords to reflect on their tactics. They are clearly opposed to this Bill in principle and if that is the case, they both know what they should do. They certainly ought to because they have both been here since they were 21 and have a combined length of service of 108 years. What they should do is vote against the Second Reading. That is the mechanism by which you defeat a Bill to which you are irreconcilably opposed, not by procedural games on the Floor of the House.

I will put another challenge to them and indeed to any other Peer who agrees with them: if you think that by-elections with three electors and seven candidates that are for men only are an important part of our constitution, do not talk among yourselves, as I know you do. Take your case to the public. Have an outreach programme to schools and colleges explaining the benefits of the men-only system. Of course, they will not do this because they know that they cannot defend the system. The public would be as incredulous about it as are the overwhelming majority of Members of this House. By the way, the Lords is not getting too much favourable coverage in the media at the moment. I am sorry to say that noble Lords defending the by-elections today are inevitably making matters worse.

That brings me, finally and crucially, to the position of the Government. For my two previous Bills, the Government, while not opposing them outright, have said that now is not the right time. In September 2016, the Minister, the noble Baroness, Lady Chisholm, said that it was not the right time because the Government were busy

“implementing the result of the EU referendum.”—[*Official Report*, 9/9/16; col. 1249.]

In 2017, the noble Lord, Lord Young of Cookham, who I am very pleased to see will be speaking later, thought that it was not the right time because the Government were waiting to hear the findings of the Burns committee. Both those reasons for delay are behind us.

So, I appeal to the Minister: we waited patiently for these two objections to be met, and now the way is clear for the Government to give the Bill a green light. I beg you, please do not say that now is not the right time because we are waiting for the report of the constitution, democracy and rights commission. The commission has not even been set up yet and we all know that it will take years, during which time we will have yet more of these wretched by-elections. By the way, I make one confident prediction about this commission, whatever its membership or terms of reference: whenever it comes up with its final report, it will not have a paragraph saying, “As we look to the future development of our democracy, we are unanimous in our belief in the importance of preserving the system of by-elections for hereditary Peers”.

I have brought this simple Bill back for a third time because I know that I have the overwhelming support of the House. I also know that, if any of the Bill's opponents were to take the case for continuing with this system to the country, anywhere in the UK, they would be laughed out of court. These by-elections are indefensible, ludicrous, laughable, embarrassing, ridiculous, farcical and absurd. Those few Peers who continue to support them are defending the indefensible. The by-elections are way past their sell-by date. This Bill gets rid of them and I commend it to the House.

10.21 am

Lord Strathclyde (Con): My Lords, I return the compliments of the noble Lord, Lord Grocott, and welcome so many life Peers to this debate. Many of them were not here in 1998 when we discussed the amendments which introduced the by-elections at that

time, which have lasted for so long. The noble Lord, Lord Grocott, suggested that I might have an interest. I assure him that if there is a by-election upon my death, I will have no interest in it whatever.

I oppose the Bill for three main reasons. The first is the implication of the Bill that the noble Lord, Lord Grocott, did not mention. If this Bill is passed, it creates a wholly appointed House, with no checks or balances on who comes here. It is against the policy of all the main parties, and has been over the course of the past 20 years, to have a wholly appointed House. As a result of that, the second reason that I oppose the Bill is that the House of Lords Appointment Commission, excellent and extremely well run though it might be, is not a creature of statute—quite the opposite. It was created on the whim of a past Prime Minister. It can be removed tomorrow or next week. It has very few powers—in fact I think that it has no powers at all—and can judge applications to the House of Lords only on the basis of propriety.

The noble Lord simply did not mention what would happen and the way that new people would become Members of the House. I very much hope that he will accept an amendment to create an independent and statutory House of Lords appointments commission that can vet Members of this House properly, if, as he and many of his colleagues would like to see, we are to have a wholly appointed House. Having spent a lifetime on elections, I would have thought that they had had enough of them. Those of us who have been elected here rather like them.

The third reason is that it does not tackle some of the issues that the noble Lord, Lord Grocott, mentioned. There is nothing on the size of the House and there is nothing on age; there is nothing on so many of the real issues that are alive in the public mind. Just over 20 years ago, we reduced the size of this House by nearly 50%. There is no reason why, by the end of this year, we could not reduce this House down to 600 Members, as at the beginning of this century. It could be done relatively quickly using exactly the same method. This Bill could be a very effective vehicle for providing that.

I also think that a serious constitutional Bill which amends how people arrive in this House should not be a Private Member's Bill; it should be a government Bill. I do not know, but I expect it is extremely unlikely that the Government will support the Bill, and therefore it has no prospect of becoming law in this Session. I hope the noble Lord will think again, or accept some of the amendments that are put down.

10.25 am

Lord Tyler (LD): My Lords, we Liberal Democrats have consistently supported this reform, and I endorse every word of the noble Lord, Lord Grocott. I will come back to the noble Lord, Lord Strathclyde, in a minute.

I want to spend a moment or two thinking about why we are still here, after 21 years, and remind the House of the origin of this problem. Liberal Democrats were not involved in the Labour-Conservative Front Bench stitch-up in 1999. The so-called Weatherill amendment which created these by-elections was a

purely temporary measure to make some progress with the then Government's plans to reduce the size of the Lords by taking out the majority of hereditary Peers.

At that time, my noble friend Lord Rodgers of Quarry Bank, on our behalf, made absolutely clear that we could go along with the proposal only along the lines of the 1911 declaration that there would be, in due course, further and substantial reform. Since then, I have been involved in all the efforts to secure reform on that basis, first with the Joint Committee which failed to secure agreement between the two Houses, then I convened a cross-party group of MPs with Messrs Clarke, Cook, Wright and Young to publish proposals in 2003, and then, with many others, I fed into the cross-party process led by Jack Straw which published the compromise proposals in the Labour Government's 2008 White Paper. In turn, that package was largely adopted by the coalition Government for their reform Bill in 2011, which was exhaustively scrutinised by a Joint Committee and emerged improved but not undermined, despite the best efforts of a minority of Peers on both sides of this House.

The coalition Cabinet, of which the noble Lord, Lord Strathclyde, was a very distinguished and active member on this issue, gave the revised Bill its full support. That Bill received a huge majority for its Second Reading in the Commons in July 2012: 338, made up of a clear majority of Conservative MPs, an overwhelming majority of Labour MPs and unanimous support from the Liberal Democrats.

That Bill was then the victim of a squalid party game, with the Labour leadership cosying up with the Tory reactionary rebels to deny the Government any programme Motion for its further examination. The noble Lord, Lord Young of Cookham, who then played a crucial role in the Commons, may be able to cast further light on what exactly prevented reform.

My point is that successive election manifestos from all the major parties have promised to make good that 1999 commitment to fulfil the promise of 1911 to proceed with substantial reform. Had they made good their promises, and stuck to their principles in 2012, there would be no need for the Bill today.

However, as has already been pointed out, we all know that the immediate prospect of government legislation to return to the agreed 2012 package to drag the House into the 21st century is remote indeed. Further, as has already been said, the artificial distortion of the representation in the House caused by by-elections—when we should be doing everything we can to reduce our overall size, along the lines of the Burns report—adds urgency to this problem.

So much has already been said; it will be said again today. Substantial majorities here have regularly indicated their desire to make progress. Surely the time has come to pass this Bill and to challenge Members in the other place to live up to their promises too.

10.29 am

Lord Burns (CB): My Lords, I am speaking in this debate because I am asked from time to time whether the reform in this Bill would help to meet the proposals

[LORD BURNS]

made by the Lord Speaker's Committee on the Size of the House. I chair that committee, which continues to meet. We met again this week to review our position on this Bill. As a committee, we agreed that, since the Lord Speaker asked us to come up with non-legislative solutions, it is not within our remit to take an official position on the Bill. However, I can say that we as individuals do not oppose the Bill and some of us, including myself, are in favour of it.

For me, the decisive issue is that it is unreasonable that some positions in this House should be filled by candidates from such a narrow hereditary group. We accept that some talented people have joined the House through this route, but they could have come through the normal processes of party recommendations and HOLAC appointments. We acknowledge that the effect of the Bill is small and does not address wider questions about the future of this House, but it follows in the footsteps of the 2014 and 2015 Private Members' Bills that made small but crucial improvements to the House. In my view, this Bill falls into that category.

Last autumn, the figures for appointments and leavers were not too far away from the committee's targets in aggregate, even though the balance between the parties strayed somewhat from our suggestion. But now, it appears that any restraint seems to be at risk. The change in Prime Minister produced a resignation list and we understand that, following the early general election, a dissolution list is forthcoming. Taken together, they are in danger of undoing all the progress that was being made on reducing the size of the House.

Relevant to this Bill, the long-term solution to our problem of size is hindered, as was said, by the continued existence of hereditary by-elections. First, as the noble Lord, Lord Grocott, pointed out, hereditary Peers are not subject to the two-out, one-in formula, which the committee argued should guide the reduction in the size of the House. They are replaced one-for-one. Secondly, over the longer term, by-elections inhibit the rebalancing of the House; as political trends change, the allocation of the hereditary spaces in the House between the parties is set in stone. As we warned in our first report, by-elections use up some of the Conservative and Cross-Bench notional allocation of appointments, which could otherwise go to life Peers. I note that, during the last short Parliament, between 2017 and 2019, there were only three HOLAC appointments to the Cross Benches, yet there were three by-election appointments to the Cross Benches during the same period.

Amid this renewed concern about the size of the House, I close by emphasising that the most important question for me is not how quickly we reach our target size but how we stop it constantly growing, while also refreshing and rebalancing the membership. The underlying problem is that life membership means that only about 20 to 25 of our Members leave each year. The committee suggested non-renewable terms of 15 years for new Members to provide more scope for appointments. Without changes like this, it will be impossible to refresh and rebalance the membership as political trends change without seeing the size of the House creeping ever closer to the 1,000 Members that we mentioned in our report.

Our committee will continue to seek progress in this area and scrutinise the performance of the groups towards the departure targets. Meanwhile, my position, along with that of many others, is that we should welcome this albeit minor Bill and the valuable improvements contained within it.

10.34 am

Lord Blunkett (Lab): My Lords, I congratulate my noble friend Lord Grocott on his tenacity and humour. I shall try to be brief because this is, in the old joke, *déjà vu* all over again. I have spoken on the previous attempts to bring about this change and heard the same arguments; they stand up just as they did on previous occasions. On the endearing desire of the noble Lord, Lord Strathclyde, to extend the Bill so that it brings about greater changes, my noble friend has brought a very simple Bill precisely because the more complex this gets, the less likely it is to pass and the more controversy it would create. We understand why the noble Lord and those supporting him would wish to complicate the matter rather than keeping it as simple as possible. The question is very simple: is the present system acceptable or defensible? Clearly, as my noble friend spelled out, it is not.

I accept entirely that, unlike most of the Conservative Benches, the noble Lord, Lord Tyler, belongs to a party that has always wanted to abolish the House of Lords as it is at the moment and replace it with a senate. We have to accept that he is right that they were not involved in the "stitch-up"—to use his words—in 1999. Instead, they waited until they were truly stitched up in 2010 by joining the coalition. I was proud to vote against the Second Reading of the Clegg Bill in the other place and see the timetable Motion defeated, because that Bill was a nonsense. It was a constitutional outrage and did not stand up to either intellectual or practical scrutiny.

Today, I support the noble Lord, Lord Burns, on the points he made and reinforce what my noble friend Lord Grocott said about the one-out, one-in policy and the absurdity of the situation. I also want to reinforce one other point. I thank the Lord Speaker for his letter in the *Times* on Wednesday in relation to the restoration and renewal programme and decant. With both the Burns proposals and the decant, a large number of people would take the opportunity to retire because of the disruption, and it would be the Conservative Benches which would face the greatest problem in retaining the 90 hereditary Peers and the present system of by-elections, because people would leave indiscriminately—it would fall where it fell. Because of the large and disproportionate number of hereditary Peers compared with life Peers on the Conservative Benches, those Benches would be disproportionately inconvenienced at the very least.

I put it seriously to the Government that they will get themselves in a real mess if they do not accept this Bill and the way in which it very carefully and over time reduces the disparity and disproportionality of those who come here because their grandparents or great-grandparents were responsible for supporting a particular king or queen at a moment in time, or were granted land and privileges. We have only the privilege of being here for life and I am proud of that.

10.38 am

Lord Trefgarne (Con): My Lords, I start by recognising that there is of course room for more than one perspective and view on this matter, particularly against the background of the work done by the noble Lord, Lord Burns, about which we have just heard.

Lord Foulkes of Cumnock (Lab Co-op): As a great friend of the *Companion*, would the noble Lord like to declare his interest under section 11(b) of the Members' Code of Conduct? Irrespective of what the noble Lord, Lord Strathclyde, said about his possible demise, there is a much wider interest.

Lord Trefgarne: I am not aware of the interest that the noble Lord wishes me to declare, but I have been here a long time. That said, the problem which the Bill addresses relates to the number of Members in the House, which the noble Lord, Lord Burns, has been working on. On a single day back in 1999, 700 hereditary Peers had to leave the House. Since then, their numbers have remained firmly fixed. Meanwhile, the number of life Peers has significantly increased.

Be that as it may, the essence of the case against this Bill relates to the undertaking given by the noble and learned Lord, Lord Irvine of Lairg, then the Lord Chancellor, who gave a clear undertaking that the position of the 92 hereditary Peers provided for in the 1999 Act would remain untouched until, in his words, House of Lords reform was complete. No time limit was given to that undertaking. In 2012, as we have already heard, the coalition Government introduced in the other place a comprehensive House of Lords reform Bill creating a mostly elected House of Lords, which sadly never emerged. I would not have opposed that Bill in principle, although there were a few questions relating, for example, to the number of Bishops who ought to remain.

I have referred to the present number of life Peers. I would not in principle oppose legislation as described by my noble friend Lord Strathclyde, to provide for a statutory independent committee to select new life Peers rather than leaving it in the hands of the Prime Minister as at present. I could of course be persuaded that the hereditary Peers should then leave. In the meantime, I believe that the present arrangement should remain in place and I therefore hope that this Bill will not reach the statute book.

On one detailed point, the Bill as now proposed by the noble Lord, Lord Grocott, does not include provision for the two statutory hereditary Peers, namely the Lord Great Chamberlain and the Earl Marshal, to which he has previously agreed, as I recall. I hope that that can be corrected if the Bill is to proceed.

I remain opposed to piecemeal reform and therefore to this Bill. I hope that comprehensive reform can come to the House in due course, which I shall not oppose. In the meantime, let us leave the hereditary Peers as they are.

Baroness Hayter of Kentish Town (Lab): Before the timer starts on the noble Earl, Lord Caithness, could we clarify what the *Companion* says about an interest?

My understanding is that, if a child, cousin, niece or nephew of mine were to benefit from a Bill, I would be obliged to declare an interest. I assume, therefore, that anyone whose relative—whether second cousin or third nephew—would benefit from this Bill should declare that as an interest.

10.41 am

The Earl of Caithness (Con): My Lords, that would depend on whether they were going to put their names forward to stand. I do not have a clue what my successor will do, so I do not declare an interest. I would be dead and well out of it, thank goodness.

My first happy duty is to wish a happy birthday to the noble Lord, Lord Burns; I regret that he has to spend his birthday debating this Bill yet again. This is not the same Bill that we discussed on Report the last time it was before us. The noble Lord, Lord Grocott—inadvertently, I am sure—has not included the amendment of mine that he accepted. I am sure he will wish to do that at a later stage and we will get back to the Bill that we were properly discussing.

This is a constitutionally important Bill because it fundamentally changes the nature of our constitution. It makes this House a totally appointed Chamber—appointed at the whim of the Prime Minister. The House of Commons has never voted for that—quite the reverse. It has voted for an elected Chamber. It is only this House that has voted to remain a totally appointed Chamber.

The noble Lord, Lord Grocott, in his typically funny, witty and amusing speech, was of course his usual inaccurate and incomplete self.

Noble Lords: Oh!

The Earl of Caithness: He said that I was irreconcilably opposed to the Bill. I am not at all. He mentioned the Burns report. I have stated on the Floor during our debates that, once the Burns report is implemented, I will fully support the Bill. I added that I agree that the number of hereditary Peers should reduce, to reflect where we are now rather than go back to the number in 1999 before the life Peers were appointed—when, of course, it was a higher proportion. So, to say that I am irreconcilably opposed is quite wrong. In fact, he and I agree on the principle of the Bill. I do not want to see hereditary Peers in this Chamber. That is where the noble Lord and I diverge. He does not want to see hereditary Peers in the Chamber because he wants a totally appointed Chamber—a nice cabal, a resting home for former MPs, which 30% of this House are. He wants a nice, cosy place. I want an elected second Chamber, and surely that is what we should have.

I supported the Liberals' Bill, brought forward by the Government they joined from 2010 to 2015. Sadly, there are three great legacies of the Liberals' involvement in government: one is their U-turn on student loans; the second is that too many Liberal life Peers were appointed; and the third is that they ducked out of changing the constitution when they had the perfect chance to do so and would have got a lot of support for it. The noble Lord, Lord Tyler, was perfectly right to say that Labour played a part in that, and due credit must be given to the noble Lord, Lord Grocott, for his

[THE EARL OF CAITHNESS]
role in influencing Labour in that. It is clear that the noble Lord does not want transparency: he wants this House to carry on in its old muddled, unelected way.

There are so many more important issues, as my noble friend Lord Strathclyde mentioned, that the press has picked up on. Of course the press reports were inaccurate—they were bound to be; they normally are with regard to this House—but there was a fundamental element of truth in them that should be picked up on. This House needs to address far more than the question before us again.

10.45 am

Lord Brown of Eaton-under-Heywood (CB): My Lords, this House is often under attack and now is no exception. There is not much that we can do in the way of self-reform to improve our image and reputation, but the Bill provides a real opportunity for just that. Let us show by passing it that we at least are trying to modernise, reform and improve our House. If others then choose to thwart our efforts, that will be seen to be where the blame lies, not with us. That, I suggest, is the answer to those who say that this should be a government Bill.

Before turning to what seems the most basic unanswerable argument in favour of the Bill, I shall repeat what I have said on other occasions. I am one of those who greatly admire our existing hereditaries. Man for man, pace my noble friend Lady Mar, who is of course the only female hereditary Peer, they contribute at least as much as those, like me, who are appointed here. They undoubtedly match us in commitment, expertise and independence of mind and spirit. But, and this is the big but, the main point is that the fundamental objection to continuing to replace them is that the whole system amounts to nothing short of what I, and maybe others, have called an assisted places scheme. It is a scheme whereby a privileged class—namely, the group of 200 or so hereditary prospective candidates—are candidates for 90 places when they fall free. Indeed, they are to be elected by a further privileged class, generally the hereditaries already here, or usually just those few in the group where a vacancy arises. I suggest that this objection is altogether more fundamental than, and indeed subsumes, certain other sound objections to the scheme, which in addition is manifestly both racist and sexist. In short, this system favours a very tiny privileged—as we presume, well-born—group within an overall population of millions who would otherwise be available as candidates. Why should these many others not be at least as good candidates for these places?

To those such as the noble Lord, Lord Strathclyde, and the noble Earl, Lord Caithness, who suggest that at least this scheme ensures that we are not a wholly appointed House, and the fact that 90 are elected provides us with a certain democratic mandate, I say simply: come off it. Is it really to be suggested that those who object to our having no democratic legitimacy—in short, who want an all-elected Chamber—will say, “Oh well, now that you tell us and we understand that you have 90 elected Members who are hereditaries, that’s fine”? Surely that is nonsense.

There is another central objection: that it runs counter to much of the underlying thinking in the report of my noble friend Lord Burns. However, those matters have been dealt with and I shall not return to them. Of course, if it continues it will narrow the choice available to the party leaders of the relevant groups as to who they can appoint on the two-out, one-in—or, eventually, one-out, one-in—system. It is therefore damaging to the party leaders, too.

Lord Mancroft (Con): I am most grateful to the noble and learned Lord. I am slightly confused; does he think that hereditary Peers should come here automatically, like Supreme Court judges? The noble Countess, Lady Mar, is the single hereditary Peeress and the noble and learned Baroness, Lady Butler-Sloss, is the single lady Supreme Court judge. Is that what he is suggesting?

Lord Brown of Eaton-under-Heywood: I am not suggesting anything of the sort. Former Supreme Court justices are not routinely appointed here; they are merely, just as the rest of the population is and as the hereditaries should be, candidates for appointment. That is how it should work.

10.50 am

Lord Taylor of Holbeach (Con): My Lords, with so many speakers I hesitated to speak at this Second Reading, but in the 2016-17 Session and the 2017-19 Session I was in a position to sit through much of the debate on the Bill of the noble Lord, Lord Grocott. This Bill closely resembles it, but I thank him for the courteous way in which he worked to ensure that the debate on the Bill and the previous Bills, on such a passionate subject, was done in a spirit of co-operation, which I know he has extended to my successor as Chief Whip.

I think the House will wish to congratulate the noble Lord, Lord Grocott, on his success in coming so close to the top of the ballot on three occasions. With such good fortune, he should be at Cheltenham, not here today. I expect he will say that the gods are shining on a righteous cause and his Bill addresses an important aspect of making this House fit for purpose. I am not inclined to disagree with that point, but his Bill addresses only one aspect of reforming this House. As someone who cares very much about this place, I do not want to see bits and pieces change. I believe that our role as a scrutinising House that can lend its experience to government is more important than ever, particularly as the Government now enjoy a substantial majority in another place.

Hereditary Peers are found in all corners of this House, as has been pointed out. It will not have escaped noble Lords’ notice that my successor as Government Chief Whip is a hereditary Peer. He joins my noble friend the Deputy Leader of the House, who will be replying to this debate, and the Deputy Chief Whip. Hereditary Peers have always played an important part on these Benches, as pointed out by the noble Lord, Lord Blunkett. The Parliamentary Under-Secretary of State, my noble friend Lord Bethell, who is very important in bringing news of the virus outbreak to

the House, is a hereditary Peer, as is my noble friend Lord Younger. Wherever we look, we find hereditary Peers. As has been pointed out, the Cross Benches also make a great contribution to this House.

While it is difficult to justify the presence of hereditary Peers in this House, they continue to play an important part in its character. We may need all the building blocks we have, if we are to make this House constitutionally effective. It is not just the membership of hereditary Peers that needs to be considered in the changes we shall have to make.

10.54 am

Lord Young of Cookham (Con): It is a pleasure to follow my former boss my noble friend Lord Taylor, who in previous Parliaments generously allowed extra time for discussion on such a Bill. I believe I am the only noble Lord, apart from the noble Lord, Lord Grocott, who has sat through every single minute of previous discussions of his Bills in the past four and a half years. This was not a voluntary decision; I did so in my capacity as government spokesman on the Bill, a job discharged today by my noble friend Lord Howe, clutching a folder that bears my fingerprints. But I am now liberated to express my own view, rather than the Government's—and when I did that, I confess to stretching to its limits collective ministerial responsibility by toning down some of the passages hostile to the Bill in my brief.

First, to those who criticise the Government for not being more supportive of the Bill, I refer to *Hansard* of 30 November 2007. The House was then considering a Bill introduced by the noble Lord, Lord Steel, which, among other measures, was to abolish the hereditary by-elections. The then Government set out their objections to that proposal and, referring to the pledge given by the noble and learned Lord, Lord Irvine, that the hereditary Peers should remain until the second stage of reform the then Minister, the noble Lord, Lord Hunt of Kings Heath, said:

“I do not believe it can be argued that the Bill could be considered to meet the terms of that pledge.”—[*Official Report*, 30/11/07; col. 1479.]

It would be tactless for me to say that the Government Chief Whip at that time, who would have had a decisive say on the Government's attitude to the Bill, was none other than the noble Lord, Lord Grocott. Having just wound him up, I support his Bill but the decision is a balanced one. It is unsurprising that Conservative Peers attach more weight to the pledge given by the noble and learned Lord, Lord Irvine, than Labour Peers. It was a commitment sought by our former leader, Viscount Cranborne, and reluctantly conceded via the Weatherill amendment by the then Labour Government. It actually means more to us than it did to them and we have more to lose.

Secondly, by-elections in my party are unlike by-elections in the other parties, particularly the Lib Dems, which the noble Lord, Lord Grocott, likes to use to reinforce his case. The recent Lib Dem by-election was indeed something straight from “*Iolanthe*” but in my party's case the by-elections are serious, with many strong candidates. Those who win tend to do more heavy lifting in your Lordships' House than the life

Peers—a point made by my noble friend Lord Taylor. As with the original 92, these are noble Lords who want to be here to work and they have to convince an electorate that they will do so.

However, I find the reasons the other way more compelling. The Irvine pledge was meant to be a short-term fix before the second stage of Lords reform. I remember being reassured, when I was shadow leader in the other place, that the first round of elections for a reformed second Chamber would take place by 2001. What was meant to be a short-term fix has become a long-term anomaly. The position is also clearly discriminatory against women and has no place in a modern legislature. Finally, I believe the House does itself no favours by using ingenious methods to obstruct the clear will of the majority. I was frankly embarrassed at having to listen to some of the arguments adduced by my noble friends and, in fairness to them, I suspect that they were embarrassed as well. We should have no more delaying tactics this time; the Bill has been examined ad nauseam. This is an incremental reform, like other Private Members' Bills, which does not preclude other reforms should the time come for them. I support the Bill, and we should get on with it.

10.58 am

Viscount Trenchard (Con): My Lords, it is a great honour to follow my noble friend Lord Young but, alas, on this issue, I am afraid that I take a different view. I regret that the noble Lord, Lord Grocott, has again seen fit to introduce his petty little Bill, even though he did it in a most charming and entertaining way. It is clear that he has an obsession with this matter and his dogged determination to bring it up again and again does the reputation of your Lordships' House no good, especially at this time, when the public think we should be discussing other matters. While I have great respect for the noble Lord and admire his courage in sometimes adopting a position at odds with the official position of his party, I believe that on this issue he is beginning to sound like an old vinyl gramophone record with the needle stuck in the groove.

I am still opposed to the Bill because it seeks to unpick the basis on which your Lordships' House accepted the 1999 reforms. My noble friend Lord Salisbury said at the time:

“I shall once again trespass on your Lordships' patience by reminding the House of what I saw as the purpose of the agreement I came to with the noble and learned Lord and the Prime Minister. The purpose was to try to pour some sand into the Government's shoe. It would be an irritation to them. Those of us who suspected—no doubt entirely wrongly—that the Government all along wanted to stick at a stage one nominated House saw it as an incentive to ensure that that intention never materialised.”—[*Official Report*, 22/6/1999; cols. 789-90.]

The danger that the House will stick at a stage 1 nominated House is as great today as it was in 1999. The minor changes to the methods of appointment to your Lordships' House since 1999 do not in any way even begin to represent what stage 2 was intended to mean; neither do they in any way resemble what was meant in 1911 by

“a Second Chamber constituted on a popular ... basis.”

[VISCOUNT TRENCHARD]

I do not want to argue the merits of the hereditary system or to say that if we were inventing a new second Chamber, we would design a House as currently constituted. I do not accept that it was clearly understood in 1999 that 92 hereditary Peers would be allowed to wither on the vine. I thought it most likely that no agreement on stage 2 would be quickly forthcoming and therefore it was likely that 92 hereditaries would continue to sit for some considerable time.

My objection to the Bill is simply because it breaches the conditions upon which the hereditary Peers—who enjoy no more or less democratic legitimacy than the life Peers—accepted the stage 1 reform carried out in 1999. All your Lordships are entirely lacking in democratic legitimacy. That does not mean that your Lordships' House lacks all legitimacy. Legitimacy derives from other concepts also, including history and geography. The democratic legitimacy in another place rightly and naturally gives it the right to decide what shall be the law of the land.

It is of course true that the by-election procedures, especially in respect of Labour and Liberal Democrat vacancies, may seem to many ridiculous. Does my noble friend the Minister agree that the Government should move quickly to propose a change to the Standing Orders which would enfranchise all life Peers so that they would also be entitled to vote in future by-elections for vacancies in their respective party blocs?

11.02 am

Lord Desai (Lab): My Lords, we have a paradox here. I have been here since before the Lords reform Act was passed, so I was present at the creation of this anomaly. We have hereditary Peers arguing for democracy—for elected Peers—and we, the life Peers, are defending appointed Peers. That is an anomalous situation, so perhaps one of the hereditary Peers might table an amendment to my noble friend's Bill to propose that, instead of what he proposes, we should remove all appointed life Peers. We would then have only 92 popularly elected Peers, which would solve the problem of the noble Lord, Lord Burns, at one stroke; instead of having 800 Peers, we will have only 92. That is perhaps an amendment I would vote for.

However, having been here at that time, I always thought that we were removing 750 hereditary Peers and keeping 90, but that the electorate in future replacement would remain exactly those 750 individuals who were alive then. As that electorate dwindles, nobody should be qualified to run for a vacancy. Those 750 were originally the electorate; if they have passed away, the election passes away. No child of an original hereditary Peer should be qualified to either vote or run in these by-elections. That is the original conservative spirit of this arrangement.

I hope that, among the 50 or 60 amendments that will be proposed by the side opposite, the two I propose will be adopted—first, that all appointed Peers are to be abolished or removed; and, secondly, that by-elections should be only from the survivors of the original 750 and nobody else.

11.05 am

Lord Reay (Con): My Lords, I am delighted to participate in today's debate and mention my interest as a hereditary Peer, elevated by way of an election of the whole House a little over 12 months ago. It will not be much of a surprise that I do not support the Bill from the noble Lord, Lord Grocott. I am very pleased that my noble friend Lord Howe will preside over this debate. I hope he does not find the experience as torturous as that of my noble friend Lord Young of Cookham. The Deputy Leader has served for almost 30 years continuously on the Front Benches—an admirable record. He too happens to be a hereditary Peer.

As we know, the House of Lords Act 1999, which introduced the hereditary by-elections, was always intended to be a short-term measure prior to the adoption of an elected or partially elected House. The system of by-elections for the 92 Peers would remain in situ pending overall reform. One unfortunate consequence of this Bill is that the act of eliminating the by-elections would remove the incentive for the overall substantive reform that was the Act's primary intention.

The House of Lords represents a laudable amalgam of society, albeit at the highest level: representatives from industry, the professions, the Church, the financial and legal sectors and the arts—the best that this country has to offer. The hereditary Peers bring something different to the party—among other things, the maintenance of heritage and the upholding of duty and historical responsibilities not necessarily of their choosing.

Across the House, hereditaries punch above their weight—a point illustrated by my noble friend Lord Taylor and by their significant representation on the Government Front Bench. I believe their presence adds a dimension to the House that is invaluable and unique to this country.

By approving this Bill, we would head down the road towards a House that is all appointed, and by stealth. Such a Chamber runs the risk of overflowing with former politicians, ex-political staff, party donors and cronies. The public arguably have more issues with such political patronage than with the continuation of these by-elections. The noble Lord, Lord Adonis, who I notice is not in the Chamber today but often has pertinent things to say about this, made a convincing point in Committee on a similar Bill last year, when he said that appointed Peers and hereditaries are all "equally illegitimate". The validity of this comment has recently been emphasised by the lengthy time currently being taken by the Appointments Commission to confirm the suitability of the new batch of appointed Peers. This does little to improve the legitimacy of the House.

I believe that this proposal by the noble Lord, Lord Grocott, is playing to the wrong gallery. The public at large do not support Peers spending considerable time and money debating this. They are looking for more fundamental measures: legislation that would implement the intentions of the 1999 Act and increase the legitimacy and reduce the size of the House. I certainly support comprehensive reform, whereby we

move towards a fully elected House. I do not accept a fully appointed House. This Bill is not an appropriate vehicle for reform and does not have my support.

11.09 am

Lord Mancroft: We are told that this Bill is a simple tidying-up measure, part of the process of modernising the House. That is largely what my noble friend Lord Young of Cookham suggested. It is nothing of the kind. The Bill is simply unfinished business for old Labour.

When your Lordships look at the Bill, the first question we should ask is: what problem is solved by it? What injustice is it seeking to correct? The noble Lord, Lord Grocott, said that by-elections of hereditary Peers are an embarrassment, among other things. I must say I find it hard to believe that a doughty old warrior like the noble Lord, Lord Grocott—who is respected and held in great affection across this House—is quite so easily embarrassed. What I think is an embarrassment is the presence in this House of 94 Liberal Democrat Peers, which is an indefensible constitutional outrage, a disproportionate representation in this House of a party that has been overwhelmingly rejected by the electorate.

Lord Tyler: The percentage of Liberal Democrat Peers in this House is precisely the same as our last election result. If we had proportionality in the House of Commons, we would have rather more Members there too.

Lord Mancroft: I am most grateful to the noble Lord for clarifying that, but it goes beyond that. There is no getting away from the fact that his party has been rejected by the electorate.

I am becoming bored by the facile comparison of this House with the Chinese National People's Congress, with its membership of almost 3,000. The problem with the National People's Congress is not its size, any more than that is the problem with this House. The problem with the National People's Congress is that it is an assembly of party appointees, reflecting the views of the establishment of the day, and that is increasingly what is happening here. This House of Lords is the only second Chamber in the world that is being used as a retirement home for Members of its first Chamber, whose seats are needed by leaders' acolytes who have little to contribute to this House.

My noble friend Lord Cormack, who I was going to say I am delighted to see in his place, but who has obviously slipped out for technical reasons, frequently reminds us—indeed, he never tires of telling us—that this is a House of experts. The primary activity of this House is not expertise in obscure subjects—fascinating although that is for all of us to listen to—it is the scrutiny and revision of legislation. Members of the House of Commons do minimal scrutiny of legislation so acquire little expertise in that particular skill. What the House of Commons does do is adversarial party-political banter, an activity increasingly despised by the electorate and a new and unwelcome feature of your Lordships' House, but which Members who make the trip from the green to the red carpet bring with them, to the frustration of the rest of us.

The supporters of the Bill would have us believe that it is a small measure, an incremental and sensible reform, but on the Clapham omnibus and in the newspapers, there is no clamour about hereditary Peers' by-elections. There is increasing outrage at the possibility of appointments of candidates such as John Bercow and Tom Watson, who by any reasonable measure should not even be considered.

The deal done in 1999, which has been referred to so many times this morning and will be referred to again, was that hereditary Peers would remain here until substantive reform took place. The noble Lord, Lord Grocott, argues that, although no such reform has taken place, after 21 years, it is time to dispense with that deal for no substantive reason except the passage of time. Back then, it was argued that the House of Lords was working reasonably well: "It wasn't broke: why fix it?". Now, after the constitutional and political chaos of the past year, no one could reasonably argue that this House is working well. Why, therefore, at this stage, enact a measure of no practical value that removes the incentive for a larger and now much-needed reform which I think most people would support?

11.14 am

Lord Lilley (Con): My Lords, there are two possible approaches to reform of any of our institutions. One is to ask: does it work in practice? The other is to ask: does it work in theory? The noble Lord, Lord Grocott, for whom I have enormous respect, and other supporters of the Bill, tend to take the theoretical approach. They argue that the hereditary element of your Lordships' House cannot be justified on abstract principles of democracy, equality, fairness, gender balance or whatever. So it must go, and abolishing by-elections will mean that the hereditary element will duly wither away. However, the whole of your Lordships' House, indeed of our whole constitution, from monarchy to common law, falls foul of those abstract principles and, by the same logic, they too would have to be replaced.

Our constitution was never designed according to abstract principles. It is the product of human action, not design—"Like Topsy It Just Grewed". It grew by trial and error; it incorporates the wisdom of experience; what survives has done so because it works. The test we should apply before reforming our institutions should always be: does it work in practice? If it ain't broke, don't mend it. If there are practical problems then focus on them, taking care not to damage what works well. Long before I came here, I discovered that this House does work well in practice and the hereditary element plays a valuable part in making it do so. This is a revising Chamber; its sole power is to make the other place think again. As a Minister, it often asked me to think again, by amending legislation that I sent here. My first response was always: "How dare they?", but I cannot recall a single occasion on which I did not accept, at least in spirit, the suggestions incorporated in those amendments.

I also found that the best Ministers assigned to my department were hereditaries; it turned out that way. They were often younger than life Peers, since the Grim Reaper had taken their parent early, but they

[LORD LILLEY]

were well prepared, having known all their lives that they might find themselves here one day. They often brought a more balanced approach than those who reach here after climbing the greasy pole of politics or some other profession. It would be bizarre if those who rail against the unelected nature of this place were to abolish the sole elected element within it. It would be perverse if noble Lords who owe their place to patronage were to remove the only Members of this House who are beholden to no one for being here. There may be a case for widening the franchise in the by-elections to all Members of each party group in this House—I think there is—but if we accept the theoretical case put forward today to abolish the hereditaries, we accept a mode of reasoning which could fatefully strike at the existence of this House itself.

11.17 am

Lord Snape (Lab): My Lords, I join in the congratulations on my noble friend Lord Grocott. Remarkably, he has struck lucky; this is the third time the House has debated this Bill. I do not know whether he participates in the National Lottery but, given his luck, I would like to share the stake money with him. If we won £67 million, we might not have to sit through too many debates like this morning's.

The Bill is not about hereditary Peers or getting rid of them. Why would we seek to deprive ourselves of the oratory of the noble Lord, Lord Trefgarne, the prejudices of the noble Lord, Lord Mancroft, or indeed the connections of the noble Earl, Lord Caithness? They will still be here if this Bill is passed, and why not? The Bill is about the English class system. Whether the hereditaries express the view publicly or not, they think that, because they are here as a result of the active loins of their forefathers, they are somehow better than those of us who have come from the other end of the building.

The noble Lord, Lord Mancroft, has frequently said in this debate that he deplores the behaviour of those noble Lords who have spent some time in the other place. Indeed, when the Bill was debated on 8 September 2017, the noble Lord made his distaste for former Members of the other place quite plain. He said:

“There is nothing wrong with Members of Parliament individually”.

I am not sure whether I fall into the “nothing wrong” category, but I will plough on, and that

“I even have a few friends who were MPs”—

I certainly do not fall into that category, regrettably—

“and they are certainly suited to the House of Commons. However, in your Lordships’ House, and in too great a number, they are an absolute menace: first, because, by their very nature, they want to do things and change things when they would be far better employed just paying attention.”—[*Official Report*, 8/9/17; col. 2171.]

Well I paid attention to him this morning, of course.

Lord Mancroft: My Lords, when I came in here, I had a bet with one of my noble friends about which dinosaur would first emerge from the primordial ooze. I am delighted to say that the noble Lord, Lord Snape,

has risen first and has made every point that I would have made in his place. I am so grateful. I was given only three minutes, and he has used an extra minute for me.

Lord Snape: The noble Lord should use the very phrase that I used about him and his colleagues the last time this was debated. One can only imagine that the noble Lord, Lord Mancroft, who is the third Baron Mancroft, perhaps developed his view at the knee of his grandfather, the first baron, who served in your Lordships’ House when there were around 1,200 Members. Remarkably, in those days, the press never talked about how big this place was—perhaps because few Members ever turned up. One can imagine the conversation between the infant third Baron Mancroft and his grandfather about life back in the 1930s, when his grandfather was ennobled: the morning train to the House arriving around lunchtime, perhaps an early livener in the bar before lunch with the children, with a couple of glasses of Bucks Fizz and a bottle of Chateau Collapso, and a few hours on the red Benches listening to a debate, then a glass in Boodles on the way to the train, and home for supper. That was the life.

Lord Mancroft: My Lords—

Lord Snape: No, I cannot give way again. I have no time at all thanks to giving way to the noble Lord.

The view that somehow these people are superior to the rest of us is one that they cherish. They cannot get over the fact that some of us are capable of making speeches without reading them from copious notes. Let us say the noble Lord, Lord Reay, was elected by the whole House; I am glad I did not vote for him. His reading ability is not to be challenged, but his technique perhaps shows some flaws. I wish my noble friend’s Bill well. After listening to the noble Lord, Lord Mancroft, I am only sorry I did not bring forward an amendment that would remove the hereditaries entirely. This place would be better off without them.

11.22 am

Baroness Hooper (Con): My Lords, unfortunately I have to follow that. Inevitably, on the third time round, there has been a lot of repetition of arguments. Like other noble Lords, I do not think I can avoid doing so.

The main point I wish to make is that I do not accept the need for the Bill or the principle behind it. I listened carefully to the noble Lord, Lord Grocott, describing his intentions and his justification for presenting his Bill for the third time, but I remain unconvinced, in spite of the amusing and perhaps justified ridicule he brought to the by-election process. Certainly in recently years, in the world outside Westminster, I have heard criticism of the House of Commons but only complements for the House of Lords.

Talking of democracy, my starting point is with the barons who forced King John to sign the Magna Carta; the first step in the whole process of democracy in the face of a system of absolute monarchy. I believe that the hereditary principle as it has survived in the

House of Lords is part of the history and tradition of this United Kingdom, and that includes its application to our Head of State.

Of my 30-odd years in your Lordships' House, 15 of them were when it was a mix of hereditaries and life Peers, and just over 15 years have been since the passing of the so-called reform Bill in 1999. I am bound to say that the present composition of your Lordships' House is no more effective and efficient, in spite of the huge majority of life Peers, and that the hereditary Peers show just as much diligence and expertise as their life Peer colleagues. I am pleased to be able to say that we still have a Duke of Wellington, a Lord Cromwell, an Earl of Home and, sparing his blushes, an Earl Howe in your Lordships' House. They set an example of public duty, as well as continuity, and a sense of living history.

The passing of this Bill would call into question the very name of the House of Lords. Without the real thing, the concept of creating life Peers would become a nonsense. By all means let us get on with the real reform: let us have an elected House of Lords. I voted in favour of a fully elected, or a majority elected, upper House back in 1999, and I have to say that most of those who voted in the Content Lobby then were hereditary Peers, led by the late Lord Carrington and including, as I recollect, my noble friend Lord Trefgarne.

All this is to say that the remaining small group of hereditaries in your Lordships' House bring with them a certain independence, and certainly expertise, continuity and a necessary link with the past. I for one am delighted to see the successors of former noble Lords arrive here and play a full part in the work of your Lordships' House, as well as bringing youth and energy. I believe that this Bill is pointless.

11.26 am

Lord Glenarthur (Con): My Lords, rather like my noble friend who has just spoken, despite the humorous way in which the noble Lord, Lord Grocott, introduced his Bill, I remain curious about its true motives. Is it really that the elections to replace Labour and Liberal hereditaries with such tiny electorates seem to him to be ridiculous or farcical? That is superficially an easy, and perhaps even a populist, case to make, and the noble Lord seems to make much of it. Like my noble friends Lord Trenchard and Lord Lilley, I would be perfectly content for the election process to be widened to include all active Members of the relevant parties and the Cross Benches. Perhaps that would go some way towards meeting the concerns of the noble and learned Lord, Lord Brown of Eaton-under-Heywood.

In almost 43 years in your Lordships' House, I have learned that change is inevitable. The removal of most of the hereditary Peers in 1999 was a substantial constitutional upheaval, and I will always remember the comment of my noble friend Lord Strathclyde that the Prime Minister, Blair, had

“taken a knife and scored a giant gash across the face of history.”—*[Official Report, 26/10/99; col. 279.]*

Those are striking words.

Apart from changing the face of the House, has that Act altered politics or policy? Not much, I would argue, but evidently it makes some feel better that what they considered to be an unfair, largely hereditary membership should now be subordinated to an exclusively and equally unfair appointed one—a point made by my noble friend Lord Strathclyde just now.

What would the gradual disposal of this small group of hereditary Peers, retained at the time of the 1999 Act under a solemn and binding agreement in a constitutional Bill to remain until full reform of the House of Lords could be achieved, actually achieve? If the noble Lord, Lord Grocott, gets his way, what is really going to change, other than satisfaction for him in passing his Bill?

At the time of the 1999 Act, the retention of 92 hereditary Peers was described by the Government of the day—his Government—as modest, and the term “transitional” was undefined. Those excepted from that Act have brought to this place diverse experience and often unique specialist knowledge, as well as an historical inbuilt sense of duty to, among other things, maintain the way the upper House of Parliament works. Those who stand for election now are given considerable scrutiny at the hustings. We do not seem to have many hustings for the appointment of life Peers—now, there is a thought.

Hereditary Peers in the House basically remain independent in spirit, as we have just heard, and with an inherited sense of duty they generally feel no overriding sense of ambition. They are part-time parliamentarians, contributing on subjects of which they have direct experience and knowledge, and they do not look for advancement. If advancement comes, they might accept it, but I doubt whether any of them would compromise their strongly held personal views for political reasons or for gain. In the main, they do not need to, and that is very much one of the peculiar historic strengths of this House.

If there is to be a constitutional review, why is the noble Lord, Lord Grocott, introducing his private Bill now? Are there not more important and relevant aspirations he has in mind to try to help the people of this country? Would it not be wiser for him to contribute to that review, where much broader counsel can be brought to bear, rather than tinker with one small element of our residual constitutional and parliamentary history which actually works well, does no harm and helps to safeguard a part of our historic legacy, as my noble friend Lady Hooper has just said?

If the noble Lord believes that the current by-elections for hereditary Peers make a mockery of this House, or cause embarrassment, he should look to the huge numbers appointed on all sides of the House, at a time of increasing pressure to reduce our numbers, and help call a halt to it. That is where the real embarrassment lies.

11.30 am

Lord Balfe (Con): My Lords, I am delighted to speak after my noble friend Lord Young, because I thought I might be the only person on these Benches who supports what the noble Lord, Lord Grocott, had to say. Listening to much of this debate, one would

[LORD BALFE]

imagine that he was proposing revolution. He is actually proposing something that was described to me by a leading Labour Member of the other place as “a bit mild; if we win the election, we’ll have them all out by Christmas”. What is being proposed will take about 40 years to achieve. I am simply surprised. I say to my noble friend Lord Mancroft that I am probably the last person he would wish to see here: I am a former Member of the European Parliament; I spent 40 years in Brussels; I still have kind things to say about and great admiration for David Cameron; and, just in case I needed finally sinking, I served on the Greater London Council—though not under the leadership of Mr Livingstone, I should say.

Let us move on: this House has always been subject to piecemeal reform. The 1911 Act begins by saying that it is pending a final review of the House. If we look at the antics that went on under David Lloyd George, there were then changes that restrained somewhat the power of Prime Ministers to sell places in this Chamber. If we look at the Macmillan reforms of the late-1950s and the Blair reforms, they could be said to be part of a pattern: a gradual evolution—very much a British thing. If we look at the period since 1999, I would counsel that the idea of an elected Chamber has in fact fallen in estimation. I have been to a lot of schools—I was part of the schools programme—and there was very little support for an elected Chamber when it was explained that it would mean another set of elections, the Members would all need salaries and staff and, instead of having one MP, you would have two people floating round your area. Where I live, the city of Cambridge, bigger constituencies would mean one Labour Member and one Conservative Member, so all you would end up with is fighting. On top of that, the people who elected you would expect you to be much more partisan than we have to be. I am delighted to hear support for an elected Chamber, but I am not sure it is completely thought through.

I see the proposals put forward by the noble Lord, Lord Grocott, as very much incremental. They would take years to come to fruition. I accept that one advantage of by-elections for hereditary Peers is that we tend to get the cream of the crop; we get the best of the hereditary Peers in here. But many of them would qualify anyway for appointment by a Prime Minister. No one is saying that a hereditary Peer cannot then be appointed at a future time. I hope that we can move forward and pass this Bill. If we cannot pass a Bill like this, let us forget the words about being a “self-regulating House”. We are more like the Polish Sejm of the early 18th century, where anyone could object to legislation and nothing happened at all. If we want to move forward, we have to take a progressive and intelligent view of the need to reform this House.

11.34 am

Lord Mann (Non-Afl): My Lords, what has changed since the late 1990s? I suggest that two things have. The first is science. Out there is an army of people like my good wife, who are busy taking the DNA of people like me and putting it on the internet to discover who we are and who our ancestors are. Without giving away too many secrets, I can say that there is no great

certainty, even in the maternal line, but when it comes to the paternal line, I am discovering people related to me who do not seem to fit into a family tree.

I have no interest to declare and I confess that I do not anticipate having one because my antecedents appear to be the peasantry of Ireland, Scotland and England. But on my wife and my children’s side, it is rather more interesting. There is a possibility that we might discover an unknown connection—there may well be great castles, estates and titles due to our family, but held by somebody else’s. I am not proposing DNA testing before any hereditary peerage election, although I suspect that plenty in the other place would vote for that. But that is a change and at some stage, there will be big court actions. I hope that we will not have to self-isolate, but should we be away for a couple of weeks, my rucksack is packed for wild camping, self-isolating in the great estates of the Highlands so that I can size them up for my son, should that connection be found and that court action ever take place. That is a real change—not one that has hit yet, but it will come.

There is a second change: a political one. I confess that I did not listen to your Lordships’ great debates on this issue previously, but I did listen to many of the debates on Brexit. Whatever your views on the issue were and are, I make this observation: it was clear that, like a majority in the House of Commons, the majority of your Lordships did not fully grasp the mood of the country—and, indeed, found the election result a surprise, although it was no surprise to me. Again, that it was such a surprise shows a failure to grasp the mood out there. It is called populism.

I warn this place that, although this is not an issue on the doorstep, there will one day be a Prime Minister—perhaps sooner than one envisages—who, in a time of crisis, chooses to be populist. There is no easier item to pursue on a populist agenda that occupies the House of Commons than removing or replacing all or part of this place. The danger is that, if this place does not modernise, when we leave this building, we will not come back—that we will be no more during that period, because the Commons and the Prime Minister of the day find it expedient to make that populist, political, easy choice. The loss there will be democracy, rather than a measured, thought-out set of changes. It is modernise or die for this place. I therefore support the proposal of the noble Lord, Lord Grocott.

11.40 am

Viscount Astor (Con): My Lords, that is remarkably difficult speech to follow. I always assumed that I was the son of a Conservative politician but, who knows, following a DNA test I could be the son of a Labour politician. For all one knows, after a test, I could come into this Chamber and meet, perhaps, the noble Lord, Lord Snape, and say, “Hello Daddy”.

Lord Snape: I would embrace the noble Lord as any father would.

Viscount Astor: I am grateful to the noble Lord. Anyway, back to the matter in hand. The case against this Bill is stronger than ever. The fundamental reason

why is this Government's commitment to a constitutional convention, as set out in the party manifesto published prior to the election. It is always worth reminding noble Lords opposite that the hereditary Peers are still here not because of the Conservative Party but because of the Labour Government who introduced that legislation. Following that reform, what did the Labour Government do? They did absolutely nothing. They could have moved on to the second stage, but they did not.

The hereditary Peers were described as the grit in the oyster to remind and force a future Government to come up with proper reform. Proper reform is long overdue, and I am delighted to be that grit, if it brings forward constitutional reform. I understand why noble Lords opposite enjoy this Bill because it is getting rid of an anomaly. There are plenty of anomalies in this House. But what is important is, whatever way we get here, we should all be heard in the same way and all have an equal right to participate.

I could support this Bill if it cut down the over-representation of the Liberal Democrats, introduced a mandatory retirement age or even introduced a statutory appointments commission. But it does not. When the noble Lord, Lord Grocott, comes to sum up, perhaps he can reply to the suggestion from my noble friend Lord Strathclyde. I also find somewhat disquieting the speeches from this side of the House from those who worry that, if we give up by-elections, that will be reform done and dusted and we can all remain here. I really hope that that is not the case. We want proper reform.

Every party manifesto in the last election came forward with proposals for reform. The Labour leadership wanted abolition and the creation of a senate. Even more extraordinarily, Jeremy Corbyn, the leader of the Labour Party, wants to hand out peerages to his most left-wing colleagues who actually want total abolition of the second Chamber, and certainly abolition of the House of Lords.

I will not put forward any plans for reform today because there is a debate in a couple of weeks. But it should include cutting numbers and perhaps a broader representation of faiths. But whether this House is elected or appointed, it must represent the four nations of this union, maybe in slightly different ways. One cannot justify a second Chamber that represents only England.

As usual, the noble Lord, Lord Grocott, said that some of us have been here too long, perhaps 40 years. I find that somewhat insulting because I believe that whether you have been here 40 years, four years, four weeks or four minutes, everyone should be heard in the same way and that we all have the right to participate. Criticising those who have been here longer should not be done.

We are at the start of a Session and the noble Lord, Lord Grocott, is lucky to have achieved time for this Bill early on, so we will have plenty of time to debate all the amendments, Report and Third Reading. We will therefore not have the spectacle of what happened last time when the noble Lord, Lord Cormack, moved a closure Motion on my noble friend Lord Strathclyde when he had just moved an amendment.

I urge noble Lords not to be led astray by the dulcet tones of the noble Lord, Lord Grocott, however charming they may be, and look forward to a constitutional convention where we can examine the composition and role of this House as well as look perhaps to boundary reform—a painful subject for noble Lords opposite. I do not welcome this Bill, but I will not block it and I will seek to amend it.

11.44 am

Baroness Meyer (Con): My Lords, much as I like and admire the noble Lord, Lord Grocott, I hope that he will forgive me for disagreeing with him on this occasion. One thing that I have always admired about this country is its stability based on an ancient monarchy, ancient Parliament and ancient traditions. Since the Civil War, this country has known instinctively how to find the right balance between preserving tradition and allowing evolution. Contrast and compare that with the two countries from which my parents come: France and Russia. Since the revolution in 1789, the French have experimented with two empires, a monarchy and five republics to find the secret of stability. I would argue that they were still searching for it. In one short century, Russia demolished an empire and got rid of the aristocracy, replacing it with a communist tyranny. It is now an autocracy disguised as a democracy.

I am not being flippant, but I see that, in each of these countries, the constitutional baby has been thrown out with the bathwater several times, often in circumstances of extreme violence. In Britain, in times of great change, we have managed to keep the baby and successfully replace the bathwater without having to resort to violence. There is a lesson to be learned here. I am well aware that, for many people, Lords reform is long overdue. Many have spoken about it today. However, there is a difference between modernising an ancient regime and extinguishing centuries of tradition. Change, often masquerading as progressive politics, does not always produce improvement, particularly when there is no consensus on what shape that change should take and how it might affect our long-held values as a consequence.

Removing all hereditary Peers would fundamentally change the nature of your Lordships' House. Their numbers have already been reduced to barely 11% and there is no reason to cull them into oblivion. Why should their presence be considered more objectionable than that of, say, those Peers who have been politically appointed? I may not have been a Member of this House for very long, but one thing I have observed is the quality of the hereditaries' contributions, their grasp of a wide range of subjects and the variety of their expertise and experience. At a time when levelling up between north and south is a major plank of the Government's strategy, we should recognise that the hereditaries are less urban as a group than any other group of Peers in this House. One issue often raised is the absence of female hereditary Peers. That needs to be addressed, there is no doubt, but surely this is not a matter for this Bill.

While we can all agree that change is needed, it should not be done in this way. It would be pure constitutional vandalism simply to wrench out of our

[BARONESS MEYER]

ranks one small group which contributes so positively to our proceedings, out of proportion to their number. If this were to happen, I very much fear that we would find ourselves on a slippery slope at the bottom of which we would find a republic waiting for us. The last time we tried that, almost 400 years ago, was certainly not a happy experience.

11.48 am

Lord Anderson of Swansea (Lab): My Lords, the noble Baroness set out a certain veneration for our constitution broadening down from precedent to precedent. However, surely the great virtue of our constitution has been that those who have had power have known when to yield it. There has also been a readiness to change when change is needed and not to seek to oppose any reform in a reactionary way until it becomes a tradition.

I also have an interest to declare. I am a Welsh peasant and would wish for my eldest son—for whom, like any good father, I have much admiration—to come to this place, but he should not do so except on his own merit. The problem is that we have a lottery of sons and only sons coming here—in a time when women quite properly have a greater and greater voice—simply because of what happened to their fathers in the past. Some obviously come here themselves on merit; others because their ancestors completed deeds of daring before the monarch; and others because they paid the right sum of money to Maundy Gregory for Liberal Party funds. I cannot recall any Liberal opposition to that at the time. Clearly, there are great differences in backgrounds.

We have been through this course on many occasions, including the two Second Readings which my noble friend Lord Grocott has brought forward. I congratulate him on his persistence. We are probably in a position where everything that can be said has been said, but I have not yet said it, so here it goes.

My first point is one of procedure. We have a position where obviously the great majority of people in this House—certainly as measured by the votes we have had in the past—are in favour of this incremental and piecemeal reform. But it has not happened, because a relatively small minority put roadblocks in the way of the Bill. Given the filibusters and flooding of the Order Paper with innumerable amendments that we have had in past, the powers that be should look at our own procedures to see whether there is any way of stopping merited reforms going forward. As a lapsed lawyer, the only argument of any merit that I can see against this Bill is that there was a degree of compromise in the deal done 20 years ago, but surely we have moved on massively since then. The context is different; it is a context of modernisation and where, as some well argue, the best should not be the enemy of the good.

What is it that sets apart the sons of hereditary Peers as different from the sons of other Peers? Is it superior intellect? That may or may not be the case. Is it some background that myself and others do not have? Is it other forms of merit—some contribution to the benefit of this country as a whole? That may be,

but then, like the rest of us, they can be appointed on their own merits, rather than as a result of any merits of their fathers. I very much accept that our own hereditaries play a disproportionate part; that point was made very well indeed by the noble Lord, Lord Taylor of Holbeach. In future, however, a place in this Chamber should not arise from the merits or otherwise of Peers' fathers but because of their own merits; it should be by proper selection and not by the terms of a lottery.

11.53 am

Lord Northbrook (Con): My Lords, I am in agreement with my noble friend Lord Trefgarne that this Bill is a breach of a promise given in 1999. On 22 June that year, my noble friend Lord Denham asked the following question to the Lord Chancellor:

“Just suppose that that House goes on for a very long time and the party opposite get fed up with it. If it wanted to get rid of those 92 before stage two came, and it hit on the idea of ... giving them all life peerages ... I believe that it would be a breach of the Weatherill agreement. Does the noble and learned Lord agree?”

The Lord Chancellor replied:

“I say quite clearly that ... the position of the excepted Peers shall be addressed in phase two reform legislation.”—[*Official Report*, 22/6/99; cols. 798-800.]

I also remind the House of the importance of the then Labour Lord Chancellor's words on 30 March 1999:

“The amendment reflects a compromise negotiated between Privy Councillors on Privy Council terms and binding in honour on all those who have come to give it their assent.”—[*Official Report*, 30/3/99; col. 207.]

To the hereditary peerage, it was a vital part of the 1999 Act and a condition for letting it have satisfactory progress through the House.

Nothing could be clearer than the former Lord Chancellor's words; that is why I believe that the Bill does indeed breach the Weatherill agreement and the House of Lords Act 1999. I also believe as a matter of principle that such major constitutional reform should be implemented only by government legislation. I cannot understand why this area of the House needs reform when the by-elections have produced such capable replacements to the 90, such as like the noble Lords, Lord Grantchester, Lord De Mauley, Lord Ashton of Hyde, and Lord Bethell, the noble Earl, Lord Cathcart, and the noble Viscount, Lord Younger of Leckie, all of whom are, or have been, on the Front Bench of their respective parties. It would seem more urgent to reform the life Peers system, which of course the Burns report proposes. The hereditary Peers are a strong link with the past, a golden thread that goes back to the first separate sitting of the House in 1544. Until relatively recently, in House of Lords terms, the House was entirely hereditary. By-elections provide a way into this House in a way that is not dependent on prime ministerial patronage.

Also in connection with the Burns report, I note part of the Government's then response to the House of Commons Public Administration and Constitutional Affairs Committee's examination of it, which says:

“The Government does not however accept the Committee's recommendation that the Prime Minister must now commit to a specific cap on numbers, and absolutely limiting appointments in line with the formula proposed.”

Thus a key element of the Burns report is deemed to be invalid, and the major reform that was promised at stage 2 is just not there. True to that response, it is rumoured that the new Government are proposing 40 new Peers to the House, which totally goes against the Burns report. This is not reform. Why, therefore, should the hereditary element in these circumstances accept a long-term diminution of their numbers?

Reform should include a review of our powers, especially with regard to Finance Bills and statutory instruments, which we should be allowed to amend. We are also promised a constitutional rights and democracy commission, and I believe that we should wait for what this produces before acting on any Private Member's Bill.

Conservatives have hinted at wanting to reform the House of Lords, but it is not clear how at this stage. It is likely that the new Government will specifically reaffirm the supremacy of the Commons over the Lords in a new Act of Parliament and possibly even revisit the Lords' power of delay—something that Theresa May threatened during her prime ministership when the Lords refused to pass her Brexit legislation straightaway.

In summary, I believe that significant constitutional legislation to implement phase 2 of Lords reform should be brought forward by the Government rather than by a Private Member's Bill.

11.56 am

Lord Robathan (Con): My Lords, I welcome the opportunity to speak on the general issue of Lords reform. I commend the noble Lord, Lord Grocott, both on his amusing and excellent speech in introducing the Bill and on his courage and integrity over the last four years, when he has been a bit of a lone voice on the Benches over there.

However, I am afraid that I will not support his Bill because, while this House has many problems that surely need sorting out, I do not think that what we can call the "quaint" hereditary by-election system is a priority. Above all else, the problem with this House is numbers. We all agree that there are far too many of us. I think there are too many Bishops; I would shrink them to about 12. I think there are too many hereditaries; I would cut them in about half, and I think we could do that now with a self-denying ordinance on by-elections.

However, I support the hereditary principle—for instance, a hereditary monarchy—and heredity is part of all of us. Continuity is good. Although I may occasionally disagree with him, I like the continuity of having a descendant of the iron Duke of Wellington here. The British, I remind everyone in this House, like tradition. The hereditaries got their titles through all sorts of ways, especially in the 20th century with Lloyd George and so on. There are some excellent and valuable Members, and some less so. I believe it was Barbara Castle who allegedly said, "Is it better to be appointed to a peerage by Charles II or by Harold Wilson?"

That brings me to the majority of us—life Peers. Again, some are valuable contributors and some less so, but how did we all get here? We agree that there are

far too many of us. There are lots of superannuated Members of Parliament like me: Cabinet Ministers, other Ministers and some who never did anything very much down the other end. There are distinguished public servants, lawyers, judges and academics. There are trade unionists and donors to all three main parties. There are party hacks and political advisers. There are some who have been rewarded for changing party allegiance, and some for being friends or sharing a flat with a Prime Minister in the past.

The noble Lord, Lord Grocott, was an excellent PPS to the Prime Minister, Tony Blair. There were some who were put here for fighting, and losing, four or five elections to the Commons; that applies especially to one party. There are some who were obstructions and sent here to get them out of the way, or to put somebody else in a job. There were some mistakes: I said to David Cameron once, "Why on earth have you made X a Peer?" and he said, verbatim, "It was a mistake." There is even one Peer who was deselected by a local party and threatened to stand as an independent if not given a peerage. Are we life Peers uniquely better qualified or more able, so that we should be here rather than the hereditaries or anybody outside the House? The term "for public or political service" covers a multitude of sins. Is appointment by Boris Johnson or Tony Blair better than by Charles II or Queen Victoria?

However, we need reform and the Burns report wisely recommended a time limit. That is a good start. Personally, I would have 12 years—perhaps 17 years, 19 years or 21 years—and some method of extending it for especially valuable contributors. But it has to be retrospective, covering every one of us in this Chamber, and I would include the hereditaries. I support the overarching reform of the House, but not this piecemeal legislation. Might I suggest that we all need to show self-awareness in how fortunate and privileged we are to be here, while remembering about glass-houses and throwing stones? On that note, I have heard it said in this Chamber that this system of by-elections brings the House into disrepute. I would gently point out that what brings greater disrepute on the House is the occasional lurid tabloid headlines about individuals showing predatory, sexual and disgraceful behaviour to young ladies. I think we know who we are talking about.

12.01 pm

Lord Rennard (LD): My Lords, the noble Lord, Lord Robathan, makes a powerful case for fundamental reform of the House of Lords, which has been the objective of my party since at least 1911. But today, and on other occasions, listening to our debates on this subject gives a feeling akin to being made to watch "Groundhog Day" repeatedly. We see the same pattern of events and hear the same dialogue every time we discuss what the noble Lord, Lord Grocott, referred to correctly as ending the farcical process of by-elections to elect more hereditary Peers. This simple principle has clearly been shown several times to have overwhelming support from the House, but the passage of such a measure has been continuously frustrated by a small minority of Members, acting to defy the clear will of

[LORD RENNARD]

the majority of the House and to prevent the other place considering again what it has also approved overwhelmingly in the past.

Several noble Lords have suggested today that we should be discussing other things, which they consider more important. Perhaps they might have words with two of their noble colleagues who, during previous attempts to pass such a Bill, have tabled hundreds of amendments. Almost a year ago, I highlighted how the time of the House was being wasted, as we had at that stage,

“spent five days considering a one-page Bill consisting of just 231 words, which takes less than two minutes to read”.—[*Official Report*, 15/3/19; col. 1228.]

In Committee on the last identical Bill, 11 pages of mostly repetitive and irrelevant amendments were tabled. They were mostly never moved, but any that were suffered overwhelming defeats whenever our opinion was tested. On Report, we were then subjected to 23 pages of amendments of the same kind, and with the same outcomes.

This House wants the Bill to pass and to let the Commons consider it. We have again heard some nonsense today about a gentlemen’s agreement in 1999 on a short-term measure, conceded under duress, made to avoid a veto being exercised by a largely hereditary House over a first stage of reform in this place. This was the year I came into the House. I remember how life Peers were sometimes referred to then as the “day boys”, while hereditary Peers were termed “boarders”. Times have changed, and so should we.

As has been said several times, no agreement or decision of any Parliament can bind future Parliaments. If it could, there would be little point in holding elections as previous Parliaments would have decided all the major issues. It is the so-called Weatherill amendment that we are debating getting rid of. He himself later sought to change what was only ever seen as a temporary arrangement. More than 20 years must be considered too long to be temporary.

Many noble Lords have rightly said today that some very good Members of the House have come here after these by-elections, but others have pointed out that in the absence of elections such Members could still have been appointed by the parties or on the recommendation of the House of Lords Appointments Commission. The principle must be that their ancestry should never have played any part in the process. As we have emphasised in previous debates, no current Member of this House loses out as a result of this modest measure.

The noble Lord, Lord Lilley, referred to the anachronism in a democratic society of the hereditary monarchy, but the fundamental difference must be that even with a hereditary monarchy we do not have monarchs speaking, voting and deciding on the legislature, yet hereditary Peers are able to decide on these things in this way. This should not be the case in future. Phasing out is a gentle way of reforming things.

There is no democratic case to be made for a system of government in which you can inherit your chance to be part of a legislature, perhaps based on the whim of a monarch many centuries ago putting you in a

pool of people eligible to stand for these farcical by-elections—a pool that is 99% male, as other noble Lords have said. Let us show that we can move beyond the 19th century. If noble Lords are against the Bill, vote against it—but do not try to filibuster it to prevent the House being able to express its will.

12.06 pm

Baroness Hayter of Kentish Town: My Lords, for the third time it is my pleasure to give a warm welcome to the measure. Like the noble Lord, Lord Young, I have sat through all the previous ones. Indeed, the last time I spoke in your Lordships’ House on an earlier version was almost exactly a year ago today. It was on 15 March last year on a Bill that had had its Second Reading 18 months earlier, in September 2017. As we have heard, there was some serious foot dragging then on a Bill with just two clauses. What progress has there been since? As we have heard, there have been more by-elections—bringing the number to 37 over 21 years and our democracy in this House, I believe, into disrepute.

As we have heard, the system has brought in yet more white, male hereditary Peers at a time when we need, first, to reduce the size of the House—as we heard from the noble Lord, Lord Burns, and others—and, secondly, to increase its diversity in gender, ethnicity and background. I use the word “background” but my noble friend Lord Snape said it as it is and called it “class”. The noble and learned Lord, Lord Brown of Eaton-under-Heywood, described the current system as racist and sexist. I am sorry to be only woman to speak today in favour of the Bill, but I know that if there is a vote my sisters will be with me.

Mention has been made of HOLAC’s role. I point out that it has no role in scrutinising the hereditaries who come to this House. Indeed, its role at the moment of carefully sifting the possible list—shall we say?—of additions here shows what a good job it is doing.

About a decade ago, there was a survey of the then Members. At that stage, 70% of them thought that the by-elections should end. It is clear from last year that the percentage would be much higher today. Even in this debate, which is perhaps atypical of people outside, only eight hereditaries and five life Peers spoke against the Bill. I think a vote would show much more overwhelming support for the Grocott measure.

Lord Berkeley of Knighton (CB): My Lords, to emphasise a point just made by the noble Baroness, some of us have not spoken because we feel that we have repeated ourselves so many times that it would be pointless to do so. There does not mean that if there were a vote, we would not be vociferous.

Baroness Hayter of Kentish Town: Then we shall use the “et al” for those of us on our side. I thank the noble Lord for that.

It is bad enough that we outnumber the democratically elected House, but to do so with 90 of our Members being here by virtue of their grandfathers or great-grandfathers—or, in some cases, going even further back—is surely a source of shame to a 21st-century legislature.

I am sorry that the noble Lord, Lord True, is not responding on the Bill—I think he is the follow-on act—because he was honest enough to admit that much of the resistance to previous attempts was to further the Conservative interest. The figures bear that out, with 10 times as many Conservative as Labour Peers embroiled in this insular scheme.

I should have thought that, with a majority of 80 in the other place, the Government could have grasped the nettle safe in the knowledge that its working majority could not be threatened by any pesky Lords. Indeed, despite the almost completely—but not quite—persuasive words of the noble and learned Lord, Lord Brown of Eaton-under-Heywood, who welcomed this Private Member's Bill because it was us doing it ourselves, nevertheless, I come down on the same side as the noble Lord, Lord Strathclyde: this should be a government Bill. That is perhaps for different reasons, but we both arrive there. In the light of the duty on all public bodies—that must include the Government—to promote equality, the Government should have seized on this issue and enabled the House to enter the 20th, let alone the 21st, century by getting rid of a very discriminatory part of our constitution.

It is a modest measure and would make change only very slowly, as the noble Lord, Lord Balfe, made clear. It would not lead to a wholly appointed House; it would take some 40 years for us to get there, despite what the noble Lord, Lord Strathclyde, alleged. It may be two or three years before there was any change at all if the Bill was passed. It would not affect any of our existing Members, whom we look forward to hearing from, I hope, for many, many years. Indeed, many, perhaps all of them, deserve to be here in their own right, on their own accomplishments, as will be demonstrated by a shining example, the noble Earl, Lord Howe, shortly. However, I take issue with the noble Lord, Lord Lilley, who I think suggested that there are hereditaries who, if not born to rule in this place, were bred to it. I find that an extraordinary idea.

The purpose of our House is to make laws. It is to act as a check and a challenge to the Government and to provide a forum of independent expertise. The credibility of the House and what we do is undermined by how membership can be achieved through a very strange system of by-elections, producing a self-perpetuating selection of new Members, chosen by a tiny electorate from a tiny grouping. Let us move on this. Let us waste no more time.

12.14 pm

Earl Howe (Con): My Lords, I congratulate the noble Lord, Lord Grocott, on his success in the Private Members' Bill ballot. His persistence in bringing the Bill before the House is admirable and shows his dedication to reform in this area. As noble Lords are well aware, the matter in question is the removal of by-elections held when a sitting hereditary Peer vacates their seat. As a sitting hereditary Peer, I declare my posthumous, if entirely non-presumptive, interest.

Stopping these elections would, over time, end the ability of noble Lords to sit in this House by virtue of a hereditary peerage alone. Noble Lords have heard a great many views today, as in previous years, in relation

to the proposal in the Bill, so I do not intend to repeat in full the detailed arguments made by my noble friend Lord Young of Cookham when he provided the Government's response to the previous iteration of the Bill. I do, however, wish to stress firmly that the Government continue to believe that this House has a key role in scrutinising the Executive and being a revising Chamber. It is important that the way this House is constituted reflects both that role and the primacy of the House of Commons.

The proposed removal of hereditary Peers through the Bill, albeit over time, would constitute a major reform to the composition of the Lords as it would become a *de facto* appointed Chamber. Furthermore, as this and previous debates have demonstrated, there is no clear consensus in favour of the Bill. Those observations are by way of a preface to saying that, while we welcome discussion on matters relating to the role and functions of the House of Lords, we have reservations about the Bill.

As noble Lords will be aware, there have been previous proposals to end the practice of hereditary by-elections and, indeed, to remove hereditary Peers from the House altogether, since the passage of the House of Lords Act 1999. From the Wakeham commission to the numerous Labour Government White Papers, and from the Constitutional Reform and Governance Act 2010 to the coalition Government's House of Lords Reform Bill, this issue has been considered and debated at great length. There have also been several efforts by noble Lords, not least the noble Lord, Lord Grocott, to end the by-elections through Private Members' Bills. For all the merit in debating the matter before the House today, I fear that perhaps the main thing we have learned is that opinions on this issue are divided and, judging by noble Lords' contributions today, look likely to remain so for a while.

The Government recognise that Members of this House play a vital role in scrutinising the Executive and enabling the House of Lords to be what it is—an effective revising Chamber. It is worth pointing out, as many noble Lords already have, that hereditary Members have played, and continue to play, an enormous role in the work of this House through their committee memberships and contributions in the Chamber.

I will expand briefly on the subject of House of Lords reform. Legislation passed in recent years, such as the House of Lords Reform Act 2014 and the House of Lords (Expulsion and Suspension) Act 2015 have shown that consensual reform is possible. The work of the Lord Speaker's Committee on the Size of the House has also demonstrated that change can be achieved without the need for legislation. However, I draw a distinction between the reforms brought about by the 2014 and 2015 Acts, which were, in essence, incremental changes, and the reforms proposed in this Bill, which are altogether larger and more far-reaching. Such reforms should be considered carefully and—I emphasise—holistically.

As a Government, we recognise the vital work that this House does while also respecting the primacy of the other place. Equally, though, I highlight that the Conservative manifesto committed to reviewing the

[EARL HOWE]

role of the House of Lords. We will announce our plans for that review in due course, but meanwhile I gently suggest that that commitment by the Government provides a fresh context to the matters now before us.

Once again, I thank the noble Lord, Lord Grocott, for continuing to raise this issue and I extend my thanks to all those who have participated in today's debate. I conclude, however, by making clear the Government's position, which is that reform needs to be considered carefully, not brought forward piecemeal. This is especially the case where, as here, there is no clear consensus. It is for these reasons that, on behalf of the Government, I feel bound to express reservations about the Bill.

12.20 pm

Lord Grocott: My Lords, that was a pretty depressing conclusion to our debate. I have heard that argument many times and I am particularly disappointed that it has fallen to the noble Earl, Lord Howe, to read out the Government's brief. He is always there taking the bullets when a very difficult job has to be done—in this case, defending the indefensible. He did it as well as anyone could; he adorns any group of hereditary Peers. I have not made, and will not make, any criticism whatever of hereditary Peers in general terms. There are many hereditary Peers who I do not think make a very good contribution, but there are many life Peers who I do not think make a very good contribution. Indeed, the very weak case presented by a number of hereditaries today was that, somehow, hereditary Peers, in their performance in this House, are fundamentally different from any other group in the Chamber.

Lord Blunkett: Will my noble friend produce a pamphlet highlighting some of the contributions made today? They seemed to suggest that genetics and the virility of our grandparents are reasons for being in this place that are not only equivalent to the reasons why others are here, but are actually superior, in essence, to the reasons why Members are elected to the other place.

Lord Grocott: I just say amen to my noble friend. I thank him for his earlier contribution and his steadfast support for the Bill. It is not long before we reach levels of absurdity in trying to defend the continuation of the present system. I thought my noble friend Lord Snape was pretty effective.

Lord Strathclyde: My Lords, having sat through this entire debate, I am not sure that anybody has made a case for the continuation of the hereditary peerage. I do not know what the noble Lord, Lord Blunkett, is going on about: the only people who have been talking about DNA or the so-called superiority of hereditary Peers over life Peers have been members of the Labour Party. This is all utter nonsense. Nobody has tried to make that case. The hereditary peerage came to an effective end after the general election of 1997. We are talking about a by-product, as some of my colleagues said, of the failure of the Government to then come

forward with stage 2 reform. That is what this debate is about; it is not about the continuation of the hereditary peerage.

Lord Grocott: My Lords, I have to say that I do not think the second speech of the noble Lord, Lord Strathclyde, was an improvement on his first. He should read the speech—he could not have been listening very carefully—of his noble friend Lord Mancroft, who made precisely the point about the particular skills and insights of hereditary Peers that are denied to the rest of us.

Lord Mancroft: My Lords, I was not making that point. I made no points about the prominence of the hereditary peerage and I echo the comments of my noble friend Lord Strathclyde. This debate is not about the hereditary peerage at all; it is about the future of this House, with or without hereditary Peers. The noble Lord, Lord Grocott, who has a very good case to make, damages his case by making remarks like that.

Lord Grocott: My Lords, the people who have been damaging their case are all the hereditary Peers—with the exception of the noble Earl, Lord Howe—who made contributions today. They have been particularly depressing in their unanimity, but they are also unrepresentative of the rest of the hereditary Peers, who are not here, because, as I said, there are many who wished this Bill well for the future.

We heard from nine hereditaries: Messrs Strathclyde, Trefgarne, Caithness, Trenchard, Reay, Mancroft, Glenarthur, Astor and Northbrook. I mention their names because they failed to do what the *Companion* requires, which is to declare an express, clear interest. Time is short, but I am being persuaded that I really ought to read out the extract from the document itself, the text to which we all adhere. The section headed "Rules of Conduct" on page 65 states:

"In order to assist in openness and accountability, Members shall ... declare when speaking in the House or communicating with ministers or public servants any interest which is a relevant interest in the context of the debate or the matter under discussion."

That is game, set, match and tournament. According to the rules of this House, they should have declared their interest.

Lord Reay: The noble Lord, Lord Grocott, clearly was not listening to the first line of my speech, in which I specifically declared that I had participated in a by-election. Perhaps he would like to check the record.

Lord Grocott: I know perfectly well that the noble Lord, Lord Reay, declared an interest in having fought a by-election. I readily concede that that is precisely what he said. He went on to say one or two other things which I do not think I have the time to deal with.

What is especially depressing about this is that, if this House cannot even agree to the Bill, please do not give us any nonsense about it being committed to any form of reform of this Chamber. This is the most

understated, simple, obvious, straightforward, incremental reform—all the ticks that any constitutional conservative might wish to adhere to. They are all there, but this reform is being rejected by—I have to say—the hereditaries and one or two riders alongside them. I find that very depressing indeed. I also find it—and I do not say this lightly—without total honesty. I do not think the arguments of noble Lords opposing this Bill carry any weight. They say that this has to be a government Bill. I see no evidence in any of their histories that they have campaigned for a full government Bill on comprehensive reform of the second Chamber at any stage in their political careers—many of them very long indeed—except for occasionally referring to it as a kind of fig leaf for opposing my incremental reform. None of them addressed the blatant unacceptability of the “white men only” category. Perhaps they can explain to me why they were right not to mention it. I did not think they would; it is very wise to keep your head down when in doubt. That has been the character of the opposition to the Bill.

The contributions from across the board were very heartening. There were contributions from the noble Lords, Lord Tyler and Lord Rennard, and others on the Liberal Democrats Benches; from the noble Lord, Lord Balfe, to whom I am very grateful; and from many colleagues on this side whom I could easily mention. I thought the contribution from the noble and learned Lord, Lord Brown, was very good. I shall mention just two or three significant contributions. One was made by the noble Lord, Lord Burns. I am most grateful to him. His committee was set up by the House when we decided that we must reduce our numbers and that his committee was the right one to look into it on behalf of the Lord Speaker. It is a well-respected committee. I understand why it cannot recommend proposals that would require legislation, as mine would—all very simple—but for him to say that he could personally see the case for it was heartening.

I must also thank the noble Lord, Lord Young, who made a brave speech. He never conceded his personal opinion to me while he was the Minister responding, but you did not need to be Sherlock Holmes to work out what it was. His contribution was very telling. I was going to say that I look forward to the day when the noble Earl, Lord Howe, has the freedom of the Back Benches, but I do not really look forward to that. I am sure that when he does, he will modify the position he has adopted. He would not be the first person who had to express views from the Dispatch Box that differed from those they held in private; even Chief Whips are occasionally involved in things that mean they would rather not look in the mirror. I would be interested to hear the noble Earl, as and when that day comes. I also thank the noble Lord, Lord Taylor of Holbeach, for his contribution; although he did not come out in support of the Bill directly, he gave his usual measured performance, with the skill that is customary for former Chief Whips.

I have found that sometimes, the only way to deal with this is with satire. This system is so ridiculous that I find it amazing that so many people can defend it with a straight face. Sadly, there are a number here who do so.

That brings me, finally, to the point made by the noble Earl, Lord Howe. He said that we cannot proceed—I hope I am not traducing him—because there is no agreement across the Chamber on this issue. If that were a principle of Parliament, we would never do anything. We would certainly have never had the 1911 or 1949 Parliament Acts, or the 1999 House of Lords Act. There is never a consensus for these kinds of things. All we have in this House is a view that is some 15 to one in favour of the Bill. That is not consensus, I agree—I am working on the remaining two or three—but it is an overwhelming majority. This House has spoken on three occasions now; it really is time that the phoney, self-serving arguments against the Bill are seen for what they are, and that we give this Bill a Second Reading, Committee stage, Report and get it on the statute book.

Bill read a second time.

12.32 pm

Order of Commitment

Moved by Lord Grocott

That the Bill be committed to a Committee of the Whole House.

Lord Grocott: My Lords, at this stage it is the job of the proposer of the Bill to move that it be committed to a Committee of the whole House, and I do indeed wish to do so. But, in fairness to the House and in the tradition of openness and transparency, I will say that the last two Bills were filibustered and destroyed in Committee, in a way that was embarrassing and out of any kind of tradition of the norms of behaviour in Parliament. The result was that after the previous Bill's second full day in Committee on the precious Floor of the House, we had not got through even the amendments to Clause 1 of a two-clause Bill, whereupon even my tolerance ran out and I put down a Motion that further consideration of the Bill should not be on the Floor of the House but in Grand Committee. That Motion carried without dissent because no one could argue seriously against it. It went into Grand Committee, and went through in a smooth and orderly way.

I say, not as a threat but a promise, that if Committee on the Bill is announced, when we go into Committee that if the Bill does not complete that stage—it has had four days in Committee already, over two years—in ample time on a Friday for a two-clause Bill, then at the earliest opportunity thereafter, in prime time in the House, will put down a Motion to ensure that it is completed in Grand Committee. With that proviso and explanation, I beg to move.

Lord Strathclyde: A Motion has been put forward by the noble Lord. I would like some clarification on the rather odd statement that he made.

This is a constitutional Bill; I do not think that anybody can disagree with that. It is a convention in both Houses that such Bills go to the Floor of the House for Committee stage unless there is agreement that they should not. The noble Lord, Lord Grocott,

[LORD STRATHCLYDE] explained that, last time, there was agreement across the House that this Bill should go to a Grand Committee, having had one or two days on the Floor of the House. After that, I was slightly confused as to what the noble Lord said. Did he say that he would insist and ask the House for it to go to a Grand Committee, even though it is a constitutional Bill and even if there is not a consensus for it so to do? If that is what he said, does he not feel that that would create a dangerous precedent for constitutional Bills? If I am right in understanding what he said, does he then accept that other constitutional Bills that the Government may or may not bring forward during this Parliament should also go to a Grand Committee?

Lord Grocott: My concern is with my Bill, not with any Bills that may or may not be introduced by the Government. This House is the master of its own procedure. If the noble Lord wishes to continue filibustering in Committee, which he was openly involved in last time, he has the perfect right to do so. But the decision on whether—

Lord Strathclyde: I must object in the strongest possible terms. If the noble Lord looks at the number of times that I have spoken on this Bill over the past few years, he will see that it is considerably less than he has, if I may say so. At no point have I chosen to filibuster or even be part of a filibuster; I have moved only one amendment on a statutory and independent appointments commission, which I note the noble Lord did not mention at all in his winding-up speech.

Lord Grocott: I do not know who is doing the winding up at the moment, my Lords. We have all heard enough.

Motion agreed.

Wellbeing of Future Generations Bill [HL] *Second Reading*

12.37 pm

Moved by Lord Bird

That the Bill be now read a second time.

Lord Bird (CB): My Lords, it is very strange idea, us trying to bring a Bill to the House that is, if anything else, about looking at how we can improve the way that we make laws in this country.

As I came into the House of Lords today, I saw over in the corner of the station many destitute people—10 or 12 of them. If you analyse the reasons why they are destitute, you will probably find that it is because, at some time, some law or some government intervention removed their well-being and reduced their ability to function in society, so they ended up there as a result of the law of unintended consequences. I will give a few examples of such former laws because I would like this to lead to a change in the law. I am of the opinion that, over the past 40 years, every side of House—left,

right, centre—has, through the law of unintended consequences, created Bills and Acts that have added to many of the problems we now face.

I will not pick on anyone in particular—I am a Cross-Bencher but not a gloating one. I have made many mistakes; not in this House at least, but before I came here I spent 25 years trying to help the homeless to help themselves. I spent 25 years trying to lift people up who were in crisis. It was only three or four years ago that I realised what I should have been doing was preventing them falling in the first instance. One of the reasons I petitioned to join this House was so that I could begin the process of preventing people falling down and ending up in places like Westminster tube station.

I am not unguilty; I do not have the moral high ground. I have spent 25 years on this and, by the laws of unintended consequences, I should have spent 10 years doing that and then the next 15 years working very hard on preventing the clocks breaking rather than repairing them. I am not alone.

In the mid-1980s, Margaret Thatcher's Government—I am not here to slag off Margaret Thatcher, by the way; I know a lot of people are for or against her, but as a Cross-Bencher I have no opinion—decided, they thought wisely, to close down our mental institutions because they were not working very well. Our asylums were not working well, because there was not a lot of science or psychological help there. I went into these places to see members of my family, and they were horrible.

In 1987 the asylums were removed; they were very primitive and Victorian but had a number of advantages. Instead, the Government came up with this very nice-sounding thing called “care in the community”. I was one of those saying, “This is ridiculous.” The reason I was saying that as a member of the public—I had not even started the *Big Issue* then; at the time I was a Marxist-Engelist-Leninist-Trotskyist, trying to prove that capitalism was not working—was that this was a clear sign of that, because I and a number of others said that if you close down the mental institutions, the streets, prisons and A&E departments will fill up. Lo and behold, 40 years later we have the unfortunate situation where some of the most wretched people are on our streets—an extension of A&E.

We have all these problems because of the laws of unintended consequences. I do not think Margaret Thatcher and all the other Conservative Members at the time were thinking, “You know what we'll do? We'll turn the United Kingdom into a place where the most wretched are offered nothing.” I do not think that they intended that. I think they thought, “Tell you what, we'll modernise it, save a few bob and have this ‘care in the community’”, which did not even happen.

That was thinking translated into laws. Why do I want a Bill where there is a commissioner looking at the laws of unintended consequences and the well-being of future generations and people yet to be born, preventing people becoming *Big Issue* vendors or sleeping in the streets? Because, actually, we do not have a very sustainable situation. If we go to JPMorgan or somewhere similar—those places that fiddle around with figures and statistics—and say, “Could you tell us how much

of the time of both Houses is spent repairing the damage created by previous laws which have been a bit here and a bit there?”, we might come up with some interesting statistics. I have been told by local authorities that 70% of their time is spent on making up for the problems that are caused by poverty.

When you look at the law of unintended consequences, if there had been a commission looking at the well-being of future generations at the time, it would have said, “Hang on, you can’t do this, because if you do, you will be condemning people.” We need to look at the mental health provision and create therapeutic communities so that when people go in with illnesses that are curable, they come out at the other end feeling a lot better because they have had the psychological and social help they needed.

We have got a Conservative Government giving us many of the problems of today. Last year I spoke in this House about what I considered to be one of the problems of social housing. This is now my chance to have a go at the left. I have had a go at the right, so now I am going to have a go at the left. I was born in the slums of Notting Hill and about 10 years after I left, a guy called Rachman moved in and bought the houses. He took people’s doors off and did all sorts of things. Previously, the Conservative Government had said that when someone leaves the lease, the property could go on to the open market, so Rachman was driving people out. He would then divide the apartments into two and all sorts of things like that. This caused consternation. A threepenny bus ride away from where that was happening, here in the House of Lords and the House of Commons, people were really upset about it.

After the minority Government of Mr Harold Wilson came in in 1964, he cleverly brought in the Rent Act 1965. It said that from then on the protection of the tenant was paramount and above the protection or the interests of the landlord. That was absolutely brilliant because rent tribunals were brought in. As a 19 year-old young father, I could go to the tribunal and say, “I dispute this rent.” Nine months later they would settle, by which time I would have moved on. That led to a real problem for social housing with people living in poverty and in the most need. The landlords removed most of their property from providing accommodation to people who were poor and it started to be sold. That is when the middle classes started to buy a house in Fulham for £5,000 and sell it two years later for £50,000. Then in the late 1960s there was an enormous rush into social housing. I witnessed that. Then the bar was raised. You could no longer get social housing unless you could prove some local connection or the fact that you were prepared to pay the rent. Suddenly, you had to be the most desperate of people to get into social housing.

Housing estates used to be sociable housing—the sort of housing that I moved into when I was 10 after we got out of the slums—where there were all sorts of people such as police officers, trainee teachers, the old and infirm and the long-term unemployed, and there was a great social mix. It was sociable housing. It was not a house where the local authority and housing associations had to raise the bar so much that you had

to be desperate to get in, and then put you with a lot more desperate people. What was actually happening was that we were breaking something. The laws of unintended consequences had led some very well-intentioned people to stop the slum landlords knocking their tenants around, unfortunately, left right and centre.

We can look at what Mr Clegg did in 2010 when he jumped in with our friends from the Lib Dems and put together the coalition. I bet he has often thought, “Maybe I should have stuck with the students. Maybe I should have been more critical of austerity.” The noble Lord, Lord Tugendhat, said yesterday in the debate that I took part in, “If only in 2010 the coalition had realised the damage caused by austerity was not simply a question of saving money but that the effect would go on and on.” I am trying to give examples—and including myself—of where you do something and you screw it up for the future.

The Bill that I propose is based very much on the Welsh Bill. In my opinion, it looks much more grown-up, together and thoughtful than anything we do now. We have to put up with all sorts of things. The noble Baroness, Lady Kennedy of The Shaws, alerted me to this problem 10 years ago. She said that she had spent the early part of her life as a young lawyer campaigning to protect the rights of the accused, only to find 20 years later that people who were accused of rape were using all those defences so that in the United Kingdom to get a rape case through the courts is like pulling teeth. She said in the *Observer*, “I am so sorry that I did that.” That is bravery. That is someone saying that we have to change the laws of unintended consequences.

I cannot think of a way in which we can tackle this issue any better. I going to refer to my notes at this point. I have written down what I must ask for because I am not very good at that. We should have a UK commissioner for future generations; preventive spending; working towards well-being goals for future generations; and tests for new proposals. I would also love to thank all noble Lords who have come along and given up their Friday for participating in this debate. I would like to find a way of getting the Government to wake up to the need. We cannot leave this unsustainable thing where laws are created and then the damage is passed on to other generations. We cannot leave the damage and the despoliation that that socially and environmentally leaves to the well-being of the generations of people who are not yet born. I beg to move.

12.53 pm

Baroness Andrews (Lab): My Lords, it is a pleasure to welcome this Bill, and it is a pleasure to give up a Friday in such a good cause. I cannot possibly match the rhetoric of the noble Lord, Lord Bird, but I will focus on the reference that he made to the model provided by the Welsh Bill and all its ambition for this very welcome Bill in this House. I have one question to put not least to the Minister. How can this Bill be more effective than the one that it is modelled on? How can we learn the lessons from Wales?

The noble Lord spoke brilliantly and graphically about the law of unintended consequences. One lesson that we must learn is to have the courage to abandon

[BARONESS ANDREWS]

the way that we have done things for 200 years. We are still wedded in this country to the notion of the inevitability of progress yet, as the review of the Marmot report showed, 10 years on, when we learn that progress has stopped in reducing inequalities, for example, we tend to resort to the old, failed policies and live with the unintended consequences. That, as he more or less implied, is due in part to the fact that the Government are still in thrall to a Victorian Treasury whose only belief is in cost-benefit, and to manners of government that are basically geared to nothing but a tradition of ad hocery and time-limited behaviour.

The Welsh Act rejected that whole way of doing things—that was its courage—and brought the concept of well-being from the margins and from the implausible to be front and centre of policy-making. It has drawn on decades of thinking about sustainability as a way of working, not as an end in itself, to put forward a framework based on collaboration, integration and foresight as the only way to meet the challenges of the future, whether that is the climate emergency or ageing. Quite simply, it has taken the “too difficult” box and taken stuff out of it.

Essentially, in the words of the Welsh future generations commissioner, the Welsh Act gave public bodies permission to “unsettle the status quo”; it is disruptive, and it is meant to be. The question is: did it give equivalent power to do that? The answer is not really, and that has been a recommendation of the Welsh commissioner herself: she has shown in her many reports what has changed, for example, in the planning of transport and the environment but she does not have the powers to do many of the things that she wants. She agrees that setting broad national objectives, however challenging, such as resilience or prosperity, is the easy part. The difficult thing is to change ways of behaviour and to change culture. That is the only way of meeting the objectives that are set.

The Bill is at the start of a very long journey. It is worth noting—I am sure the noble Lord knows this already—that there is resistance to change. There will be the temptation to simply audit what is happening and say “We’re doing it”, or look for an improved impact assessment rather than driving innovation directly through this Act. That is what the Welsh Auditor-General is now asking for and it is what we must ask of the Bill. That is the great test.

Are there elements in the Bill that will really empower the public bodies and the commission more effectively to drive change through the system? I believe that there are, not simply through process and asking the public to set the goals but by holding the public bodies’ feet to the fire—taking away the test of reasonableness, for example, in the way that they approach their duty; putting a duty on government departments, holding them all up to the light; and involving the private sector because that is so fundamental to future change. The most radical change of all would be to give the commissioner teeth like Gnasher in the *Beano* to go to law, investigate and then follow that up with legal remedies, and give that right to the public as well.

I am expecting the Minister to say very elegantly, “I fully accept the Bill in principle but I am in a slightly difficult situation as to whether in fact it is necessary”. I say to him: listen to what Welsh Ministers are saying. It is giving them a framework to do things better and more effectively and coherently, and to have the courage to think ahead. I would have thought that any confident Government would simply embrace that.

12.57 pm

Baroness Finlay of Llandaff (CB): My Lords, it is a great pleasure to congratulate the noble Lord, Lord Bird, on his vision in bringing this to us. I echo all that has already been said by my noble friend Lady Andrews; I must call her my friend.

The term “future generations” often implies generations that are not yet born yet current children are also the future generation, their voice often unheard and their experiences not always at the centre of government policy. Laws send social messages; they frame our values and alter our behaviours. Wales has led on this approach of considering the next generation in every aspect of government policy. As someone who lives and works in Wales—I declare my role as chair of the board of governors of Cardiff Metropolitan University—I say that this legislation acts as an internal checklist for decision-making across all areas and provides a moral compass in our deliberations. For us, it is in line with our strategy of EDGE: ethical, digital, global and entrepreneurial. It runs as a thread through our thinking.

In my short time I want to focus on the huge societal problem of alcohol abuse, and declare my role chairing the Commission on Alcohol Harm. More than 40% of women in the UK continue to drink during pregnancy and four times more children suffer alcohol-related birth defects than the global average. Foetal alcohol spectrum disorders blight their lives before they are born. Children tell us about alcohol harms. Children know alcohol can be physically and emotionally unhealthy; it makes their parents sick, forgetful, unpredictable, unreliable and unavailable emotionally. They see the link between alcohol, the arguments at home, and financial difficulties. The Parliamentary Office of Science and Technology reported recently on the damage from parents’ drinking on children’s overall development. Children themselves recognise that some become dependent on alcohol and at risk of

“losing money, their job and their house”,

but for others responsible drinking by the adult does not impact in a negative way, and children themselves recognise this.

However, even at low-level drinking by a parent, one-third of children report at least one negative outcome. Those who are children of alcoholics suffer in silence, at risk of abuse and neglect; three in five care applications involve alcohol or drug misuse. These children are at higher risk of mental illness and suicide themselves. Alcohol abuse is linked to early or unsafe sexual activity and sexual abuse. If bereaved through alcohol, these children can experience stigma and disenfranchised grief.

The greatest impacts of familial drinking fall on children—on the next generation. In England, there are probably almost 200,000 children living with at

least one alcohol-dependent parent. Sadly, many more have both parents who are alcohol dependent. Most of these families are hidden from sight; they do not seek support. As harm is passed from generation to generation, policies seem to ignore the evidence. The economics of ongoing harms must be considered. The lives of children would be improved if there was adequate care for adults with alcohol dependence. The next generation could be spared some of the harms that blight its future.

The Welsh Government have recognised the evidence and have, like Scotland, adopted minimum unit pricing of alcohol. This measure is an example of one step in adopting a national policy to protect the well-being of future generations. We need many more.

1.01 pm

Lord Balfe (Con): My Lords, I congratulate the noble Lord, Lord Bird, on getting this debate and on the Bill. It is the beginning of a long process. We are getting to grips with, and trying to define, a whole new way of looking at society. An undoubted truth is that there is a lot of short-termism in society. That is largely because the generation that takes decisions frequently lets the next generation pay for its consequences. On occasions we are a bit too happy to take decisions based on our emotional view of the world, rather than a practical one. One of the most interesting points in yesterday's debate was the admission by my noble friend Lord Tugendhat that austerity might not have been the best way of tackling the problems we have had in the last 10 years. That is quite a fundamental confession, because many in our party—I am guilty to an extent myself—accepted that the best way forward was reining in, cutting our cloth, and all the rest of the old sayings. We saw a complete change of direction in the Budget this week. If that had been taken some years ago, we might not have spent any more money, but we might have spent it slightly more wisely.

One of my hopes for the well-being objectives and the commissioner—if we get that far—is that we will have a more nuanced view of the future and that we will look at the way society can get better. Society has got better. I do not intend to turn this into a great personal thing, but I grew up as the child of alcoholics. Nobody cared. That is my overwhelming memory of growing up in the 1950s in that sort of family. People turned the other way, and the well-being of future generations has to mean us helping future generations—I was very struck by what the noble Baroness, Lady Finlay, said—to come to terms with and to give a fair life chance to people as they mature, grow up and face the future. According to the recent survey, 200,000-odd children are unhappy. It is no good rubbishing that unhappiness and the way it is measured; we have to accept that they are unhappy. A child defines its own unhappiness. It does not need someone else to do it for it.

My hope is that we will look at the French commission mentioned in the Library briefing—the Stiglitz-Sen-Fitoussi commission—and the work of Thomas Piketty. I do not think he has necessarily got everything on his side, but it is a different way of looking at welfare economics and the way we can build society. I greatly

welcome the initiative of my friend the noble Lord, Lord Bird—I do not mind calling people in other parties friends. I hope that this can be built upon to get us to a much better place than where we are now. He is great pioneer in bringing this forward.

1.06 pm

Baroness Wilcox of Newport (Lab): My Lords, I draw attention to my interests as set out in the register. Before becoming one of the latest non-hereditary recruits to this House, I ran a city council in Wales, so I am very familiar with the Bill's principles. It was very interesting to listen to the noble Baroness, Lady Finlay, who lives and works in Wales and is a prominent member of its public service community, and to my noble friend Lady Andrews, who made some apposite remarks about learning from what we have done.

What did Wales do? The Well-being of Future Generations (Wales) Act 2015 received Royal Assent in April 2015 and came into force from 1 April 2016. It was concerned with improving the social, economic, environmental and cultural well-being of Wales. It has seven goals: a prosperous, resilient, healthier, more equal, globally responsible Wales, of cohesive communities, with a thriving culture and a developing Welsh language. It placed a well-being duty on public bodies to set and publish objectives to show how that vision will be achieved for Wales as set out in the goals. They were expected to take action to ensure that those objectives were met.

There were five things that public bodies needed to consider. They became known as the five ways of working: long term, prevention, integration, collaboration and involvement. The Act established public services boards for each local authority area in Wales to address cross-cutting issues requiring a multiagency approach. Each PSB publishes a local well-being plan setting out its objectives and the steps it will take to meet them. It must set out why it considered that those objectives will maximise the contribution to the well-being goals.

As the leader—I am now the former leader—of Newport City Council, I chaired the One Newport Public Service Board and in this Second Reading debate I would like to share some of that practical working context of using the future generations Act in the public realm. The city of Newport is a very different place from the town it was a generation back, which was searching for a new identity following the decline of steel and other traditional employers. Since then, as my noble friend Lord Howarth will agree, the city has undergone a radical transformation, with entire new communities on former industrial sites, new landmark buildings, award-winning developments and modern infrastructure. There is much reason to be optimistic for the future, but we also needed to recognise that Newport faced significant challenges which affected the well-being of local people.

The task of the One Newport Public Service Board was to ensure that, for generations to come, Newport will be an even better city in which to live, work and invest. The benefits of regeneration, growth and the use of our considerable assets had to be felt by all our citizens and more widely by the communities of the wider city area. The well-being plan was the first step

[BARONESS WILCOX OF NEWPORT]

in taking the theoretical to the practical steps of implementation. It set out the PSB's priorities and actions for five years to improve the economic, social, cultural and environmental well-being of Newport. To give our children and grandchildren a good quality of life, we need to think about how the decisions we make now will impact on them in the future.

We had five interventions for the PSB to work on: the Newport offer; strong, resilient communities; right skills; green and safe places; and sustainable travel. We had a busy, positive and successful first year of implementation. We were mindful of issues and developments—the uncertainty surrounding our future relationship with the EU, and serious and organised crime. Challenges such as these reminded us to act today for a sustainable tomorrow.

I hope my brief practical example of leading and working with the Welsh future generations Act will lend support in this House to the implementation of a similar and better Act for the citizens of our neighbouring country.

1.10 pm

Baroness Jones of Moulsecoomb (GP): It is a pleasure to follow the noble Baroness, Lady Wilcox, and to have her first-hand experience—you can see why she was a leader. I congratulate the noble Lord, Lord Bird, on bringing this. I had the great privilege of giving this Bill its first ever reading in the Lords on his behalf. As he said—I am paraphrasing because I do not want to swear in your Lordships' House—the world of tomorrow should not simply be an accumulation of half-baked hopes and the short-term governmental thinking of days gone by.

I am sad to say that short-term thinking still dominates everything Parliament discusses—particularly with this Government, who seem to want simply to maintain the status quo without any imaginative thinking. We are still building new homes that in a few years will have their gas boilers taken out and have to be retrofitted with heat pumps, solar panels and space for electric vehicle charging. We are still expanding airports that we will not be able to use because of the carbon emissions from aircraft. We are still building waste incinerators that local authorities expect to be operating in 30 years, when the UK is meant to be zero carbon.

Interestingly, this is the third debate in two days that has covered this general policy area—a different way of seeing our future and how we should measure our current aims and objectives as fit for purpose. Yesterday we had the debate on well-being as a key indicator from the noble Baroness, Lady Tyler of Enfield, and the debate on embracing a green economy from the noble Baroness, Lady Parminter, which I was delighted to speak in.

I am of Welsh origins, and it is lovely to know that Wales has not only adopted these measures but put them into practice. The current emphasis on economic well-being above all else is extremely damaging for future generations. Of course, Greens such as me will always argue for coherent planning to deal with our climate emergency. We want a planet fit for children and grandchildren, whether ours or someone else's.

We might also indulge in a bit of “I told you so”, because we did. I realise that is unhelpful, but I carry on doing it anyway. We have always tried to explain that environmental, social, economic and cultural well-being are all part of the same solution. You cannot have economic well-being if you do not have environmental well-being. That is absolutely the base we should all work on.

We lack enough forward-thinking decision-makers. There is the business-as-usual approach of many politicians who are in denial about the climate crisis. Future generations will look back in astonishment at the blinkered ignorance of it all. Many children and young people are already telling us to fix things for them, whether it is Greta Thunberg or Extinction Rebellion. The young feel that we are running out of time, and it is not really our time we are running out of but theirs. That is why we desperately need public bodies to act in pursuit of the environmental, social, economic and cultural well-being of the United Kingdom in a way that accords with this future generations principle.

We need to follow the Welsh example and have an independent voice that will call out the short-termism that is endemic in our political system. I do not have the rich life experiences of the noble Lord, Lord Bird—although I guess there is still time—but I have always cared about justice. For me, it is about the injustice of having people sleeping on our streets. I have volunteered many times with homeless organisations because it is something I care so deeply about. I feel that we currently have a Government who are not engaging with the social disparities and problems that we face. I urge the Government to give a good hearing to this Bill.

1.15 pm

Baroness Massey of Darwen (Lab): My Lords, I thank the noble Lord, Lord Bird, for introducing this Bill with such vigour. It is most welcome. I think it has shortcomings, but we can debate and overcome them. What concerns me most is the lack of emphasis on the participation of future generations in guiding policy and practice—child participation, and the right to participate. Let us consider the example of children.

Children are defined, of course, as being under 18. There is sometimes talk in organisations, in government, of “consultation with” and “representation of” children and young people. I do not mean that; I mean participation, in decisions about future developments. The UK ratified the UN Convention on the Rights of the Child in 1991. It has 54 articles, which set out the civil, political, economic, social and cultural rights of children, including the right to be heard, and the right to express themselves, as well as the rights to family life, protection and education. Why is child participation so important? Because it works. It is valuable to children and young people, who feel listened to and respected. Participation must include that of children and young people with fewer opportunities, those who are vulnerable or affected by disability or discrimination and, yes, the dispossessed.

Child participation is valuable to organisations, which benefit from the views of children and young people. The impact of child policy implementation is felt by children; they have the right to comment. I

cannot think of a single voluntary sector organisation that does not have a panel of young people to guide its policy, many schools have school councils and the NHS long-term plan had a panel of young people. I remember holding seminars on child mental health and childhood injustice, in which half the participants were children and half adults. Two Ministers attended and said how much they had gained. In fact, some important legal changes were made due to those seminars. One girl said it all: “We are experts by experience.” We need that experience in our decision-making. We need to enable children to express themselves, and to learn about systems and structures, rights and responsibilities, how to debate respectfully, and how to put forward ideas with confidence.

I am so glad that we heard from Wales earlier. Children Wales has an excellent set of national participation standards, which

“puts the involvement of children at the heart of improving well-being.”

A report from the Centre for the Study of Existential Risk considers that, if a British Bill of rights comes to pass, it should include intergenerational rights. The section on policy options for England says:

“Civil society needs to mobilise to form strong cross-party support for representation of future generations.”

The report *Generation 2050*, produced as a resource for local government in Wales, suggests that government institutions can reflect the needs of future citizens by allowing ideas to surface from those citizens of future generations.

I am currently involved in an initiative of the Parliamentary Assembly of the Council of Europe, which seeks to encourage children to participate in its deliberations. It follows a recommendation from the Council of Ministers stating that

“the capacities that children and young people have, and the contributions they can make, are a unique resource to strengthen human rights, democracy and social cohesion in European societies.”

Surely any policy concerned for the wellbeing of future generations must acknowledge and include the rights of future generations to have their say. I look forward to discussing the Bill further.

1.19 pm

Baroness Boycott (CB): My Lords, it is a great pleasure to speak in my noble friend Lord Bird’s debate. I have had many adventures with him over my life and I am a great fan. I want to talk briefly today about the importance of nature and wildlife to us all and about how our current lifestyle is eroding it.

When I was a child I lived in the country. My father was a great naturalist, with a great respect for the natural world. In the meadows next to our house, we had so many cowslips we would add them to pancakes at this time of year. In the hedges in our garden were the nests of thrushes, blackbirds, wrens, blue tits, great tits and hedge sparrows. We could count the robins’ eggs just by looking at them. Now those things are mostly memories. Insects are in such short supply in our country now that if you tell a child that you once had to scrape them off your windscreen on a summer’s night, they think you are making it up. It must be as foreign to them as the dodo is to me and some of us.

There is one culprit: our industrial farming system. Right from the publication of *Silent Spring* in September 1962, the world has known about the deadly consequences of indiscriminately pouring chemicals on to the soil in the quest for higher food yields. Our country is a farmed country: 75% of the land is given over to agriculture, compared to only 45% in the USA, for instance. It defines what our country is like—the fields, villages and farms. After the privations of the war we joined a continent-wide push to banish hunger. It was an honourable pursuit and between 1935 and 1998, we more or less tripled the outputs of wheat, oats and barley and doubled milk production. The amount of chicken meat we produced increased by a factor of 25, but the cost was immense. It was much too high. Semi-natural habitats were drained. An estimated 97% of hay meadows were lost. Between 1990 and 2010, the area of crops treated with pesticides increased by 50%—this is almost yesterday.

The first *State of Nature* report, published in 2013, studied 3,000 species and found that 60% were in decline. Modern farming has been a total nightmare for the creatures from the stories of our childhood—the hedgehogs, moles, rats and toads. We all read about them; they are not here any more. By 2019, the new *State of Nature* report concluded:

“Farmland birds have declined more severely than birds in any other habitat”.

More than half have disappeared. We have one turtle dove where we once had 10. Some 250,000 miles of our nation’s hedges, almost one-third of the total, have been destroyed to create ever larger fields.

However, we are at a turning point. When we became part of the European Economic Community, we joined the common agricultural bloc. The CAP consumes \$65 billion a year, about 40% of the whole EU budget. It has been rightly criticised for its perverse incentives and its environmental impacts. For me, the only bright light of leaving the EU is that at this moment we have a chance to reform our agricultural policy for the first time in 50 years. Beginning next year, we will transition from subsidies for just owning land, regardless of what you do with it, to subsidies linked to the public good.

The Bill coming forward is good, but not good enough. Nothing is good enough. This is why my noble friend Lord Bird’s Bill is so important. If our children are denied access to the natural world, we know from so much research how much they suffer. We all suffer. We are passing on a less than perfect world at the moment—very much less than perfect—and the numbers for wildlife, sad to say, are still going downhill, so I urge all noble Lords to work with those of us working on the Agriculture Bill and to support my noble friend Lord Bird’s Bill, and help to cement the reforms that are very necessary if we are to ensure that our children can also have a hedgehog in their garden on a summer night, as I did.

1.23 pm

Lord Howarth of Newport (Lab): My Lords, the noble Lord, Lord Bird, made a powerful and deeply felt speech. In introducing his Bill, he calls in Wales to redress the balance of the United Kingdom. Rightly,

[LORD HOWARTH OF NEWPORT]

he challenges us to be more responsible, more far-sighted, more cohesive and more altruistic in our policy-making. The prototype legislation in Wales has induced that approach. My noble friend Lady Wilcox described how that has been the case in Newport under her leadership.

These are dark times. We stumble around doubting the ability of democracy to address looming existential risks, such as the cumulative effects of austerity, child poverty and the cycle of deprivation. There is debt, global population increase and mass migration, artificial intelligence and the consequences of our technological ingenuity far exceeding our wisdom. There are nuclear weapons, biological warfare, terrorism, pandemics—natural or engineered—and systemic financial vulnerability. There is toxic waste, loss of biological diversity and climate change. We fear, if not the extinction of human life, the extinction of the human spirit in the dystopias of political malice created by the likes of Putin, Trump, Modi, Bolsonaro and Orbán, or in the spiritual deserts of addictive behaviours and mass consumerism.

The philosopher Toby Ord has noted in his book *The Precipice* that whereas in the past the prospect of apocalypse arose from divine wrath or natural cataclysm, the existential risks that we now foresee are man-made. We bring our woes upon ourselves but, with better policy-making, we can in principle save ourselves.

Why is it so difficult for enlightened policy—for preventive policy—to prevail? One difficulty is that even on a basis of research, evidence and rigorous thought, with the best of intentions, people do not agree about what an enlightened policy is. The cleverest plans are found wanting in the face of life's complexity and unpredictability. There is also the problem of what Christian theology terms original sin—perhaps the one empirically verifiable Christian doctrine. Improvidence, greed, cruelty, fatalism, cynicism and despair are ineradicable from the human condition. Political leadership should appeal to the better part of human nature, as Jacinda Ardern seeks to do, but too often it does not. Politicians, and even officials, are no less fallible than those they seek to lead.

So long as we have elections, or until enough voters become more altruistic and far-sighted, the electoral cycle will induce short-term views. There are institutional factors that we could, however, ameliorate. One is the fragmentation of government across Whitehall and the border warfare between central, devolved and local government within the UK. The Bill would help us to do that. But then, if we co-ordinate better internally, what can one country on its own achieve without a transformation in international co-ordination?

The Bill also raises constitutional difficulties. It is highly centralising. Who will hold this powerful commissioner to account? It thrusts yet more greatness on the judges. Who will speak for future generations? Perhaps your Lordships' House: we all love our grandchildren, but I am not sure Extinction Rebellion would accept that.

I do not want to fall into the sin of despair. This model of legislation has been beneficial in Wales and we should be thinking very seriously about how we

can better serve the well-being of future generations. I hope the Government's commission on the constitution will address itself to better enabling us to do that. The noble Lord, Lord Bird, presents us with a very proper challenge.

1.27 pm

Lord Rees of Ludlow (CB): My Lords, the commitment of the noble Lord, Lord Bird, to the disadvantaged is an inspiration to us all and we should surely welcome the Bill. Urgent and immediate matters understandably preoccupy our leaders; in contrast, some of the most threatening issues are global and long-term. In optimising people's welfare, we should care about the prospect of a baby whose life will extend into the 22nd century; indeed, we should not knowingly jeopardise the life chances of generations as yet unborn. But investment decisions almost all discount the future so steeply that minimal weight is given to what happens beyond about 2050. The guidelines in the Green Book could be changed to ease this issue. The national risk register also needs to be extended beyond traditional economic timescales.

Plainly, many things are utterly unpredictable a century ahead but environmental, population and climatic scenarios can be analysed. It may be prudent to pay an insurance premium today, as it were, to guard against global threats that could emerge a century hence. Expert assessment of these issues is surely an endeavour that should be expanded, and it deserves all-party support.

We should also scrutinise our built environment. Our grand public buildings, such as the one we are in now, the great churches, museums and monuments, and even our railway stations, date from the Victorian era or earlier. They were built to last; not so the tower blocks that dominate the skyline today. Their planned lifetime is typically only 50 years, and they are not a legacy that future generations will thank us for.

I conclude with a cameo. Ely Cathedral is near where both the noble Lord, Lord Bird, and I live. It overwhelms us today, so think of its impact 800 years ago and the vast enterprise that its construction entailed. Most of its builders had never travelled more than 50 miles; the Fens were their world. Even the most educated knew of nothing beyond Europe. They thought that the world was a few thousand years old, and that it might not last another thousand. However, despite these constricted horizons in both time and space, and the deprivation and harshness of their lives, they built this vast cathedral. Those who conceived it knew that they would not live to see it finished. Their legacy still elevates our spirits, nearly a millennium later.

What a contrast that is to today. Unlike our forebears, we know a great deal about our world. Technologies that our ancestors could not conceive of now enrich our lives and understanding. We know that we are the stewards of a "pale blue dot" in a vast cosmos, a planet with a future measured in billions of years, whose fate depends on humanity's collective actions this century. However, all too often, our focus is short-term and parochial. We downplay what is happening even now in impoverished faraway countries and give too little thought to the world we leave for our grandchildren.

In today's runaway world, we cannot aspire to leave a monument lasting 1,000 years, but it would surely be shameful if we persisted in policies that denied future generations a fair inheritance. We need more cathedral thinking and that is a signal that this Bill will send.

1.31 pm

Baroness Brady (Con): My Lords, I too congratulate the noble Lord, Lord Bird, on his Bill and the important sentiments behind it. As stated in the very helpful briefing note he produced,

“there must be more widespread accountability to prepare for the long-term impact of current policy decisions”.

No one can argue that the consequences of not taking proper account of future generations are profound. The Governor of the Bank of England, Mark Carney, called it the “tragedy of the horizon”. If the impacts of our actions will be felt only by future generations and not by us, we do not take responsibility for their consequences. We can already see the consequences of this mentality, particularly in climate change. Extreme weather events, an irreversible decline in biodiversity and rising global temperatures are here, now.

However, this is not about just climate. More commonly, successive Governments have borrowed heavily, running high deficits and passing the cost on to future generations through higher taxes. Take housing and planning. The housing market once rewarded responsible saving and investment as we all had a desire, and were encouraged, to own our own home. But with the lack of new homes being built, prices have increased to a point that makes it impossible for some young people ever to get on the property ladder. The Local Government Association found that just 11% of people born in 1996 are on the property ladder, compared with 21% of those born in 1976 who owned their own home by the age of 22.

The merits of the Bill are clear, but it is important that the approach it adopts delivers the outcomes that future generations deserve. I will say then that establishing a UK future generations commissioner is just as important as incentivising businesses to act in the interests of future generations. How can we best do that? The Bill mandates that medium-sized and large businesses must produce a report setting out how their activities contribute to or detract from the well-being goals set out in the Bill. I am concerned about whether this will prove effective. Companies are very well versed in producing reports on corporate social responsibility and let us just say that some are better than others. The danger here is that we add to a growing compliance burden without creating any real change in behaviour.

Instead, can we not look at more market-led solutions? For example, with respect to climate change, it is not corporations' mandated annual reports that are driving behaviour change but the pressure that investors are applying to corporates to disclose climate data. Where improvement is not being delivered, they are divesting from those companies. Behind many investors are the individual contributions of pension scheme members and savers. I commend Richard Curtis on his Make My Money Matter campaign. Its mission statement reads:

“If you have a pension, you have power. If you want it spent on a peaceful, prosperous, safe world ask the people who run your pension if it's invested sustainably. If it's not, demand they do better. Together we've got trillions at work. So together we can change the world.”

The key for the well-being of future generations, then, is that as soon as young people enter the job market, they too have a pension, so they too can change the way businesses behave. By all means, we should do more to embed principles of sustainability in our public sector bodies as the Bill calls for. But when it comes to business, action talks.

1.35 pm

Baroness Uddin (Non-Affl): My Lords, I support the noble Lord's gallant efforts and welcome the Bill. It desires foresight and planning. In a rapidly developing unequal world, with divided societies, it is timely, providing us with an opportunity to examine progressive policy-making. It acknowledges the complexity of intersectionality in lawmaking by taking note of how interdependent we are on one another. Importantly, it seeks to critically assess the laws we enact, the procedures we set and the words we utter, which profoundly impact all aspects of our society, communities and groups. The Bill poses a challenge for the Government, private institutions and all national public sector institutions to ensure our nation's well-being. It is rightly ambitious.

Part 2 sets out a number of fundamentals, which seek to secure a just, fair, sustainable and balanced future. It asks for measures to be put in place to examine the impact of our political and structural deficit, and addresses the decades of fallout caused by neglecting the well-being of the most vulnerable in our society.

My heartfelt desire would be to see the Bill embed in the assessment process an indication to devise and publish a report on the impact of racism and Islamophobia, which have long-term, debilitating and serious consequences for the young, for vulnerable adults and, in particular, for women. I speak from personal experience, and from having worked with women and children for over 40 years. Time does not allow me to detail the many distinguished reports which substantiate these facts more eloquently: the manifestly dangerous level of disfranchisement for those in large sections of our communities who are struggling to survive their demonisation, segregation in employment, extreme poverty and lack of access to basic opportunities to contribute meaningfully to their families and communities.

Part 3 refers to the future generations commissioner. I spoke to the Welsh commissioner and asked her about the diversity policy. She referred straightaway to the importance of ESOL, particularly for Muslim women. I hope that in future, any such commissioners for England and Wales will address the economic emancipation of all women, and Muslim women. That is fundamental, rather than simply talking about English, because many of the newer generations speak perfectly good, adequate English.

I agree entirely with the noble Lord about unintended consequences. It is my sincere hope that this House will support measures to combat racism and Islamophobia,

[BARONESS UDDIN]

which should be considered as one of the indicators against which all institutions are benchmarked and on which they are asked to include reports. That would ensure that this scourge on our society can begin to be eradicated in our generation, thereby freeing all future generations in our country, so that they are treated equally and can have a future free of the fear of being made homeless or living in poverty, and free of poor mental health, prejudice, racism and Islamophobia.

Will the Minister support an equality and impact assessment on future-proofing the next generation in all government policy and lawmaking?

1.39 pm

Lord Whitty (Lab): My Lords, I congratulate the noble Lord, Lord Bird, on producing this revolutionary and visionary Bill, and I congratulate Welsh colleagues on showing the way.

Reading the Bill as it stands, it does not immediately give the impression of either vision or revolution. It is full of references to new commissioners, joint committees, processes, annual reports and so on. But—and this is the key point—if properly implemented and followed through, it would embed in the mundane processes of government, and to some extent of business, the central principles of sustainability and concern for the well-being of our grandchildren and the generations beyond. That, given what we normally do, is truly revolutionary. All the great revolutionaries, from Jefferson and Robespierre to Stalin and Lenin, saw the point of writing their own ideology into the constitution—though some of them overdid it a bit. This will give us the way to meet the objectives of this Bill, if we take it seriously. It also has the benefit of being subject to parliamentary democracy, and indeed wider democratic participation.

Until recently, most economists have downplayed the problem of future generations on the grounds that economic growth, turbocharged by innovation, would give future generations more resources to sort out their own problems, and that therefore it is an issue of distribution for future generations rather than for us. That no longer holds water. The kind of problems we face now, such as climate change, biodiversity challenges, threats to the cultures of many human societies, resource depletion, overpopulation, inappropriate farming methods and so forth, all mean that future generations will have much bigger problems. Economic growth in and of itself will not give them the means and resources to make those distributional decisions.

I want to make a couple of technocratic points. The first is on the rather modest Part 6 of the Bill, which relates to social value. Those clauses would put into government procurement the need to observe the wide range of cultural and economic effects of social value. Take the example of the buying of food by the public sector: observing social value issues would dramatically change the way in which our food system works. That needs to be taken into account when we come to consider the Agriculture Bill shortly.

My second point does not relate explicitly to the Bill, but was hinted at by the noble Lord, Lord Rees. To summarise, he said that Ely Cathedral was not subject to modern methods of cost-benefit analysis—that

indeed is the problem. Almost every decision within government is subject to a net present value calculation based on the discount rate diagnosed and proclaimed by the Treasury in the *Green Book*. For years, that used to be at 8%, which meant that, 20 years ago, any benefit to anybody in 20 or 30 years' time was reckoned at pretty much nothing. Now, at 3.5%—which is itself considerably higher than the rates of interest—it reduces £1,000-worth of future benefit in five years' time to £700. In 20 years' time, the benefit to future generations, even if we identify it now, would be discounted almost to nothing.

To really make this work, the Government would have to look at this concept and these mechanisms, which are absolutely essential to our appraisal of policies and particular projects. They would need a really thorough going-over, and I hope the Government realise that, if they accept this Bill, this is what they will have to do. I hope the Government do accept it, and that what has been referred to as the Bird Bill turns into the Bird Act, and we put the resources behind it to make it real. I once more congratulate the noble Lord, Lord Bird, on producing today's Bill.

1.44 pm

Lord Crisp (CB): My Lords, I am delighted to have the opportunity to speak in support of this Bill. I offer my congratulations to my noble friend Lord Bird.

As we came here, I reflected that this extraordinary moment in time when we are waiting for a virus to hit us is a good time to think about the long term, the big picture and the frailty of the way we do things. I agree with noble Lords who made the point that we need to get better at long-term thinking; indeed, I hope that it can be changed. There are many positive elements to the Bill. It is good that it has been road-tested in Wales, to an extent, so that we have examples and learning.

Let me pick up one point in the Bill: the report on future trends and risks. This could just be a token thing, but it could also be an important thing: the opportunity for Parliament to discuss the big picture on a regular basis. It could be good in itself, enabling us to pick up some of the weak signals of what may be coming round the corner and may cause us problems in the future. The test is whether that would turn into action, to pick up on some of the points made by the noble Lord, Lord Whitty, about the technical things that will make it either happen or not happen.

Let me use two examples, where I want to ask whether this Bill would enable us to act early enough. The first is that, for years, we have seen the growing problem—forgive me, I am not trying to pun here—of childhood obesity and the health problems that children face. We have seen bits of legislation and bits of action on it, but it is only in the past year that we have understood that the life expectancy of the younger generation will be less than ours, and that that is a consequence of many things that have happened over the years. It has crept up on us, but we now have the understanding that we need to act. It is the same story as in the point made by the noble Baroness, Lady Boycott, about the environment: this has been going on for a long time, so why has it taken us so long to act on it?

Will the Bill enable us to act and be wise before the event? There are some indications that it would, but that is the test. There is one example that I am worried about—noble Lords must forgive me, but I have only recently discovered and understood the nature of this problem; many others have understood it for a very long time. Around 20,000 children are excluded from school each year, which has a long-term effect on their lives. My noble friend Lord Bird made the point about storing up problems for the future right at the start of his speech. We can see those problems being stored up now. Will this Bill enable us to act and to do something about them before they become chronic, long-term problems? I do not know; it will depend on the technical issues that we were just talking about.

Let me end on a bigger point. My noble friend Lord Bird has caught the moment. This is a really good moment for us to think about these things. Massive changes are happening in society. We need to think about things like Extinction Rebellion, which has had a big impact—bigger than most people thought it would. After we recover, coronavirus will have a big impact on how we do things, from how we behave to how we think about society. There will be other issues like this. There will be issues that will make us think differently about the future, and many of them will come to us with pressure from outside Parliament to make changes. I therefore hope that the Government are listening, that they will be forward-thinking and that they will support the Bill.

1.48 pm

Lord Giddens (Lab): My Lords, I also warmly congratulate the noble Lord, Lord Bird, on having got his Bill this far. It could be even bigger than the *Big Issue*, which you would think is big enough for most people—but not for him. Anyway, I much enjoyed his warm introduction.

As noble Lords have said, we live in a world of quite dazzling change. For us, the future is here in the present in ways that were never true before. Examples of that are everywhere. I can pick up my mobile phone, which is not just a phone but a supercomputer more powerful than those that sent humans to the moon a generation ago. I can call someone in Australia, see them on my device as they can see me and talk to them seemingly for nothing—although not really for nothing, as we know.

So much else is new, in historical terms, including machine intelligence, which was mentioned by my noble friend Lord Howarth. No doubt AI is a huge part of our future, but its trajectory is essentially unknown and very difficult to calculate. As in so many other areas, we face something of an unknown future. That is all the more reason to look ahead and think long-term, in the way in which this Bill proposes.

As other noble Lords have mentioned, the climate was once fixed, determined by Mother Nature. Today, we live in what climate scientists call the age of the Anthropocene, in which human activity is the dominant influence on our weather and the wider environment. This is amazing and disturbing.

To be topical, coronavirus, as was just mentioned, has spread more rapidly, and globally, than any other pandemic before. We simply do not know at this point

how disruptive or otherwise its impact will prove, but its economic impact could be huge. We have to learn from this experience to try to act pre-emptively in the future and to connect the short and the long term.

The Bill from the noble Lord, Lord Bird, focuses on the well-being of future generations; it is an invitation to think positively, and I 100% approve of that. I have focused so far on risks, but I am not pessimistic about the future. The world in which we live today is a high-opportunity, high-risk world. The opportunities are at least as great as the risks, especially if we can learn to anticipate and manage them properly. We just do not know how the balance between the two will pan out, but I deliberately put the notion of opportunity first.

Consider once more coronavirus, which never goes out of our consciousness these days. It is much more global, as I said, than any previous pandemic, yet science and medicine are now global too. AI can help us break down the genetic composition of a virus—the Chinese have made some progress on this—and perhaps lead much more rapidly to treatments or antidotes than was true in the past.

The framework proposed in the Bill is well thought through, drawn as it is, in some part, from the Welsh experience. As has been noted, around the world, we see discontent with the framework of western democracy. The public see politicians like us squabbling over day-to-day decisions, while the world seems dislocated and even dangerous. The thinking embodied in the Bill can, I hope, contribute to remedying this situation, especially when coupled with the direct participation of citizens in the way that is proposed. I give it my strong support and hope that the Government will seek to pilot it into law. I hope that it gets wide cross-party backing.

1.52 pm

Lord Hastings of Scarisbrick (CB): My Lords, I am excited to stand with my great and noble friend Lord Bird behind this measure which seeks to give time, in strategy and planning, to future generations. It was 500 years ago that the great philosopher Machiavelli said:

“There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.”

This is a new order of things. Long-termism ought to be the zeitgeist of today’s complex issues: climate change, inequality, public health and lifelong learning. We agonise over every one of them, and then we get elections and short-term outcomes. I believe that the philosophy contained in this Bill, which I support 1,000% and am happy to work on, will also lead us to some discomforts, as well as positive approaches.

I say that taking account of the fact that, on the justice agenda, in the past 15 years, sentences for serious offenders in this country have more than doubled. Our prison estate has more than doubled, and the public costs have more than doubled, but repeat offending has not decreased. We lock more people up than any other country in Europe, and we treat them worse; we stick them away for between 20 and 35 years, thinking it is good that we should be vindictive and have punishments that make it harder and harsher. At the

[LORD HASTINGS OF SCARISBRICK]

same time, with a long-term lens, it fractures and shatters families, it destroys people's confidence and it is not a fair and just return for crimes that men and even sometimes women have dealt with the consequences.

As a trustee and chairman of Crime Concern for 21 years, I fought for neighbourhood watch schemes, victim support services and restorative justice. Restorative justice allows people to break away from the bitterness of perpetual fights and vindictiveness, and come together to restore wholesome, sensitive and warm communities which can accept that there are some individuals who may put themselves beyond reform. However, long-termism asks, "Why waste billions and wreck lives when it is possible to build cultures of forgiveness and freedom?"

Many of the things that this Bill sets out and the new commissioner will pursue will cause discomfort, but the consequences will have wide public support. However, others may cause wide public fear. The core philosophy is wise. Reactions and realities are not necessarily the same, so in support of my noble friend Lord Bird, as ever, one can do no better in this House than to quote Winston Churchill. In April 1938, when he was reflecting on the power of the arts to form and frame our future, he said:

"Here you have a man with a brush and a palette. With a dozen blobs of pigment, he makes a certain pattern on one or two square yards of canvas, and something is created which carries its shining message of inspiration not only to all who are living with him in the world now, but across hundreds of years to generations unborn. It lights the path and links the thought of one generation with another, and in the realm of price holds its own in intrinsic value with an ingot of gold."

That is what you are doing.

1.57 pm

Lord Aberdare (CB): My Lords, I declare my interest as a trustee of the National Library of Wales, one of 44 bodies covered by the Welsh Act on which today's Bill is modelled. However, today I am speaking from a purely personal standpoint. Since the passage of the Welsh Act, the library has been seeking to identify how it can contribute to each of the seven well-being goals for Wales, with active encouragement, to put it mildly, from the future generations commissioner. After some initial scepticism, the library has found the process useful in thinking about its impact on and relevance to future generations—not entirely an obvious concept for a library. While the outcomes of this process have been relatively modest so far, they have begun to feed into the library's planning process, with each of its strategic objectives being mapped against the Act's seven well-being goals and published in its first well-being statement. This has been an incremental, iterative and collaborative learning process, as indeed I think it should be.

I very much welcome the aims of today's Bill, which has been powerfully promoted by my noble friend Lord Bird and, indeed, strongly supported by many other noble Lords who have spoken. I would like its provisions to be as well designed as possible in order to pursue the objectives and ambitious aims that include quite substantial culture change, so I apologise for the fact that my remarks will focus on the practicalities of

making progress with the Bill. For me, the heart of the Bill and its most important and valuable feature is the establishment of a future generations commissioner, with the central responsibilities of promoting its aims, acting as guardian of the interests of future generations, and pushing the bodies concerned to fulfil their obligations.

That said, the Bill as drafted seems rather more ambitious than perhaps it needs to be in terms of the range of organisations it covers and the duties it places on them, and in its administrative structures, including a whole range of assemblies and bodies and committees. Whereas the Welsh Act applies to 44 bodies, this Bill would place duties not only on all UK public bodies but on companies. I wonder if my noble friend has made any estimate of how many bodies in all he expects will have to respond to the Bill. I would urge him to be open to considering a rather more gradualist approach as the Bill proceeds, with more circumscribed initial coverage focused on raising awareness, building support and encouraging action spurred by the future generations commissioner as far as possible through the use of collaboration and carrots but with some sticks in reserve.

I applaud the aims and spirit of the Bill. I wish my noble friend success in carrying it forward and, I hope, in persuading the Government to support it. But I believe it would benefit from substantial simplification and streamlining. Perhaps he might consider working with some of the noble Lords speaking today—maybe even the Minister—to produce amendments for Committee that would maximise its chances of making progress rather than getting mired in detail and possibly even raising unnecessary resistance. He may find it advantageous to pursue a more softly, softly approach to bring about the vital changes of culture and mindset that are required, building on the practical experience gained in Wales and elsewhere.

2 pm

Baroness Benjamin (LD): My Lords, I support the noble Lord, Lord Bird, and his splendid Bill. It is a measure fit for the 21st century and a rejection of top-down government in favour of a truly integrated model in which well-being goals will be set.

I have spent my entire adult life promoting the importance of the health and well-being of children and young people. As I have always said, childhood lasts a lifetime. What happens to us in childhood stays with us right through our lives and shapes us in every way, from our view of society, culture and the wider world to our wealth, health and mental well-being. Every decision made by Governments, businesses, industrial and religious leaders, and media influencers affects children, and when people live in a society which does not value the right of children to be happy, safe, healthy and financially secure, they become angry, disenfranchised and radicalised. The ones who suffer most as a result are the children.

Today there is a lot to be worried about. The actions of Governments, industry and financial institutions across the globe mean that we have arrived at a critical point in humanity's very existence on this beautiful planet. Now, more than ever, the decisions we make will have colossal implications for the survival of

humankind. The mistakes we have made in the past are impacting not just on this country but globally. Every day, children and young people hear terrifying reports about climate change, global warming, war, disease and pestilence, and are having to deal with social media issues. Should we be surprised that they are feeling more and more anxious about life? Of course not. This is why the Bill is so important. It is all-encompassing, it thinks big and is visionary. The only way forward is to think out of the box. The only way we are going to fix this wounded planet is by innovating our way back to a better, more caring, kinder and more socially and environmentally aware society that practises consideration, contentment, confidence and courage.

During my time in this House, I have co-founded the All-Party Parliamentary Group on a Fit and Healthy Childhood and championed our recommendations on the early years, food in schools, physical activity, the national child obesity strategy, children's mental health, and many other vital issues, such as implementing age verification for accessing online pornography. We know that childhood in this country is in a crisis; a vicious circle of inactivity, mental health problems and being overweight feed off each other and are likely to result in the least healthy adult population in living memory. We have, therefore, argued consistently for a Cabinet Minister for children and young people, to ensure that children's needs are central to decisions across the policy range. We believe this is essential to the success of the Bill. It means prioritising an evidence-based child health and well-being strategy to underline all policies and all departments, covering the whole of childhood. There has to be a clear accountability framework, setting out responsibilities for professionals, and public and civil society, as well as essential detail about the resources and funding to deliver it.

We strongly believe that it is vital for the noble Lord's Bill to succeed, because it has the potential to ensure that children's interests are enshrined in law. There also has to be an annual well-being report published by the appointed Secretary of State. The Bill proposes that we should adopt a child health approach in all decision-making and policy development. I am honoured to support it and wish it a safe passage through Parliament and beyond. I thank the noble Lord for his wisdom in introducing it.

2.04 pm

Baroness Greengross (CB): My Lords, I congratulate the noble Lord, Lord, Lord Bird, on this excellent and important Bill. I think we all want to support it. I share his experience of living in Notting Hill, but I did so when it was emerging from the conditions that he describes when he speaks to us.

I want to start by looking at a country which is an example because it has a Government who are determined to do something to improve the well-being of their people in that country. It is New Zealand. In May 2019, the New Zealand Minister of Finance said:

"For me, wellbeing is when people are able to lead fulfilling lives which have purpose and meaning to them. A Government does not determine a person's wellbeing, but we can certainly play a part."

A growing number of countries are taking initiatives to include health and well-being measures as part of policy-making. However, this budget was the first of its kind prioritising the health and well-being of the population as a whole. A specific priority in that well-being budget was reducing child poverty and addressing the related poor long-term health outcomes associated with it. In addition, the New Zealand Treasury has begun implementing the Government's well-being approach through its living standards framework. This framework ensures that the advice the Treasury gives the Government must consider a broad range of well-being impacts that matter most for New Zealanders' living standards now and in future. The Finance Minister, Grant Robertson, has amended the Public Finance Act 1989 to include requirements for the Treasury to report on well-being. This is in a way consistent with what is being proposed by the noble Lord, Lord Bird. It is a good example of what can be done, and I hope the Government will look into it a bit further.

Nobody has mentioned one of the other trends in society which has to be taken into account when we are looking at well-being: the rapid ageing of our population. I declare my interest as chief executive of the International Longevity Centre UK. A recent analysis it did showed that in 2017, 27.1 million years were spent living with largely preventable conditions. In better-off countries, such as the UK, among those aged 50 or over the number of years lived with disabilities as a result of, for example, cardiovascular disease, type 2 diabetes or lung cancer rose by 9% between 1992 and 2017.

We have to do something about this to make sure that we are addressing the important situation we face with the ageing of our population. However, in OECD countries only 2.8% of total healthcare spending was on prevention, and prevention can really change the well-being of our population. After the 2008 financial crisis, prevention spending bore the brunt of healthcare cuts, and failure to invest in prevention risks substantial long-term social, health and economic costs. If we want to realise the social opportunities of ageing and of our wider society, we have to use prevention to ensure that people living longer are also living healthier lives.

2.09 pm

Lord Collins of Highbury (Lab): My Lords, first, I apologise on behalf of my noble friend Lord Kennedy, who would normally reply to this debate. I am standing in for him. Many people confuse me with him anyway, so no doubt he will get the credit for my speech. The other thing I want to mention—the noble Baroness, Lady Benjamin, said this—is that this is not a domestic but very much a global issue, and our response has to be global, whatever affects us. The virus now hitting this country is a global issue, and the response has to be global.

I congratulate the noble Lord, Lord Bird, on introducing this Bill to ensure that UK policymakers consider the interests of future generations. He focused quite rightly on the laws of unintended consequences. As the noble Lord, Lord Balfre, said, it is short-termism. How do we overcome the short-termism in our policy-making?

[LORD COLLINS OF HIGHBURY]

As we have heard in the debate, there is strong evidence for this legislation. I thank especially my noble friend Lady Wilcox of Newport for giving us practical evidence of how this legislation can work. I will return to some of the points she made. We have also seen the evidence in reports from your Lordships' House and have had debates in your Lordships' House.

The Institute of Chartered Accountants has indicated that intergenerational relationships are under strain. That was also highlighted by the Resolution Foundation, which reported that by the age of 30 young people are "earning no more than those born 15 years earlier".

On housing, as we have heard in the debate, young people today are paying more, owning less and commuting further.

The noble Lord, Lord Crisp, made a point about unintended consequences. We face a health issue too because of our insufficient focus on prevention. I will return to that; it is another global issue on which we can learn from other countries.

Your Lordships' Select Committee on Intergenerational Fairness and Provision showed that intergenerational fairness is an increasingly pressing concern for both policymakers and the public. It rightly drew attention to the fact that many in younger generations are struggling to find secure, well-paid jobs and secure, affordable housing, while many in older generations risk not receiving the support they need because Government after Government have failed to plan for a long-term generational timescale. Social care is an issue of particular concern here. As that committee quite rightly also pointed out, the relationship between older and younger generations is still defined by mutual support and affection. However, the action and inaction of successive Governments risk undermining the foundation of this relationship, as so ably described by the noble Baroness, Lady Benjamin.

How do we ensure that the interests of future generations are considered? Does this Bill meet the challenge? The key provisions that we have discussed are: focusing on well-being goals and mechanisms to ensure that they are properly addressed; a future generations impact assessment; a future generations commissioner; a joint parliamentary committee on future generations; and the fact that we should also focus on the private sector. I totally agree with that. We should be concerned not only about the actions of government but about how we change culture—not just enterprise but civil society and all organisations that can impact. Again, I will return to that in a moment.

As we have heard in this debate, in 2015 the Labour Government in Wales introduced its own Well-being of Future Generations (Wales) Act, which requires decisions to be measured against a range of long-term outcomes, including health, the environment and social cohesion. As the noble Lord, Lord Bird, said, his Bill was inspired by that legislation. The noble Baroness, Lady Andrews, quite rightly stressed the need to learn lessons. I like the fact that my noble friend Lady Wilcox highlighted the four key elements: long-term prevention, integration, collaboration, and involvement.

Actually, those are four key principles that could apply to every aspect of our lives, but certainly of our lives in terms of public service.

The other aspect that I want to focus on is that in 2019 Labour made a commitment that when in government it would introduce a new future generations well-being Act for England that would place a duty on the health service, public bodies and the Government to take account of population health and well-being, now and in future, when making their decisions. The shadow Health Secretary, Jonathan Ashworth, said at the time:

"Our health policy will be driven not just by a focus on cure but on radically improving prevention and social wellbeing too."

The noble Lord, Lord Crisp, and I have had many debates about this issue. One of the lessons that we are learning when it comes to extending universal health coverage is what has the greatest impact. Countries in Africa are investing in health systems that may look primitive in a way but are actually addressing issues of prevention in a much more coherent and better way than we have done in our own country, where we are now facing a huge problem with non-communicable diseases that will impact on the generation to come. That is why we should be focusing on that.

I want to return to an issue that my noble friends have raised. The real issue about the proposed Bill is not the ends—I am sure the Minister will agree with the sentiments being expressed—but the means that we need to focus on. That means looking not just at the way that the Government act but at the way that they listen and respond. My noble friend Lady Massey is right to focus on the UN Convention on the Rights of the Child. Children need to be heard in this process.

I welcome the note that the noble Lord, Lord Bird, sent round about the Bill and the means and mechanisms to ensure the involvement of young people. The Youth Parliament was mentioned, as were schools. As we move into Committee, we need to focus on the role not just of the commission but of other aspects of our civil society, where we can actually ensure that we engage with and hear children in our society. We are certainly not doing that at the moment. When it comes to climate change, the message that we are getting from schoolchildren in the demonstrations and the school strikes is: "We are not being heard and you should listen."

I hope that the Minister will not only join me in supporting the Bill but take up the offer, which I think is a positive one, from the noble Lord, Lord Aberdare: there is an opportunity for us to work together. I am certainly keen to meet the Minister to find ways in which the Bill can be improved and sustained so that it actually contains the means to deliver the ends.

2.19 pm

The Minister of State, Cabinet Office (Lord True)
(Con): My Lords, I start by testing the *Hansard* writers by saying that I suffer from a condition called prosopagnosia, which means that I do not recognise faces very easily. However, I have such affection for the noble Lord opposite that, I assure him, I can tell him from the noble Lord, Lord Kennedy.

What can I say about the noble Lord, Lord Bird? Since he is the least vain person I have ever come across, I am allowed to praise him without turning him for the worse. We all know about his outstanding career. This is about not only prevention but enabling. I think that those two things go together. We have perhaps not heard enough about enabling; I know it is very much on the noble Lord's agenda. I was grateful for the opportunity to talk to him about what he has in mind. Of course, he caught the attention of the House with his extraordinarily powerful and passionate opening speech. The example that he used about care in the community is one that I very much took to heart. I will never forget visiting my own father in one of those terrible institutions with the rooks cawing in the woods outside. The point about hopes for care in the community not being realised in the way that people wanted was absolutely well taken. We always have to look to the future. No good policy-making can be achieved without thinking about the human scale and the long-term impacts of policy. We are all tested—all Governments, all public bodies, all institutions—in that light.

It has been a pleasure to listen to this debate. I confess that when I came in a little earlier before the debate started, I wondered how I might answer if people asked me, "What was the House of Lords doing when the coronavirus crisis was raging?" I imagined saying, "Well, actually, we were sitting half the morning discussing our own composition", and I thought the response might be, "Well, that is not a very good answer is it?" But then we come on to something remarkable, like yesterday's debate—I was sorry to hear only the end of it but I have read it in *Hansard*—and here today we have the House of Lords going to the heart of a fundamental question about well-being and concern for the future, with the compassion and wisdom that the House has always shown.

We should never be complacent about our capacity to move government and make government listen. This House has a great record. One thinks of the early campaign for gay rights; the late Lord Arran was one of the heroic leaders in that campaign. In campaigns for disabled people, we all remember the late, great Jack Ashley, and Brian Rix. Heavens above, it was in here that they caught the attention of the nation. On children's rights, we have the noble Baronesses, Lady Massey and Lady Benjamin—Dame Flo Benjamin. I do not think it is in accordance with procedure, but I am very glad to be able to call her that and to congratulate her. This House has been an absolute pioneer and great pressure-maker in campaigning for rights and opportunities for children. In the wider debate on the Bill, which I congratulate the noble Lord, Lord Bird, on bringing forward, he asks us to consider a single commissioner, but we should not be complacent about the power of the many eyes in this House that can catch the attention of the Government and ask us to listen.

As noble Lords will have anticipated, the Government will not be able to support the Bill as it stands. We have reservations about it. I will come to those at the end, although I never like to end on a down note; I like to end on a positive note, because that is the way that

society needs to look. The points made in this debate are points that will be listened to by people across government and in wider society.

The noble Baroness, Lady Andrews, and others drew our attention to the Welsh example, which we must certainly examine. If this Bill goes forward, we will have the opportunity for further conversations about that. I was a long-standing local authority leader—you live in the past, do you not?—so I know the difficulties and challenges of local leadership. The kind of leadership that the noble Baroness described is not often recognised enough in modern society. We can have a conversation about whether that needs a corporate approach or one established in law or statute, but certainly the role she described of good governance and looking out for the well-being of local people is a key responsibility of local government.

The Government have been criticised for not looking forward enough. Any Government can be criticised for that, and I have given an example, but this Government are trying to look forward. One challenge was put forward by the noble Baronesses, Lady Jones and Lady Boycott, the noble Lord, Lord Collins, and others: the vital importance of climate and the environment. The Government have committed to a serious long-term policy on going zero-carbon by 2050. This is a major challenge that will require people to make changes now for the interests of the future. Whatever one thinks about the Budget introduced by my right honourable friend the Chancellor, one cannot accuse him of not looking forward to providing for the needs of the future, while obviously looking at present challenges, as one has to.

The noble Baronesses, Lady Massey and Lady Benjamin, brought us on to the vital dimension of children. Because I am a Minister I am not allowed to talk about the role of Select Committees in this House, but noble Lords will know that I chaired the Select Committee on Intergenerational Fairness and Provision, so I am familiar with the arguments which were put forward under my chairmanship. Certainly, intergenerational thinking is hugely important. I always feel that the best old people are those who remember that they were once young, because it is that idealism, vision and hope young people have which carry us to do our best things at all ages. Of course, younger people are only older people in waiting. We all have a common intergenerational interest. I loved that image of the noble Lord, Lord Rees, of cathedral thinking. We all need to aspire to that.

My feeling is that Governments are increasingly aware of and concerned and thoughtful about the intergenerational aspects and consequences of policy. This Government committed to the UN sustainability goals and my right honourable friend the Chancellor said in his Budget speech that he was looking at a review of the Green Book later this year. A number of noble Lords mentioned the Green Book, including the noble Lords, Lord Rees and Lord Whitty. I am sure the points they have made will be noted by colleagues.

I have to encourage the noble Baroness, Lady Boycott. I mentioned rooks in a rather negative context, but of course her images came to mind. I encourage her because for the first time in many years I saw a song

[LORD TRUE]

thrush on my small suburban lawn only yesterday. Her points were well made and, as she said, the reform of agricultural policy that is now possible for this country will give us all the opportunity to debate the kind of issues that she raised.

The noble Lord, Lord Howarth, slightly depressed me at the start, with his long catalogue of great risks. He made some fundamental points about the Bill, which the Government tend to feel might be issues that we will have to look at, such as the weight placed on the commissioner, the opportunity for judicial action and the creation of a new public body or bodies, as other noble Lords pointed out, and, as my noble friend Lady Brady pointed out, the potential impact on companies. These are all issues that would have to be considered in Committee.

The noble Lord, Lord Giddens, was much more mixed in his futurology. In my view he is entirely right when he says that there is a risk because we foresee some things but not others—I do not want to sound like Donald Rumsfeld. There is a balance to strike. Too rigid an approach can lead us to missed opportunities. I fully take the point that he made about the balance of opportunity and risk. I have always thought that we should look for the opportunity side of the equation while being aware of risk. However, these are matters that we will no doubt discuss further if the Bill is taken into Committee.

The noble Lord, Lord Crisp, said that we should look at the big picture. We will try to do that. Governments are human, but the best Governments are also humane, and part of being humane is doing some of the things that I described and noble Lords have challenged us on. The noble Lord, Lord Hastings, made points about behaviour in prisons and policy on prisons that I will draw to the attention of colleagues. I agree with the noble Baroness, Lady Greengross, that well-being awareness is hugely important.

I may have failed to respond to some points. I have not spoken about alcohol, which was addressed by the noble Baroness, Lady Finlay, and my noble friend Lord Balfe. Obviously, the misuse of alcohol is an example of where policymakers need to think through the long-term consequences of present behaviours.

All that said, it is the Government's feeling that the sense of, importance of and duty to future generations should be a guiding and embedded spirit as far as possible in policy thinking. I mentioned the sustainability goals and the Green Book, and there are other examples. However, the question before us, on which the noble Lord, Lord Bird, challenged us, is: what are the best mechanisms to deliver these messages, hopes and aspirations? The Welsh experience seeks to hold a mirror to that. The best mechanism of course would be if everybody—private sector, public sector and every individual—got up in the morning considering whether what they were doing was imperilling or causing difficulties for ourselves or other people in the future?

I know that the noble Lord, Lord Bird, will not be discouraged to hear that the Government do not believe that the approach taken in the Bill, which is broad in its scope and nature, is appropriate. I will not

give the black spot to the noble Lord, Lord Aberdare, but he made that point in a different way. It is not the Government's view that this is the most effective or appropriate way to go forward. The Government therefore have reservations about the Bill as it stands, and reservations about the creation of a new public body and new duties. However, as I hope I have demonstrated, the Government are committed to protecting and promoting the environmental, economic and social well-being of the country, in the here and now and for generations to come.

If I may speak on a personal note, I found this a fascinating debate and an example of the House of Lords being on the best side of the coin, which I did not think we necessarily were earlier today. I will certainly dwell on the points made, as I know that colleagues in the Government will. I thank the noble Lord, Lord Bird, for bringing the Bill forward. I do not expect him to go away. The whole of society generally, as well as our government systems, is improved by the challenge of his great example, as it is by the thoughtful, intelligent and humane way in which he has approached debate on the Bill. I am sorry to have to say that the Government have misgivings about it as it stands, but that is the position.

2.36 pm

Lord Bird: I thank noble Lords for what has been a very moving and exciting afternoon for me. I join the rest of your Lordships in saying this, but it is interesting that we are doing this in the middle of the debates around health and the coronavirus—where we are and where we are going to be. It is a very interesting thing that we are building. I am standing on the shoulders of other people. As the noble Lord, Lord Crisp, says, it is brilliant that we should bring something forward that has been road-tested. It is being road-tested in Wales—and Wales, as we know, is responsible for many innovations such as smoking bans or opting out for the kidneys.

Anyway, I am just a pretty face and not a parliamentarian. Perhaps I am a parliamentarian in the making; I hope to improve with the passage of time. I am very pleased that I have a good team. I have the *Big Issue* to help me, and many charities and social groups behind me. We intend to turn this into a large movement, which we hope will sweep the Government along with us in a groundswell. We think that this is the beginning of really grown-up, cognitive thinking around how we prevent the future being a repetition of many of the mistakes that we made in the past. I made some comments on those earlier.

The noble Baroness, Lady Massey, talked about young people. We will be engaging young people and bringing them into the argument. The noble Baroness, Lady Brady, talked about business. When I started the business of the *Big Issue*, I did not do so as a charity; I started it as a business response to a social crisis. I am incredibly inspired by all my friends, in the City and other places, who have led the battle to improve the lot of those in the future by investing in social and environmental change. I would like that argument to go on. The noble Lord, Lord Aberdare, has done us all a big favour—*sotto voce*, as they say in Italy, go easy, and do not beat anybody over the head.

I thank the noble Lord, Lord True, very much for his comments. I was not expecting him to roll over and take it, so to speak. We will begin the process and look upon what we are doing as a menu, in a way. It might not be possible to take everything from it but I believe that this Government have a unique opportunity. They

can turn and put a line in the past, and say, as in the point made by the noble Lord, Lord Collins, “Let us all work together”. Thank you very much.

Bill read a second time and committed to a Committee of the Whole House.

House adjourned at 2.40 pm.

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