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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Questions	
Covid-19: Overseas Development Assistance .....	49
Covid-19: Medically Vulnerable People .....	52
Covid-19: Extent of Infection .....	55
Covid-19: Business Interruption Loans .....	58
Covid-19: Care Home Deaths	
<i>Private Notice Question</i> .....	62
Business of the House	
<i>Timing of Debates</i> .....	65
Telecommunications Infrastructure (Leasehold Property) Bill	
<i>Second Reading</i> .....	66

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

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

Wednesday 22 April 2020

11 am

*Prayers—read by the Lord Bishop of Newcastle in a Virtual Proceeding via video call.*

## Arrangement of Business

*Announcement*

11.04 am

*The Announcement was made in a Virtual Proceeding via video call.*

**The Lord Speaker (Lord Fowler):** My Lords, Virtual Proceedings of the House of Lords will now begin. I remind Members that these proceedings are subject to parliamentary privilege and that what we say is available to the public through *Hansard* as well as to those listening. I am sure that all Members will understand that their microphones will be muted unless they are participating. I urge Members not to use the group chat function.

The Virtual Proceedings on Oral Questions will now commence. I will call each Oral Question in the normal way. I will then call on the Minister to make the initial response, and then call on the noble Lord who has asked the original Question to ask their supplementary question in the usual way. The Minister will again respond, and I will then call in turn those noble Lords asking supplementary questions as listed on the speakers' list. Please ensure that questions and answers are short; if they are not, it knocks out other noble Lords who are lower down the list. I apologise in advance if it is not possible for everyone to be called. Noble Lords should ensure that they unmute their microphone prior to asking their supplementary question. Microphones will be returned to mute when noble Lords have finished speaking. In accordance with guidance agreed by the Procedure Committee, if your name is not listed, it will not be possible to ask a supplementary question or to take part in these proceedings.

## Covid-19: Overseas Development Assistance

*Question*

11.06 am

*Asked by Lord McConnell of Glenscorrodale*

To ask Her Majesty's Government what assessment they have made of the impact of COVID-19 on their Overseas Development Assistance spending priorities in 2020–21 and beyond.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office and Department for International Development (Baroness Sugg) (Con):** My Lords, the Covid-19 pandemic is the biggest threat that this country

and the world have faced in our lifetimes, and here in the UK and across the globe we are seeing the devastating impact of this virus. The UK is at the forefront of the international response, having so far pledged £744 million in UK aid. This requires a prioritisation of planned spend for this financial year and beyond, both for our immediate response and to support longer-term recovery.

**Lord McConnell of Glenscorrodale (Lab):** My Lords, since 1970, 22 April has been celebrated as Earth Day, when we celebrate and recognise participation and advocacy around the world. It therefore seems appropriate that today we look at the international consequences of the Covid-19 crisis, particularly in the developing world. The sustainable development goals were designed to create more resilient and sustainable economies and societies around the world. Will the Government this year ensure that their commitment to the sustainable development goals, nationally and globally, is strengthened rather than weakened to ensure that we are better able in the future to respond to and cope with shocks of an economic and health nature, as we are currently experiencing both in the developed and developing worlds?

**Baroness Sugg:** My Lords, the UK played an instrumental role in establishing the SDGs, and even before Covid-19, we knew that global progress was off track. I am particularly concerned with goal 4, on quality education, and goal 5, on gender equality. The SDGs have a key role in framing and shaping recovery, and the decade of action will be more crucial than ever. We will use the international opportunities we have to build our continued SDG leadership, and we will include in that the SDG summit at UNGA this September and our G7 presidency next year.

**Baroness Hodgson of Abinger (Con):** My Lords, women and girls are being disproportionately affected by the impact of Covid-19. Can the Minister please assure me that DfID will address the specific vulnerabilities that women and girls face in the light of the pandemic, and, looking ahead, that women and girls will remain a key focus for DfID?

**Baroness Sugg:** I thank my noble friend for that question. She is of course right that during times of crisis, the rights of women and girls are often overlooked. In this time of crisis, when people are at their most vulnerable, women and girls need our support more than ever. We must learn the lessons of past epidemics and explicitly include the needs of women and girls as part of our humanitarian response, and in order to stop more lives being needlessly lost. We are therefore working with our international partners to act now, putting gender at the heart of our response. The impacts of coronavirus are not gender-blind, so nor should our response be.

**The Lord Speaker (Lord Fowler):** Baroness Boycott. No? Lord Collins of Highbury.

**Lord Collins of Highbury (Lab):** A key element of nutrition-sensitive spending is universal health coverage, which is vital to building resilience to such pandemics. It is likely that the Nutrition for Growth summit will

[LORD COLLINS OF HIGHBURY]

be delayed. Can the Minister assure the House that, if this year's summit is delayed, she will ensure either that the Government pledge early, or will ensure a continuation of nutrition finance at current levels for another year to avoid a cliff edge in such financing at the start of 2022?

**Baroness Sugg:** The noble Lord is right to highlight that global commitments on nutrition financing are indeed ending this year, and I agree with him that this continued investment is needed to prevent and treat malnutrition, particularly as countries face worsening levels of malnutrition in the face of Covid-19. We are looking carefully at the options for the UK commitment now that both the Olympic pledging event and the main Nutrition for Growth summit have been postponed, and we will provide an update on our plans when we are able to. Yesterday, the World Food Programme reported that Covid-19 could push 265 million people into acute hunger by the end of this year, so maintaining our commitment to nutrition is more important than ever.

**Baroness Sheehan (LD):** My Lords, I have two questions for the Minister. First, borders are an ineffectual barrier against Covid-19, so does the Minister agree that only a victory that fully includes Africa and the rest of the developing world can end this pandemic? Secondly, notwithstanding President Trump's intervention, do our Government acknowledge that we need a World Health Organization fully equipped to co-ordinate an international pooling mechanism for Covid-19 research into diagnostics, treatments and vaccines that will be affordable for all?

**Baroness Sugg:** My Lords, Covid-19 is a global challenge and it is essential that countries come together to tackle the shared threat. We will continue to fund the World Health Organization. We are a key donor to the WHO and have already contributed £75 million to help the organisation lead international efforts to stop the spread of the virus, find a vaccine and end this pandemic.

**Lord Mann (Non-Aff):** My Lords, considering the consequential hunger problems that have been identified, can the Minister guarantee that the UK's support, including budgetary support, for the work of the UNFPA will be guaranteed throughout the next 12 months?

**Baroness Sugg:** My Lords, we are a key donor to the UNFPA. We recently announced a £200 million humanitarian package that included an additional £10 million support to the UNFPA, and we will continue to support it in the vital work it does.

**Lord Sheikh (Con):** My Lords, we all appreciate that Covid-19 is a hidden enemy that attacks anyone, anywhere in the world. Some countries overseas are in dire straits. It is important that we continue to provide help to foreign countries. Is it possible in the present climate to maintain the spend of 0.7% of our gross national income on foreign aid?

**Baroness Sugg:** I can absolutely confirm our commitment to 0.7%. We need to respond both multi-laterally, through the global system, and bilaterally, in country. We are working quickly to pivot our programming to support

the Covid response, reinforcing health, humanitarian and social protections or economic support programmes in country.

**Lord Crisp (CB):** My Lords, I very much welcome the investment the Government are making in vaccines against Covid-19. Will the Government impose public interest conditions on UK-funded vaccines, treatments and diagnostics, so that they can be affordable and accessible not only in the UK but to low and middle-income countries? Will the Government also encourage and persuade other Governments to do the same?

**Baroness Sugg:** My Lords, we absolutely need an effective Covid-19 vaccine to be developed, trialled and approved for use as quickly as possible. We are doing that in three ways. First, we are the largest funder of the Coalition for Epidemic Preparedness Innovations. Secondly, we have launched a vaccine task force to expedite and co-ordinate efforts to research and produce a coronavirus vaccine. Finally, in June we are hosting a replenishment for Gavi, the Vaccine Alliance. That will be really key to the operational delivery of a vaccine at an affordable price to those who need it across the world.

**The Lord Speaker:** Lord Boateng. No? Lord Bruce of Bennachie.

**Lord Bruce of Bennachie (LD):** DfID has given priority to strengthening health systems across Africa. Can we be assured that this will be maintained, if not increased, especially in the light of falling GDP at home? What does the Minister think about the WHO's advice that there should be no restrictions on travel to Africa, given that the disease is escalating there and that this has proved to be a factor in spreading it worldwide?

**Baroness Sugg:** My Lords, I agree that we need to strengthen the fragile health systems in the world's poorest countries, where the chance of disease spreading rapidly is the highest. That will of course reduce the risk of having future waves of infection globally. I am not going to comment on the WHO's advice on travel to Africa. I would say, though, that it is important that we maintain connectivity so that we can support our delivery of aid in the countries which are sometimes hardest to reach.

**The Lord Speaker:** Baroness Massey of Darwen. No? There are no more supplementaries, my Lords. The time has also elapsed for this Question. We now come to the second Oral Question.

## Covid-19: Medically Vulnerable People Question

11.15 am

Asked by **Lord Blunkett**

To ask Her Majesty's Government what assessment they have made of the impact of the restriction of movement on those defined on medical grounds as extremely vulnerable from COVID-19; and what plans they have to change those restrictions.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we recognise that though shielding is for individuals' own protection, it is an immense undertaking. Decisions to advise shielding were taken after very careful consideration. The implications for those concerned are profound. We constantly review all social distancing measures and will continue balancing the need to protect the clinically extremely vulnerable from contracting Covid-19 against the restrictions that this places on their lives.

**Lord Blunkett (Lab):** My Lords, I appreciate greatly the work that the Minister, his team and his colleagues are doing. I know that he will join me in appreciating the hundreds of thousands of volunteers, and mutual aid programmes at local level across the country as well, who are supporting people who are trapped in their homes. I wonder whether the Minister will discuss with his colleagues whether particular measures, which would not put at further risk those who are most vulnerable, could be adjusted to enable people to be treated in hospital for other conditions, given the concerns of Cancer Research UK and the British Heart Foundation, among others. Could we also take into account that two weeks ago, when I hope we reached the peak of deaths from the virus, there were 2,300 estimated additional deaths not related to Covid-19, which must be a great worry to all of us?

**Lord Bethell:** I completely agree with the noble Lord's concerns, both about those who are clinically vulnerable and about the potential for a rise in non-Covid excess deaths. The second is a matter of extreme concern. The example of those with cancer who are going to hospital to have operations is a very good and clear example. These matters are very much at the highest level of the Government's mind.

**Baroness Thornton (Lab):** I thank the Minister. According to media reports, those who are particularly vulnerable to the virus could be advised to remain shielded for up to 18 months, or until a vaccine has been developed. Can the Minister confirm whether these reports are true? Secondly, the Government have recruited 700,000 NHS volunteers to support those who are vulnerable or shielded. Most of them seem to have been processed but many have been given nothing to do as yet, when there clearly is need. Will the Minister tell me how quickly that issue will be resolved?

**Lord Bethell:** The noble Baroness is entirely right. The prospect of long-term shielding for those most vulnerable is of deep concern. That is why we are pressing so hard on the disease, through the lockdown, to try to get R as low as possible. We will be putting in track-and-tracing measures to ensure that R can be held down and those in lockdown can be freed from their confinement. In terms of volunteers, the response has been incredible. It takes time to turn around all the offers of help that we have, but we are moving extremely quickly to do that.

**Lord Truscott (Ind Lab):** My Lords, is there not a danger that extending the lockdown for only certain groups might unintentionally discriminate against elderly

and vulnerable people? Might a better way forward be mass testing, tracking and tracing, as the Minister mentioned, plus the rapid development of a vaccine? If the Government are going to continue to isolate vulnerable people, will the Minister agree that this should be subject to a view by an individual's GP?

**Lord Bethell:** The noble Lord makes a reasonable point, but I confirm that it is the virus that makes this discrimination, not the Government. Certain demographics are even more vulnerable than others. It is an unfortunate fact that those who are medically vulnerable are singled out by the virus. We have to put in place measures to protect and safeguard their lives.

**Lord Lamont of Lerwick (Con):** Following up on the questions from the noble Lord, Lord Truscott, and the noble Baroness, Lady Thornton, when we eventually get to the stage of lifting restrictions I urge the Government not to discriminate against the elderly on the grounds of vulnerability and not to treat them as a single category. Many of the elderly—over half a million—continue to work. They feel acutely the separation from loved ones. They are conscious of their own vulnerability, are perfectly sensible and do not need the threat of law to protect them. Will the Minister remind his colleagues when decisions come to be made about lifting restrictions that the decision is not just for scientists? It is a political question as well. Policy that might be acceptable in China might not be acceptable here.

**Lord Bethell:** My noble friend is entirely right that the political context in Britain is based on rule by consent. We are not an authoritarian state. However, I cannot hide from my noble friend the point that I made to the noble Lord, Lord Truscott: it is the virus that is a discriminator, not the Government. The clinical assessment of risk for many older people, particularly those with medical conditions, is very high. The Government will be guided by clinical advice in their advice and recommendations to all groups, although the effect of safeguarding and lockdown on the elderly is fully understood. We will put in as many mitigation measures as we can to prevent any long-term harm.

**Baroness Brinton (LD):** My Lords, on 16 March the noble Lord, Lord Bethell, told the House that anyone with an underlying health condition will be contacted by their local GP to clarify what kind of risks they face. A very large number of people still have not had their letter or text from the Government saying that they should be shielding, let alone conversations with GPs. I am in the shielding group and my consultant has told me that I should prepare to be shielding for 18 months. Can the Minister confirm that everyone who should be shielding has now been notified by the Government and their GP that this is the case?

**Lord Bethell:** The noble Baroness is entirely right. Letters should have been sent to all those who should be shielding. I am aware, as she rightly points out, that this process happened extremely quickly and there was a very fast turnaround. I have accounts of people who were sent a letter who should not have had one and I

[LORD BETHELL]

have accounts of people who should have had a letter who did not get one. We are working hard to fill the gap, but 1.3 million letters were sent out and, on the whole, I believe that this exercise has delivered clear recommendations to those involved.

**Lord Lucas (Con):** To follow on from my noble friend Lord Lamont's question, can we please ensure that vulnerable people have agency, that those who want to act as the invulnerable are allowed to, that grandparents who wish to see their children are allowed to, and, at the same time, that those who are young and vulnerable are protected in their decision to continue to isolate and are not discriminated against because of it?

**Lord Bethell:** My noble friend Lord Lucas makes a completely reasonable plea. On a personal level I completely understand where he is coming from. I have elderly relations who I would like to see, hold, touch and socialise with. But, as I said, I cannot hide from the House that this virus is an extremely predatory killer that has in its sights particular demographic groups, including the elderly and in particular those with conditions. It would be wrong of me to mislead the House by pretending that there was an easy way out of this epidemic for those who the disease seeks to attack.

**Lord Carlile of Berriew (CB):** My Lords, given that some very healthy older people have mistakenly received 12-week lockdown letters, including inaccurate and anxiety-causing assertions that they have underlying medical conditions, will the Government permit an arrangement whereby the relevant GP practice can confirm or refute the issue of the letter and certify to that effect?

**Lord Bethell:** The noble Lord makes a very reasonable request. I have sought clarification from the department on this point, because his suggestion seems eminently reasonable, and as soon as I have a reply I will write to him and share the contents with the Library.

**The Lord Speaker (Lord Fowler):** My Lords, I regret that the time allowed for this Question has elapsed. I apologise to the few people at the end of the list who have not managed to get in. We will seek to deal with that in the allocation for future Questions.

## **Covid-19: Extent of Infection** *Question*

11.26 am

*Asked by Baroness Sheehan*

To ask Her Majesty's Government what proportion of people in the United Kingdom have been found to have had COVID-19; and what assessment they have made of the impact of that figure on their policies towards lifting the restrictions in place as a result of the pandemic.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** As of 21 April, 129,044 people have tested positive for Covid-19. This represents less than 0.02% of the population. When the evidence demonstrates that it is safe to do so, we will adjust the lockdown arrangements. We have set out the five conditions that need to be met before lockdown measures are adjusted. These include having reliable data from SAGE showing that the rate of infections is decreasing to manageable levels across the board.

**Baroness Sheehan (LD):** My Lords, it is very clear that testing is the way out of this. First, there is the immediate urgency of testing front-line health and care workers exposed to high viral loads through lack of proper PPE, and we could do this now if the Government would give the go-ahead to local private research labs with the necessary level-2 clearance, which would not take resources from Public Health England's needs. Secondly, there is the urgent need for mass testing. Why are the Government forgoing the first in favour of a gold-standard testing regime that they can control from the centre to deliver the second? Can they not do both?

**Lord Bethell:** I thank the noble Baroness, Lady Sheehan, for a very clear Question. I can reassure her on three points. First, front-line staff in the NHS and in care homes are eligible for test on request and we will be opening lines so that they can phone and book their own testing shortly. Secondly, I commend and thank those private research labs already contributing enormously to our testing regime. Thirdly, mass testing is one of the options that we are looking at: the Cabinet Office is devising plans for the medium term and will be publishing them shortly.

**Lord Dobbs (Con):** First, I very sincerely thank my noble friend for his tireless work during this crisis. Did he by any chance see the BBC report yesterday under the headline "Deaths at 20-year high"? Digging into that needlessly sensationalist headline, intriguingly it reported that the apparent increase was one-third linked to the virus but two-thirds linked to non-virus cases. We all understand that there is an inevitable impact on others while we direct our focus towards the coronavirus, but have the Government undertaken any study of the estimated increase in the number of deaths of non-virus patients during the economic lockdown, and, if so, will they publish its conclusions?

**Lord Bethell:** My noble friend Lord Dobbs is entirely right to put his finger on this important matter. The CMO was clear from the very beginning that Britain's mortality rate came as much from Covid as from non-Covid deaths. We review this situation regularly and thoroughly, and we will be glad to update the House at a future date. We are very conscious of the threat of which my noble friend speaks.

**The Lord Speaker (Lord Fowler):** Supplementary question: the noble Lord, Lord Krebs. Lord Krebs? No? In that case, I call the noble Lord, Lord Hain.

**Lord Hain (Lab):** My Lords, I declare that my wife is a board member of care providers. How on earth will the Government lift restrictions without universal testing, especially in care homes, where there is virtually no such capacity at all and not even enough personal protection equipment? The charity Leonard Cheshire Disability has been forced to spend an additional £250,000 a month sourcing PPE such as gloves and masks, and a South Wales care provider is spending £100,000 extra monthly. The Government need urgently to give billions more to care homes, instead of leaving them so badly in the lurch during this crisis,

**Lord Bethell:** I reassure the noble Lord that testing has been opened up to all care homes. I pay tribute to the CQC, which played a pivotal role in providing access to Britain's 12,000 care homes in this regard. Mass testing is an option that we are looking at, but I remind the noble Lord that South Korea, where there is an extremely energetic track-and-trace facility, carries out on average 20,000 tests across the country—fewer than we do in Britain on an average day.

**Lord Oates (LD):** My Lords, we all understand the immense pressure that the Minister's department is under, but does he agree that it is unacceptable that capacity is still only at 38,000 tests a day and that much of that very limited capacity is not being used, not least because the testing centres are often in out-of-the-way places that NHS and care staff cannot easily reach? Was an assessment of public transport accessibility made before these centres were chosen, and will the Minister's department now urgently work with drive-through restaurant chains and other accessible venues to ensure that testing centres are in places that NHS and care staff can easily attend?

**Lord Bethell:** The noble Lord raises a completely valid point on the accessibility of drive-in centres. They suit some people but not all, as he rightly points out. That is why we have brought in at-home testing arrangements, delivered mainly by Amazon. They started on Monday, and we are very ambitious for both their scale and their scope, particularly for the demographics of which he speaks.

**The Lord Speaker:** Supplementary question: the noble Baroness, Lady Lawrence of Clarendon. Lady Lawrence? No? I call the noble Lord, Lord Moynihan, for his supplementary question.

**Lord Moynihan (Con):** Over 90% of the population will be unlikely to have suffered from Covid-19 when the restrictions are lifted. Will the Government therefore initiate and support a nationwide fitness and recreation campaign, given that physical exercise can help ensure that immune systems become stronger and less susceptible to infections and their most severe consequences and lead to a greater ability to recover from infections?

**Lord Bethell:** My noble friend is entirely right. Fitness and the Covid epidemic are closely connected. The Secretary of State for Health has made it clear that a daily walk should be part of everyone's lockdown

arrangements and we are ambitious to make fitness and diet part of the agenda as we leave the Covid lockdown.

**Baroness Finlay of Llandaff (CB):** I thank the Minister for being open to communicating with us during the period before Parliament resumed. What assessment have the Government made of combining repeat virus detection with those risk factors that the Intensive Care National Audit & Research Centre's contemporaneous data has shown are associated with particularly poor outcomes—I refer particularly to high body mass index, indicating obesity—and how will this inform the lockdown exit strategy?

**Lord Bethell:** The noble Baroness speaks of anecdotes of which we are very aware. We are conscious of the stories coming particularly from America about a seeming correlation, if not a causation, between obesity and Covid mortality. Clinical trials and data on this are in short supply. The CMO has not made a declaration on it. But I share her instinct that there is a strong connection. As the noble Lord, Lord Moynihan, suggested, fitness and diet will be important parts of our post-lockdown experience.

**Lord Wood of Anfield (Lab):** My Lords, we can understand the epidemiological value of antibody—serology—testing. However, I am interested in the public policy uses that may come from this testing. Is it the Government's intention to use evidence of antibodies in individuals to say that some people rather than others can return to normal life sooner—particularly people of working age and younger rather than older people?

**Lord Bethell:** Serology tests provide important data on the behaviours of the virus. We still do not fully understand what kind of immunity and antibody response will be long-lasting in the body. There are mysteries to this virus that are yet to be solved; serology tests are vital to that and they can play a part in the back-to-work strategy. However, I would remind him that it is a tiny proportion of the population—probably around 5%—who have antibodies. We cannot put the economy back on its feet with just 5% of the population.

**The Lord Speaker:** My Lords, I am afraid that the time allowed for this Question has elapsed. Two noble Lords were not called; I am sure that this will be taken into account in future lists.

## Covid-19: Business Interruption Loans *Question*

11.37 am

*Asked by Lord Forsyth of Drumlean*

To ask Her Majesty's Government what lessons they have learned from the experience of Switzerland, Germany and the United States in ensuring that businesses have easy and speedy access to Coronavirus Business Interruption Loans.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** My Lords, we are constantly reviewing the Coronavirus Business Interruption Loan Scheme to make sure that businesses can access loans quickly and easily. This includes looking at what other countries are doing in order to inform our own scheme's design. Changes that we have made to eligibility tests mean that even more UK businesses are able to apply to the CBILS and we are working with the British Business Bank and lenders to ensure that we are doing what we can to speed up lending. As of 15 April, 6,020 loans, worth a total of £1.1 billion, have been given out to SMEs. We expect to see this increase substantially when weekly figures are published tomorrow.

**Lord Forsyth of Drumlean (Con):** My Lords, I draw attention to my interests in the register. Given that there are more than 5 million SMEs in this country and fewer than 1% have formal applications being considered or approved under the Coronavirus Business Interruption Loan Scheme, amounting to just over £2 billion, how many businesses do the Government expect to fail as a result of the lockdown? Given the Chancellor's promise to "do whatever it takes" to see the UK through this crisis, why is he rejecting the advice from the Governor of the Bank of England, the Bank's chief economist, three former Chancellors, a former Bank governor and experienced bankers to re-engineer the CBILS to provide a 100% guarantee to ensure the speedy and efficient transfer of cash to desperate businesses?

**Lord Callanan:** I thank my noble friend for his question. Of course, the issue of 100% guarantees has been raised by a number of other contributors. It is something that we are keeping under review. However, we think that the structure of the scheme at the moment is appropriate to its function. We do not believe that it is right to put all the cost of these loans directly on to taxpayers. Banks should have some involvement in those loans. As I say, we are keeping the scheme under review.

**Lord Stevenson of Balmacara (Lab):** My Lords, the Government are to be congratulated on the scale of—and, indeed, the welcome adaptations to be made to—the CBILS, but other countries seem to be disbursing more money more quickly to their struggling SMEs. In addition to the point made already about the increase needed to guarantee 100% of loans, will the Government also think of insisting, in the interests of transparency, that the British Business Bank provide details of what loans have been delivered by the 47 accredited lenders?

**Lord Callanan:** It is important to remember that not all SMEs will want debt finance. There is a wide range of different support schemes available to businesses, including the job retention scheme and various local authority grants. We will be looking to publish, in the interests of transparency, the full range of offers that have been made to business in due course.

**Lord Fox (LD):** My Lords, I join the noble Lord, Lord Stevenson, in congratulating BEIS, the Treasury and HMRC on the work that they done but, looking

at the point in a different way, of those 47 accredited lenders, only the banks have the liquidity to lend at scale. Those banks are generally sticking to their current customers and, today, only six banks are offering CBILS loans to new customers. This is a really important issue. Furthermore, many are not lending below £25,000; about 90% of applications are pitched at that level and below. I was pleased that the Minister said that this was a work in progress. Can he confirm that further modifications are now under consideration and also undertake to ensure that the lack of access for new customers and the exclusion of lower-value applicants are addressed really quickly?

**Lord Callanan:** The noble Lord makes a very good point. As I have said, we have already introduced a number of technical changes to the scheme—obviously it was introduced very rapidly. We are keeping all aspects of it under review. The one that he has mentioned is important; we are looking at bringing in new lenders as soon as possible, including Funding Circle, which specialises in smaller loans for companies such as those he talks about. To answer his question: yes, we are keeping this under review, we are seeking to get new lenders accredited as quickly as possible, and we are keeping all other aspects of the scheme under review as well.

**Baroness Morgan of Cotes (Con):** My Lords, no one can doubt the Government's commitment to bridging and helping SMEs bridge these particular unprecedented circumstances but, to follow on from the question from the noble Lord, Lord Fox, what are the Government doing to work closely with the British Business Bank and encourage it to dramatically widen the circle of lenders and, in particular, to embrace the UK's fintech sector, which can offer so much in these circumstances?

**Lord Callanan:** My noble friend makes a very good point. As I said in response to an earlier question, we are looking to expand the pool of lenders as quickly as possible and at Funding Circle. We are working closely with the British Business Bank to make sure that all aspects of the SME market are serviced. The BBB has put in place substantial additional resource to assist with processing applications from new lenders as quickly as possible. On 11 April four new lenders were accredited, and we are looking to get the circle expanded as quickly as possible.

**Baroness Bennett of Manor Castle (GP):** As the Minister said, many businesses do not want to rely on debt or are unable to do so. Some of them are small businesses, such as an independent café whose owner I have been talking to in Sheffield. She had all-risks business insurance. She thought that she was covered for business disruption yet has found that the insurance company refuses to pay. This seems a widespread, almost universal, problem and there seems to be a particular issue around the definition of physical damage and whether Covid-19 is included in it. A couple of US states are taking action to ensure that businesses are paid out. What action are the Government planning to make sure that people with all-risks insurance, in particular, get the cover they reasonably thought they had?

**Lord Callanan:** We are aware of the issue that the noble Baroness raises. Typical insurance policies offer cover against business interruption due to specific or notifiable diseases listed in the policy. An optional extension was available in many policies to cover pandemics, but unfortunately the majority of businesses did not choose to take up that option. We do not believe that it is right or feasible to require insurers to pay out retrospectively against a risk that was not covered in their original policy, but there are a number of other support packages available to those businesses at this difficult time.

**Baroness Blackwood of North Oxford (Con):** I welcome the match funding which has been made available to our most innovative start-ups through the Future Fund, but can the Minister clarify how the scheme is going to operate? For example, will companies have a reasonable veto over to whom these loans could be sold on? Investors and executives will have an eye on their cap table, and will private investor capital lent alongside the Government funding qualify for EIS relief?

**Lord Callanan:** My noble friend asked two good questions. We are aware of her first point about vetoes, and are considering it closely as we work out the further details of the scheme. As regards her second point, private investor capital lent alongside the government capital will not qualify for EIS relief.

**Viscount Trenchard (Con):** My Lords, I declare my interests as set out in the register. I regret that the Government's intention to rescue sound businesses whose income has suddenly and completely dried up through the provision of CBILS loans has been less effective than intended as a result of the 20% personal guarantee requirement of some lenders, as pointed out by my noble friend Lord Forsyth. Does the Minister agree that a reduction of the personal guarantee requirement to 10% might make a considerable difference to the conversion rate of loan applications to lifelines extended?

**Lord Callanan:** We have made some changes to the scheme so that no personal guarantees are permitted for loans of below £250,000. For loans above that level, lenders are permitted, at their discretion, to require personal guarantees for up to 20% of the remaining loan value. They are never permitted to use directors' primary personal residences as security, and of course lenders may turn to personal guarantees only post the recovery of business assets. That is a balanced approach which protects CBILS borrowers but, like many other aspects of these schemes, this is something that we will keep under constant review.

**The Lord Speaker (Lord Fowler):** My Lords, that concludes the Virtual Proceedings on Oral Questions. We managed to get everybody in on that last Question; I thank noble Lords for keeping their questions short. Virtual Proceedings will resume at 12.15 pm for the Private Notice Question.

11.48 am

*Virtual Proceeding suspended.*

## Arrangement of Business *Announcement*

12.18 pm

*The Announcement was made in a Virtual Proceeding via video call.*

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** My Lords, virtual proceedings in the House of Lords will now resume. I remind Members that these proceedings are subject to parliamentary privilege and what we say is available to the public in *Hansard* and to those listening.

The Virtual Proceedings on the Private Notice Question will now commence. I will call the Private Notice Question in the normal way and then call on the Minister to make the initial response. I will then call the noble Lord who asked the original Question to ask their supplementary question in the usual way. The Minister will again respond, and I shall then call in turn those noble Lords asking supplementary questions as listed on the speakers' list. Please ensure that questions and answers are short. I apologise in advance if it is not possible for everyone to be called. Please ensure that you unmute your microphone prior to asking your supplementary question. Your microphone will be returned to mute when you have finished speaking. In accordance with guidance agreed by the Procedure Committee, if your name is not listed, it is not possible to ask a supplementary question or take part in proceedings.

## Covid-19: Care Home Deaths *Private Notice Question*

12.19 pm

*Tabled by Baroness Wheeler*

To ask Her Majesty's Government what assessment they have made of the analysis by Care England which suggests that there have been significantly more deaths caused by Covid-19 in care homes than have been reported.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, the need for daily figures means that there are two official publications: first, the daily figure that is used in the No. 10 presentation, which includes deaths of care home residents in hospitals but not those who die in the home; and, secondly, a weekly figure produced by the ONS which covers all locations of death, including care homes, but which has an 11-day lag.

**Baroness Wheeler (Lab):** I thank the Minister for his response. Both Care England and the National Care Forum report an alarming increase in the number of care home deaths, with estimates of more than 6,000 deaths above this week's official ONS figure of 1,043; we already know that these figures are 12 days out of date when they are published. The National Care Forum has called for the Government to build a ring of steel around care homes to safeguard the most

[BARONESS WHEELER]

vulnerable among us, with providers suggesting that doctors and nurses should be urgently deployed to fight Covid-19 in homes for older people. They rightly stress that an unprecedented situation calls for an unprecedented plan, as we have had in hospitals. What is the Minister's response?

**Lord Bethell:** The noble Baroness is entirely right. This is an evil disease which strikes the elderly and those with pre-existing conditions the worst, and those who live in care homes are the most vulnerable. The Government have sought to put a ring of steel in place. We have resourced care homes enormously. Testing is now being focused on care homes to try to reduce the prevalence of the disease, and we will continue to focus on protecting our care homes.

**Baroness Andrews (Lab):** My question is about the information we have on the deaths of care workers in care homes. Given that so many of our care homes are extensively staffed by BAME workers, and we are incredibly grateful, can the Minister say whether we are likely to have figures for the proportion of BAME staff in those homes who have died? On that point, and in the context of the review, which we welcome, into the disproportionate numbers of BAME workers generally in the health service who have been affected, can the Minister tell us when it will start, who will lead that inquiry and what timetable the Government will be working to?

**Lord Bethell:** I echo the noble Baroness's timely comments on the role of BAME workers, many of whom have provided an amazing service and put themselves in harm's way to care for those who are vulnerable. The idea that they are being disproportionately hit by this disease is extremely distressing. The numbers are not to hand so I cannot share precise numbers at the moment, but we are looking into this at speed and trying to understand the causes and the impact of this awful phenomenon. I commit to bring those numbers to the House as soon as they are available.

**Baroness Barker (LD):** I have heard about a care home which lost one-third of the residents in one weekend. It is that bad. I am told that the Clipper system for ordering PPE is not working and consequently homes are having to try to source PPE by their own independent means and, unlike the NHS, they have to pay VAT on those expensive items. That will push some organisations that were already fairly vulnerable over the edge and they are going to close, so what are the Government going to do to stop that?

**Lord Bethell:** The noble Baroness is entirely right to raise the question of PPE. Looking into the medium and long term, there is undoubtedly going to be a massive demand for PPE in hospitals, care homes and the wider workplace. That has put a dramatic pressure on global supplies. Britain, like every other country, is queuing for supplies of PPE. The Government are throwing enormous resources at increasing supplies. The Clipper system is one of the essential components of getting supplies into the workplace and I believe that is beginning to kick in and is working well.

**The Lord Bishop of Newcastle:** My Lords, it is not just care homes facing these very serious challenges; I have learned that it is also hospices and sheltered accommodation, among other places. Managers responsible for those organisations are under enormous pressure trying to ensure safe staffing levels and the safety of their staff. I hope that sufficient PPE will soon be secured and distributed. Although I recognise the enormous challenge and the efforts that are being made towards that, in the immediate context where we do not have that, can the Minister tell us how the Government aim to advise and support those responsible for running our care homes, sheltered accommodation and hospices, who are having to make such difficult decisions now and many of whom feel abandoned and rather lonely in that responsibility?

**Lord Bethell:** The right reverend Prelate makes the completely fair point that this disease is utterly unfair and cruel in the way that it targets the old and the vulnerable, and those who are in the front line of our care system are carrying the greatest burden of all. Huge resources have been put in place, both financially and in terms of seeking to recruit more staff, but undoubtedly more can be done. Guidelines are evolving at great pace regarding both PPE and other care arrangements, and we are constantly reviewing and updating both the arrangements and guidelines for care home staff, as she suggests.

**Baroness Hollins (CB):** My Lords, many people with a learning disability share their home with others, with support from social care providers. If a housemate dies from Covid-19, this will be extremely upsetting. Also, many people were taken back to their family home, often by elderly parents, from care settings at the beginning of lockdown. Some will have died there or their elderly parent may have died, leaving them with no familiar support or advocacy. I am concerned about the availability of skills support to people with learning disabilities at such times of traumatic loss. There are accessible resources; I declare an interest as co-author of some that have been developed by Books Beyond Words. How are local authorities supporting providers and families to ensure that those receiving care are supported when someone dies, especially given the easements to the Care Act and the inability of family and friends to visit?

**Lord Bethell:** The noble Baroness raises what is probably the cruellest and most unkind aspect of this awful epidemic: the circumstances of death where those who love and care cannot necessarily be with those who have died or attend the funeral or mark the moment in the way that they would like. It is a cruel and horrible part of this epidemic.

We have put considerable resources into supporting charities that provide care, particularly around bereavement. If the noble Baroness has any charities that she would like to recommend, I ask her to write to me. I would be glad to make sure that they have the resources they need.

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** I have called the noble Baroness, Lady Jones of Moulsecomb, but we cannot hear her so we will move on.

**Lord Laming (CB):** I know that the well-respected Minister recognises that his department is the department not only of health but of social care. Does he agree that there has been an almost total preoccupation in the department with the NHS and a near disregard of social care, resulting in a high price being paid by both individuals and communities? Does he agree that there would be great benefit in a fundamental review of the role of social care, the training and skills of the staff, and a proper regard accorded to those who daily are meeting the needs of the most vulnerable people in our society?

**Lord Bethell:** The noble Lord, Lord Laming, makes a point that I am afraid I cannot agree with. While the press may be more focused on hospitals, we in the department have put an enormous amount of focus on social care. I pay tribute to my colleague Helen Whately, the social care Minister, who does not allow us to spend one minute not thinking about social care. However, the noble Lord is right that social care was deserving of a review in any case, and this epidemic will make that review even more poignant, relevant and important. I very much support his view that a review should take place after the epidemic and that it should be a root and branch look at the social care provision in this country.

**Baroness Jones of Moulsecoomb (GP):** My Lords, I apologise that I was slow in unmuting. May I come in now?

**The Deputy Speaker:** No, I am afraid not; we have reached 10 minutes and we need to finish. We will try to get you in on another occasion. I apologise to those who were not able to ask a question. As the Lord Speaker said earlier today, account will be taken of that in future sessions.

12.30 pm

*Virtual Proceeding suspended.*

## Oaths and Affirmations

1 pm

*Baroness Harris of Richmond took the oath, and signed an undertaking to abide by the Code of Conduct.*

## Business of the House

### *Timing of Debates*

1.02 pm

*Moved by Lord Ashton of Hyde*

That the debate on the motion in the name of Baroness Wheeler, which is down to take place in a virtual proceeding on Thursday 23 April, be time limited to 3 hours.

**Lord Ashton of Hyde (Con):** My Lords, on behalf of my noble friend the Leader of the House, I beg to move the Motion standing in her name on the Order Paper.

**Lord Adonis (Lab):** My Lords, I have a question of which I have given the Chief Whip notice. How does this Motion, which limits the time in the Virtual Proceeding tomorrow, square with the Business of the House Motion we passed yesterday, which says in paragraph 2(d) that

“the time allotted to business in Virtual Proceedings may be varied by unanimous agreement of members taking part in the Virtual Proceedings”,

particularly in the light of paragraph 6 of the Procedure Committee’s guidance on the Virtual Proceedings, which states:

“A Virtual Proceeding is not a sitting of the House”?

Which of these Motions takes precedence?

**Lord Ashton of Hyde:** My Lords, I thank the noble Lord for giving me advance notice of this question, which is always helpful. It always helps the House as well, because your Lordships usually get a better answer. Today’s Motion limits tomorrow’s Labour Party debate to three hours. All party debates are limited in this way, usually by way of a Motion such as this moved on the day the debate is due to take place, but as it is not intended for there to be a physical Sitting of the House tomorrow, I am moving it today instead. As is the case for all party debates, the time limit has been set by reference to the Chief Whip of the party concerned, in this case the Labour Chief Whip, and notified through the usual channels. The operability of today’s Motion is not impaired by the Motion the House agreed yesterday. That Motion empowered the participants in a Virtual Proceeding to vary by unanimous agreement the time limit that applies to the proceeding. Today’s Motion sets the time limit that could theoretically be varied by any such unanimous agreement tomorrow, but I repeat that it would have to be unanimous.

In relation to tomorrow’s virtual debate, I also take this opportunity to draw noble Lords’ attention to paragraph 15 of the Procedure Committee’s guidance on Virtual Proceedings, which states:

“Speakers should still ... observe speaking times”.

As the debate tomorrow will be time limited, I remind noble Lords that any time they take over the speaking time may prevent the Minister having all his available time to answer points made in that debate.

*Motion agreed.*

## Telecommunications Infrastructure

### (Leasehold Property) Bill

#### *Second Reading*

1.05 pm

*Moved by Baroness Barran*

That the Bill be now read a second time.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, I do not need to say how vital to the continuation of everyday life and to broad swathes of the economy our broadband connectivity has been in recent weeks. The Covid-19 pandemic has brought into very sharp relief the importance of robust and

[BARONESS BARRAN]

rapid broadband connectivity. The telecommunications network has never been more important. Right now, it is permitting millions to work at home, providing information and entertainment to those isolating themselves and allowing children to continue their education while their schools are closed. It is at times like this that we must turn our attention to the children, older people and workers who live in areas with limited or no access to the internet. How they are coping in these unprecedented times, and what can we do to ensure that this country's communications infrastructure is able to meet these and future challenges?

In the other place, my honourable friend the Minister for Digital Infrastructure spoke about how gigabit-capable connectivity can grow businesses internationally and into areas such as big data, artificial intelligence and blockchain technologies. He explained how it more easily allows us to have smart meters and other forms of connected homes, and how faster, more reliable broadband makes accessing media content and finding the best deals online even quicker and easier. Gigabit-capable connections certainly do all these things. It has become increasingly apparent that access to the internet is now an ever more important aspect of daily life, especially at times of national crisis.

It is a credit to our telecommunications operators that the UK networks have responded so quickly to provide the capacity that this country needs during the Covid-19 outbreak. I have no doubt that operators will continue to work tirelessly to optimise their networks and ensure that all of us can access the services we need.

These uncertain times show clearly the need to ensure that everyone in this country has access to fast, reliable, resilient connectivity. Currently only about 12% of the country can access the latest generation of broadband that this Government are determined to roll out nationwide. Gigabit-capable connections are those that offer download speeds of 1,000 megabits per second and above. By way of comparison, the average download speed in the UK is about 54 megabits per second. The Bill before the House today ensures that those living in blocks of flats and apartments—known by the telecommunications industry as multi or multiple-dwelling units, or MDUs—are supported in receiving new connections. We know that such MDUs are often especially difficult to connect. As your Lordships will know, a building's owner must give their permission before a telecoms operator is permitted to install its equipment in the common parts of the building. When a person requesting a connection lives in a flat, whether they are renting or they own the leasehold, the permission of the landowner is required for the common areas, such as basements and stairwells, so that a telecoms operator can then install its infrastructure.

In practice, an operator will attempt to contact a landowner to request permission to install its equipment and cabling and will offer to negotiate a long-term agreement on access. I am sure many noble Lords will be familiar with the process. These access agreements—or wayleaves, as they are often known—set out the responsibilities of both the landowner and operator with regard to installation, maintenance and future access. It is these agreements that allow residents to be connected.

We understand from the likes of Openreach, Virgin Media, CityFibre, Gigaclear and other major telecoms providers that around 40% of their requests for access in such situations receive no response. I want to make it clear: we are not talking about instances where a landowner refuses to allow telecoms operators access, which they are well within their rights to do. Neither are we talking about landowners who respond to an operator's notice requesting time to consider the offer, which is also a reasonable course of action. The policy aim of this Bill focuses only on circumstances where a lessee in the property is seeking a service and where a landowner repeatedly fails to respond to a telecoms operator's request for access.

Currently, when an operator finds itself in the situation I have just outlined, our understanding is that it opts to bypass the property in order to maintain momentum of its wider deployment. The result of that operator's commercial decision is that the residents within the property concerned are left with little choice but to accept that they will miss out on connections or upgrades to their existing connections. The Government consider this to be unacceptable.

The Bill before the House today seeks to provide operators with an alternative course of action by creating a new streamlined process in the courts to gain rights to install their infrastructure. Clearly, there must be conditions to be satisfied by the operator, and I will come to those shortly. This application process is intended to be a last resort for operators. We hope that through the passing and implementation of this legislation, landowner response rates will increase and this new court process will, over time, not even need to be used.

As I am sure noble Lords will agree, the best way for operators to install equipment in a property is as a result of an agreement negotiated by the operator and landowner. Noble Lords will recall that, in 2017, this House passed the Digital Economy Act. Among other things, that Act updated the Electronic Communications Code, which I shall call "the code". The code provides a regulatory framework for the relationship between landowners and telecommunications operators. The code does not prevent operators from making use of the courts to have rights imposed in circumstances where a landlord is unresponsive. However, we are not aware of any operators having sought to use the code as it presently stands in order to gain access rights in such a situation. We understand from operators that this is due to the cost and time of doing so. There are varying estimations of the cost of using the current court system, but a conservative estimate is around £14,000 per application, including legal fees and administrative costs. It can take six to seven months from the commencement of proceedings until their conclusion.

There are around 450,000 multiple-dwelling units in the UK, housing approximately 10 million people. If we consider that 40% of the people who own those buildings do not respond to operators' requests for access, then some 4 million people are losing out. It is avoidable.

The process proposed by the Bill is proportionate and balanced. It places a low burden on the landowner and proportionate evidential and procedural requirements on the operator. First, a tenant in the property must

have requested a service. Then, the operator must have issued three notices to the landowner requesting access over 28 days, plus a final notice explicitly referencing the fact that the court may be used to gain access. Only once that period has ended will an operator be able to apply to a court for rights under the code, which will allow it to enter the common areas of the landowner's property to install its infrastructure, allowing the operator to provide the connection requested by the tenant. On application to the court, the operator must be able to provide evidence of all this. Should the landowner in question wish to stop this process at any point, they need only respond to one of the operator's multiple notices. The expectation is that applications made to the court will allow judges to make decisions based on operators meeting clear evidential requirements. This will allow decisions to be reached quickly and efficiently.

Indeed, during Committee in the other place, the Government tabled amendments to make the adjudication of applications under the court process set out in the Bill more efficient by ensuring that those applications would be heard by courts and tribunals even better placed to do so. Those amendments make provision for the First-tier Tribunal to hear applications made under this legislation, instead of the Upper Tribunal. This will apply to cases in England and Wales. In Scotland, applications will be heard by the sheriff court. In Northern Ireland, applications will be heard by the county court. This way, the applications will be heard by judges at an appropriate level. The amendments were tabled as a result of engagement with the devolved Administrations and senior members of the affected judiciary themselves, as well as in response to valuable points about the judiciary's capacity identified in the other place during the Second Reading debate there.

If an application is successful, the operator will obtain interim rights under the Electronic Communications Code, allowing it to install, maintain and upgrade its infrastructure in the property for a period no longer than 18 months. The interim rights will have terms attached; we will consult on those terms before they are set out in regulations. They will include such things as requirements on the standard to which works must be completed and that care is taken to minimise the impact on other residents.

If an operator wishes to continue providing a service to the building after the interim code rights have expired and the landlord continues to be disengaged, it may use existing provisions with the code to apply for full access rights. However, we hope that time-limiting the rights to a maximum of 18 months will incentivise operators to continue to try to negotiate an agreement with the landowner so as to avoid the cost, time and uncertainty of making an application to the tribunal for full access rights.

I look forward to noble Lords' contributions, and to seeing this short and technical—but significant—Bill pass through this House. I beg to move.

1.18 pm

**Baroness Northover (LD):** My Lords, I thank the noble Baroness for introducing the Bill. I also thank the noble Lord, Lord Parkinson, who is assisting her, for contacting me to see what issues I might raise.

I hope that both of them will be somewhat reassured, as in my response I indicated that I would not cover the subject matter of the Bill but would speak on behalf of my colleagues who cannot and should not be present because of social distancing. I speak in this Second Reading on behalf of the Liberal Democrat Benches. My colleagues who lead the team for this Bill are my noble friends Lord Clement-Jones and Lord Fox.

It is good that the House is moving forward on the current need for us to conduct our business in virtual form. The Bill is about new technologies, so perhaps it is especially puzzling that the House of Lords has not managed to resolve the need to sit virtually on all aspects of its business by now. My task therefore is to put on the record excerpts from my noble friend Lord Clement-Jones in relation to the Second Reading of the Bill needing to be held in the Chamber today. At his request, I will read from his letter to the Procedure Committee.

“Dear Lord Chairman, I am writing to express both concern and disappointment at the decision of the Procedure Committee to conduct the Second Reading of the Telecommunications Infrastructure (Leasehold Property) Bill not virtually but in the Chamber on 22 April. I am the digital spokesperson on our Liberal Democrat Benches and would have expected to wind up in the Second Reading debate. Chris, Lord Fox, our BEIS spokesperson, would have opened for us. A decision which compels those of us who have so far stayed safe in lockdown to attend in person in the Chamber if we are to participate is quite extraordinary when, of all the virtual proceedings possible, a Second Reading debate would be the most technically and technologically straightforward. Neither I nor Lord Fox will be attending on 22 April. We will be speaking in Committee whenever it occurs, but wanted to leave you and the Procedure Committee in no doubt as to our views on this decision. With regards, Tim Clement-Jones.”

I know that both my noble friends feel passionately about the huge possibilities of new technology and how vital it is that the UK leads in this area while at the same time looking closely at the possible risks and down sides, and I know that they look forward to participating in the Bill virtually in due course. I understand that the Procedure Committee has accepted the proposition that those unable to be present today—we have very small numbers in the Chamber—will be able to give their Second Reading speeches about the key principles and concerns of the Bill in Committee, although that usually looks at only the detail of a Bill. That is certainly welcome and it sounds as though this situation will not arise again.

However, when I see that my noble friend Lady Harris had to swear in in person when she should be shielding at home so that she can continue to participate virtually in our proceedings, I do wonder when the House of Lords will catch up. Having just observed the hybrid Questions to the acting Prime Minister, Dominic Raab, from the Commons Public Gallery, it seems clear that there are ways of doing things in the Commons that can be very effective. Members asking Questions remotely were interspersed with those present in the Chamber and were clearly visible on monitors set up around the Chamber. Not only could we see

[BARONESS NORTHOVER]

and hear each of them ask their Questions, we could also see their reaction to the Minister's response. I know that we are all learning and I appreciate the opportunity to put my colleagues' concerns on the record.

**Lord Adonis (Lab):** It is difficult to follow the noble Baroness because the House of Commons is sitting both physically and virtually. It has not moved to being entirely virtual, but she is making the case for moving to entirely virtual. That is emphatically what the House of Commons has not done, which is part of the reason it has maintained such a high media and public profile, whereas I am afraid your Lordships' House has almost vanished from sight so far as the public are concerned.

**Baroness Northover:** I take very seriously what the noble Lord has said. One of the things that emerged yesterday was that each House will be looking carefully at how the other operates and what works well. What I am saying in this learning process, having just watched how it worked in hybrid fashion in the Commons, is that it is very interesting. Clearly, we have a different demographic in this House and there may be more people who need to work virtually. It is therefore exceptionally important that we place their health first and foremost, but there may well be ways in which we can learn from how the Commons is dealing with things and make sure that we are as effective as the second Chamber of Parliament needs to be in holding the Government to account.

1.24 pm

**Lord Collins of Highbury (Lab):** My Lords, I am grateful to the Minister for introducing the Bill. I am also grateful to my noble friends Lord Griffiths of Burry Port and Lord Stevenson of Balmacara for assisting me in this Second Reading speech. They should of course be leading on the Bill, but we have worked collectively in the past and we are doing so today. We have also taken the opportunity to put our arguments out there in a blog on the Labour Lords website. I am not sure that I should be plugging such things—whether it is against the rules—but I have done it anyway.

It is great not to have to worry about unmuting my mic to ensure that I get heard; a lot of noble Lords have found that process a bit frustrating. As we have heard, we are debating this legislation in a very different context from that originally envisaged. Here we are in Parliament, having to learn as best we can. As the noble Baroness, Lady Northover, said, as we go through this process, we need to learn the lessons about how we can do business virtually to safeguard our Members. It is about not only safeguarding our Members but sending a clear, positive message to everyone in the country about the importance of social distancing during this crisis.

Of course, the way the internet allows us to deal with our business highlights the necessity of making these facilities available to the population at large. It evidences the need to improve the country's infrastructure and to ensure the universal availability of broadband for everyone, regardless of whether they live in urban

or rural areas, in their own houses or—the focus of the Bill—in shared dwellings. The Bill seeks to address the issue of telecoms network operators being unable to gain access to multiple-occupier buildings in cases where a landlord has failed to respond to requests for access. This is, of course, a welcome step for tenants wishing to access or upgrade broadband services.

We certainly do not oppose the Bill. However, I must say to the Minister that we and many of the key players in the telecoms industry—I have had numerous emails and briefings from people in the sector—had anticipated a much more wide-ranging and ambitious piece of legislation. The last Labour Government achieved a strong rollout of the so-called first generation broadband through a clear digital strategy. They commissioned specialist reports and introduced detailed and ambitious legislation, including the Communications Act 2003 and the Digital Economy Act 2010.

The target set by that legislation was no less than 100% broadband coverage by 2020. As is the case with technology, things have of course moved on. In theory, much quicker and more robust services should now be available to vast swathes of the country. I say “in theory” because politics as well as technology has moved on. A decade of Conservative rule has seen the 2010 target missed by a mile. The rollout of second and third generation fixed broadband has been left largely to the market, with entirely predictable consequences.

Over the last decade, and despite being one of the largest economies, Britain has rapidly fallen down the international league tables. In 2018, Britain ranked 35th out of 37 countries assessed by the OECD on the proportion of fibre in their total fixed broadband infrastructure. This should give Ministers cause for serious concern and reflection. As the Minister stressed, the importance of strong connection to the web cannot be overstated at the best of times, and certainly not in the current crisis. The internet enables locked-down pupils and students to keep on learning, and shut-in older and vulnerable people rely on online orders to get their groceries in. The internet contributes hugely to getting the nation fed, its banking done and its entertainment needs met. Countless people are currently doing their work at home. How on earth could they have done this without the availability of broadband?

We know from Ofcom that almost 700,000 people in the UK are without a decent broadband connection. We also know that there are significant regional disparities across the UK. The most innovative services, such as those which do not require a landline, are often available in and around London and other major cities but not in towns and villages. The Government's response to these worrying trends has been to tweak the universal service obligation; the Bill is evidence of that. As we have debated on many occasions, in doing so, they have chosen to pursue the least ambitious option put to them by Ofcom—not full fibre nor gigabit-capable broadband but 10 megabits per second. As my noble friends have noted in previous debates, this decision was regrettable for a number of reasons. It leaves us falling behind our neighbours, many of whom have significantly better fibre coverage, even in rural areas.

Be that as it may, the USO is now in force and I am confident that Ofcom will do everything within its powers to enforce it. In her 25 March letter to all noble

Lords, the Minister offered warm words about the Government's commitment to fibre and other innovative services. However, the Prime Minister does not seem to share her commitment. The Queen's Speech promised full fibre for all by 2025. Since then, No. 10 has downgraded that commitment. First, it became universal gigabit-capable broadband. It has now been further watered down and is being described merely as an acceleration of rollout. How can individuals and businesses have confidence in delivery when the goalposts have been moved so drastically and frequently? How can the firms responsible for delivering infrastructure have confidence in the Government's approach when what ought to have been a flagship piece of legislation—the Bill we are now debating—is so short and narrowly focused, and the public funding available for rollout so lacking?

There is another issue that could have been addressed in this legislation but is conspicuous by its absence. It has already been debated at length in the Commons, so I do not wish to detain noble Lords with a lengthy argument at this time. However, it would be remiss of me not to mention it at all. Of course, the issue I am referring to is that of so-called high-risk vendors in the rollout of new telecommunications infrastructure in the United Kingdom. Granted, 5G is a different form of telecommunications from fixed broadband, but, as we have heard so often, it has the potential to revolutionise how individuals and businesses go about their everyday lives.

The Government have introduced a cap on the proportion of technology that high-risk vendors can provide. This was welcomed by my party, but we require further detail on how that market share will be reduced and over what timescale. The Government need to spell out when and how they intend to address the need for increased support for research and development in this area, so that the United Kingdom can be better resourced and less reliant on both technology and expertise from overseas. We are told that such considerations will be part of a forthcoming telecommunications security Bill. It is a pity that these matters are not part of the Bill we are dealing with today.

While I am on the topic of 5G, I also place on record my disappointment that more has not been done by the Government to combat the dangerous and unfounded theories that 5G is in any way responsible for the public health crisis that we currently find ourselves in. We understand and appreciate that social media platforms are taking action to tackle the spread of this urban myth, but surely there is a greater role for Ministers to play in this as well.

These Benches will not oppose the Bill, but we will seek to improve it. The Government claim to be ambitious when it comes to a digital revolution. This Bill, important as it is, is hardly evidence of that. Industry wants the licence and the tools to lead the way. Let us make this Bill fit for purpose, so that people in all parts of the United Kingdom have a broadband connection that is fit for purpose.

1.36 pm

**Baroness Barran:** My Lords, I thank both the noble Baroness, Lady Northover, and the noble Lord, Lord Collins of Highbury, for their contributions. I will

start with the noble Baroness's comments on behalf of her noble friends. We all hear the concerns that she shared with the House but I think we are also aware that the House authorities have been working absolutely tirelessly to change how we work as a Chamber—in ways that perhaps none of us could have imagined would be possible. The Government will make sure that time is given to her noble friends and all Members of this House to contribute fully and perhaps slightly more conventionally as we progress with the Bill.

More broadly, I would also like to put on the record that the Government recognise the sacrifices that are being made all around the country by people whose lives have been turned upside down by what has happened over the last few weeks. We are enormously grateful to them.

The noble Lord, Lord Collins, finished by suggesting that the Government could do more to combat some of the misinformation about 5G and coronavirus. I stress that the Government's view is that 5G conspiracy theories in this area are baseless, exactly as the noble Lord said. There is absolutely no evidence of any link between 5G and coronavirus. The Government have been very active both in working with the industry to address this matter and in taking extremely seriously any threats of violence or actual violence towards workers or damage to mobile phone masts.

The noble Lord also raised the question of high-risk vendors. As he will know, the Government have thought very carefully about this matter. As my honourable friend said in the other place, the security and resilience of our telecom networks is of paramount importance. The decision by the Government on high-risk vendors was made after considering all the necessary information and analysis from the National Cyber Security Centre and from the industry, and in conversation with international partners. As the noble Lord noted, legislation is being brought forward. He asked about the timing. It will be brought forward before the summer. We believe that that will be the right opportunity for amendments in this area to be introduced, and we look forward to engaging with colleagues ahead of that time.

As both noble Lords noted, in the past few months, and undoubtedly in the weeks and months ahead, the country's telecoms infrastructure has proven and will continue to prove that it is a key pillar of our society, allowing families who are separated to be together and workers to continue to do their jobs, and providing the essential communications that our blue light services need to do the work that we all value so enormously. We are proud of our nation's telecommunications infrastructure. I am sure noble Lords will agree that our network operators have more than risen to the challenge posed by the coronavirus pandemic and should be commended for the service they are providing to the country. The ability of our network to cope in the past few months is thanks in part to the investment that this Government have made in the past decade.

The noble Lord, Lord Collins, challenged us on why we have not gone further on speeds and been more ambitious in the Bill, suggesting that we have chosen the least ambitious route. I hope I will be able to convince him otherwise. Superfast broadband is

[BARONESS BARRAN]

available to 96% of the country, up from 58% in 2011, as a result of the interventions made by the Government over the past 10 years, including the hugely successful BDUK programme. This ranks the UK seventh across the EU.

For those who cannot access decent connectivity, the universal service obligation, which went live last month, ensures that everyone across the UK has a clear, enforceable right to request high-speed broadband of at least 10 Mbps, which acts as an important safety net. But I assure the noble Lord that the Government are intent on delivering nationwide gigabit-capable services as soon as possible. It is through interventions such as the Bill that we are creating a regulatory and legislative environment that will promote the nationwide deployment of these gigabit-capable connections. These are bearing fruit, with more than 13% of premises now able to access full-fibre networks and 18% with access to gigabit-capable services. Operators are connecting increasing numbers of premises every month. Last year we saw 1.5 million homes connected, and this year we are beginning to see connections rising to around 200,000 a month.

More broadly, on the noble Lord's questions about why the Bill is so narrow in focus and what else we could be doing, there is a balance to be struck between how we can implement our ambitious plans as practically and as quickly as possible, and our judgment was that to combine the measures into a single Bill would be less practical and slower. I think we share the noble Lord's aspirations, but perhaps have chosen a different route to get there.

To reiterate, the Government announced £5 billion of funding in the Budget to support the rollout of gigabit-capable networks, which I hope goes some way to addressing the noble Lord's point about how people can have confidence, and there is a particular focus

within that in reaching the hardest-to-reach areas of the country. We are also legislating to make sure that new-build homes come with gigabit-capable broadband fit for the future. We are working with the Department for Transport to reform the street works regime to help operators roll out more quickly and easily, so there is a very comprehensive programme of work that seeks to address these issues.

The Government really do not accept that we are not being ambitious enough. The league tables that the noble Lord refers to often lag behind the latest data and do not reflect the significant uptick in UK rollout over the last year. They also do not take into account the full range of gigabit services available, since they are focused on full-fibre build only.

We continue to work closely with operators and landowners to identify and address the barriers to deployment. If appropriate, we will bring forward further reforms to ensure that fast, resilient and reliable broadband reaches every home and business.

This Bill marks an important step forward. It will bring gigabit-capable connections to tens of thousands of households that may otherwise be left behind and ensures that our telecommunications network operators remain ready to meet the challenges of the future, whatever it may be.

I have tried to address the points raised by noble Lords as fully as I can and thank them for sharing their reflections ahead of this debate given the unusual circumstances. I invite any noble Lords who wish to talk about any issue related to the Bill to contact me and my officials. We would be very happy to discuss by various virtual means their thoughts, reflections and concerns. I look forward to a fuller debate in Committee in due course.

*Bill read a second time.*

*House adjourned at 1.46 pm.*