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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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

Tuesday 14 July 2020

*The House met in a Hybrid Sitting.*

12 pm

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

## Arrangement of Business

*Announcement*

12.06 pm

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Oral Questions will now commence. Please can those asking supplementary questions keep them short and confined to two points? I ask that Ministers' answers are also brief.

## Taiwan

*Question*

12.06 pm

*Asked by Baroness D'Souza*

To ask Her Majesty's Government what (1) diplomatic, and (2) practical, assistance they are providing to the government of Taiwan; and what plans they have to formally recognise Taiwan as an independent sovereign state.

**The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con):** My Lords, the United Kingdom's long-standing policy on Taiwan has not changed. We have no diplomatic relations with Taiwan, but a strong unofficial relationship based on dynamic commercial, educational and cultural ties. We regularly lobby in favour of Taiwan's participation in international organisations where statehood is not a prerequisite, and we make clear our concerns about any activity that risks destabilising the cross-strait status quo. We have no plans to recognise Taiwan as a state.

**Baroness D'Souza (CB) [V]:** I thank the Minister for his sympathetic response. President Xi has made it clear that "one country, two systems" is the plan for Taiwan, and the 100th anniversary of the Chinese Communist Party in 2021 has been mentioned as a possible deadline. Will the Government consider taking small but significant steps and work with other like-minded nations less susceptible to Chinese influence to clarify and entrench Taiwan's de facto independence? Such steps might specifically include inviting Taiwan as a guest to G7 meetings, lobbying for membership of the OECD as well as of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and considering Cabinet-level ministerial visits to Taiwan.

**Lord Ahmad of Wimbledon:** My Lords, while noting what the noble Baroness said, I assure her that we continue to work with like-minded partners, particularly on participation for Taiwan in those organisations where statehood is not a prerequisite. Those include the World Health Organization. We also believe that Taiwan has an important role to play in the spheres of education and climate change.

**Baroness Anelay of St Johns (Con):** My Lords, Taiwan has been preparing for a pandemic since the SARS epidemic in 2003. As a result, it has been able to tackle the terrible ravages of Covid-19 with great success. But at the World Health Assembly in May, the attendees, including us, were unable to learn about the methods of its success because Taiwan's attendance as an observer was blocked by China. Will my noble friend please assure me that the diplomatic efforts of the UK will be used to try to prevent such a blocking from happening in the future?

**Lord Ahmad of Wimbledon:** My Lords, I share my noble friend's disappointment and concern. As I have already said, we believe that Taiwan has an important role to play, particularly in how it has dealt with the Covid-19 pandemic. Therefore, we continue to lobby for its participation in meetings such as those convened by the World Health Organization.

**Lord Alton of Liverpool (CB):** My Lords, can we raise the case of Lee Ming-che, a Taiwanese pro-democracy activist arrested in China and given a five-year prison sentence for posts on social media calling for democratic reforms? His wife, whom I have met, says that he is literally forced to eat rotten food and is denied prison visits. Following the imposition of the new security law in Hong Kong, what does this case say about the future of pro-democracy advocates in Hong Kong, and in mainland China?

**Lord Ahmad of Wimbledon:** My Lords, I thank the noble Lord for bringing this case to my attention. I assure him that we are monitoring it through our embassy in Beijing. While we have not raised it with Chinese counterparts, we regularly make known our concerns about the increasing restrictions on civil and political rights and freedom of expression in China. We do the same in Hong Kong.

**Lord Faulkner of Worcester (Lab) [V]:** My Lords, I remind the House of my interest as the Government's trade envoy to Taiwan. Will the Minister celebrate with me the 30% increase in trade between Britain and Taiwan over the past three years, and congratulate President Tsai Ing-wen and her Government on not just their triumphant re-election earlier this year in a fair and free contest but on their management of the Covid-19 crisis—that was referred to by the noble Baroness, Lady Anelay; there have been 447 cases and just seven deaths out of a population of 23.8 million—and their generosity in donating 2 million face masks to the UK? I hope that the Minister will continue to do all he can to ensure that Taiwan is admitted to the WHO so that the whole world can learn from its success and share its expertise.

**Lord Ahmad of Wimbledon:** My Lords, I share the noble Lord's view of the positive elements of the relationship with Taiwan. My right honourable friend the Foreign Secretary congratulated President Tsai on her victory.

**Baroness Northover (LD):** My Lords, when the national security law was imposed on Hong Kong, 53 countries supported China on it at the UN Human Rights Council. Only 27 countries, including only half of EU states and no state in Asia, Africa or South America, supported us. Now that we have left the EU, how are we building a strong alliance to defend Taiwan against any aggression?

**Lord Ahmad of Wimbledon:** My Lords, the noble Baroness is right to raise this concern. I agree with her figures. As Human Rights Minister, I worked on that proposal. There is much more work to be done but I assure her that we work very closely with European partners, particularly on Hong Kong, and share common interests when it comes to Taiwan.

**Lord West of Spithead (Lab) [V]:** My Lords, as has already been stated, there was hope that perhaps "one country, two systems" might have been a way of unlocking the Taiwanese issue which has been a problem for so many years. Recent events in Hong Kong show that that was a chimera. We have real problems now with the way China is behaving towards Hong Kong. Chinese behaviour and the statement by Xi Jinping, possibly encouraged by the world's focus on the Wuhan virus, must be confronted. Does the Minister agree that Taiwan must be shielded and that one way of doing that is its recognition by as many of the G20 as possible? That would send a very strong message to Xi Jinping that the way he is behaving is not helping anyone, least of all China.

**Lord Ahmad of Wimbledon:** My Lords, the Government's position remains that the issue of Taiwan is to be settled by people on both sides of the Taiwan Strait. As I said already, we continue to lobby for Taiwan's participation in key organisations where it has a pivotal role to play.

**Lord Bowness (Con) [V]:** My Lords, I thank my noble friend for the answers he has given, which suggest that we are very well disposed towards Taiwan. However, that is only one element. In the UK, we have seen the City of London withdraw its invitation to Taiwan to participate in the Lord Mayor's Show and British Airways rewrite its destination listings so that Taiwan and, indeed, Hong Kong, are listed under China. Does my noble friend agree that we should be giving organisations such as the City and British Airways every support to resist this pressure from China, which is quite improper?

**Lord Ahmad of Wimbledon:** My Lords, individual companies and organisations will make their own decisions. The United Kingdom continues to acknowledge Taiwan. Whenever we categorise Taiwan we do so under the designation of country or region, and we will continue to do so. Individual companies will make their own decisions.

**Lord Killelooney (CB):** My Lords, as a member of the All-Party Parliamentary Group on Taiwan and having visited Taiwan on many occasions, I find it a nation which is a great stable democracy. Can the Government of the United Kingdom now consider improving high-level exchanges with Taiwan? For example, are the President of Taiwan, the Vice-President and the Foreign Minister banned from coming to the United Kingdom because of their political positions or are they banned as individuals?

**Lord Ahmad of Wimbledon:** My Lords, I have already said that we continue to engage with Taiwan. The most recent visit was by a Trade Minister, so we engage with Taiwan at ministerial level.

**Lord Wood of Anfield (Lab) [V]:** My Lords, can the Minister tell us whether it is the Government's policy to achieve a bilateral trade deal between the UK and Taiwan, as urged by the Foundation for Independence, a think tank very close to senior figures in this Government?

**Lord Ahmad of Wimbledon:** My Lords, we continue to work on important common themes with Taiwan, and trade is one of them. Obviously my colleagues at the Department for International Trade will continue to see how we can further strengthen our ties with Taiwan.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the time allowed for this Question has now elapsed.

## Covid-19: Vaccine Availability *Question*

12.17 pm

*Asked by Baroness Sheehan*

To ask Her Majesty's Government what plans they have to ensure that a COVID-19 vaccine, if developed, is (1) available to, and (2) affordable for, low- and middle-income countries.

**The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office and Department for International Development (Baroness Sugg) (Con):** My Lords, the UK is leading international efforts to develop and ensure fair and affordable access to a Covid-19 vaccine. The UK has committed up to £250 million to the Coalition for Epidemic Preparedness Innovations and is the largest donor to Gavi, the Vaccine Alliance. These organisations are key to developing and globally distributing a Covid-19 vaccine. We are committed to working with international partners to develop a vaccine and make it available to all.

**Baroness Sheehan (LD) [V]:** I thank the Minister for her reply. However, Gavi and CEPI have taken no action to tackle IP barriers to ensure access for all. The Government cannot assume that access, supply and affordability will simply be dealt with by others through the WHO ACT-Accelerator. Does the Minister agree that there is a critical need for the UK Government to attach conditions, including pricing and transparency controls, to their public funding of the potential vaccine being developed by Oxford University and AstraZeneca?

**Baroness Sugg:** My Lords, we of course support the WHO Access to Covid-19 Tools Accelerator, a global call to action to accelerate the development and production of and equitable access to new Covid-19 diagnostics, therapeutics and vaccines. We are working closely with AstraZeneca to ensure that we have the right number of doses in the UK and that they are distributed throughout the developing world.

**Lord McNicol of West Kilbride (Lab) [V]:** We all recognise the criticality of a high take-up rate of a vaccine, once one is developed. What steps, if any, are Her Majesty's Government taking or planning to increase public awareness of the need to engage with the vaccine programme and, probably more importantly, to challenge fears and misconceptions over receiving a vaccine?

**Baroness Sugg:** My Lords, I completely agree that if—and, we hope, when—a vaccine is developed we need to ensure that it gets to the people who need it most. Getting vaccinated against preventable diseases is the right thing to do to protect others as well as yourself. Since the start of the pandemic, we have been working with specialist government units to identify and rebut false information, and we will be working closely with Gavi and CSOs to make sure that when and if a vaccine is found it is properly distributed.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** What assurances can the Minister provide that the forthcoming merger of DfID with the FCO will not impact on its plans to ensure that any Covid-19 vaccine is made available speedily and equitably to low and middle-income countries?

**Baroness Sugg:** My Lords, with the new Foreign, Commonwealth and Development Office we will be able to maximise both our development and our diplomatic muscle, so I very much hope that the new merger will mean that we are able to do more in this area.

**Lord Elton (Con) [V]:** My Lords, whatever the eventual outcome, we must assist countries that are poorer than ours. However, I am concerned that we should not be caught on the back foot if the contingency for which we are now planning—the discovery of an effective vaccine—is not forthcoming. We need contingency plans to deal with the situation either where there is no vaccine or where the vaccine that is discovered has a very short viable life. Is the laudable effort being put into pursuing economic fairness between countries preventing the development of these contingency plans?

**Baroness Sugg:** My noble friend is right to highlight that. Of course, we do not know whether a vaccine will be found or, if it is, how effective it will be. We are taking a comprehensive approach, making sure that we invest also in globally accessible treatments and tests. We have provided up to £40 million to the COVID-19 Therapeutics Accelerator and up to £23 million to the Foundation for Innovative New Diagnostics to develop and deliver new Covid-19 tests.

**Baroness Tyler of Enfield (LD) [V]:** My Lords, Covid-19 is a global pandemic with no respect for national borders. We know that as long as anyone is at risk from this virus, the entire world is at risk. Is the

Minister aware of recent polling conducted by the Wellcome Foundation in the UK, the US, Germany and France that shows strong public support for making sure that any new treatments or vaccines are made available first to those who need them most, wherever in the world they live? Does she agree with the overwhelming view expressed there that national Governments should work together on a global response based on need rather than on ability to pay?

**Baroness Sugg:** My Lords, our best chance of defeating this virus is by working together globally to develop a mass-produced vaccine that is accessible and affordable to all. The UK absolutely supports a global approach to the rapid development and scaled-up manufacture of vaccines, with equitable access to all who need them.

**Baroness Verma (Con) [V]:** My Lords, what are the Government doing to ensure that rural communities in poorer countries will get access to a vaccine when one becomes available? In the meantime, nutrition is vital for those communities to keep in reasonable health as best they can. Does my noble friend see merit in DfID investment in local laboratories so that, regionally, countries can access not just Covid vaccines but other vaccines and medicines and make them accessible in a timely manner?

**Baroness Sugg:** My Lords, our £48 million of support for Gavi's Covid-19 advance market commitment aims to ensure affordable access for developing countries. The UK has a proven track record of leading in this area. Gavi's new strategy will increase its focus on zero-dose children, with targeted investments in health systems to improve immunisation access in the hardest-to-reach areas. And, of course, we will continue our significant work on nutrition.

**Lord Hope of Craighead (CB) [V]:** My Lords, we are faced with a pandemic that extends across every continent except Antarctica, affecting every country, rich and poor. To follow the point raised by the noble Baroness, Lady Tyler of Enfield, will the Government encourage the creation of a global fund, as was done in the case of anti-retroviral drugs to combat AIDS, as a matter of urgency to enable all poorer countries to meet the costs of distribution of the drug as soon as it becomes available?

**Baroness Sugg:** My Lords, we are supporting many international funds to ensure equitable access for all who need it. We support the Access to COVID-19 Tools Accelerator, which is the global call to action to accelerate development of a vaccine. We also support the recently formed Covax facility partnership, which is actively taking part in discussions on its mechanism and structure. Under the accelerator, Covax brings together international partners and Governments, and has the potential to ensure that a vaccine is accessible and affordable.

**Lord Collins of Highbury (Lab):** My Lords, Gavi is a success story, and the Government's commitment to it is great, but Gavi can ask more of pharmaceutical companies. MSF recently made three recommendations

[LORD COLLINS OF HIGHBURY]

to secure equitable access, including: requiring pharmaceutical companies to sell Covid vaccines at cost; boosting transparency, which we do not have enough of at the moment; and ensuring that civil society organisations have a meaningful role in distribution. What steps are the Government taking on these three recommendations?

**Baroness Sugg:** My Lords, the work in this area is being led by the Vaccine Taskforce in the UK, which will ensure that the work being done in the UK to find a vaccine complements and supports global efforts. I will come back to the noble Lord in writing on the three specific points that he raised.

**Baroness Barker (LD) [V]:** My Lords, how will the Government influence the US Administration to agree and accelerate the affordable pricing of, and access to, a Covid vaccine?

**Baroness Sugg:** My Lords, we are working with the US, and indeed all our international partners, to ensure that we have a truly collaborative approach to developing this vaccine.

**Lord Loomba (CB) [V]:** My Lords, Professor Robin Shattock, head of the research team at Imperial College, said last Sunday that vaccine testing was progressing well. However, it is most likely that a vaccine will be available for mass use by the middle of next year. Do the UK Government have any policy or safeguards in place to stop profiteering from the discovery and to stop more prosperous countries hoarding the vaccine, preventing less-developed countries gaining access to it?

**Baroness Sugg:** My Lords, we are working closely with all manufacturers to ensure that we have full, affordable access to all vaccines.

**Lord Bourne of Aberystwyth (Con) [V]:** My Lords, I thank my noble friend for her efforts. Will she urge her ministerial colleagues, and indeed the Prime Minister, to provide continued world leadership on vaccine sharing, particularly backing Gavi and Bill and Melinda Gates's initiative, for all to benefit from vaccine research and progress?

**Baroness Sugg:** My Lords, our record shows that we are taking a leading role in this. The Prime Minister has consistently called on world leaders to work together to rapidly develop a vaccine and make it available to all, including at the Coronavirus Global Response pledging conference, which the UK co-led, and at the recent Global Citizen summit. The UK also hosted the Gavi summit, which raised over £6.9 billion for Gavi to sustain its immunisation coverage and bolster the primary healthcare systems needed to tackle Covid-19. We will continue to play this leading international role.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, all supplementary questions have been asked and we now move to the next Question.

## Trade Agreements

### Question

12.27 pm

Asked by **Lord Haskel**

To ask Her Majesty's Government whether clauses (1) protecting human rights, and (2) maintaining environmental standards, will be inserted in the trade agreements being negotiated as a result of the United Kingdom's departure from the European Union.

**The Minister of State, Department for Business, Energy and Industrial Strategy and Department for International Trade (Lord Grimstone of Boscobel) (Con):** My Lords, protecting human rights and maintaining environmental standards will always be at the front of our minds when negotiating trade agreements. We have a strong history of safeguarding rights and promoting our values globally. Although our approach to negotiations will vary between partners, it will always allow Her Majesty's Government to have open discussions on these matters and include provisions as appropriate.

**Lord Haskel (Lab) [V]:** The Minister speaks of open discussions, but he does not satisfy the parliamentarian's concern or explain the Government's reluctance to involve Parliament in these trade negotiations, particularly with the EU. Your Lordships' International Agreements Sub-Committee reported last week that even the devolved Administrations had been shut out of these negotiations. So, in spite of his assurances, will the Minister at least confirm that Parliament will have a say in these trade negotiations?

**Lord Grimstone of Boscobel:** My Lords, the report to which the noble Lord referred actually complimented my department for the way that it has interacted with the IAC. Before we commence negotiations, we make available a full pack of information, including an economic assessment and the results of our consultations. At the end of each negotiation, we have committed to follow the criteria and to make sure that the IAC has details of the negotiated treaty in good time to be able to report to the House.

**The Lord Bishop of Birmingham:** My Lords, just this week we have heard reports of poor working conditions and pay in factories in Leicester, but the UK is also heavily reliant on international supply chains. Will the Minister specify what steps the Government are taking to ensure that trade agreements insist that all UK imports are produced by workers with good conditions and dignified pay?

**Lord Grimstone of Boscobel:** My Lords, the right reverend Prelate makes an excellent point. The UK is committed to working with international partners and businesses to tackle modern slavery in global supply chains. It is vital that increased trade is not based on the exploitation and abuse of workers.

**Baroness Warsi (Con) [V]:** My Lords, is my noble friend the Minister aware of the business and human rights policy developed in the Foreign and Commonwealth Office, specifically under the leadership of my noble

friend Lord Hague? Will he commit to ensuring that those principles underpin negotiations in relation to future trade discussions to ensure that human rights are an essential part of any trade that happens, either into or out of the United Kingdom?

**Lord Grimstone of Boscobel:** My Lords, we are clear that more trade does not have to come at the expense of our rights and responsibilities. Political freedom and the rule of law are vital underpinnings for both prosperity and stability; we will continue to encourage all states to uphold international rights and obligations during our conduct of trade negotiations.

**Baroness Boycott (CB) [V]:** My Lords, does the Minister agree that all international agreements should undergo a net-zero assessment prior to ratification in Parliament so that we, and the public, understand the full emissions implications of the international trade deals that HMG enter into on our, and all our citizens', behalf?

**Lord Grimstone of Boscobel:** My Lords, the noble Baroness makes a very good point. Not just for ourselves but for the generations coming after us, we all rightly attach huge importance to these matters. We will make sure that they are taken fully into account in our negotiations.

**Lord Judd (Lab) [V]:** My Lords, my noble friend Lord Haskel's important Question raises the intended and unintended consequences of trade deals and their implications for the vulnerable, not only in our own society—where the problem is acute enough—but among the poor of the world. Can the Minister give us an assurance that, in the new combined department, those Ministers and officials with specific responsibilities for development and overseas relations will each have a part to play in ensuring that the well-being of the international community, and the vulnerable within it, is safeguarded in any trade deals?

**Lord Grimstone of Boscobel:** My Lords, the noble Lord makes a good point. We work closely with our colleagues in other departments to ensure that those matters are fully taken into account. My belief is that the new changes to the machinery of government will make our voice even more effective in these matters at the country level.

**Lord Purvis of Tweed (LD) [V]:** Rights and standards were a part of the human rights clauses that we insisted were in our trade agreements when we were a member of the EU. We are negotiating with the US, a country which has ratified only two out of the eight core fundamental ILO conventions, whereas we have ratified them all. On climate, the US has refused to include a climate chapter in its negotiations with us. Can the Government allay fears by giving a simple undertaking: that no EU-retained law on human rights, labour standards, climate or environment will be amended or repealed by any trade agreement or partnership agreement?

**Lord Grimstone of Boscobel:** My Lords, the series of trade agreements in effect at the moment—to which we were bound by our membership of the EU—are being rolled over into various continuity agreements.

I can confirm that all those continuity agreements will contain within them the appropriate provisions in relation to human rights and environmental standards.

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, can my noble friend the Minister explain to us what the role of the trade commission will be and why it is being set up for only six months? How can it achieve anything in such a short time? Will he reassure the House today that no animal product imported into this country will be produced to a lower standard of animal welfare than we expect our farmers in this country to meet?

**Lord Grimstone of Boscobel:** My Lords, our manifesto was clear that in all our trade negotiations we will seek to maintain our high environmental protection, animal welfare and food standards. We have recently announced the setting-up of the Trade and Agriculture Commission to ensure that the strongest possible range of views is made available to us in our policymaking. There is always a trade-off between getting on with things and time taken; in consultation with members of the commission, we felt that six months was the right time to allow for this work so that, in due course, its results can be made available to the House.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, my noble friend Lord Haskel mentioned the recent report of your Lordships' Sub-Committee on International Agreements. The Minister will be aware that that committee has announced a significant change in practice: in future, it will assess all new trade agreements on their merits and flag up issues that this House might wish to debate prior to ratification. Will the Minister join me in warmly welcoming this long-overdue first step towards proper parliamentary scrutiny of future trade agreements?

**Lord Grimstone of Boscobel:** My Lords, I am a huge champion of transparency and open dialogue in these matters. I believe that we will come to better decisions with such transparency and I welcome the work that the IAC is doing to bring these matters, in due course, before the House.

**Baroness Coussins (CB) [V]:** My Lords, can the Minister ensure that, once we are no longer part of the EU FTA with Peru, Colombia and Ecuador, our continuity agreement and any subsequent bilateral or regional FTAs will include not only a human rights clause, as at present, but the teeth of a review mechanism and sanctions; and that specific reference is made to the rights of indigenous communities before any British-run companies—particularly from the extractive industries—take action which affects the livelihoods and environments of these communities?

**Lord Grimstone of Boscobel:** My Lords, the noble Baroness makes an important point. The UK is a world leader in human rights policy. We were the first country to produce a national action plan for the implementation of UN guiding principles on business and human rights, and we are clear that more trade does not have to come at the expense of our rights and responsibilities.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the time allowed for this Question has now elapsed.

## Medical Teaching and Learning: Ethnic Diversity Question

12.39 pm

Asked by **Baroness Thornton**

To ask Her Majesty's Government what steps they are taking to ensure that ethnic diversity is fully reflected in all aspects of medical teaching and learning.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, the Government understand the importance of racial equality and diversity within the NHS and are committed to ensuring that this is reflected in medical training. We think we could do better, which is why the General Medical Council sets standards to ensure that students and doctors in training have the opportunity to understand the needs of patients from diverse social, cultural and ethnic backgrounds. That is why Health Education England provides a learning module on equality, diversity and human rights for all health and social care staff.

**Baroness Thornton (Lab) [V]:** Thank you, my Lords. I thank the Minister for that Answer. We live in a multiracial society; our NHS serves everyone and is staffed by everyone. However, the training of our doctors, nurses and medical technicians appears not to reflect this fact. We do not know whether current clinical language and learning has exacerbated the dangers to patients from a BME background during the pandemic, for example.

I pay tribute to Malone Mukwende, a student at St George's, University of London, who published *Mind the Gap* as guidance for healthcare professionals, showing how skin conditions manifest on darker-skinned patients. This is a question of medical training, not a question of options that people might opt in to. We have to integrate these issues into our medical training to ensure that all healthcare professionals are able to recognise, diagnose and treat all our citizens from all ethnic backgrounds. Are the Government going to act on that?

**Lord Bethell:** My Lords, I welcome the noble Baroness's point. She is entirely right that we live in an extremely diverse community, and this has an impact not only on the way people present their disease but on how they could and should be treated. This is why we build diversity awareness into our training and why we will build extra programmes into the *People Plan* that will be published shortly, and that is why we remain committed to this agenda.

**Lord Boateng (Lab) [V]:** [*Inaudible.*] Disparity in any part of the healthcare system is a threat to public health. In health education, there is underrepresentation of the black British community in student entry, among academic staff and in attainment. What specific actions do the Government intend to take to address this fact in each of those areas?

**Lord Bethell:** My Lords, the recruitment of 50,000 new nurses, more GPs and new trainees into our medical colleges is being done in a fresh and, importantly, exciting new way, with a much greater focus in the marketing and advertising on attracting those from BME communities. This recruitment programme will, I hope, present a little bit of an inflection point in our approach to recruitment.

**Baroness Jolly (LD) [V]:** My Lords, the Medical Schools Council is steered by an executive committee of 42, which is elected from its membership. Of these, only four are of an ethnic minority background and 11 are women. Apart from encouragement, can the Minister tell the House what the Government are doing to ensure that, across medical and other health professional training, there is proportional representation of both ethnic and gender minority teachers?

**Lord Bethell:** The noble Baroness is right; the representation of BAME communities at the higher echelons of the medical establishment is not good enough. In too many areas, the representation is not fair and does not reflect the much higher proportion of BME workers at other levels of the health service. We are working hard on a variety of agendas: the *People Plan*, which I have already mentioned, and the NHS workforce race equality standard. These measures are taken seriously and we are working hard to change the balance of representation.

**Lord McColl of Dulwich (Con) [V]:** Does the Minister agree that, in considering this important subject, there is certainly no room for complacency? However, we do need to know accurately the extent of the problem. Certainly, in all my years in medicine, I have always had this subject very much in mind in selecting and teaching students, selecting doctors and management generally.

Incidentally, I have been very close to members of ethnic minorities who have done much better in life than I have: fellows of the Royal Society, members of the Order of Merit, knights of the Order of the Thistle, presidents of royal colleges and even one who became a king.

**Lord Bethell:** My Lords, I completely agree with the noble Lord, Lord McColl, that complacency is our enemy. I recommend to him the NHS workforce race equality standard publication, which is very detailed in its analysis of the problem and is a guide to the challenge we face and a measure of how far we have come. I completely commend the achievements of those in the BAME community who often far outperform those of us who were born in Britain.

**Baroness Prashar (CB) [V]:** My Lords, we all know that incorporating diversity into medical school curricula is an effective way to develop culturally sensitive responses by medical practitioners. However, does the Minister agree that we need medical curricula where diversity is integral and understood in all its dimensions, including institutional and personal biases? Would he also agree that the current guidance, while welcome, is full of good intent but lacks conceptual clarity, and that

more effective work is needed to develop a meaningful and more rounded curriculum and means to evaluate its efficacy?

**Lord Bethell:** The noble Baroness put her point well, although the broadband deficiencies meant that I did not get all of it. I emphasise that this area of policy work is very much the focus of the drafting of the *People Plan*, which will put a spotlight on a number of the areas of our human resources, including BAME people, and we look forward to the publication of that plan.

**Baroness Blackstone (Ind Lab) [V]:** My Lords, while the curricula of medical schools are for them to determine, could the Minister tell the House whether any meetings between the Medical Schools Council and Ministers have taken place recently? Will he ensure that a meeting is arranged in the near future to hear from the medical schools what they are doing, first, to improve the representation of Afro-Caribbean staff and students and, secondly, to ensure that teaching and research properly explore those conditions to which the BAME community is especially susceptible? Black lives really do matter.

**Lord Bethell:** The noble Baroness asks a very specific question; I cannot, I am afraid, answer precisely on what meetings there have been with the medical councils, particularly during the busy Covid period. All I can say is that there is ongoing and regular engagement with the medical schools that focuses very much on the key issues that she describes. *Diversity and Inclusion: Our Strategic Framework 2018-2022*, from Health Education England, is a very explicit and specific programme of works in which we engage all those in health education. As I mentioned, we are working extremely hard on our recruitment campaigns to ensure that they reach communities otherwise not reached.

**Baroness Hussein-Ece (LD) [V]:** My Lords, while reflecting diversity in medical training and learning is critical, needed alongside that is a change in the culture in the NHS. Evidence shows that racism, bullying and harassment are not diminishing. Is the Minister satisfied that the clinical leadership across NHS services is committed to learning from the research evidence on the impact of racism and discrimination on health, life chances and mortality?

**Lord Bethell:** I am not satisfied; the statistics are not good enough. Twenty-nine per cent of BAME staff experienced harassment. That is not good enough; we must work harder.

**Baroness Falkner of Margravine (Non-Aff) [V]:** Perhaps I might take the Minister upstream a little to the choices made by different communities about entering medical school. What work is being done at 15 and 16 year-old level in schools? Has his department had any conversations with Ofsted about the career choices that kids from diverse communities are making? Many realise that they want to go into medicine when it is too late and they have missed the appropriate A-level subjects so to do.

**Lord Bethell:** The noble Baroness is entirely right that decisions on careers are often made at school and if we do not get to people then we may miss them for ever. That is why we have built a major schools component into our recent recruitment campaign. It started in April, but it has been delayed by the Covid epidemic; it will restart shortly. I have commended it a couple of times already, but I reassure the noble Baroness that it has a hefty schools component to it, which I understand is working extremely well.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the time allowed for the Question has now elapsed.

12.50 pm

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

1 pm

**The Deputy Speaker (Baroness Henig) (Lab):** My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members are treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. The usual rules and courtesies in debate apply, and I ask that questions and answers are brief.

## House of Lords: Relocation

### *Private Notice Question*

1 pm

*Asked by Lord Young of Cookham*

To ask Her Majesty's Government whether they plan to relocate the House of Lords to York.

**The Minister of State, Cabinet Office (Lord True) (Con):** My Lords, noble Lords will know that, in light of the principle of exclusive cognisance, this is ultimately a decision for a sovereign Parliament.

**Lord Young of Cookham (Con) [V]:** My Lords, in the words of an exasperated Lord Speaker, "Here we go again." It is all very well to say that it is a matter for Parliament, but it is the Executive, not Parliament, that keeps this hare running. Government policy was set out in May last year:

"We agree with the Committee that the R&R programme should ensure that the Palace of Westminster is fit to serve as the home of the UK Parliament in the future."

Has government policy, now in primary legislation, changed? Have Civil Service resources been considering moving your Lordships' House to York? If so, who authorised it and what is the remit and the costs so far?

**Lord True:** My Lords, I can only repeat the position that I have stated: this is a matter which would, in the end, be resolved by Parliament and in Parliament. I say to my noble friend, whom I greatly respect, that, given the circumstances, I think it is reasonable for all of us to examine how every part of Parliament may find itself closer to the people.

**Lord Young of Norwood Green (Lab) [V]:** My Lords, to press the Minister further, he tells us that it is a decision for Parliament—so all well and good—but what will the consultative process be? Can he give an absolute guarantee, despite the fact that, as he said, we live in challenging times, this will ultimately be a decision for Parliament?

**Lord True:** My Lords, this great House is part of a legislature, and in any consideration of its future the exigencies of parliamentary practice and procedure will always have to be considered. The Government will, of course, give careful consideration to ensuring that our Parliament continues to operate effectively.

**Lord Wallace of Saltaire (LD) [V]:** My Lords, if, as the Minister has just confirmed, the final decision is a matter for Parliament alone, can he explain the justification for the extensive press briefing last week and Michael Gove's confirmation that this is indeed something the Government are considering? Have there yet been any assessments by the Government of how this will be taken forward? Have there been any studies either of the site in York—which has actually been vacant for some time because they find it very hard to get interest from commercial operators for it—or how this will affect the relationship between the two Houses or between Parliament and Government? If not, why not?

**Lord True:** My Lords, I just said that the relationship between the two Houses and parliamentary procedure will obviously be matters for consideration. Noble Lord will know that the R&R process means that the sponsor body has to consider alternative sites for Parliament. This is a matter on which there will be further announcements in due course.

**Lord Judge (CB) [V]:** My Lords, I understand the argument about the relationship between the Houses and what may happen; this is about the Executive and the relationship with each House. Do not simple courtesy and constitutional propriety oblige the Executive immediately to consult either House about any proposal to relocate that House?

**Lord True:** My Lords, I recommend courtesy by everybody, Executive or otherwise, in dealing with colleagues and with Parliament.

**Lord Lang of Monkton (Con) [V]:** My Lords, the rumour is a persistent one. Does my noble friend agree that our bicameral parliamentary system strengthens the checks and balances of the Executive in Parliament? How would splitting the system and moving to York this House, in which no Government have a majority, improve those checks and balances? Is it not the case that this would not be decentralisation, as has been mooted in the rumours, but would in reality deliver more centralisation into the hands of the Executive in London?

**Lord True:** My Lords, I agree that practical working considerations are important. I repeat, however, one of the wider considerations here, which is that the Government's intention, which was very clear in the manifesto, is to find ways to bring the whole process of government closer to the people. I do not believe that

Parliament or, indeed, this House should simply reject that concept or the idea that that matter needs to be reflected on. Constructive proposals and discussion of this are always welcome.

**Baroness Hayter of Kentish Town (Lab):** My Lords, Henry VIII sought to placate his rebels with a Parliament in York. Will the Minister say who, this time, they are trying to placate by suggestions of a Parliament in York? It sounds as if he is trying to rid himself of these pesky Lords. He should be careful of what happened to an earlier Henry when that happened. My concern about what the Minister said is that he suggested that this might be being thought of as a temporary home while we move out. That is a dangerous suggestion, if I heard him correctly. Will he again confirm that it is for this House to decide where this House will meet?

**Lord True:** Yes, my Lords. I simply referred to the well-known fact of the work of the sponsor body being ongoing. That sponsor body has announced its strategic review of the R&R programme and that is one of the immediate circumstances we face. Again, I return to the general context. My right honourable friend the Chancellor of the Duchy of Lancaster was criticised, but he was absolutely clear in his response on the Marr programme. He said that, as far as the legislature goes, that is obviously a question for the House of Commons and House of Lords. That is the Government's position.

**The Lord Bishop of Birmingham:** Does the Minister agree that, whether temporarily or permanently, it is better, in a bicameral system, as the noble Lord, Lord Lang, alluded to, for the two Houses to be placed together? In terms of reaching the people, would he also commend the Lord Speaker's outreach programme to bring civic duties and understanding to schools as a good way of communicating? By the way, when this was last talked about here, the incoming Archbishop of York offered his garden, which is extensive, as a place. May I humbly suggest that there is a nearer alternative in Birmingham?

**Lord True:** I am not going to interpose my body between Birmingham and York. The right reverend Prelate is correct that outreach is important. To give an example, I had the honour of chairing your Lordships' Select Committee on Intergenerational Fairness and Provision; I took evidence in Doncaster, which was illuminating and helpful. The broader context of this debate and discussion, in so far as it has started, is that the Government intend to take parts of the central Civil Service out of London. We intend to bring the process of government closer to the people. We in this House should not shut ourselves away from considering how we can do that. The right reverend Prelate referred to a very good ongoing practice.

**Lord Tyler (LD) [V]:** My Lords, given the various attempts by No. 10 to emasculate the scrutiny work of your Lordships' House, can we take it that this proposal to banish us to York is simply a threat to cut off the House from MPs, Ministers, Cabinet, civil servants and the rest, and to weaken our constitutional role? Would it not be much less disruptive to send the whole Cabinet Office to York? That would not need a lengthy parliamentary process and would, in the words of the

Minister, bring government closer to the public. Has the Leader of the House made any representations on this to Messrs Johnson, Gove and Cummings?

**Lord True:** My Lords, I have put on record what my right honourable friend Michael Gove said. The noble Lord speaks from outside this Chamber, which is perfectly reasonable. In this current emergency, your Lordships have been scattered to the four corners of the kingdom. There has been no parallel since 1665 when the House took itself to Oxford to avoid the plague. Speaking as a Minister, I do not feel either today or on other occasions that the intense and proper scrutiny from your Lordships has been weakened. I reject any contention that this Government want at any time to weaken parliamentary scrutiny.

**Baroness Deech (CB) [V]:** Does the Minister agree that the proposed move would be a constitutional emasculation and a gesture of disrespect, and would work only if the Commons moved as well? In terms of spreading governance to the north, this is not likely to work any better than the BBC's partial move to Salford. If it happened, the move would result only in far more virtual working. Moreover, since the Writ of Summons from the Queen commands noble Lords to meet in Westminster, does the Minister realise that any move will involve the royal prerogative and legislation, drawing the Crown into this? I hope the Minister agrees that the response of the House should be to press on with reform. Does he agree that this House, given the virtues of virtual working, could contribute to a quicker and cheaper refurbishment not by moving anywhere but by offering to work virtually during the refurbishment period?

**Lord True:** My Lords, I and the Government welcome any constructive suggestions from Members of your Lordships' House on how to achieve these objectives. The experience of virtual working will have been read and noted by all of us in different ways and with different implications. I return to the fact that this is a House of Parliament—it needs to be treated with respect and to have the last say.

**Lord Davies of Gower (Con) [V]:** My Lords, this whole issue has developed into something of a media circus. Does the Minister agree that serious consideration must be given to the number of noble Lords who have to travel from all parts of the United Kingdom, and that London therefore remains by far the best and most convenient location? What consideration will be given to such Members?

**Lord True:** My Lords, there is no doubt that, as discussion of this type of proposition goes forward, many factors will be brought into play and adduced. My noble friend makes a perfectly reasonable point about transport.

**The Deputy Speaker (Baroness Henig) (Lab):** I call the next speaker, the noble and learned Lord, Lord Morris of Aberavon. We are unable to hear the noble and learned Lord. I call the next speaker, Lord Singh of Wimbledon.

**Lord Singh of Wimbledon (CB) [V]:** My Lords, York is seen as something of an outer Mongolia by the general public, who view the House of Lords as an outdated institution. The reality is that it is packed with experts in every field of life. Does the Minister agree that we need to be more proactive in publicising what we do in our essential scrutinising and amending of legislation and the work of our committees?

**Lord True:** I strongly with the noble Lord. Indeed, he echoed something said by the right reverend Prelate earlier. That is important. I revere this House and the work it does, but it should not present itself as being in a state of shock horror at the idea that some of its proceedings and activities might take place outside London.

**Lord Norton of Louth (Con) [V]:** My Lords, moving the House of Lords to York will not bring Parliament closer to the people. Could my noble friend answer my noble friend Lord Young's question? Has Civil Service time, and hence public funds, been devoted to considering a move of the House of Lords?

**Lord True:** My Lords, I am not in a position to answer that question. However, I will provide information to both the noble Lord, Lord Young, and my noble friend.

**The Deputy Speaker:** My Lords, the time allowed for this Private Notice Question has now elapsed.

## Arrangement of Business

### *Announcement*

1.16 pm

**The Deputy Speaker (Baroness Henig) (Lab):** My Lords, we now come to the first of four business Motions. As there is no speakers' list for these Motions, only those in the Chamber can participate other than the mover, and those wishing to do so should give notice of their intention in advance.

## Business of the House

### *Timing of Debates*

1.16 pm

*Moved by Lord Ashton of Hyde*

That the debate on the motion in the name of the Lord Bishop of Birmingham set down for Wednesday 15 July be time-limited to 1 hour.

*Motion agreed.*

## Business of the House

### *Motion on Standing Orders*

1.16 pm

*Moved by Lord Ashton of Hyde*

That Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with on Friday 17 July to allow the Finance Bill, the Supply and Appropriation (Main Estimates) Bill and the Stamp Duty Land Tax (Temporary Relief) Bill to be taken through their remaining stages that day.

*Motion agreed.*

## Business of the House

### Motion on Standing Orders

1.17 pm

Moved by **Lord Ashton of Hyde**

That Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with on Monday 20 July to allow the Business and Planning Bill to be taken through its remaining stages that day and that therefore, in accordance with Standing Order 48 (*Amendments on Third Reading*), amendments shall not be moved on Third Reading.

**Lord Ashton of Hyde (Con):** My Lords, the Business and Planning Bill is an important part of the legislative response to Covid-19. If the Bill is to reach Royal Assent before the summer and therefore be of use to businesses, it must complete its passage through this House by the close of play on Monday next week. It had been agreed through the usual channels to take Committee yesterday and then Report and Third Reading next Monday. Because of the relatively slow progress made yesterday, the Committee stage will need to continue and conclude today. Those noble Lords involved in the Bill were notified last night. This will delay the start of our further consideration of the Agriculture Bill. Those participants have also been informed. It remains our intention to take Report and Third Reading of the Business and Planning Bill next Monday, as originally agreed through the usual channels and notified to the House on 1 July. This Motion will allow us to do that. I beg to move.

*Motion agreed.*

## Intelligence and Security Committee

### Membership Motion

1.18 pm

Moved by **Baroness Evans of Bowes Park**

That this House approves the nomination of Lord West of Spithead as a member of the Intelligence and Security Committee of Parliament.

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, I beg to move the fourth Motion standing in my name on the Order Paper.

**Baroness Northover (LD):** The Intelligence and Security Committee is not a usual Select Committee governed by parliamentary rules. It has a wide-ranging role in overseeing MI5, MI6, GCHQ, Defence Intelligence, Joint Intelligence, the National Security Secretariat and the Office for Security and Counter-Terrorism. It is supposed to be less partisan and more independently minded even than Select Committees. Yet the accusation is that not only have the Government packed it with willing supporters with no expertise in this area but that the Prime Minister has also made it clear that he wishes Chris Grayling to chair it. As Dominic Grieve, former chair of the committee and former Attorney-General, put it:

“The whole point about this committee is it is non-partisan.” He made it clear that the Prime Minister should not “be seeking to tell the committee who should be the chair.”

If Mr Grayling turns out to be the chair, the Government’s protestations that they played no part will ring hollow.

The SNP’s Ian Blackford stated:

“The likely nomination of Chris Grayling as chair—who has a distinct record in government as a jack of all trades and master of none—will deliver a blow to the effectiveness of the committee’s work.”

This committee usually has two members from the House of Lords. Why have the Government not nominated someone from their Benches? The *Guardian* reports:

“Normally the Tories would have nominated a peer as a member, but the concern was that any nominee might be less likely to support”

Chris Grayling. Even the *Telegraph* reports:

“Two senior Conservative MPs told The Telegraph that the fact a new committee has not been formed since December’s general election was a result of ‘the complete control freakery of the Cummings group within No 10 ... They want total control of key appointments so they can appoint their own people.’”

Mr Grayling, whom the *Guardian* gently describes as “accident-prone”, has no previous experience in this area. Yet, as the *Independent* puts it, while we face “a bewildering and frightening range of external and internal threats from rogue states, hostile powers such as China and Russia, and terrorists ... the committee is about to be headed by someone thought of as a Downing Street stooge who is out of his depth.”

In that context, I welcome the nomination of the noble Lord, Lord West, by the Labour Party. He is supremely qualified for the position. If we are all allowed to nominate the chair, I propose that it is the noble Lord, Lord West.

Meanwhile, we have not yet seen the report on Russian influence on our politics. The previous chair and committee signed it off for publication almost a year ago. It must be published immediately so that it can be scrutinised before the Summer Recess, and not in a redacted and altered state. The delay in the release of the MPs’ report examining Russian influence on British politics is “not normal”, Sir Malcolm Rifkind, the former Foreign Secretary and former chair, insisted. He also declared:

“It is an absurd position that No. 10 Downing Street have put themselves in.”

I therefore look forward to the noble Baroness’s response.

**Baroness Evans of Bowes Park:** First, I thank my noble friend Lord Lothian and the noble Lord, Lord Janvrin, for their long-standing and excellent service on the committee.

In answer to the noble Baroness’s series of questions, the size of the committee and the process for nominating its members are clearly set out in Section 1 of the Justice and Security Act 2013. Both Houses agreed to the process in that Act, which is, as she rightly said, consciously different from that of appointing a conventional Select Committee. The nine members of the ISC have been proposed by the Prime Minister following consultation with the leader of the Opposition, and it is not unprecedented for this House to provide only one member of the committee. In the 2005 to 2010 Parliament, this House provided only one member. On this occasion, the Prime Minister has decided to nominate five Conservative MPs. As the noble Baroness will also be aware, selection of the chair is a matter for the committee itself.

Finally, the noble Baroness asked about the Russia report. The report is the property of the independent ISC and, as such, it is not for the Government to publish it but for the committee to lay its report before Parliament—and the sooner we get this Motion agreed, the sooner the committee will be able to get on with that work.

*Motion agreed.*

1.24 pm

*Sitting suspended.*

## **Business and Planning Bill**

### *Committee (2nd Day)*

1.45 pm

*Relevant documents: 17th Report from the Delegated Powers Committee, 9th Report from the Constitution Committee*

**The Deputy Chairman of Committees (Baroness Henig) (Lab):** My Lords, a limited number of Members are here in the Chamber, respecting social distancing. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak—please accept any on-screen prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. I should remind the House that our normal courtesies in debate still very much apply in this new hybrid way of working.

A participants' list for today's proceedings has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to the amendments in, or expressed an interest in speaking on, each group. I will call Members to speak in the order listed. Members' microphones will be muted by the broadcasters except when I call a Member to speak. Interventions during speeches or before the noble Lord sits down are not permitted and uncalled speakers will not be heard.

During the debate on each group, I will invite Members, including Members in the Chamber, to email the clerk if they wish to speak after the Minister. I will call Members to speak in order of request and will call the Minister to reply each time. The groupings are binding, and it will not be possible to degroup an amendment for separate debate. A Member intending to press an amendment already debated to a Division should have given notice in the debate. Leave should be given to withdraw amendments. When putting the question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group.

*Debate on Amendment 50 resumed.*

**Baroness Pinnock (LD) [V]:** My Lords, it is a pity that the debate on these important amendments has not been taken as a whole. I am responding to the introduction to the debate on this group, which began late last night.

Throughout the debate on the Bill, we have heard how important it is that businesses are given a temporary helping hand to make them viable in the longer term. My noble friend Lady Doocey has provided three detailed changes to legislation that will make a substantial difference to tourism businesses, as well as to those regions of our country whose local economies depend absolutely on holidaymakers. I hope, and anticipate, that the Government will be able to respond constructively and positively to these immensely helpful amendments.

**Baroness Wilcox of Newport (Lab) [V]:** My Lords, the amendments in the name of the noble Baroness, Lady Doocey, raise the matter of caravan sites, campsites and holiday accommodation operating during the winter months, as well as the related issue of combined holiday offers. The tourism industry has been hit more than most during recent months and the Government must explore all options to support it during these turbulent times.

I am pleased to inform the Committee that my noble friend Lady Morgan of Ely has this responsibility as part of her ministerial portfolio in the Welsh Government. She is doing all she can to help support the reopening of the tourism industry, which is of course a vital component of the Welsh economy. The impact on the wider industry has enormous ramifications for local economies and wider supply chains. I look forward to hearing from the Minister how the Government will support all involved.

The noble Baroness's exact proposal for winter openings has merits, but we should also consider the unintended consequences. Perhaps the best means to do so, as with so much of this legislation, is through consultation with local authorities.

While on holiday parks and accommodation, it is important that we briefly recognise the consumer rights issues that have unfortunately arisen during this crisis. For example, the Minister may be aware that there have been disputes with Parkdean Resorts, which initially insisted on pitch fees during the months in which holidaymakers were unable to visit. On that issue, I would welcome an update from the Minister on whether the Government have taken any steps to support dispute resolution efforts between operators and accommodation owners.

**The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con):** I am grateful to the noble Baroness, Lady Doocey, for raising this important issue. Campsites, caravan parks and holiday cottages are places we all value. They are a mainstay of their local economies in many parts of the country, providing employment and supporting local services and businesses. I share her concern about the considerable impact that the coronavirus has had on the sector. In particular, we recognise that many campsite, caravan and holiday park owners now want to extend their season opening times, but planning conditions can limit this. I recognise the important role these businesses play in their local communities and economies.

On Amendments 74 and 75 proposed by the noble Baroness, Lady Doocey, and the noble Lord, Lord Redesdale, I am pleased to announce that my

[LORD GREENHALGH]

department will lay a Written Ministerial Statement that will encourage local planning authorities to take a sympathetic approach to applications to change the opening times on a temporary basis, allowing campsites and caravan and other holiday parks to open beyond the summer season. The Statement encourages them to use their discretion not to take enforcement action where this could lead to a breach of a planning condition.

I am less convinced that there should be any changes to provide flexibility for the owners of holiday cottages who want to let them out for wider uses on a temporary basis. As tourist accommodation could be lost, it may deprive areas reliant on tourism of visitors over the winter as we recover from the coronavirus. Individual owners can still apply for a variation of condition in the normal way if they wish. I hope that my response provides sufficient encouragement for the noble Baroness and that she will not move her amendments when they are reached.

Amendment 50, also tabled by the noble Baroness, Lady Doocey, seeks to amend the package travel regulations with the admirable aim of boosting local tourism. The package travel rules are designed to be light touch where possible and provide protection and clarity for consumers. In her speech at Second Reading, she used the example of a bed and breakfast adding an evening meal at a local pub or restaurant to its customer offer. It is unlikely that this would invoke the package travel rules. For such an addition to come within the parameters of the package travel rules, the extra meal would need to be an essential feature of the trip, accounting for a significant proportion of the value of the package. That is normally taken as a cost in the order of 25% of the total package.

None the less, I am grateful to the noble Baroness for raising the issue. The Government indicated last year that they would undertake a review of the package travel rules in future, but believe this is better conducted when the UK has left the EU and has the full freedoms to act independently. For the reasons I have set out, I am not able to accept this amendment; I hope that she will therefore withdraw it.

I will write separately to the noble Baroness, Lady Wilcox, on the points she raised about disputes and the steps taken by government.

**Lord Redesdale (LD):** My Lords, it is rare that you get to speak on the same amendment almost 24 hours later. I congratulate the Minister on what is probably a first in this House in the 30 years I have been here; I have never known the House to rise before a Minister's statement, but I quite understand the technical reasons for this.

The Minister's response answered many of the questions I had, and I very much hope that the ministerial Statement will give a lot of comfort to those holiday businesses that will go forward to local authorities. I know that many local authorities have looked at this in a positive way, but it would be great for the holiday industry to show that the Government see this as a positive movement.

**Lord Greenhalgh:** I thank the noble Lord; he got a second chance to speak but had very little to say. The coronavirus pandemic has caused a lot of firsts; it is good to share in that endeavour. I am pleased we were able to assuage a lot of his concerns.

**Baroness Doocey (LD) [V]:** My Lords, I thank the Minister for his response, particularly in respect of caravan parks, which sounds good. I would obviously like to see the detail, but it is definitely a step in the right direction. I do not at all accept the points he made about the package not coming to 25%, but I do not honestly think this is the time to talk figures with him; I would much prefer to do it privately afterwards. I think that not taking the opportunity to help small local businesses work together is a mistake that has been allowed because of this anomaly in current legislation—but I hope to persuade him when we speak privately that the figures I put forward are right.

It is also deeply distressing that the holiday cottages will not be included after the vast amount of money they have lost during the coronavirus. The difficulty is that this sector has been hit so badly that it will definitely end up with thousands of people losing their jobs and livelihoods. I know the Government feel as strongly as I do that this should not happen, so I really hope they might be able to reconsider after we speak. Meanwhile, I beg leave to withdraw the amendment.

*Amendment 50 withdrawn.*

**The Deputy Chairman of Committees:** We now come to the group consisting of Amendment 51. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this amendment to a Division should make that clear in debate.

#### *Amendment 51*

*Moved by Lord Hunt of Wirral*

**51:** After Clause 15, insert the following new Clause—  
“Outdoor entertainment

Local authorities in England may permit organised outdoor entertainment, including theatrical and musical performances, if the entertainment is organised in a manner that complies with—

- (a) relevant requirements under any enactment and
- (b) any guidance on social distancing that may be in place at the time of the performance.”

Member's explanatory statement

This new Clause would enable socially-distanced outdoor performances by actors and musicians.

**Lord Hunt of Wirral (Con) [V]:** My Lords, in moving Amendment 51 dealing with outdoor entertainment, I first draw attention to my interests in the register.

I profoundly appreciate and cherish the creative industries, not only for their ability to educate, entertain, provoke, stimulate and provide balm for the soul but because they are one of the most successful economic forces we possess here in the UK. Our film studios, orchestras, playwrights, theatres and video game designers all help to make us what we are as a nation. They are the envy of the world, and they all create employment and wealth.

Like many others, I warmly welcome the major announcements by the Government last week: the substantial financial support for the creative sector and the news that outdoor performances may now resume, with suitable measures taken to prevent risk of infection. Some of our most enterprising venues and companies are already forging ahead with plans for what remains of the summer: the Minack, Brighton Open Air Theatre, Glyndebourne, the Maltings in St Albans, This is My Theatre. I can confirm with pleasure that this happy list is substantial and growing.

Theatre and musicianship—indeed, all forms of creative endeavour—are crafts that require constant nourishment and nurture. It is vital that they should be financially supported during their enforced hibernation during this pandemic, but it is equally vital—far better, even—that they should come back to life as soon as it is safe for them to do so.

As it stands, this Bill deals with two major wealth-creating sectors that have been grievously hit by the pandemic: hospitality and construction. I strongly believe that the performing arts deserve similar recognition. Legislative underpinning for the avoidance of doubt is sensible for a significant shift in policy and law but, while joyously welcome, at the moment has the status only of phase 3 of a so-called road map.

I am also eager to raise again, as several noble Lords did yesterday at Questions, the plight of freelance actors, musicians, technicians and other creatives who lack the sustenance and reassurance of a financial, contractual tie to any building or institution. They too should be numbered among our crown jewels. I want them to receive every possible reassurance that we, in this place, understand their current plight and want to help them back to work and to honing their remarkable crafts, just as soon as it is safe for them to do so. I beg to move.

2 pm

**Baroness Jones of Moulsecoomb (GP) [V]:** My Lords, the noble Lord, Lord Hunt, has covered the issue in an extremely lyrical way, so I will keep my remarks short. We all know how hard the arts scene and theatres have been hit by this health crisis. Amendment 51 is a thoughtful contribution to easing some of that burden and allowing the arts to make their own socially distanced recovery. Imagine a summer of outdoor performances and displays—hoping the weather is good—reconnecting communities safely. Physical distancing does not mean we have to be socially and emotionally distant. It would be wonderful if the Government could facilitate this amendment; they would be rightly celebrated for doing so. I am sure that the Minister is a keen supporter of the arts and so will look favourably on this amendment.

**Baroness Anelay of St Johns (Con):** My Lords, I am grateful to my noble friend Lord Hunt for introducing his amendment so skilfully and lyrically, as was just said by the noble Baroness, Lady Jones. I welcome the measures that the Government have taken to enable open-air theatres to resume their operations. Mind you, unlike the noble Baroness, Lady Jones, I would not say this would be in good weather only. Perhaps, like me, she would enjoy the Minack Theatre in Cornwall, which goes on regardless of the interesting weather around it—and the audiences love it the same.

When my right honourable friend Oliver Dowden, the Secretary of State for Digital, Culture, Media and Sport, announced last Thursday that live performances could go ahead outside—“plays and music”, he said—he referred to the Minack Theatre. That press release refers to guidance, and the Minister will know that I am keen to ensure that guidance is as clear and timely as possible. It was timely, because the Minack Theatre immediately put its new programme up on its website. That is entirely within the guidance that has been published so far, which means advance purchase online and social distancing. Their productions include “Great Expectations”. My right honourable friend Oliver Dowden referred to plays, but “Great Expectations” will be interesting because it is presented by just one performer. That will be testing.

My request to the Minister is to ensure that the Government continue to talk closely to organisations presenting outside events because, by their very nature, they have had to scramble and work hard to make these performances available to the public. They are professional people, who want to do the best they can for their arts and their communities.

**Lord Clement-Jones (LD) [V]:** My Lords, I strongly support Amendment 51 in the name of the noble Lord, Lord Hunt. As a result of lockdown, many theatre and music venues are struggling. The Royal Exchange Theatre in Manchester has announced significant job losses, while the Nuffield Southampton Theatres will close for good. Cameron Mackintosh, the producer of “Les Misérables” and owner of eight West End venues, said that many theatres cannot open until 2021 and that, even under one metre-plus, theatres will need to accept significant reductions in audience numbers.

We all welcome the £1.5 billion of funding for the arts, culture and heritage sectors announced last week, but our producers, directors and artists want to get back to work entertaining the public. Now that the phases for reopening are coupled with a clear timetable, I hope that help with insurance to protect against financial loss from any future lockdowns will be available. There is also uncertainty among theatres not funded by the Arts Council about their ability to benefit from the new funding. We must now include creative sector workers, who have been excluded from government support schemes so far.

The announcement last week by the Secretary of State, Oliver Dowden, that performing arts could take place outdoors from last Saturday, with a socially distanced audience present, is extremely welcome. However, now we need to will the means for theatre, opera, dance and music to be widely resumed, if outdoors for the present. Robert Hastie, the artistic director of Sheffield Theatres, is quoted as hoping to create open-air Shakespeare pieces,

“taking live performance out of the building and into the city. Shakespeare was written to be performed outside.”

He said:

“Until we can get people together in a space confidently—with large enough groups of people to make the numbers add up—we won’t be out of the woods, but imagination and a proper action plan will keep us going.”

This proposed new clause would play entirely into that action plan. It would enable socially distanced outdoor performances by actors and musicians, in a

[LORD CLEMENT-JONES]

variety of new spaces beyond existing outdoor venues. We have a world-renowned, distinctive British talent in drama, comedy and music. The noble Lord, Lord Hunt, mentioned outdoor opera at Glyndebourne and plays at Cornwall's Minack Theatre but, as he says, there is a lack of existing outdoor spaces for live performance across the UK. Our creative artists, actors and writers will seize every opportunity they can to perform. We need to allow them to do so wherever we can; this amendment offers them an important route for that.

**The Earl of Clancarty (CB) [V]:** I strongly support this amendment. I suspect we will hear from the Minister that, with venues opening up and putting on live performances, this amendment is unnecessary. From looking at the Government guidelines for stage three of the road map, this seems to be the case, although I take the point of the noble Lord, Lord Hunt, that there should be legislative underpinning.

We heard immediately about the intentions of purpose-built venues such as the Minack Theatre, as mentioned by the noble Baroness, Lady Anelay. I have read that Sheffield Theatres is working with the council in mounting outdoor performances, but could council help also apply to pub theatres? The performing arts will be one of the last sectors that can open properly—if not the last—because of social distancing problems. Within safe limits and with local good will, we need to encourage as many opportunities as possible for paid outdoor live performances. Much of the summer is still left and this will all help the hospitality sector, which we discussed at length yesterday.

Venues take in everything from Glyndebourne and Shakespeare's Globe to live music clubs in cities, with no outdoor facilities, which would benefit from the help of the local council in mounting a late summer season at a suitable outdoor location. One of the big problems for the performing arts in this crisis is that the great majority of performers, actors and musicians—[*Inaudible*]*—bands and dance companies. Performances managed by a local council would extend the number of performers who would start being paid, which is what we need. Helping venues, great though it is, will not necessarily help all the artists who could be helped, but local councils being given carte blanche to work with performers and performing companies would be a step forward.*

I suspect that much of this will turn on the feasibility of and the responsibilities for the Covid risk assessment. Some clarification on this from the Minister would be welcome. Perhaps the law against gatherings of more than 30 in private grounds needs to be relaxed to widen the choice of good outdoor venues.

The public have benefited tremendously in the last few months from free performances online and sometimes in the street. It is now time that performers, just like those working in the hospitality sector, which we discussed yesterday, should start to be remunerated properly for their work, even if this will still be only a minority.

**Baroness Bowles of Berkhamsted (LD) [V]:** My Lords, I support Amendment 51 and thank the noble Lord, Lord Hunt, for tabling it. I agree with what he and all other noble Lords have said. The noble Lord reminded

us that the performing arts are about education and stimulation, and are a balm for our souls—I guess we need that now—as well as for the economy. There is clearly a strong case to help the entertainment industry where that can be done safely. There are good links between this amendment and other matters in the Bill, such as the role of local authorities in giving permissions for new venues, and the fact that many pubs and hotels also support and are venues for live entertainment, especially for freelancers.

Various open spaces are regularly used for entertainment. Like all other noble Lords, it appears, I have strong connections with the Minack, having spent many teenage summers literally just up the road. However, there are many other spaces where it might be necessary to obtain permission from the local authority. I would like to know whether such permissions could be achieved more rapidly. I know that the usual ones are already in my local area, because we regularly have summer outdoor Shakespeare plays, but I imagine that more venues will be needed, not least because you cannot fit quite so many people when audience seating has to be socially distanced.

There must be many other entertainments that are not so threatening in terms of the aerosol effects that cause concern. I am sure that a string ensemble is not quite so threatening, or musical soloists. They could fit into smaller spaces, including pub gardens. We also have some excellent mime performances locally. Nothing compensates for the loss of theatres and concert halls, but surely that is all the more reason to be as permissive and inventive as possible to help the performing arts survive with open-air performance until indoor performances can recommence.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I support the amendment in the name of the noble Lord, Lord Hunt of Wirral, which would add a new clause after Clause 15 on the specific issue of outdoor entertainment. As we have heard, like the hospitality industry, the entertainment industry is struggling more than most. I agree that our cultural offering is the envy of the world and that it needs our support to come back to life as soon as possible, and in a way that is safe. Theatres and similar venues have been warned that they might be the last to reopen and, as we have heard and seen in the news many times, staff have been laid off.

The noble Lord's amendment focuses on outdoor entertainment. I will be interested to hear the Government's response from the noble Baroness, Lady Penn. Every summer for many years, my noble friend Lady Kennedy and I have enjoyed going to the Regent's Park outdoor theatre, which is a wonderful venue not far from here. We were last there last summer to see "A Midsummer Night's Dream". It was a wonderful production. However, it has cancelled its entire 2020 programme; it has completely gone. It hopes to be back in 2021 with a production of "Romeo and Juliet". I have also enjoyed going to the Luna Cinema, which shows films in locations all over the country. That is also a wonderful thing to do.

2.15 pm

Of course we all welcomed the announcement from the Culture Secretary last week. That is all good news, but again I endorse the comments of the noble Lord,

Lord Hunt, when he talked about freelancers, who, by the very nature of their work, do not have a contract of employment with a particular organisation and are particularly struggling. If they cannot work, they are not earning, and they need our support. The risk of course is that these people will be lost to the industry and move on elsewhere.

I have always been a supporter of the Globe Theatre at Bankside, which has transformed the part of north Southwark where I grew up. When I was a fairly young man it was the site of a road sweepers' depot next door to a disused power station. My first vote as a councillor in Southwark in 1986 was to settle the ridiculous dispute with Sam Wanamaker to enable his vision to be realised. With the support of my friend Ann Ward, who was key to the campaign at the time, we ended up with the Globe Theatre next door to the Tate Modern in Bankside power station. That has been a catalyst for the regeneration of that part of London. It is an area that I know well and I am sure that many noble Lords have supported the work there.

I also support the call from the noble Earl, Lord Clancarty, for performers to be properly remunerated. These people want to work, earn money and ply their craft, and I hope that the House and the Government will be able to support them. With that, I look forward to the Minister's response.

**Baroness Penn (Con):** My Lords, the Government wholly support the intention behind the amendment to enable socially distanced outdoor performances. I assure the noble Baroness, Lady Jones, that, although I am not my noble friend Lord Greenhalgh, I have a great admiration for our cultural sector and for the performing arts.

I am delighted to refer my noble friend Lord Hunt to the Culture Secretary's announcement last week that, from Saturday 11 July, theatres, dance and music have been able to restart as long as they are Covid secure, take place outside with a limited and socially distanced audience, and have the appropriate approvals from local authorities. To support our theatres and performance venues to get up and running safely, we have published new government guidance that provides detailed advice on how to keep all those working in the performing arts and audiences safe.

My noble friend Lady Anelay asked about that guidance. We have worked with the sector through the Cultural Renewal Taskforce and the entertainment and events working group to produce it. We will continue to engage with the sector on the basis. My noble friend raised advanced notice. So far we have published a five-stage road map, on which we are at stage 3, so venues and others can plan for future stages in advance of them being introduced. That guidance will evolve. We are working on some of the science behind safely reopening some of these venues. As that progresses, we will update the guidance in line with consultation with the sector.

Since outdoor performances are now allowed, local authorities can already issue licences where appropriate for such events under the provisions of the Licensing Act 2003 and existing authorisations will not have lapsed, the intention behind my noble friend's amendment has been wholly achieved.

My noble friend made two further points in relation to his amendment. The first was that the inclusion of the amendment would signal the Government's commitment to this vital sector. I completely agree with my noble friend that our creative arts are an intrinsic part of what makes us a nation. I hope noble Lords will agree that there are many routes by which the Government can demonstrate their support for the sector. The announcement of the £1.57 billion of support—the largest ever one-off funding package for the sector—demonstrates that commitment.

That funding will also be essential to address the points raised by my noble friend Lord Hunt and the noble Lords, Lord Kennedy and Lord Clement-Jones, among others, about support for freelance workers and others in the sector. It will enable organisations to resume cultural activity, albeit in a socially distanced manner, which will increase employment opportunities for freelancers. That is in addition to funding announced by Arts Council England in March of £140 million for artistic organisations and £20 million for individuals, including self-employed practitioners, to continue their craft. More than 10,000 individuals and organisations have been successful in applying for this emergency funding.

My noble friend also sought reassurance on the legislative underpinning for the reopening of outdoor performances, as did the noble Lord, Lord Clement-Jones, and the noble Earl, Lord Clancarty. This amendment is not needed to allow outdoor performances to take place, even in venues where they do not already take place. Local authorities can license outdoor performances already; this is underpinned by legislation in the Licensing Act 2003. I hope noble Lords will agree that it is not good legislative practice to duplicate this provision through additional legislation. It might also be worth noting that we are not planning to put in place underpinning legislation for the reopening of every sector of our economy, however significant the default is that those sectors should be open and that is what should be in place.

I hope that this addresses most of the points raised by noble Lords. I apologise to the noble Earl, Lord Clancarty, for being unable to hear part of his contribution, particularly about the role of local councils, due to technical difficulties. We will of course continue to engage, but on the point of legislative underpinning compared to this Bill, we are not aware of any representations, for the process of applying for temporary events notices for example, which in any case is a shorter timescale than pavement licences, which are dealt with in the Bill. For these reasons, I am unable to accept this amendment, and therefore I hope that my noble friend can withdraw it.

**Lord Hunt of Wirral [V]:** My Lords, I am very grateful to my noble friend Lady Anelay of St Johns, the noble Baronesses, Lady Jones of Moulsecoomb and Lady Bowles of Berkhamsted, the noble Lords, Lord Clement-Jones and Lord Kennedy of Southwark, and the noble Earl, Lord Clancarty. We have spoken with one voice, and I greatly welcome the Minister's commitment to our intention. As she said, legislative underpinning is the key. We are providing the hospitality and construction sectors with that legislative underpinning.

[LORD HUNT OF WIRRAL]

The performing arts deserve similar recognition. I will return to the subject, but in the meantime, I beg leave to withdraw my amendment.

*Amendment 51 withdrawn.*

**The Deputy Chairman of Committees (Lord Russell of Liverpool) (CB):** We now come to the group beginning with Amendment 52. I remind the Committee that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in debate. The Minister wishes to speak before I call the mover of the amendment.

**Lord Greenhalgh:** For the convenience of the Committee, and perhaps to save some time, I intervene to notify the Committee that, with regard to Amendment 73, we will bring forward a government amendment on Report that seeks to include mayoral development corporations, Transport for London and parish meetings within the Coronavirus Act 2020.

**Clause 16: Modification of conditions relating to construction working hours**

*Amendment 52*

*Moved by Baroness McIntosh of Pickering*

**52:** Clause 16, page 23, line 34, at end insert—

“(2A) This section does not apply where the condition or approved document restrictions were made due to potential impacts identified in the—

- (a) the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) assessment; or
- (b) regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) assessment, on nature conservation interests.”

Member’s explanatory statement

This amendment would ensure that no applications are allowed for changes to conditions if those conditions are in place to limit, reduce or remove certain environmental impacts.

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I hope to persuade the Minister to present a government amendment in relation to Amendments 52 and 79. I support the thrust of the Bill and the impact it will have, allowing the hospitality and construction industries to recover from a particularly difficult time.

These two amendments relate to working hours in the construction industry and whether, if the temporary measures in Clause 16 are still in place in the autumn or for next year’s breeding season, the Government will pay more than lip service to the environmental protections of which we are so proud. I share the Government’s support for environmental protections such as the habitats and other directives. These are now part of retained UK law, which we have supported through our membership of the European Union.

I am delighted to have the support of the noble Lord, Lord Shipley, for these amendments. Amendment 52 seeks to have regard to the Conservation of Habitats and Species Regulations 2017 and what catastrophic environmental impacts there might be reaching a common-sense agreement under those regulations.

Amendment 79 asks that regulations passed under Clause 22(3) be considered by affirmative procedure. Can the Minister confirm that these regulations have undergone or will undergo a proper consultation?

With these few remarks, I hope that I can enlist the support of the Minister and others for these two very important amendments. I am not seeking to delay construction with Amendment 52, but to ensure that we have regard to the habitats directives, which are now part of retained UK law, and that regulations passed under Clause 22 will undergo a proper consultation through affirmative procedure. I beg to move.

**Lord Blencathra (Con) [V]:** My Lords, Amendment 53 in my name seeks a complete ban on any construction activities carried out between 10 pm and 7 am in any location where residents live within 300 metres of those activities applied for.

I thank my noble friend the Deputy Leader for his extremely courteous letter immediately after Second Reading last week, dealing with the points I raised about disturbance to residents. He said:

“The draft guidance highlights in particular that careful consideration will need to be given whether to refuse applications made in relation to developments that are in close proximity to residential areas when the request is likely to have a significant impact on health, taking into account other legal duties of local authorities to protect persons in the locality from the effects of noise.”

While I accept that and believe in local decision-making, I also believe that a national backstop should be imposed by this legislation. If it is right to introduce a national law permitting applicants to apply for up to 24/7 construction working, as this Bill does, equally, it is right to impose a national limit on the times during which that construction may take place.

The Government cannot have it both ways. They cannot say, “We are passing a national law on construction working hours, but we cannot interfere with local decision-making when it comes to setting limits on those hours.” In most cases, I accept that this will all work okay, but we all know of the usual ploy whereby developers submit an application for 20 homes, which is granted, and then they slap in a revised application for 40 homes, which local authorities are afraid to reject in case they lose an expensive judicial review case. Developers and experts manipulate local planning authorities again and again. That is why a national backstop is required.

I strongly support Amendment 56 in the name of my noble friend Lord Randall, to which I wanted to add my name but left it a day too late. It is vital that environmental and wildlife concerns are taken into account. Local authorities must not grant any changes to planning applications until they have gone back and examined the environmental concerns expressed in the original application and any special conditions that the local authority then attaches. I am not suggesting that a new assessment must be carried out, or a whole new EIA, but that the original conditions of protecting the environment be maintained unless there is strong evidence that the proposed new construction conditions applied for create no adverse environmental or wildlife effects. This is not just a matter of disruptive work at night. Was there not a recent case of a company

having to remove nets from trees and delay construction because it would have been disruptive to birds nesting at that time of year?

I have done inadequate justice to the speech my noble friend Lord Randall will make on his amendment. I look forward to him setting it out in his usual concise, but highly authoritative and expert, manner. I am proud to give him my support.

2.30 pm

**Lord Shipley (LD) [V]:** My Lords, my name is attached to Amendments 52, 54 and 79. The noble Baroness, Lady McIntosh of Pickering, has made an excellent case for Amendment 52. I also fully support the amendment in the name of the noble Lord, Lord Randall of Uxbridge. These amendments are all broadly similar. It is important that no applications are permitted for changes to existing conditions if they are there to reduce, remove or limit environmental impacts. Existing conditions are in place as a consequence of detailed planning consideration at an earlier date. Such restrictions, agreed or imposed then, should not be affected by this legislation and I seek the Minister's confirmation that my fears that they could be are completely unfounded. Amendments 52 and 56 would solve the problem and I hope that the Minister feels able to accept them.

Amendment 54, in my name and that of my noble friend Lady Pinnock, is about fees charged by local authorities. It proposes a fee for extended construction hours, up to a maximum of £195, which is a reasonable figure to write into the Bill. The principle is that councils should be able to recover their costs. It does not need to be about profit, but it must ensure that the direct costs of processing, assessing and agreeing an application are achieved. Neither does it need to be about full cost recovery, if that includes councils' general overheads. The principle of recovery of direct costs for an application is a reasonable conclusion to reach.

Amendment 79, proposed by the noble Baroness, Lady McIntosh, would ensure that any further regulations made by the Secretary of State would require scrutiny through the affirmative procedure. That is the right approach and I fully support it.

**Lord Kennedy of Southwark:** My Lords, I thank the Minister for his announcement of the concession that the Government will bring forward an amendment to address the issues which I raised on Amendment 73. We had a very productive meeting with the noble Baroness, Lady Penn, and the noble Earl, Lord Howe. We made some points, the Government listened and I am very grateful.

**Baroness Neville-Rolfe (Con) [V]:** My Lords, it is always a pleasure to follow the noble Lord, Lord Kennedy, particularly when he is in grateful mode. I will speak only to Amendment 80, which is a probing amendment and links to the other amendments in this group only to the extent that the Bill contains temporary measures suitable for the medical and economic emergency imposed upon us by Covid-19.

As I said at Second Reading, I want to understand the sunset provisions in the Bill on which, in principle, I congratulate the Minister. Will all the provisions in the Bill lapse, and when? If not, why not? Why is there a disturbing provision in Clause 25 to,

“make transitional, transitory or saving provision in connection with the expiry of any provision of this Act”?

This seems extremely open-ended for an emergency Bill. How do we ensure that the various measures in the Bill are not extended when they have been subject to a relatively low degree of scrutiny?

**Lord Hain (Lab) [V]:** My Lords, I too welcome the eloquence of the noble Baroness, Lady McIntosh, in speaking to her amendments. Like my noble friend Lord Kennedy, I welcome the concession that the Minister gave. I will speak briefly to Amendment 61, which intends to ensure that developers do not delay implementing planning consents.

Clause 17 is another example of lack of ambition in the Bill. It proposes extending the time limits for planning permissions where development has not yet started. There is a horrendous shortage of homes for people, the worst since World War II. Yet there are over 400,000 houses waiting to be built in England and Wales where planning consent has been given but not yet implemented. Developers are dragging their feet to manipulate local property markets. They build up land banks—stocks of sites on which planning consent has been given—but go slow when it comes to completing development, expecting land values and property prices to rise in the meantime.

The Government could have explored applying council tax to sites where planning consent has been given but development has not gone ahead. They could even have considered rendering planning consent liable to forfeit if development is not complete within a reasonable time, perhaps five years as this amendment provides. Instead, the Bill sidesteps the scandal of developers with planning consent leaving construction sites idle for years. This amendment seeks to address that and get the millions of affordable houses we desperately need built after this Government's terrible record of promising great numbers and delivering pathetically low ones. I therefore hope that the Minister will respond positively.

**Lord Randall of Uxbridge (Con) [V]:** My Lords, I give my full support to Amendment 53, in the name of my noble friend Lord Blencathra. I will disappoint him when I speak to my Amendment 56, which he has kindly supported, because I do not indulge in long speeches of expertise.

These two amendments seek to give clarity to local authorities about what can be allowed. I am sure that my noble friend the Minister will reassure me, as he has already done at Question Time and elsewhere, that the Government will not be relaxing any planning rules regarding environmental protections. What worries me is that, in practice, a lot of developers—and, to some extent, councils—are not sure exactly what this means. For example, I am sure that the newspaper headlines will say, in relation to my noble friend's amendment, that building work can be done at any time. There may well be local conditions, but many

[LORD RANDALL OF UXBRIDGE]

people will be confused. It is exactly the same, except that residents can actually complain and get things sorted out. However, the natural world and the environment have no such voice. I know of many examples, both locally and elsewhere, where developers will ride roughshod over some of the conditions in the hope that nobody understands them.

What I want from these two amendments is what my noble friend described as a national backstop. I want clarity in the Bill, so that people know exactly where they stand.

**The Deputy Chairman of Committees:** The noble Baroness, Lady Valentine, has not joined the list so, after the noble Lord, Lord Campbell, I will move on to the speaker after her.

**Lord Campbell of Pittenweem (LD) [V]:** My Lords, I will speak to Amendments 55 and 57, originally put down by my noble friend Lady Pinnock and to which I have added my name. The reason I do so is that, at Second Reading, I raised the question of the possible impact on amenity of those who might be affected by the extension of working hours. In response, the noble Earl, Lord Howe, met my argument by saying that it was always a question of balance. Self-evidently, of course, that is correct, but the question is whether the balance is tilted in these proposals against individuals and organisations that might be affected by an extension of hours. It is important to remember that conditions in relation to hours are put down in order to preserve amenity, and if a planning authority has reached a certain judgment in relation to that, such that an extension as proposed is granted, then self-evidently amenity will have been affected. We tend to think of these matters as being about individuals, but of course hostels, schools, care homes and churches might all be liable to be affected.

It is worth reminding ourselves—there has already been a passing reference to it—that the duration of works can extend to a whole day. As I understand it, any extension granted would have effect until 1 April 2021, so this is not a temporary matter, and it is possible to conduct these extended operations seven days a week. That is why Amendment 55 is a reasonable and sensible obligation to place upon an applicant. It requires an assessment of impact on the community and plans for mitigation of any such effect. Here, to some extent, it echoes the position of the noble Lord, Lord Randall, on the need for an assessment of the impact on the environment and conservation interests and plans to minimise disturbance. I venture to suggest that an obligation to produce an assessment is as much in the interests of the applicant as it is of the planning authority.

Amendment 57 seeks to extend the period of 14 days by agreement and therefore allows for proper consideration and, if necessary, co-operation between the planning authority and the applicant. It is clearly the case that if these matters could be resolved by co-operation, then that is much more likely to be an acceptable solution for the applicant, the authority and the citizens or institutions that might be affected.

**Baroness Kramer (LD) [V]:** My Lords, it was always my intention to speak only to Amendment 73, to which I have added my name. I thank the Minister for coming forward with what we all hope will be a resolution to what was, I am sure, an oversight in the drafting of the Coronavirus Act. We must make sure that those amendments will permit the development corporations and, I hope, Transport for London, to hold their meetings remotely, including remote access for members of the public. I thank the noble Earl, Lord Howe, who wrote to me on this subject, suggesting further discussion and acknowledging the problem. I also thank the noble Baroness, Lady Valentine, who, realising that she would be unable to speak on this occasion, sent me a quick email—knowing that I was going to address the topic—just to say how important it was to her to find a resolution. She was CEO of London First, championing bringing the Olympics to London and helping to find business support. She was particularly keen that it would leave a lasting legacy for that area of London and that the London Legacy Development Corporation would be able to do its job to the full.

Amendment 73 had a weakness in that, although it addressed the problems in the development corporations, it was not clear that it would also cover Transport for London. As a former board member of Transport for London, I was particularly anxious that that should be included. Again, I thank the Minister and look forward to seeing the actual language. I hope that this matter is rapidly coming to a conclusion.

2.45 pm

**Lord Balfe (Con) [V]:** My Lords, I want to mention one particular amendment—Amendment 61, in the name of the noble Lord, Lord Hain—and then make some general comments. The planning pipeline problem has been with us for as long as I have been in politics. When I saw this amendment, I reflected that as long ago as 1975, I was invited by the then Environment Secretary, Mr Tony Crosland, to join a working party he had set up to deal with the planning pipeline. Unless we pass something like Amendment 61, we are never going to get on top of it because getting planning consent is not regarded by many developers as anything to do with getting the buildings up; it is to do with getting yourself a nice comfortable pipeline so that you can choose from a number of planning consents as to the way you can make the most money or the way in which you can manage to get your planning consent redesigned so that, as my noble friend Lord Blencathra said, 20 houses becomes 40 houses. I do not expect that the Minister will accept Amendment 61, but I hope that he will accept that it is vital to get to grips with the planning pipeline. That will involve a method of revoking consents, which is absolutely essential in getting these houses built that this country needs so badly.

I said that I would also make a general point. Nearly all the amendments in this group are about maintaining standards. It is very important that we do not get carried away with Bills like this to a point where we are getting rid of the standards that we have looked for and developed over so many years. Most of the standards, whether they be on animal protection,

noise or the timing of developments, have been hard won and hard fought for. I hope that, in our general philosophical approach to this matter, we do not let standards be weakened out of panic. Of course we want to get the economy going again, but we do not want to do that by sacrificing all the gains we made in the past. Overall, without speaking specifically about any other amendments, I hope that the general thrust, which is the protection of rights already won, will be at the heart of the Government's response to this set of amendments.

**Baroness Jones of Moulsecoomb [V]:** My Lords, having listened to the speeches of other noble Lords, I am beginning to wish that I had signed more amendments in this group. The noble Lord, Lord Hain, for example, on land banking, and the noble Lord, Lord Randall, both made excellent points, and I wish I had been involved in that.

I want to speak about construction permits, because the conditions that are placed on them at the moment are subject to a lengthy and intensive consultation and decision-making process. The conditions try to strike a balance between the competing interests of developing land and protecting the community and the wildlife around the development. I am deeply concerned that Clause 16 will throw much of that balance out of the window in favour of long construction days with little regard for the impact on the community—their rest, their sleep and their mental welfare—and on wildlife. Construction hours can already be long and noisy, routinely running from 8 am to 6 pm, especially at a time when large numbers of people are staying at home and, in the summer months, may have windows open or be outside. Therefore, extending construction hours will create an unacceptable noise burden for too many people.

I am also concerned about the impact that extended construction hours will have on the construction workers, many of whom are self-employed. What will the Government do to ensure that extended hours do not create unsafe working conditions or lead to other detriment for those workers? There might be limited situations in which extending construction hours is warranted, but generally Clause 16 is far too broad and will cause far too much disruption for local residents near noisy building sites.

**The Deputy Chairman of Committees:** The noble Lord, Lord Sheikh, has withdrawn from the list of speakers, so I call the noble Baroness, Lady Pinnock.

**Baroness Pinnock [V]:** I remind noble Lords of my interests as set out in the register as a councillor and a vice-president of the Local Government Association. We on these Benches understand and support the Government's purpose in bringing forward the changes to hours of construction in the Bill. It will enable a phased start at the beginning and end of the day for construction workers to ensure social distancing and provide an opportunity for developments to catch up on the last three months. But rather than be prescriptive about hours of working—although I have sympathy with the amendment in the name of the noble Lord, Lord Blencathra—Amendment 55 in my name and

that of my noble friend Lord Campbell of Pittenweem would ensure that the extension of hours took into account the impact that these had on residents, the wider community and the environment.

Planning conditions set out as part of planning consent invariably include limits on hours of working. As a rule, these are 7 am to 6 or 7 pm. They are there to minimise any impact on neighbours. Extension of these hours must therefore include mitigations for those affected. That could be, for example, to restrict hours when deliveries can be made, as construction traffic is often one of the main local concerns. Extension into the evening or a much earlier start will mean lighting up the site, with the inevitable impact that brings with it. Amendment 55 would balance out these issues, and that is the purpose of the further Amendment 57, again in my name and that of my noble friend Lord Campbell. Considerations about hours of working inevitably include not just planning officers but highways and environmental officers, hence we propose that, by agreement, developers and the council can extend the time for consultation beyond the 14 days. Some construction companies understand that working with local communities rather than bulldozing their way through to get what they want, regardless, has many benefits.

Amendment 54 in my name and that of my noble friend Lord Shipley would ensure that the planning authority was recompensed for the work done to extend hours. The minimum fee is £195 for planning applications and seems appropriate in this case. The Government must ensure recompense for work done. Planning consultants working for the developer will undoubtedly be paid handsomely for making the application to extend hours. It is only right that those making the decision be recompensed as well, and I hope that the Minister will be able to respond positively to that proposal.

The cross-party Amendment 73 is clearly about an administrative oversight and I am pleased that the Minister has given notice that the Government will seek to put the matter right. The three-month review proposed in Amendment 58 by the noble Baroness, Lady Wilcox, is one that the Government should consider carefully. A change of construction hours appears straightforward on paper but has many ramifications in reality, and time set aside to reflect is always a good idea. With those comments, I trust that the Minister will accept that our amendments are constructive in purpose and are in the interests of achieving a fair balance between construction, communities and the environment, and that the Government will be prepared to accept them.

**Baroness Wilcox of Newport [V]:** My Lords, Amendment 58 in my name would explore how the changes to construction hours might impact on those employed in the industry. The changes are welcomed by Unite the Union, which represents construction workers in the UK, but I understand that there are concerns that any extension of hours does not simply lead to workers working extended hours. A better situation would result in staggered shifts, allowing more construction workers to be employed on the site while maintaining social distance. I am sure that it is

[BARONESS WILCOX OF NEWPORT]

not the Government's intention that longer operating hours will adversely impact those on site, but I would be grateful for assurances on how that will be guaranteed.

On the broader planning amendments, as the former leader of Newport City Council and leader of the Welsh Local Government Association, I speak from personal experience on these issues. I am all too familiar with the need to be cautious of the adverse effects on the environment, wildlife and of course of the need to take into account the views of local residents. My noble friend Lord Hain spoke eloquently about the scandal of land banking when over 400,000 homes are waiting to be built across the UK. Indeed, it was and still is a constant source of tension in local authority planning departments as developers await a rise in land and home values and just sit on their given permissions. My noble friend's idea of a forfeit of planning consent is an excellent one. It would gain much support in local government. Most importantly, it would allow for homes to be built again to try and assuage the great need that we have for homes across the UK.

I hope that the Minister will offer assurances that he will engage with local authorities to stress the importance of these factors. Furthermore, I am glad to support the comments of my noble friend Lord Kennedy in welcoming the changes announced by the Government to Amendment 73 ensuring that the mayoral development corporations, TfL and the London Legacy Development Corporation can hold virtual meetings, as they are also planning authorities.

**Lord Greenhalgh:** My Lords, these amendments relate to construction site hours and virtual committees. We welcome the intention behind Amendment 73 on virtual committees, tabled by the noble Lord, Lord Kennedy of Southwark, and the noble Baronesses, Lady Kramer and Lady Valentine. It would amend Section 78 of the Coronavirus Act 2020. The Act was drafted at pace and the omission of the bodies listed was an accidental oversight, so I am pleased to tell the Committee that, as announced earlier, we are bringing forward an amendment on Report to deal with the matter. With regard to the length of construction hours—a point raised repeatedly by the noble Baronesses, Lady Jones and Lady Pinnock, and the noble Lord, Lord Campbell of Pittenweem—this is all about the balance between getting Britain building safely again and amenity.

I thank the noble Baroness, Lady Pinnock, the noble Lord, Lord Shipley, and my noble friends Lady McIntosh, Lord Blencathra and Lord Randall for amendments to Clause 16. My noble friend Lord Blencathra's Amendment 53 deals with works in proximity to residential dwellings. I assure him that the planning authority will still have discretion to refuse applications that it considers would have an unacceptable impact. The draft guidance published alongside the Bill highlights that careful consideration will need to be given to whether to refuse applications made in relation to developments that are in close proximity to residential areas where the request is likely to have a significant impact on health. The guidance also flags up the need for the local planning authority to take into account its other legal duties to protect people in the locality from the effects of noise.

I will take Amendments 54, 55 and 57 tabled by the noble Baroness, Lady Pinnock, in order. First, in response to Amendment 54, I say that there should be no fee in the current circumstances. This is a temporary measure that deals with a specific issue and is accompanied by clear guidance. We do not believe that the average planning department is likely to receive a great number of applications through this route such that it would create a significant new burden.

On Amendment 55, the draft guidance encourages developers to work closely with their local community and the local planning authority to undertake any noisy works that may affect residents during normal working hours and to implement mitigation measures. The local authority has the option to enforce against any breach of such approved plans and can enforce against other unacceptable impacts through the statutory nuisance framework.

*3 pm*

I turn next to the final amendment raised by the noble Baroness and the noble Lord, Lord Campbell of Pittenweem, about extending the decision period of 14 days if agreed by both parties. We are conscious that this is a short period, but it reflects a careful balance which allows time for fair consideration and required engagement by the local planning authority while ensuring that the developer gains a fast-track decision for this temporary measure, particularly so that they can make use of the additional daylight hours in the summer months. Local authorities also retain their discretion to refuse where there would be an unacceptable impact.

Turning to Amendment 58, I thank the noble Baroness, Lady Wilcox of Newport, for raising this important issue. I can assure her that sustaining employment in the construction industry, and enabling the safe return of workers, are the key aims of this Bill measure. However, this clause does not directly impact or alter other health and safety obligations that apply to employers, all of which still apply. Further, we do not expect a change in hours of operation of a construction site to impact on working conditions.

Let me reassure the noble Baroness that the Government are already working closely with the Construction Leadership Council's coronavirus task force and are monitoring the situation in real time. We consider that the proposal in the amendment to require an assessment to be laid before Parliament is unnecessary. I hope that, with the assurances that I have given, the noble Baroness will not press her amendment.

On Amendment 52, tabled by my noble friend Lady McIntosh and the noble Lord, Lord Shipley, I reassure noble Lords that the accompanying guidance for the construction hours measure highlights to authorities that in deciding whether to refuse an application they need to consider the original reasons for any existing limits on construction working hours. This includes whether limitations were relied on as either mitigation measures or as the basis of assessment for either an environmental impact assessment, including screening, or a habitats regulation assessment. As the Bill requires authorities to have regard to this guidance in exercising their decision, I do not consider the amendment to be necessary.

Similarly, while I acknowledge the purpose of Amendment 56, tabled by my noble friend Lord Randall of Uxbridge, I believe it to be unnecessary given that authorities must have regard to the draft guidance. The guidance makes it clear that careful consideration is needed of whether to refuse an application where, for example, the development is subject to an environmental impact assessment, there are habitats issues or there could be an impact on a site of special scientific interest, and authorities are of course able to refuse applications.

To be clear, this Bill sets out a number of measures to address the immediate impact of Covid-19, and we have it made it clear throughout the Bill provisions and related guidance that any easements should not have a detrimental impact on environmental protections. We remain committed through the Environment Bill, currently in the other House, to ensuring that environmental matters are at the heart of the planning system, including through the introduction of biodiversity gain, while also ensuring that development protects and enhances the habitats we all love.

I will now respond to Amendment 61, proposed by the noble Lords, Lord Hain and Lord Monks. I trust that the noble Lords intend this as a probing amendment, and I assure them that the Government are clear that, where planning permission is granted for a new development, the development must be built out as quickly as possible. However, I recognise concerns about the build-out of some planning permissions being too slow. We have therefore committed to explore ways to ensure that planning permissions are built out in a timely manner. We will publish a policy paper by the end of July setting out our plan for comprehensive planning reforms where this issue will be considered. For the reasons that I have set out, I am not able to accept the amendments to Clause 16 and I hope that noble Lords will withdraw or not move them.

Turning to Amendment 79, I hope that I have been able to assure my noble friend Lady McIntosh and the noble Lord, Lord Shipley, that any regulations made under Clauses 16, 17, 18 and 19 would already be subject to either the draft-affirmative or the made-affirmative procedure. Therefore, I cannot accept the amendment and hope that my noble friend will decide not to move it when it is reached.

Let me respond finally to probing Amendment 80, tabled by my noble friend Lady Neville-Rolfe to understand the sun-setting provisions. This amendment would create a “cliff edge” to the Bill’s provisions which the Government believe would be unhelpful and would undermine its purpose. Ending the provisions at the end of the calendar year would create uncertainty, which would curtail the benefits promised in the Bill. Furthermore, a hard end date would mean that we could not implement the two permanent measures in the Bill; namely, we would first not be able to reform the Planning Inspectorate appeals system, as recommended by the Rosewell review and already implemented in Wales. Secondly, we would not be able to future-proof rules for temporary exemptions from heavy vehicle testing. For these reasons, I am not able to accept the amendment and hope that my noble friend Lady Neville-Rolfe will decide not to move it when it is reached.

As I outlined yesterday, we will accept the Delegated Powers and Regulatory Reform Committee’s recommendations in relation to the powers to extend measures in this Bill to ensure that the effects of coronavirus are part of that consideration.

My noble friend Lord Blencathra argued for a backstop or clear restrictions to be included in the Bill. We do not feel that this would allow the flexibility that might be desirable to support a pragmatic solution; for instance, where a developer has quiet, internal-only works to complete that would not cause undue disturbance.

Finally, the noble Lord, Lord Shipley, referred to conditions being amended to reduce environmental protection. To be clear, this is a temporary measure and safeguards are in place to ensure that local authorities can consider the environmental impact of reinstating lapsed planning permissions and extending construction hours.

**Baroness McIntosh of Pickering [V]:** I thank my noble friend for his eloquent summing up and all those who have spoken on this group of amendments. I thank the noble Lord, Lord Shipley, for his support for my amendment. Given what my noble friend the Minister said in response to Amendment 52 regarding the accompanying guidance—that regard is had to the environmental impact assessment and the habitats regulations assessment—and given that, in response to Amendment 79, he said that regulations would be subject to either the draft-affirmative or the made-affirmative procedure, I beg leave to withdraw Amendment 52.

*Amendment 52 withdrawn.*

*Amendments 53 to 57 not moved.*

*Clause 16 agreed.*

*Amendment 58 not moved.*

**The Deputy Chairman of Committees (Baroness Garden of Frognal) (LD):** We now come to the group beginning with Amendment 59. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate and anyone wishing to press this or any other amendment in this group to a Division should make that clear in debate.

***Clause 17: Extension of duration of certain planning permissions***

*Amendment 59*

*Moved by Lord Lansley*

**59:** Clause 17, page 27, leave out lines 18 and 19 and insert—  
“(i) beginning with 25 June 2020, and”

Member’s explanatory statement

This will provide that where a relevant planning permission has a time limit for commencement of development between 25 June (when this Bill was introduced to Parliament) and 31 December 2020, the time limit will be extended as provided for in subsection (2).

**Lord Lansley (Con):** My Lords, I should draw attention to my interest as chair of the Cambridgeshire Development Forum, as entered in the register. As other noble Lords have done, I express my thanks to my noble friends for their discussions following my speech at Second Reading and for the very helpful letter from my noble friend Lord Howe.

I confess that all 13 amendments in this group are mine, but they are to achieve two purposes. The first is to substitute June for April, so extending time limits on permissions and listed building consents. Clause 17 relates to planning permissions; Clause 18 relates to outline planning permissions; Clause 19 relates to listed building consents. In all three cases, the Government have given a three-month extension from December to the end of March. My amendments would take that from 1 April to 1 June. Nine of the amendments are to achieve that in relation to these three clauses. The other amendments, which I shall come to later, are to deal with the circumstances in which those planning permissions should be revived or extended where additional environmental approval has been sought and given.

I start with the question of adding two months to the proposed three months' extension. There is a balance to be struck, and I quite understand the thinking of my noble friend and the Government. They want to reflect the fact that there has been a delay—a serious interruption—to the delivery of the project pipeline for development; equally, they do not want to extend so far as to allow for such developments to be delayed when they could and should proceed. I completely understand that. From my point of view, this is not a probing amendment; it is my assessment of what a practical decision is in the light of all the circumstances.

As I mentioned on Second Reading, practical issues may have been lost sight of in substituting the three months lost—essentially, April, May and June—with three months gained: January, February and March. The most obvious, which I mentioned on Second Reading, is that the industry has lost three months of prime building season in the middle of late spring and early summer and is receiving, by way of compensation, time in the middle of winter. We do not know what seasonal effects January, February and March 2021 will have but if they were particularly inimical to development, it would mean quite a significant deficit in the opportunity for development. From my conversations with housebuilders it is not the case that on returning to site, generally in late June, they were able to do so on the basis of achieving full capacity. Many were starting at 50% capacity; those who I talked to only a week ago were generally at 80% capacity. The pipeline will have lost a further few weeks by the end of December. Adding that together, one might say “If not three months, perhaps four—or even five”. It depends on how one looks at it.

My noble friend Lord Howe has very helpfully said that in any case, all one needed to do is to implement a planning permission. He said: “Digging a trench or pegging out a road may suffice”. I have to tell him that I have looked into this and the courts have often taken a view about what commencement might be. Digging a trench might be sufficient; pegging out a road probably

is not. The point is that neither takes account of two significant additional factors. First, when one commences development, often one also commences a legal obligation for community infrastructure levy, so significant costs may then arise. One does not commence a development simply by digging a trench, walking away and saying, “I’ve done what the planning permission requires”. That is not sufficient and, in the eyes of many developers, would be quite an unwise thing for them to do. Secondly, one cannot simply commence development until one has received the discharge of pre-commencement planning conditions.

I checked with the Greater Cambridge Shared Planning service and as of the beginning of last week, on 6 July, it began to look at applications received on 15 April for the discharge of pre-commencement planning conditions. That is a 10-week delay. Of course, discharge of conditions under these circumstances would generally take eight weeks, so there is an 18-week potential delay. When one begins to add these things together—they are not necessarily in series but may be concurrent—none the less it is far from obvious, in my view, that these particular three months at the beginning of next year are a sufficient addition to the time which developers need to compensate for the time they are losing in the course of 2020.

My point here is that my practical view was, “Let’s add two months”. In this respect, I shared the exact view—which I reflected in asking my noble friend some weeks ago whether he would add six months to planning permissions beyond the end of December—of the Home Builders Federation. It has welcomed what the Government are doing and is grateful for their bringing forward this legislation, but in fact asked for 1 July, not 1 April. I have not asked for 1 July; I have asked for 1 June. I think there is a practical answer somewhere beyond 1 April, in the light of all the circumstances.

*3.15 pm*

I turn more briefly to the other amendments, Amendments 59, 62, 66 and 68. Each of them has the effect of changing the point prior to which additional environmental approvals will be required before planning permissions can be revived or extended. The Bill states that it is effectively 28 days after the coming into force of the provision, which is 28 days after Royal Assent. That likely takes us to the latter part of August. In my view, this is quite late. We are talking about planning permissions, which would otherwise have expired in August, having to go through additional environmental approval to be revived and extended beyond December. This should be required only in circumstances where there is good reason to believe that the environmental approval associated with the original planning permission is out of date. We cannot say for certain whether that is the case in any of these planning permissions, so we have to make a general judgment. But let us examine the fact that these planning permissions would have been implemented in these few months without any additional environmental approval and ask: is it necessary to go that far?

My personal view is that there was an expectation when the Bill was published that the development industry would receive three months in addition. That was in

the Government's publicity at the time, even if the Bill says something rather different. Giving the industry the expectation of a three-month extension to planning permissions and then saying, "Oh, but you haven't actually got it, you will have to go through additional environmental approval", is giving with one hand and slightly taking away with the other. Can these additional environmental approvals be implemented properly? If this consists of a real process it might, for example, require additional surveys to be undertaken. Let us examine an air quality survey associated with a planning development. How, under current circumstances, can you look at traffic and air quality and conduct a survey comparable to the surveys that might have been done a year or two ago? I do not think that is entirely practical.

I suggest that only those planning permissions that have expired before the Bill was introduced should be subject to additional environmental approval. That would take it back to 25 June, which is why I put that in the amendment as a practical suggestion to limit the requirement for additional environmental improvements. I hope I have explained that adequately for the benefit of the Committee, and I look forward to the Minister's response. I beg to move.

**Lord Balfe [V]:** I have a very short intervention to make. I looked at this set of amendments in conjunction with the previous set. This is a sensible extension of the time limits, in my view, and I hope that those who will benefit from it—the developers—will have realised that this is adequate quid pro quo for the keeping-up of standards, which was the subject of most of the previous set of amendments. If we are to have a level playing field, this is what is wanted in return for what we want from them.

**Baroness Pinnock [V]:** I have a short comment to make on the amendments of the noble Lord, Lord Lansley. He makes a strong argument in his request for a time extension to planning permissions and environmental approvals. I look forward to what the Minister has to say in this regard, because it seems to me that the case has been made.

**Baroness Wilcox of Newport [V]:** My Lords, the amendments in the name of the noble Lord, Lord Lansley, highlight questions in the Bill relating to the duration of planning provisions. Amendments 59, 62, 66 and 68 beg the question of what the consequences will be should the Bill be delayed. The other amendments in this group demonstrate the lost time and capacity available for development during 2020.

The United Kingdom is suffering from a lack of affordable housing. We must build to a scale which has not been seen in recent decades. The pausing of developments in recent months would make this even more difficult. We should also be alert to the knock-on effects on housing stock should developers be forced to cease construction altogether. As I noted in the previous debate in relation to the comments of my noble friend Lord Hain regarding land banking, we must allow houses again to be built without delay to provide homes for the people of this country. I hope the Minister can offer assurances regarding these issues.

**Lord Greenhalgh:** I am grateful to my noble friend Lord Lansley for speaking to this group of amendments which relate to the extension of planning permissions and listed building consents. These amendments have been supported by my noble friend Lord Balfe. Let me begin by saying that this is a very unusual and challenging time for the development industry, and we recognise that many developers of residential and commercial buildings have had to pause projects.

First, I recognise my noble friend's comment that the proposed extension for those permissions and consents due to lapse close to 31 December 2020 will represent an extension of only three months, and I take his point about the quality of those three months. However, where a planning permission is due to lapse earlier in the year, for example in September, it would benefit from an automatic extension of closer to seven months. This, we believe, is proportionate.

Secondly, we should be clear that these measures to extend planning permissions and listed building consents are intended to support developers to implement their permissions—that is, to make a start on site—as we know that many of them will have experienced disruptions or delays due to the pandemic. However, it need not take very extensive works to implement a planning permission, and we think it is reasonable to expect starts on site to take place by 1 April 2021. I note my noble friend's points about the community infrastructure levy, but we have made provisions so that the payment can be deferred and I am sure we will see improvements with regard to the current delays in the discharge of pre-commencement planning conditions.

Finally, my noble friend will be aware that we have included powers to extend, by regulations, both the 31 December 2020 date and the 1 April 2021 date to allow more or longer extensions, should that become appropriate. I am happy once again to commit to my noble friend on the Floor of your Lordships' House that I would be pleased to engage with him on this matter in the coming months as we better understand how the industry is recovering from the impacts of the pandemic.

My noble friend also spoke to Amendments 59, 62, 66 and 68 to Clauses 17 and 18 in relation to the scope of the additional environmental approval process. These amendments would shift the cut-off date for those permissions which require additional environmental approval in order to be extended to April 2021. This date is currently set at the date these provisions take effect, which is four weeks after Royal Assent. My noble friend's amendment would shift this to 25 June 2020 to cover just planning permissions that have expired. He will understand that where planning permission has lapsed, an extension effectively reinstates the permission, thereby permitting something that otherwise would not be allowed to go ahead. So it is right in those circumstances, having regard to our environmental commitments and obligations, to check whether the existing environmental assessments are still up to date. However, it is important that these provisions capture not only permissions which have actually lapsed, but those which, while technically still extant as of now, in practice could not be implemented within their original time limit. That is why it is right that there is a short delay between this Bill achieving Royal Assent and the cut-off date when these provisions take effect.

[LORD GREENHALGH]

Developers with a permission that has not yet expired, but which is due to do so before these provisions take effect, still have the option to implement their planning permissions now, if they can. This would avoid any need to apply for additional environmental approval. If they cannot, it is right that before an extension is granted, there should be a check on whether the requisite environmental assessments remain up to date. The process for doing so is not burdensome, is focused and would be free of charge for applicants.

I hope that with this assurance my noble friend will feel able to withdraw Amendment 59 and will not press the others in this group.

**Lord Lansley:** My Lords, I am very grateful to my noble friend Lord Balfe and the noble Baronesses, Lady Pinnock and Lady Wilcox, for their contributions to the debate and for their positive remarks. I am also grateful to the Minister for his response. He demonstrated that he is trying to work this through as a practical issue. There are powers in the Bill to change the dates for the extension later on by way of regulation. I will consider what he said in his reply before we think about this on Report. It seems to me that if we recognise the strength of the case we should perhaps reflect it in the Bill to some extent, but there may be other and better ways of achieving that than in my amendments to date. I beg leave to withdraw the amendment.

*Amendment 59 withdrawn.*

*Amendments 60 to 64 not moved.*

*Clause 17 agreed.*

**Clause 18: Extensions in connection with outline planning permission**

*Amendments 65 to 70 not moved.*

*Clause 18 agreed.*

**Clause 19: Extension of duration of certain listed building consent**

*Amendments 71 and 72 not moved.*

*Clause 19 agreed.*

*Clauses 20 and 21 agreed.*

*Amendments 73 to 75 not moved.*

*Amendment 76*

*Moved by Lord Kennedy of Southwark*

**76:** Before Clause 22, insert the following new Clause—

“Three-month parliamentary reviews

- (1) This Act expires at the end of a review period unless the condition in subsection (2) is met.
- (2) The condition is that both Houses of Parliament have, following a debate, passed a resolution during the review period in the form in subsection (3).
- (3) The form of the resolution is—  
“That the provisions of the Business and Planning Act 2020 should not yet expire.”
- (4) The first review period begins on the day 90 days after the day on which this Act is passed.
- (5) Subsequent review periods begin on the day 90 days after the day on which the previous review period ended.

(6) A review period ends at the end of the seventh sitting day after the day on which it begins.

(7) In this section, a “sitting day” means a day on which both Houses of Parliament are sitting (and a day is only a day on which the House is sitting if the House begins to sit on that day).”

Member’s explanatory statement

This new Clause would ensure rolling three-month parliamentary reviews of the legislation.

**The Deputy Chairman of Committees:** I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate, and anyone wishing to press this amendment to a Division should make that clear in the debate.

**Lord Kennedy of Southwark:** My Lords, in my first contribution I should have declared my interests as a vice-president of the Local Government Association and as president of National Pubwatch.

Amendment 76 in my name is a solitary amendment and was first raised in the other place by my good friend the Member for Hackney South and Shoreditch, Meg Hillier MP. The intention is to allow Parliament to consider the impact of the measures introduced by the Bill and to repeal them should unintended consequences occur. I very much agree with my honourable friend in the other place that it is particularly important for Parliament to take a power to repeal measures since so little time has been given for the Bill to be debated. Are noble Lords satisfied that we have had sufficient time to scrutinise the Bill? I suggest that we have not had enough time, but there is a lot of pressure to get it agreed. It is therefore important to ensure that we have a mechanism to deal with issues.

There is one important difference between my amendment and that which was debated in the House of Commons. In the amendment before the House of Commons it was for the Commons to conduct the review, while my amendment gives a role for the House of Lords. That is in recognition of the expertise in this House. For me, that was an omission in the discussions in the other place.

I expect I will shortly be told that this amendment is unnecessary as the Bill includes a provision for the affirmative procedure for draft regulations, but that affords little scrutiny, especially in the Commons where only a small number of MPs have the chance to raise concerns. This amendment would allow Parliament to review the impact of the provisions in the late autumn. If the Minister is unable to accept it, perhaps he could explain how the Government will allow the House otherwise to repeal aspects of legislation should the concerns around provisions prove founded. I beg to move.

3.30 pm

**Lord Shipley [V]:** My Lords, I support the noble Lord, Lord Kennedy of Southwark. I spoke about this issue at Second Reading and said that there was a need for quarterly reviews of the practical operation of this legislation, with scope for amending it if there were unforeseen or unintended consequences. The Minister said that he did not wish to “compromise the stability”

that the Government sought and wanted to avoid “an unpredictable cliff edge” for those implementing the legislation who might find it difficult if the law changed constantly.

I understand that perspective. Of course, the solution is to proof this legislation properly: first, against mistakes, and secondly, by providing a means of putting right any unforeseen consequences of the Bill. I venture to suggest that there will be some unintended consequences; the question is how they will be put right. How will mistakes be corrected during the operation of this Bill, and would not the simplest means be to do what the noble Lord, Lord Kennedy of Southwark, suggests?

**The Deputy Chairman of Committees:** We do not seem to have the noble Baroness, Lady Uddin, so I call the noble Baroness, Lady Pinnock.

**Baroness Pinnock [V]:** I too support this amendment, moved by the noble Lord, Lord Kennedy. The issues were raised at Second Reading. There will be unexpected impacts as a consequence of the ramifications of this Bill on both licensing and planning legislation. There must be a means of addressing them in a timely way. So far, we have not heard from the Government how that will be done. The noble Lord has brought forward a reasonable proposal for how any issues that arise from the Bill could be addressed, but as yet the Government do not appear ready to accept it. I look forward to what the Minister has to say in response.

**Earl Howe (Con):** My Lords, I am grateful to the noble Lord, Lord Kennedy, for his amendment.

First, I recognise that this legislation is passing through Parliament at considerable speed. Your Lordships rightly stress the importance of scrutiny. However, any review of the kind proposed by the noble Lord should be proportionate to the issue in question. The measures in this Bill respond to the specific conditions created by the Covid-19 pandemic. We have already ensured that the vast majority of those measures are explicitly temporary or relate to temporary schemes.

Amendment 76 would create a potential cut-off to the Bill’s provisions every quarter. The Government believe that that would be very unhelpful and undermine the purpose of the Bill. Surely we need to give the economy and businesses stability and reassurance. Bringing these measures back to Parliament every three months for positive reapproval would create the very thing that businesses want to see the back of—uncertainty—and would severely dilute the benefits intended in the Bill. We cannot expect businesses and local authorities to operate not knowing whether these measures will be turned on or off every quarter. Construction work may be delayed or cancelled, vital freight vehicles may lie dormant, and businesses may find it difficult to operate.

Indeed, different sectors will need their provisions for different amounts of time. The different end dates of the temporary provisions in the Bill reflect the different effects of Covid-19 according to sector. For example, the challenges facing restaurants, bars and pubs are not the same as those facing HGV drivers, developers or construction firms.

I am not dismissing the case for scrutiny. Parliament will still be able to monitor and scrutinise the Government’s actions in all the usual ways. Let us bear in mind that, as the noble Lord reminded us, the powers to extend the duration of the temporary measures are subject to the affirmative procedure to provide opportunity for thorough scrutiny of the use of these provisions. As my noble friend Lord Greenhalgh outlined yesterday, we will also accept the Delegated Powers and Regulatory Reform Committee’s recommendation in relation to the powers to extend measures in this Bill, to ensure that the effects of coronavirus are part of that consideration.

The noble Lord, Lord Shipley, asked how we as a Parliament will monitor mistakes and how those mistakes will be corrected. The answer is that built into these provisions are flexibilities that lie largely in the hands of local authorities, which can, taking pavement licences as an example, amend conditions or remove the licence altogether. In so far as we have devolved powers to local authorities, they have the ability to correct mistakes, if one can put it that way.

My final point, which I invite the noble Lord, Lord Kennedy, to reflect on, is that a rolling review would mean that we could not implement the two permanent measures in the Bill. We would not be able to reform the Planning Inspectorate appeals system, as was recommended by the Rosewell review and has already been implemented in Wales, and we would not be able to future-proof rules for temporary exemptions from heavy vehicle testing. The existing rules allow for exemptions to be issued on a blanket basis during exceptional circumstances. The measures in this Bill will allow the Government to issue exemptions on the basis of road safety risk, while still being constrained through regulations to issue these exemptions in relation to exceptional circumstances. This corrects a deficiency in existing emergency powers.

For these reasons, I cannot accept this amendment and I hope that the noble Lord will feel able to withdraw it.

**The Deputy Chairman of Committees:** I have received a request from the noble Baroness, Lady Uddin, to speak briefly after the Minister.

**Baroness Uddin (Non-Afl) [V]:** My Lords, I wanted to speak in support of the noble Lord, Lord Kennedy of Southwark. I was not able to do so because I was muted from the other side; I therefore seek the leniency of the House in making my points.

In the past few months, we have become accustomed to approving measures retrospectively. Our debates have become mostly redundant because of the need to accommodate the next set of schedules and amendments. It has been important for me to put forward my views on this Bill.

Given the significant role of local authorities in the recovery of our communities, the reporting requirement in this amendment must detail the extra cost of how measures in this Bill will have an impact on local communities, as it is not clear. As a former councillor, I fear that the inevitable result will be a greater workload and higher cost for most authorities, including planning services. Many local authorities have been put on the back foot by some of the proposed measures and, by all accounts, feel sidelined.

[BARONESS UDDIN]

As the noble Lord, Lord Paddick, and other noble Lords passionately detailed, it is local authorities and local police forces who will have to manage the fallout and environmental impact of any breaches or disputes and mop up after anti-social behaviour. I am in complete agreement with the points made yesterday by the noble Lords, Lord Paddick and Lord Sheikh, about the result and detrimental impact of increasing the availability of alcohol. Therefore, this House requires more than assurances on reducing closing times. The impact can be felt by local residents—as well as the police and health services, of course—long into the night.

I am also concerned about the planning aspects of the Bill coming into this emergency process. The three-monthly review required by this amendment is of the highest imperative in warranting the necessary transparency in, and safeguarding of, local consideration of public interests. The Bill would worryingly enable planned development delayed by the Covid-19 outbreak to go ahead, forgoing the usual standards, such as requirement of local public consent, as eloquently detailed by the noble Lord, Lord Balfe, and others.

I appreciate that responding to housing need is of the utmost urgency. As a former deputy leader of Tower Hamlets Council, I am also fully conscious of the central role of local authorities in the planning process, and their duties and obligations to meet the needs of local residents and communities. This is equally significant when considering the environmental and health effects of long working hours on residents, particularly children. What provision will be made for environmental standards in the proposed local government emergency planning reforms?

It is worth reflecting on the Government's own recent deluge of impositions, usurping the local planning process, which would have obvious detrimental consequences, incurring significant financial loss to the community benefits available from a number of local planning permissions granted. For decades, this has been a creative partnership route, allowing local authorities to build a fairer and more balanced mix of social and private housing and community facilities. The delay to accessing the community interest levy suggested in the Bill is deeply unsatisfactory. What consideration will be given to working with housing associations to ensure that good-quality family housing will also be built through permitted development rights—not just expensive housing creating segregated communities and further exacerbating social division? If the Minister is not able to answer, I would appreciate it if he would write to me and other interested Members.

No matter the political expediency, I see no value in, or justification for, management or planning decisions falling under emergency measures. I agree with my noble friend Lord Hain and the noble Baroness, Lady Wilcox, who have cited justified concerns and questions about land banking and other tensions within local authorities that they have to deal with. Local authorities should be at the heart of planning consent, and the Government should not persist in allowing fast-tracking for developers, which will inevitably compromise community housing needs.

The Bill would amend existing requirements concerning appeals to the Planning Inspectorate and would be a permanent change to the appeal procedure; it is a fundamental shift in local democratic accountability. Therefore, will the Minister assure the Committee that the quarterly review will encompass independent and local oversight of all planning applications granted for housing under this emergency legislation? Will he also make public any objections raised by local residents to safeguard due process in all planning consent while this emergency legislation is in place? I am extremely grateful to all Members for their patience.

**Earl Howe:** My Lords, with the leave of the Committee, I will reply very briefly to the noble Baroness. I was sorry to hear her questions because it appeared from what she said that she is fundamentally against the purposes—or most of the provisions—of the Bill. I hope that is not the case and will of course consider the questions she has asked. I simply remind her that extensive consultation has taken place with the Local Government Association, voluntary bodies and local associations of various kinds, and we have not encountered hostility to the purposes of the Bill, which are of course to enable the economy—and businesses in the economy—to get going again after the dreadful pandemic that we have all endured.

We have, in fact, been over most of the points raised by the noble Baroness at some length already, whether at Second Reading or in these Committee proceedings. I also remind her that these are, with two exceptions, temporary provisions. The noble Baroness made as if to say that we were setting in stone forever provisions that she had considerable concerns about. This is not the case and I hope that, on reflection, she will feel that this is a Bill that the country wants and needs. I will look at her questions and respond in writing as appropriate.

3.45 pm

**Lord Kennedy of Southwark:** My Lords, I thank the noble Earl for his response to my amendment. Obviously, I never intended to press it to a vote, and the noble Earl made some valid points on my amendment. Equally, I think I raised some valid issues with the amendment. As I said, I support the intention of the Bill and, as I raised here, I entirely accept that these are temporary measures. Equally, however, I think there is an issue if, when we put something in place that is temporary but causes unintended consequences, we have the solution be, “Oh well, hopefully I have the power to do something about it.” This may not be the tidiest way of dealing with things—let us leave it at that.

In a number of places around the country, we leave it to the local authorities to intervene and deal with the issues when we could have a mechanism to deal with them ourselves. Anyway, I hope that this will not be the case and will not be necessary, but it is a valid consideration. I beg leave to withdraw the amendment.

*Amendment 76 withdrawn.*

**The Deputy Chairman of Committees:** I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate, and anyone wishing to press this amendment to a Division should make that clear in debate.

*Amendment 77*

*Moved by Lord Hain*

**77:** Before Clause 22, insert the following new Clause—  
“Employee-employer cooperation

- (1) The Secretary of State must, within six months of this Act being passed, lay before Parliament a strategy for employee-employer cooperation in regard to businesses implementing the provisions of this Act.
- (2) In producing the strategy, the Secretary of State must consult—
  - (a) trade unions and other organisations which represent employees,
  - (b) relevant businesses, and
  - (c) any other persons the Secretary of State considers appropriate.”

**Lord Hain [V]:** Amendment 77 is also in the names of my noble friends Lord Hendy and Lord Monks, and the noble Baroness, Lady Ritchie. It promotes much closer employee-employer co-operation and requires the Secretary of State, within six months of the Act being passed, to lay before Parliament a strategy for employee-employer co-operation with regard to businesses implementing the Act’s provisions. In producing this strategy, the Secretary of State must consult trade unions and other organisations that represent employees, relevant businesses and any other persons the Secretary of State considers appropriate.

Surely the Government cannot possibly object to close partnership between employers, trade unions and—where no unions operate in businesses—employees. Will that not better help keep business running safely, rebuild the economy and support those businesses badly damaged by the Covid-19 crisis? Everyone acknowledges that this crisis is by far the greatest Britain has faced since World War II. Unless the Government extend open arms to trade unions and employees to work in partnership to overcome the crisis, they are disabling themselves and everybody else.

Trade unions have already demonstrated in practical ways their value in helping employers to work through this crisis while ensuring the health and safety of staff and customers. Take, for example, the communications sector, which has been crucial to keeping the nation connected and supporting economic activity through the lockdown. The Communication Workers Union, for which I should declare that I worked for 14 years before being elected a Member of Parliament, has played a critical role in sustaining our postal and telecoms services and helping businesses to open up safely where they were initially forced to close.

They have secured agreements with Royal Mail, British Telecom and a range of other employers on the adequate provision of PPE and social distancing measures, higher levels of protection for riskier front-line roles, the introduction of thorough workplace risk assessments, the safe use of vehicles, home working for office-based staff with suitable equipment, support for the clinically vulnerable and comprehensive safeguards for staff and customers in high street retail outlets before they opened in the middle of June.

The amendment also exemplifies what a missed opportunity the Bill represents. Yes, it provides a range of measures to help businesses develop new ways of

working as the country recovers from Covid-19—but what a narrow range, and what tunnel vision. Paragraph 72 of the Explanatory Memorandum reports that representations have been received from the trade union Unite about the difficulties bus and truck drivers face in getting medical reports to keep their driving licences valid. Difficulties are understandable in current conditions, of course; not all today’s tailbacks are on motorways. Some are outside GPs’ surgeries.

However, what neither the Bill nor the Explanatory Notes acknowledge is the call by Unite the Union’s leadership for the Government to involve the country’s 100,000 trade union health and safety representatives in helping with test, track and trace and in finding safer ways of working that deal with the ongoing risks from Covid-19. Independent evidence shows that workplaces where unions are recognised have half the accidents of those where unions are absent. Have the Government even acknowledged Unite’s offer? There is, seemingly, no response to it in the Bill.

Clause 14 is a small step in the direction of helping businesses to adjust to safer ways of working, but what the British economy needs are giant strides towards a bolder objective—more productive ways of working—which is what this amendment is designed to achieve.

The Department for Business, Energy and Industrial Strategy recognised long ago that the way that work is organised and how people are managed are key factors in determining workplace performance results. None of that wider awareness is visible in the Bill. The Covid-19 crisis is also a chance to make workplaces more productive by encouraging closer co-operation at work and by challenging both sides of industry to boost productivity by working in partnership. The Bill, again, fails to grab that chance.

The crisis has shown that many established ways of working are past their sell-by date and that working people often have much more to offer than established working practices allow them to contribute. They are trapped in traditions and wrapped in routines that stifle creativity and dull initiative. Instead of work that they find fulfilling and rewarding, with opportunities for advancement, too many employees feel locked into undemanding humdrum jobs and are prisoners of rigid rules, hierarchical structures and narrow horizons.

The problem stems from both sides of the bargaining table. Too many managers cling to a command- and-control approach, fearful of sharing information with employees and too many union representatives, while talking a good game about teamworking and joint endeavour, although not necessary pursuing it. By working together, unions and employers can deliver big improvements in performance, boosting productivity and profitability, lifting living standards and improving job prospects. For instance, a mutual pledge on co-operation and a problem-solving approach to employment relations can free up management time, promote effective teamworking and improve dignity at work.

An agreed undertaking to find more flexible ways of working that suit both employer and employees can cut customer order lead times, boost motivation and morale and improve the work-life balance. A shared resolve to boost training and personal development

[LORD HAIN]

can make continuous improvement a reality, ease the take-up of new technology and enhance employability and pay. A mutual commitment to accident prevention and risk avoidance can streamline production, boost reliability and make workplaces safer. Surely that is priority No. 1 in the Covid-19 crisis.

Both management and unions need help if we are to be able to grasp this opportunity to create a new framework for co-operation at work. Something like President Roosevelt's National Labor Relations Board could even up the balance of power between bosses and workers and encourage union recognition. It could help poorly paid key workers and the nearly 4 million people in insecure jobs to get a fairer deal.

The Government should build on the success of Ministers' recent sector-by-sector meetings with trade union and business leaders by backing sectoral bargaining. This could put a floor under pay and conditions of employment, raise standards and stop responsible employers being undercut by irresponsible rivals and workers being exploited unfairly. I have every intention of returning to this issue with my noble friends on Report unless, as I hope, the Minister can accept our amendment or at least embed in the Bill a version of it.

**Lord Henty (Lab) [V]:** My Lords, I thank my noble friend Lord Hain for moving this amendment and I agree with everything that he said in support of it. I shall add just one point—the essential modesty of the amendment.

Last month, 30 June marked the 70th anniversary of the ratification by the United Kingdom of Convention No. 98 of the International Labour Organization, one of the two most fundamental conventions in international labour law. It has not merely been expressly ratified by no fewer than 167 nations but is also considered to be part of customary international law. Article 4 of the convention calls on ratifying states to take measures

“to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.”

Article 6 of the 1961 European Social Charter—of the Council of Europe, not the EU—was ratified by the UK 48 years ago and makes similar provision.

In addition to compliance with domestic law, the rule of law requires states to comply with such ratified provisions of international law. As the late Lord Bingham put it in his well-known public lecture on the rule of law in 2006, the existing principle of the rule of law

“requires compliance by the state with its obligations”

in international law—the law that, whether deriving from treaty or international custom and practice, governs the conduct of nations. I do not think that that proposition is contentious.

This modest amendment does not ask, as the UK's binding international legal obligations do, for machinery for collective bargaining to be established in the present context. It merely asks for the Government to provide a strategy for collective co-operation. It is a point of principle shared by me and noble friends that workers should be involved in important decisions of the businesses

that employ them, as that is to the mutual benefit of both, as my noble friend has just pointed out. Many such decisions will arise in relation to this Bill. For myself, I am unable to discern any rational objection to the amendment and I look forward to hearing the Minister on the subject.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, I support the amendment in the name of my noble friend Lord Hain. It underscores the principles of the machinery for voluntary negotiation, partnership and co-operation. Surely the Minister will see fit to support it. It would encourage good work between employers and employees to ensure better productivity, better performance and better output levels, bringing benefit not only to the business and the employer but to the employees, because they would be directly involved in the decision-making.

You have only to look at the work that Unite has been doing in the whole coronavirus operation with test, track and trace. I looked at the German model of work councils, which are very much about voluntary negotiation between the employee and the employer, giving due recognition to the work of both but underscoring the principle of better output and better performance. They boost profitability, lift living standards and enhance the job prospects of all the employees directly involved.

I am very content to support this amendment in the name of my noble friend Lord Hain because it would bring about better working relationships and better co-operation, which, particularly at a time of a pandemic, are urgently required.

4 pm

**Baroness Kramer [V]:** My Lords, as employers bring back employees, even observing all the government guidelines scrupulously only reduces the risk of Covid—it does not eliminate it. That brings me to the issue of employers' liability insurance and Covid, which I raised at Second Reading. I thank the noble Earl, Lord Howe, for his letter to me, in which he addressed the questions that I raised, but it seems that the problem remains. He wrote:

“Every employer carrying out business in Britain must maintain compulsory employers' liability insurance, which insures them in relation to bodily injury or disease sustained by employees arising out of and in the course of their employment in that business. There are strict limits on the conditions and exclusions which such policies can contain.”

However, both employers and employees were very taken aback to find that business interruption insurance, which they thought covered them in an instance such as the pandemic, in most cases has not been applicable. Many will look at the terms of employers' liability insurance and feel very uncertain that, in a case where an employee acquires Covid at the work site, they will be protected by that insurance, and of course employers share that same concern. There is a real worry that insurance companies will find some way out of being responsible for paying compensation or that they will ask the employers to add to and expand their insurance, at some extraordinarily exorbitant price.

I was interested in Amendment 77 because I am being realistic in recognising that the Government will not intervene at the moment to try to make sure that

this insurance is adequate—and at the moment, insurers are not feeling a lot of pressure. But the coming together of employees and employers, which in a sense is outlined in Amendment 77, seems to provide a venue to create pressure and to place attention on this issue. I fear that, particularly if we have a second spike, it will become a very significant issue, and I do not want the pressure to try to deal with this matter to go away.

**Baroness Pinnock [V]:** My Lords, Amendment 77 on employee and employer considerations, in the name of the noble Lord, Lord Hain, is a timely reminder that all the elements of the Bill have a consequence on working lives and employer responsibilities, and provide opportunities to develop better working practices and relationships. Liberal Democrats have long proposed employee involvement in businesses as a means for improvements to be gained, both by the employer and those employed. This debate is important, we support the sentiments, and I look forward to the response from the Minister.

**Lord Kennedy of Southwark:** My Lords, Amendment 77, in the name of my noble friends Lord Hain, Lord Monks and Lord Hendy, and the noble Baroness, Lady Ritchie of Downpatrick, introduces the issue of employer-employee relations and highlights the role of trade unions and other organisations that represent employees in determining the success of these changes.

The Government will want to engage constructively with the relevant trade unions, and it would help the House if the noble Earl could set out how he has consulted them during the drafting of the Bill and sought their views on the issues contained in it, which have a direct consequence for the people they represent.

The Bill seeks to support economic growth, but if workers, their views and the views of their representatives are not taken account of and their safety is ignored, that is irresponsible—and I am sure the Government would not want to do that. The worst thing of course would be if we did not take their views properly into account and that failure contributed to a second wave of the pandemic, which would be—health-wise and economically—an utter disaster for the United Kingdom.

I agree very much with the comments of the noble Baroness, Lady Ritchie of Downpatrick, about how we should look to Germany and the work it does there with its works councils. I was over in Berlin a couple of years ago and saw the great work Rolls-Royce was doing at its factory just outside Berlin.

My noble friend Lord Hain mentioned the Communication Workers Union, and I fully endorse his comments. I also pay tribute to USDAW, the shop workers' union. I was a member of USDAW for many years. Its members, the shop workers, are the people who have kept our shelves filled, and not without abuse and assaults from people. There have been some disgusting stories of offensive behaviour that shop workers have had to endure from people coming into shops. We should pay tribute to them. During the passage of the Bill concerns have been raised with me by the Bakers, Food and Allied Workers Union, which of course has many members employed in pubs, about their safety as we move forward.

I also endorse the comments of my noble friend Lord Hain that managers and trade unions working together can make a huge difference for businesses, local authorities and the rest of the public sector, particularly the NHS. We should not forget that when we clap NHS workers, pay tribute to shop workers, rightly praise local government staff and call firefighters heroes, they are members of unions such as Unison, Unite, the GMB, USDAW and the FBU. They are the same people—there are not two groups of people, one of heroes and great workers and the other of trade union people. There is something that has always frustrated me, and I raised it many times when the noble Lord, Lord Bourne, was Local Government Minister. When we discussed the tragedy of Grenfell Tower, the frankly totally unfair attacks on the FBU by the Prime Minister always irritated me. I repeatedly raised that, because it was totally unfair. Those heroes are members of that trade union. I will leave my comments there, and I look forward to the reply of the noble Earl to the amendment.

**Earl Howe:** My Lords, the noble Lord, Lord Hain, made some powerful and extremely significant points on co-operation between employers and employees, and putting that important principle into the context of the current crisis. I thank him for the way he did so. I also thank the noble Lord, Lord Hendy, and the noble Baroness, Lady Ritchie, who joined him in putting forward this amendment, and I thank the noble Baroness, Lady Pinnock, and the noble Lord, Lord Kennedy, for their contributions.

As has been explained, this amendment would require the Secretary of State to produce a strategy for employer-employee co-operation in regard to businesses implementing the provisions of the Bill, which should be done within six months of the Act coming into force. In producing the strategy, the Secretary of State would be required to consult trade unions, other employee representatives, relevant businesses and other appropriate parties. I hope that the noble Lord, Lord Hain, will take it from me that we recognise the importance of effective employer-employee relationships, particularly in the current context. We encourage a constructive approach from both sides.

The noble Lord, Lord Hendy, asked me to say why we would object to an amendment of this kind. We do not think that a ministerially led strategy for employee-employer co-operation is necessary in the context of the Bill. The simple reason for that is that decisions on how to implement the provisions of the Bill rest best with individual businesses, their employees and their representatives, who know far more about their specific circumstances than any government Minister. We do not need to involve the Government in those processes.

I agree that workers' voices should be easily heard, so it is worth my adding that the Information and Consultation of Employees Regulations 2004 provide another important avenue for the worker's voice in the workplace. We have recently lowered the request threshold from 10% to 2%, which we believe will encourage employers to be more open with staff about what is happening in their workplace. This has made it easier for employees to secure information and consultation

[EARL HOWE]

arrangements with their employer on key matters relating to the employer's strategic direction. That is another reason why we believe that this amendment is not necessary.

The Government recognise that trade unions can play a constructive role in maintaining positive industrial relations. Indeed, to answer the point made by the noble Lord, Lord Kennedy, we have worked with unions, employers and other parties throughout this pandemic to ensure that workplaces remain safe; we will continue to do so as the UK looks towards economic recovery. This is an important subject, not least because so many people owe their lives and their well-being to a great many trade union members. However, for the reasons I have given, and much as I am with the noble Lord, Lord Hain, in spirit, I am not able to accept this amendment. I hope that the Committee will agree and that, for now at least, the noble Lord will feel able to withdraw his amendment.

**Lord Hain [V]:** My Lords, I thank my co-signatories to this amendment, my noble friend Lord Hendy and the noble Baroness, Lady Ritchie. My noble friend Lord Hendy's expertise and knowledge of employment law is second to none in this House. I am grateful to him for his support, as I am to my noble friend Lord Kennedy of Southwark—particularly for his mention of other unions such as USDAW and the bakers' union which have been crucial in combating the Covid crisis. We can look right across the board, to UNISON in the health service, the Royal College of Nursing, the GMB and others, which have all played a vital role. This amendment seeks to get proper statutory acknowledgement for that role. I thank also the noble Baronesses, Lady Kramer and Lady Pinnock, for their support.

The Minister is always a model of ministerial courtesy and consensus. I thank him for that, but I find his argument that this amendment is not necessary, frankly, pretty shallow. The amendment is extremely modest, as my noble friend Lord Hendy underlined. All it is asking is for recognition that there should be consultation with trade unions and employees—and with other organisations where no unions are recognised. How can we combat this crisis effectively unless we are all pulling together? As we all know, we are facing an absolutely major crisis. Trade unions are performing a critical role. I find it very disappointing that the Minister is not able to support this amendment. Therefore, I give notice that my noble friends and I will seek to return with another, similar amendment on Report. Meanwhile, at this stage, I beg leave to withdraw this amendment.

*Amendment 77 withdrawn.*

*Amendments 78 and 79 not moved.*

*Clause 22 agreed.*

*Clauses 23 and 24 agreed.*

**Clause 25: Transitional etc provision in connection with expiry**

*Amendment 80 not moved.*

*Clause 25 agreed.*

*Clause 26 agreed.*

*House resumed.*

*Bill reported without amendment.*

*4.15 pm*

*Sitting suspended.*

**Agriculture Bill**  
*Committee (3rd Day)*

*4.44 pm*

*Relevant document: 13th Report from the Delegated Powers Committee*

**The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab):** My Lords, a limited number of Members are here in the Chamber, respecting social distancing. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. Other Members will participate remotely, but all Members will be treated equally wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak; please accept any on-screen prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. I remind the House that our normal courtesies in debate still very much apply in this new hybrid way of working.

A participants' list for today's proceedings has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to the amendments or expressed an interest in speaking on each group. I will call Members to speak in the order listed. Members' microphones will be muted by the broadcasters except when I call a Member to speak. Interventions during speeches or before the noble Lord sits down are not permitted, and uncalled speakers will not be heard.

During the debate on each group, I will invite Members, including Members in the Chamber, to email the clerk if they wish to speak after the Minister. I will call Members to speak in order of request and call the Minister to reply each time. The groupings are binding and it will not be possible to de-group an amendment for separate debate. A Member intending to press an amendment already debated to a Division should have given notice in the debate. Leave should be given to withdraw amendments.

When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group.

**Clause 1: Secretary of State's powers to give financial assistance**

*Debate on Amendment 29 resumed.*

**Lord Blencathra (Con) [V]:** My Lords, for all amendments on which I may speak today, I declare my interest as on the register.

When we concluded last Thursday, we had heard some excellent speeches on nature-friendly farming and agroecology, and I will comment on the amendments in this group that speak about those subjects. They are not the same thing, as I recall my noble friend Lord Caithness saying in his speech. As an aside, he also mentioned an anecdotal indicator that highlights the severe decline in our biodiversity. Like him, I cannot recall when I last saw bugs or moths squashed on my car windscreen—at least 20 years ago. Where there are no bugs and beasties, birds will be in decline also.

I was interested that the noble Baroness, Lady Ritchie, kept referring to “nature-friendly farming” in her excellent speech. I have had the benefit of looking at examples of farms in the agroecology network and the Nature Friendly Farming Network and, while both do excellent work, it is important that we get it right if we build either of these terms into legislation.

I am grateful to my friend Professor Michael Winter of Exeter University, the UK-renowned expert on this subject, who is also on the board of Natural England. He has briefed me as follows: “There is a significant difference between the Nature Friendly Farming Network and Agro-Ecology. The Nature Friendly Farming Network is a broad grouping that includes organic and the Linking the Environment And Farming the LEAF/integrated approaches. Agro-ecology dates back to the 1980s and the term was coined by a Chilean scientist (now a professor at Berkeley) called Miguel A. Altieri. It is resolutely organic and anti-GM, and closely linked to the food sovereignty movement. In the UK, agroecology has been adopted by the Landworkers’ Alliance. There are many things to commend agro-ecology but it is not easily compatible with mainstream broadacre UK agriculture, and I am sceptical about the hegemony of organics and the wholesale opposition to mainstream food retailers.”

Professor Winter goes on to say: “I advocate three things in this space: 1) more policy attention and encouragement to agro-ecology as just one part of the tapestry of ensuring farming becomes more nature-friendly; 2) a pragmatic acceptance that most UK agriculture for the foreseeable future is not likely to radically divorce itself from the conventional food chain (as advocated by the Landworkers’ Alliance), and therefore that LEAF/integrated and nature-friendly approaches are needed within the mainstream food system; and 3) the need to encourage research that bridges the gap between the agro-ecology-based approach and the conventional Research Council/Sustainable Intensification approach.” In light of that, I am content that any amendments that mention nature-friendly farming are opposed to those that advocate agroecology, unless they are part of a nature-friendly farming system, which I passionately support.

Finally, I will comment on the speech on pesticides from the noble Baroness, Lady Finlay of Llandaff, which has tempted me to say something. On Thursday, we heard the excellent speech from the noble Lord, Lord Cameron of Dillington. He described how new robotic technology now makes it possible for machines to travel down a field and place a tiny drop of pesticide on a single weed leaf and kill it. No pesticide touches the food crop or soil. I do not want Roundup sprayed

by aerosol over everything—weeds, food, trees, humans and animals—but we must look again at some of these banned pesticides, if they can be applied in the future in the way described by the noble Lord, Lord Cameron of Dillington. We must not demonise all pesticides and herbicides. If someone invented a herbicide that killed Japanese knotweed or the fungus that destroys ash trees, would we not grab it with open arms, provided it did not harm humans or wildlife? So let us keep an open mind on pesticides and be prepared to change our mind if the technology changes.

**Lord Burnett (LD) [V]:** My Lords, I declare my interests as set out in the register. I shall speak to Amendment 38, in the names of my noble friend Lady Bakewell of Hardington Mandeville, the noble Baroness, Lady Ritchie of Downpatrick, and the noble Lord, Lord Randall. This amendment adds implementation of comprehensive integrated pest and weed management measures, based on an agroecological approach, as an additional criterion for financial assistance.

Before I speak to Amendment 38, I shall say how grateful I am to the noble Baroness, Lady Finlay of Llandaff, to whom the previous speaker referred. She made a compelling and valuable contribution last Thursday evening in support of her Amendment 259. She was powerfully supported by the noble Lord, Lord Patel, a co-signatory to the amendment. I have considerable sympathy for the principle of a periodic review of the safety of herbicides and pesticides.

Reverting to Amendment 38, I start by declaring that of course I understand that competition is valuable when it is fair and based on common rules and standards. I think that all noble Lords will agree that British agriculture has high standards of animal welfare, and that farmers and growers strive to protect the environment and our landscape. They rightly strive to produce healthy and safe food, not only for human consumption but also for animal consumption. I remind noble Lords that much of the grain produced in the UK goes toward animal feed, and that some of those animals are slaughtered for human consumption.

The experiences of foot and mouth and, prior to that, BSE vividly illustrate the consequences for individuals and this country when standards are allowed to slip. Our growers produce much-needed high-quality vegetables and fruit for human consumption and, to grow the crops, there has to be a system of pest, weed and disease control. This process should be

“based on an agroecological approach”,

in the words of Amendment 38. Unfortunately, when the transition period ends on 31 December this year, many of our likely new trading partners will not be inhibited from using methods and chemicals that are toxic and potentially damaging to human physical and mental health. These products are also potentially damaging to animal health. Some of them have carcinogenic side-effects. Even exercising rights of way by walking or running near crops sprayed with toxic sprays would be a danger to health from inhalation.

There are reports that British consumers face being exposed to toxic chemicals linked to serious health problems if they buy food imported from, for example, America, under the terms of a new trade agreement

[LORD BURNETT]

being negotiated with the USA. Experts say that supermarkets and restaurants will be flooded with cheap produce that has been sprayed with toxic pesticides which are currently banned in Britain and the European Union. I have seen a list published in a respected national newspaper of 70 pesticides that are widely used in the USA but banned in Britain and the EU.

A Toxic Trade study also shows how US farmers use vast quantities of pesticides compared to producers in Britain. If we allow these products to be imported into this country, the price will include a significantly increased risk to human health, which will be borne by the British consumer. It is my hope that Members from all parts of your Lordships' House will come together to enact legislation in the Bill to ensure that the British consumer is protected from this threat. With the financial assistance provided for in this amendment and with other statutory provisions, we should go some way to keep our standards high and our food safe.

Finally, the Government have manoeuvred us out of the European Union on terms yet to be agreed. This leaves all businesses scandalously and perilously short of time to plan and prepare. The Government themselves have rightly been manoeuvred away from a reliance on the People's Republic of China. We are not in a strong bargaining position. It is up to Parliament to ensure that the Government comply with the commitments they have repeatedly made to farmers, growers and the public to keep our food safe.

**Lord Cameron of Dillington (CB) [V]:** My Lords, I am so pleased that the question of good soils found its way into this edition of the Bill. We have Rebecca Pow MP to thank for that improvement to the earlier editions. As the noble Baroness, Lady Bennett, said last Thursday, in a mere teaspoonful of good soil there should be over 1 billion bacteria and probably, among those, over 1 million different species of bacteria, of which we can identify clearly only about 10%. Nevertheless, it is the bacteria that, with the help of water and sunshine, produce our crops and food. We ignore their health at our peril, so I support all the amendments on maintaining healthy soils and the continuous monitoring of the soils of our nation.

I support the principle of Amendment 117, in the name of the noble Baroness, Lady Bennett, and others, on the protection of meadows and other semi-natural grasslands. Meadows and semi-natural grasslands are very important habitats, first because of the amazing variety of flowers that exist there, especially rare orchids and other wildflowers, some of which have wonderful names—such as chalk milkwort, lady's bedstraw, cuckoo flower, common toadflax, et cetera. These meadows and ancient grasslands also hold a wide diversity of fauna—rare moths, butterflies, beetles, crickets and grasshoppers—which in turn attract a large variety of birds trying to eat them. All this biodiversity specialness is not to underplay the important historical significance of these meadows and semi-natural grasslands.

I have already declared my interest as chair of the UK Centre for Ecology & Hydrology. Some noble Lords may have noticed, last week, that our satellite survey indicated that 8,000 square kilometres of meadows

and other grasslands have been lost from Britain's farms and public land over the last 25 years. That is about the size of Cornwall. When you consider that the previous statistic available was that we had lost over 90% of our ancient meadows and grasslands since World War II, it is really important to keep the ones we still have.

My only comment on the amendment is that, while I am sure the noble Baroness, Lady Bennett, knows a semi-natural grassland when she sees one, I am not sure that all farmers and landowners necessarily do, particularly if they have just bought the land in question and it is midwinter, when it might not be so obvious what a jewel they have. It would be best if local councils and/or Natural England designated all such meadows and semi-natural grasslands where they have not already done so—a lot of them are, of course, already registered—to make it clear to all and sundry what incredibly valuable heirlooms these places really are.

5 pm

**Lord Inglewood (Non-Afl) [V]:** My Lords, having had the opportunity to read last Thursday's part debate, I cast my short remarks in general terms. When I read what was said on that occasion, I was reminded of what my father said to me many years ago: real farming—that is, responsible farming—is farming with the grain of nature, because farming, agriculture and forestry are about cropping, not quarrying. This is why soil fertility matters, whether impoverishing the soil or treating it in such a hard way that the topsoil might blow away, as I understand has happened in parts of the Fens.

It is not as though some help, of an appropriate sort, cannot be applied. After all, there is a difference between a sensible and responsible application of fertilisers and certain pesticides to unlock the soil's potential and simply using the earth as a kind of binding agent—a chemical mixture from which crops are derived. The same general approach applies to animals. I have considerable sympathy with proponents of organic farming, but if you have animals there are occasions when you simply have to use antibiotics, as we do on my farm.

All this shows that there is an interconnectedness in good farming practice, which brings us to questions of agroecology and agroforestry. Again, it is all a matter of integrating land uses and techniques, which is why agroecology is so important. Different uses on the farm need to complement each other in an ecologically and economically sustainable balance. I cannot see that there is any alternative but to have a degree of bureaucracy, because every farm is different.

In particular, I will touch on the espousal of agroforestry by the noble Baroness, Lady Young. It is important that we are clear, in this wider context, about the difference between trees, woods and forests. In particular, trees, copses and belts are important parts of farms, while forestry and large woods are something slightly different. Of course, the noble Baroness is an enthusiast for wood pasture. That is a very tricky one, because once you introduce stock, unless it is at a very low density, the trees get destroyed. In the north of England, where I come from, wood pasture has been very badly damaged by the introduction of livestock.

It will cost a considerable amount of money to reinstate it, which is not to say that that is not the right thing to do.

All this is about human intervention in the workings of nature. If we do not run with nature's grain, we shall destroy our countryside and degrade its products, which, as a number of noble Lords have said, are what we eat. That is why we must treat these things with such care. I suspect that the golden rule is that we must not be greedy. Of course, that includes the state, which must recognise that all of a farm's outputs, as the noble Lord, Lord Krebs, commented last week, are important in whatever form they come.

**Lord Wigley (PC) [V]:** My Lords, I draw attention to my registered interests in agricultural matters and my membership of the Farmers' Union of Wales. I give enthusiastic support to Amendment 259 in the name of the noble Baroness, Lady Finlay of Llandaff, to which I have added my name. I pay tribute to the excellent work that she has undertaken on these matters, as indeed has the noble Lord, Lord Patel, who spoke with similar professional authority earlier in this debate last week.

My support for the amendment arises for three reasons. The first relates to the very real dangers of disabilities being triggered by exposure to chemicals among children, including babies in the womb. As an MP, I served for 11 years as vice-chair of the All-Party Group for Disability, working closely with the redoubtable Jack Ashley on these issues, not least regarding thalidomide. That experience taught me that we must always be guided by the precautionary principle. If there is any doubt whatever about possible ill effects of herbicides and pesticides, they should be banned unless and until it is proven beyond doubt that they are safe, not only for human beings, but for animals.

In this context, I respectfully disagree fundamentally with the noble Viscount, Lord Trenchard, the last speaker in this debate on Thursday evening. The break has allowed me to study his precise words. He said that leaving the European Union gives us the opportunity to develop our own food standards, avoiding the

"unnecessary and costly burdens on farmers"

because of EU regulations,

"which rely too much on the precautionary principle".—[*Official Report*, 9/7/20; cols. 1324.]

I fundamentally disagree with this approach and invite the Minister to indicate whether the Government will distance themselves from the noble Viscount's remarks.

My views are coloured not just by my involvement with disabled children. I have previously referred in the House to my late cousin, Owen Wigley, a Minnesota farmer who died from a condition that his family are convinced was triggered by exposure to the weedkiller Roundup, which is the subject of a raft of court cases in the United States. I have seen the devastating impact on the natural environment in my home area, where use of such chemicals in too strong a mix, which had not been adequately dose controlled, as the noble Baroness, Lady Finlay, mentioned, had the effect of wiping out all plant life in a field for a whole season, leaving it unusable for agricultural purposes. My wife also had a relative, a farmer in Wales, whose close

family was convinced that his health suffered enormously from the effect of such chemicals in sheep dips. When I was an MP, I had a constituent whose family were convinced was severely disabled from exposure to such sheep-dipping chemicals.

Thirdly, I add my voice in support of the need to safeguard the process of pollination. The vital contribution of bees and other pollinators to our wildlife is fundamental to the survival of our natural environment and, in turn, humanity itself. This amendment provides an opportunity to place a responsibility on all engaged in the production of food to have a proactive awareness of these dangers at the forefront of their minds, and for the living world to be protected from such dire consequences.

If we are, rightly, to place such responsibilities on our food producers in these islands, they must also, most assuredly, be criteria against which the standards of all imported food should be measured. Products that fail to meet the required standard should be denied access to UK markets. I was so glad to hear the noble Lord, Lord Burnett, highlight this. I urge the Government to accept Amendment 259.

**Baroness Quin (Lab) [V]:** My Lords, a number of amendments before the Committee refer to nature-friendly farming in general. Others refer to specific activities within nature-friendly farming. While each of us may know what we mean by that, and the kind of schemes that we would favour, a comprehensive definition of what it means is more challenging. Amendment 96 certainly makes a good attempt to define "nature-friendly"; I support it, and the remarks made by the noble Earl, Lord Caithness. However, there are clearly different views, with some favouring low-input farming, some talking about agroecology and some about organic farming. Others favour conventional, or intensive, farming, sometimes combined with a precision approach and with generous field margins and set-aside schemes. These would create habitats for particular animal, bird or plant species and could, therefore, also qualify as nature friendly.

Like other noble Lords, I was struck by the figures quoted by the noble Duke, the Duke of Wellington, showing that the UK seems to be moving away from organic farming, in the opposite direction to many of our European neighbours. What is the Government's view of this trend? Do they want our organic sector to expand and, if so, by how much? Perhaps, as the noble Lord, Lord Lucas, pointed out, soil quality is one of the key aspects to take into account in deciding what nature-friendly farming is. Do the Government agree that monitoring soil quality, then acting on those findings, needs to be done? Do the Government have their own definition of nature-friendly farming, or will they limit themselves to funding schemes judged to be nature friendly or, as has just been said, working with the grain of nature.

I turn, finally, to the main point on which I would like assurance. Will the Government commit to taking a regionally sensitive approach in England to supporting eligible projects and schemes under the Bill? The noble Lord, Lord Greaves, spoke about the distinctiveness of the natural environment in his part of the north of England. He mentioned the curlew, a bird which is the

[BARONESS QUIN]

symbol of Northumberland National Park. I declare a non-financial interest as president of the Northumberland National Park Foundation. I am glad to tell the noble Lord that, during lockdown, I have seen many curlews in the river estuary in my locality. I hope that the Government will agree that working with regional and local wildlife trusts and other environmental organisations, as well as with farmers in the different regions and localities, will be important in evaluating schemes and identifying which species of animal, bird and plant life are under threat in particular areas.

To conclude, I ask the Government to ensure that regional diversity is built in to their overall policy of ensuring that agricultural and environmental policies work hand in hand.

**Lord Mann (Non-Aff) [V]:** My Lords, I speak in favour of Amendment 29 and the other pro-nature, pro-ecology amendments in this group, in support of diversity and of some of our lost agricultural traditions. I will illustrate this with a story about cheese. On the Welbeck estate in north Nottinghamshire, Stilton is being made in the traditional way, with unpasteurised milk. It is a marvellous product and that is the only place in the country that does it. Yet Defra's rules do not allow the traditional, real Stilton to be called "Stilton". It has to be marketed under the name Stichelton. It is a wonderful cheese, and a high-quality product made using the traditional way of doing things, but it is not able to use a name because of our own rules. I hope that this example is not an illustration of where things might go, having left the European Union. The freedom to some of the pro-ecology, pro-nature traditions is one way we can have a diverse agriculture.

5 pm

One of the great weaknesses of the common agricultural policy was the way it pressured for every tomato to look like every other one; for every carrot to be perfectly shaped; for every strawberry to be the same size and taste, rather than a diversity and variety of products. That is the opportunity in front of us, and that is why these amendments, and the spirit behind them, are so important. We should be using the new technologies of robotics and artificial intelligence in our agriculture, but we should be doing so in a way that cultivates that nature and ecology, not the way that China is going, with GM foods and everything looking and tasting the same. It is a big choice that faces us over the next five years. These amendments would assist in pushing the Government towards making our country's agriculture properly self-reliant for food.

**Baroness Bakewell of Hardington Mandeville (LD) [V]:** My Lords, the Committee is resuming last Thursday's debate after a lapse of four days, so it is difficult to remember exactly what noble Lords said without referring to *Hansard*. We are still on Clause 1 of the Bill, but are debating the main and important theme of environmental sustainability. If we do not get this right, the country will be paying the price, in a variety of ways, for decades to come. There are amendments about agroecology, agroforestry systems, organic and ecologically sustainable systems, pesticides, fertilisers and nature-friendly farming.

This is a wide range of topics, but they are ones which Peers in this virtual and physical Chamber quite rightly feel strongly about.

I thank the noble Baroness, Lady Ritchie of Downpatrick, and the noble Lord, Lord Randall of Uxbridge, for adding their names to my Amendments 38 and 120. The noble Baronesses, Lady Finlay of Llandaff and Lady Bennett of Manor Castle, have also put down amendments about pest control. The new approach of public money for public goods is a huge opportunity to support farmers who adopt and maintain non-chemical alternatives to pesticides. It is crucial that this approach is not undermined by a catch-all clause providing payments for productivity. Defra's Secretary of State believes that the development and uptake of integrated pest management—IPM—is a crucial mechanism for ensuring that the objectives outlined in the Agriculture Bill and the 25-year environment plan are delivered.

Amendments 38, 120 and 259 ensure that farmers are rewarded for adopting proper IPM techniques, based on the agroecology approach to farming, coupled with a review of the national food strategy.

At Second Reading, I referred to the importance of properly regulated pesticides. Over the years, we have seen the removal from the market of various herbicides and pesticides because of their side-effects on humans. However, it often takes a very long campaign before action is taken. The banning of organophosphate sheep dips springs to mind. Many years ago, a colleague said to me that we should pay more attention to the effects of pesticides on humans than herbicides, as human physiology is much closer to that of insects than of plants. My noble friend Lord Burnett has spoken of the dangers of pesticides, and of using common rules and standards. Agroecology must be the standard. He also warned about the import from America of foods sprayed with pesticides.

The noble Baroness, Lady Finlay of Llandaff, supported by the noble Lord, Lord Patel, listed an enormous number of side-effects that exposure to pesticides can cause. It is safer for all if we approach pesticides with caution, rather than rushing headlong into their use in order to increase the productivity of a crop. I am grateful for the intervention of the noble Lord, Lord Wigley. I support the precautionary principle and acknowledge the impact of pesticides on disabilities.

Productivity is, of course, important. Farmers need to make a decent living from the land, but not at the expense of those who suffer health problems as a result of pesticide spraying. However, the might of the chemical producers often overrides the concerns of the ordinary man and woman displaying health problems. When will the Government produce a target for the uptake of the IPM, which is supported by the Secretary of State?

I fully support all the amendments in this group. The noble Lord, Lord Lucas, my noble friend Lord Teverson and the noble Baronesses, Lady Young of Old Scone and Lady Ritchie of Downpatrick, have stressed the importance of agroecology. So often, the way the land is farmed leads to degeneration of the quality of the soil, and thus the quality of the crops grown. The noble Lord, Lord Cameron, spoke knowledgeably of the

importance of the upkeep of grassland and the species that inhabit it, and the noble Lord, Lord Inglewood, also supported agroecology and running with nature's grain. The noble Earls, Lord Caithness and Lord Dundee, the noble Duke, the Duke of Wellington, the noble Baroness, Lady Bennett, and others have pressed the case for the inclusion of afforestation and organic farming. The noble Duke gave stark statistics on how far behind the UK is lagging on its organic farming programme. I know the Minister, as a farmer, has a close interest in these matters and I look forward to hearing a positive response.

**Baroness Jones of Whitchurch (Lab):** My Lords, I declare an interest through my involvement with the Rothamsted agricultural research institute. We have covered a wide range of issues in this group and I thank all noble Lords who contributed to the debate last week and again today. The amendments explore in more detail what we will need to deliver environmentally sustainable agriculture. We have had reference to nature-friendly farming, to agroecological systems, to agroforestry, to organically and ecologically sustainable systems, to the improved nutrient content of crops, to integrated pest management and to the importance of soil health. I agree with all those concepts, but also with my noble friend Lady Quin that we need to be clear about the definitions of these phrases when we use them.

All these systems have detailed research behind them, which reinforces the evidence that harnessing nature can improve farm outcomes, as well as enhancing the environment. Many noble Lords will have seen at first hand the positive impact on farmland productivity that can occur when these techniques are embraced. At the same time, we know that nature-based measures to reduce emissions can make a substantial contribution to tackling climate change while preserving or restoring habitats. We agree that natural ecological processes and agroforestry techniques should lie at the heart of the Bill. When adopted on a whole-farm approach, they will reduce the use of agrochemicals, encourage biodiversity, improve soil health, recycle nutrients, energy and waste and generally create more diverse, resilient and productive agroecosystems.

Last year, the RSA Food, Farming and Countryside Commission report set out the case for bringing agroecology systems out of the shadows and into the mainstream of farming practice. It argued that farmers need to be helped to make that transition and recommended a 10-year programme to provide more research, training and capital grants to make this a reality. This would be an excellent use of the financial assistance in the Bill.

I agree with the noble Lord, Lord Lucas, who talked about the need for a long-term programme of soil monitoring. We face a fundamental eradication of soil fertility that will be difficult to reverse. Our APPG on science in agriculture had an excellent evidence session last year on the numerous research projects taking place on this issue, but what we really need is to bring the evidence together in one place. While I am on the subject, will the Minister update us on the work of the Sustainable Soils Alliance, launched by Michael Gove, that was meant to do just that?

The noble Duke, the Duke of Wellington, specifically mentioned the transition to organic farming. I agree that this also has an important role to play. Organic farms have 50% more wildlife than conventionally farmed land and healthier soils, with a 44% higher capacity to store long-term soil carbon. Clearly, if the soil is more fertile, it increases productivity, so organic farming can make a real difference to biodiversity while sustaining food production.

The noble Lord, Lord Teverson, and others talked about agroforestry. We agree that this system of planting has huge benefits over traditional forestry techniques. We know that the pressure is on to plant more trees. The Committee on Climate Change has set a target of between 30,000 and 50,000 hectares of new planting a year, but so far the Government have fallen well short of that target. It is important that trees are planted in a way that is sympathetic to the countryside and to the environment, rather than the monoculture plantations we have seen in the past. Agroforestry supplies the answer to this. Mixed plantings of trees and shrubs grown around crops can reduce erosion, increase biodiversity and create complex habitats, so we very much hope that financial assistance will be available to help farmers to create this mixed planting economy.

Finally, the amendments in the name of noble Baronesses, Lady Bennett and Lady Finlay, highlight the need to reduce the use of herbicides and pesticides. The noble Baroness, Lady Finlay, in particular, highlighted the potentially damaging impacts of pesticides on health, and recommended looking at the evidence and producing an annual report. These views were echoed powerfully by the noble Lord, Lord Wigley, and the very moving examples he gave. The noble Baroness, Lady Finlay, also rightly raised the need to avoid contaminated products being imported into this country. We agree with these objectives and have our own amendments, Amendment 226 on pesticides and Amendment 173 calling for a national food plan that addresses the problem of pesticide residues. I hope that the debates on these amendments will enable us to set out our position in more detail.

This has been a good discussion and I hope the Minister has heard the collective call for a funding priority for nature-based ecological farming. I am sure we will start to narrow down our priorities in this regard as we continue to consider the Bill, but in the meantime I look forward to her response.

**Baroness Bloomfield of Hinton Waldrist (Con):** I thank my noble friend Lord Lucas for his Amendments 29 and 217, with which I will also discuss Amendment 224 in the name of my noble friend Lord Caithness. Soil is indeed one of our greatest natural assets and the Government are committed to having sustainably managed soils by 2030, as set out in the 25-year environment plan. Providing financial incentives for protecting and improving the quality of soil will help to protect and improve all the properties that contribute to healthy soil. The 25-year environment plan sets out the Government's ambition to have sustainably managed soils by 2030. A healthy soils indicator is being developed as part of a framework of indicators under the plan.

My noble friend Lord Caithness asked about spending commitments in the plan. This spend has been allocated to developing a robust and informative soil health

[BARONESS BLOOMFIELD OF HINTON WALDRIST]  
indicator and monitoring scheme, and the Government are currently in the process of confirming actions for their work programme to protect and improve soil quality. The Government will develop a definition of soil health with stakeholders. To ensure that it captures the complete picture of soil health, this definition will be a balance of biological, chemical and physical characteristics, and could therefore include characteristics that help define the biodiverse nature of the soil, such as earthworms and fungi, as mentioned by my noble friend Lord Lucas.

To help achieve this target, the Government are considering the development of a soil monitoring scheme informed by natural capital approaches. As such, this scheme will recognise the relationships between soil properties and the ecosystem services that soil provides, such as clean water and carbon storage. A new soil monitoring scheme would provide a baseline national-scale picture of the state of our soils. This will enable the Government to quantify targets for improvements and then monitor progress towards these targets. These metrics could directly feed into ELM to incentivise better management approaches. Maintaining the metrics of measure across national and localised schemes will enable shared data collection, storage and analysis to further inform impacts of management actions.

There are a number of key vehicles through which the Government are working to address soil quality. These include: this Bill, which will provide financial assistance for the protection and improvement of soils; the Environment Bill, which will allow a future soils target to be set; the 25-year environment plan, through which a soil indicator is being developed; and the new ELM scheme, which could act as a lever for incentivising sustainable soil practices. Protecting and improving our soils will involve a wide variety of actions, reflecting the wide diversity in soil quality, soil types and land uses in England. This would include actions to protect our best grade 1 and 2 lands as well as actions to improve the poorer-quality grade land—in the words of the father of the noble Lord, Lord Inglewood, farming within the grain of nature, cropping not quarrying.

5.30 pm

I turn to Amendments 39 and 96 from my noble friend Lord Caithness, Amendments 40, 42, 84 and 97 from the noble Lord, Lord Teverson, Amendment 41 from my noble friend Lord Dundee and Amendment 48 from the noble Duke, the Duke of Wellington.

My noble friend Lord Caithness asked about ponds. Farmers have a range of long-standing permitted development rights for agricultural purposes. Where works are not for agricultural purposes, an application for planning permission may be required and applicants may wish to speak to their local planning authority.

The Government are proud of their intention to support sustainable farming as part of their new agricultural policy. Tier 1 of ELM in particular will focus on encouraging sustainable farming, as set out in the ELM discussion document published in February. Actions under this tier could include actions around: nutrient, pest, soil, or livestock management; field margins or cover; and water storage and/or use. Clause 1(1) has

been drafted in such a way that it already allows the Government to support “nature-friendly farming” and farming in a way that will protect and benefit the environment. Under it, the Government can support afforestation, agroforestry and other agroecological farming methods.

A number of noble Lords mentioned definitions, including the noble Baroness, Lady Jones, and my noble friend Lord Blencathra. I have these definitions somewhere in my notes; I will come back to that point in a moment.

Land managers who afforest parts of their land or adopt environmentally sustainable farming techniques such as agroforestry and agroecology, will be in a good position to benefit from ELM. The Government recognise that meeting their commitment to net-zero emissions by 2050 requires a step change in woodland creation. That is why they have committed to increase tree planting across the UK to 30,000 hectares per year by 2025, in line with the annual rate recommended by the Committee on Climate Change in 2019 to help meet the net-zero target.

I turn now to Amendments 38 and 120 from the noble Baroness, Lady Bakewell of Hardington Mandeville. Applying agroecological approaches to farming, including integrated pest and weed management measures, can help to deliver important environmental benefits. This is recognised in the Government’s *National Action Plan for the Sustainable use of Pesticides*, which is currently being reviewed. In answer to the question from the noble Baroness, this is the next step in the integrated pest management plan. We will consult on the draft plan later this year. I hope that this may also allay some of the fears and concerns expressed by the noble Lord, Lord Burnett.

As part of this, the Government are considering the extent to which targets may have a role to play in supporting the delivery of integrated pest management. Clause 1(1)(a) could include support for integrated pest and weed management. Given its environmental credentials, those who apply integrated pest and weed management and other agroecological farming techniques will be very well placed to benefit from ELM.

Turning to Amendment 259, I reassure the noble Baroness, Lady Finlay, that the assessment and monitoring of pesticides proposed by the amendment are already carried out and the results are published. A number of other noble Lords spoke powerfully on this subject, including the noble Lords, Lord Patel and Lord Burnett, my noble friend Lord Blencathra, and none more powerfully and with greater authority than the noble Lord, Lord Wigley.

The Government’s 25-year environment plan emphasises integrated pest management. This means that sustainable biological, physical and other non-chemical methods are preferred to pesticides. Any pesticides applied should have the least effects on human health and the environment. This will help to protect people and reduce the impacts of pesticides. It will also help farmers combat pest resistance and support agricultural productivity.

Pesticides are already strictly regulated on the basis of their effects on human health and the environment. Advice on significant scientific issues is sought from

the UK Expert Committee on Pesticides. A programme to monitor pesticide residues in food is overseen by the Expert Committee on Pesticide Residues in Food. Both expert committees already publish an annual report and other information.

Turning to Amendment 49 in the name of the noble Baroness, Lady Bennett, Clause 31 will enable the Government to regulate a wider range of materials as fertilisers, particularly new and innovative types of material such as soil conditioners, bio-stimulants and organic fertilisers. This will enable the marketing of a range of alternatives to traditional mineral-based fertilisers. Defra continues to work with the industry to ensure that nutrient management recommendations do not result in losses to the environment, while providing balanced nutrition for plants.

Defra provides incentives to farmers through the Countryside Stewardship scheme to reduce nutrient inputs in specific cases. Where IPM or reduced-nutrient inputs can deliver public goods, farmers may be eligible for financial assistance through the environmental land management scheme. The agricultural research and development innovation scheme, to be introduced from 2022, will enable research into areas such as improving the nutritional output of crops and reducing pesticide use. The Government can already fund agricultural research through existing powers such as those in the Science and Technology Act 1965.

Amendment 117 from the noble Baroness, Lady Bennett, raises similar issues in relation to meadows and was spoken to most powerfully by the noble Lord, Lord Cameron of Dillington. In addition to the points I have already covered, I note that there is already in place a regulatory protection regime for areas of land that are two hectares or over through the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006, the Environmental Impact Assessment (Agriculture) (England) (No. 2) (Amendment) Regulations 2017 and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. These provide protection for unimproved and semi-natural grassland and other wildlife-rich habitats. Semi-natural land includes priority habitats, heritage or archaeological features, or protected landscapes. It is usually land that has not been intensively farmed, such as unimproved grassland or lowland heath.

The Government's intentions are very much in accordance with those of my noble friend Lord Lucas. I hope that he will withdraw his amendment.

**The Deputy Chairman of Committees (Baroness Henig (Lab)):** I have received a request to speak after the Minister from the noble Lord, Lord Teverson.

**Lord Teverson (LD) [V]:** I thank the Minister very much for her positive reaction to agroecology and agroforestry. However, one of the main themes of both those practices is whole-farm management. I am concerned that, under tier 1 of ELMS, there is the possibility of a number of environmentally friendly actions taking place but that this not being reflected in a whole-farm environment. Will Defra and the Government, particularly when they award tier 1 ELM schemes, look for a whole-farm approach rather

than a bits-and-pieces application of environmentally friendly measures? That is my key concern. Whole-farm management has been a major theme all around the House. Would the ELM scheme mean that it would be applied across all the measures taken?

**Baroness Bloomfield of Hinton Waldrist:** I thank the noble Lord for his question about whole-farm management. The ELM schemes are very much in trial stage; nothing has been ruled out or in. That will become clearer over the coming months.

I shall also take this opportunity to give the definition of agroecology that I was looking for earlier and floundering. Agroecology means different things to different people, but in this Bill it is based on applying ecological concepts and principles to optimise interactions between plants, animals, humans and the environment, while taking into consideration the social aspects that need to be addressed for a sustainable and fair food system.

**The Deputy Chairman of Committees:** I now call the noble Lord, Lord Lucas, who I understand also has a question.

**Lord Lucas (Con) [V]:** My Lords, I am extremely grateful to my noble friend for her answer, which was very encouraging. However, on my specific amendments, will she confirm so that it is clearly on the record that the Government consider soil, for the purposes of this Bill, to include all that lives within it? If not now, can my noble friend write to me to say how the soil survey is intended to be set up and funded?

**Baroness Bloomfield of Hinton Waldrist:** I would be delighted to write to the noble Lord on the latter matter. On his former point, I believe that my speech actually gave the reassurance that it includes all matters within the soil.

**Lord Lucas [V]:** I am immensely grateful for the response given by my noble friends and I beg leave to withdraw my amendment.

*Amendment 29 withdrawn.*

*Amendments 30 to 34 not moved.*

#### *Amendment 35*

*Moved by Baroness McIntosh of Pickering*

**35:** Clause 1, page 2, line 25, at end insert—

“( ) protecting or improving the food security of citizens and access to food that promotes good health and wellbeing.”

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I will also speak to Amendment 70. I thank the noble Baronesses, Lady Jones of Moulsecoomb and Lady Bakewell of Hardington Mandeville, and the noble Lord, Lord Whitty, for their support for Amendment 35. I also thank the two noble Baronesses, as well as my noble friend Lord Caithness, for their support of Amendment 70.

Amendment 35 seeks to add a further subsection to Clause 1(1) to ensure that

“protecting or improving the food security of citizens and access to food that promotes good health and wellbeing”

[BARONESS MCINTOSH OF PICKERING] will qualify for financial assistance. The purpose of the amendment is to put public interest in food security front and centre in the Bill. While I accept that other parts of the Bill provide a requirement on the Government to report on food security and to have regard to food production in the use of their powers under Clause 1 on financial assistance, there is nothing in the Bill that specifically addresses the need to focus attention on matters relating to food security.

This is an issue of great importance to all citizens. At a time when we have seen our food system come under huge pressure as a result of the impact of Covid-19 and the government response to its spread, it is remarkable that the Government do not see the need for greater focus on this most important concern of the British public. It is not simply about driving self-sufficiency, which has fallen to about 60%; it is also about the fact that production of food from our own resources is an important part of food security. Indeed, the Government's own food policy tsar, Henry Dimbleby, has highlighted the need for greater attention to be given to this important policy area. It is a matter of regret that we have not, and will not, have sight of his much-anticipated report at the time that the Bill is adopted in this place. With more than 1 million people having signed a petition seeking greater support for food standards, we in this place must be in step with the British people, ensuring that we share their concerns on what is given proper pre-eminence in the important legislation before the Committee today.

5.45 pm

The implications of Covid-19 have been severe, and I pay tribute once again to our farmers and food producers for ensuring food production and a constant food supply. I call on the Government to consider how we can facilitate a more resilient, robust and flexible food system and put it into our agricultural policy in the future. Specific financial assistance might be required to achieve that through the way in which primary food producers are supported. Although the Minister might argue, in summing up this little debate, that this does not fit in with the general ethos of public payment for public good, and that food is an item subject to trade and a marketplace—therefore arguably commercial—issues around food security can be considered within the ambit of public goods, particularly as it contributes to the health and well-being of the nation's citizens.

Food security is rightly something that the Government should address in any agricultural policy and any enabling Bill, such as the one before us today. There are at least three levels of food security. The first is household security, ensuring a regular and safe supply of good-quality food. That was clearly disrupted during the lockdown period, when we saw empty shelves and queueing at stores. I would also link this to reducing food poverty and having less reliance on food banks.

Secondly, over the last 30 years, we have seen three incidences of animal disease or animal fraud: BSE, foot and mouth disease and “horsegate”, which could have been so much worse and, indeed, could have been a food scare. Now we have Covid-19. Then there is geopolitics, which looks at the internal and external

shocks—internal such as Covid-19, and external such as the flooding that we saw last winter and earlier this year. We have never faced a time of greater instability than at the moment: leaving our traditional partners in the EU trading bloc and looking to trade on World Trade Organization terms, with the current instability in the World Trade Organization, its dispute mechanism in disarray, and the United States having blocked judicial appointments. Then there is the potential closure of borders, owing to any hostility or crises that might arise in other parts of the world. I commend Amendment 35 and hope that it might attract the support of the House and the Minister.

I also lend my support to Amendment 36, which goes to the heart of the Bill, supporting healthy food farmed in an environmentally sustainable way.

Amendment 70 seeks to remove the words “have regard to the need to”

and reinforces the idea that Clause 1(4) must encourage the production of food by producers in England rather than simply having “regard to”. With these few remarks, I beg to move.

**Baroness Jones of Moulsecoomb (GP) [V]:** My Lords, it is a pleasure finally to get to this group after so many hours of waiting. I commend the amendment in the name of the noble Baroness, Lady McIntosh of Pickering. Again, I say what a pleasure it is to follow her; her contributions are always extremely valuable. Having signed a lot of her amendments, I am afraid that I shall keep saying that. I also commend my noble friend Lady Bennett of Manor Castle and her Amendment 47. In fact, I support too many of the amendments in this group to list them all. It is a fantastic group, which strikes at the heart of what the Government should be aiming for with their food policy: supporting high-quality, healthy, nutritious food, grown as close to the consumer as possible.

When I chaired London Food, an initiative of the then mayor Ken Livingstone, I put together a report on how to make food sustainable for a huge conglomeration of cities and large towns. The single most important factor was that food should be local. I love organic food, but local food is the way forward if you want to be truly sustainable, so that food does not move around too much and stays nutritious. We can eat it very quickly after cooking. These amendments recognise the fundamental link between the food we put into our bodies and our resulting health. Too much of our food system remains tied to the World War era mindset of processing as much high-calorie food as possible to meet the most basic nutritional needs of the population. The outcome has been obesity, diabetes and food-related ill health. Good food policy should have health and nutrition as its core principle.

Sadly, I have not signed Amendment 53 in the name of the noble Lord, Lord Greaves, or Amendment 63, in the name of the noble Earl, Lord Dundee. I did not spot them in time, but they are wonderful amendments. I look forward to hearing the Minister's response on what the Government plan to do to support urban and community food-growing, which the noble Baroness, Lady Boycott, has already mentioned in previous amendments.

Finally, I turn to my Amendment 46, which would tie public procurement into the Bill. The enormous buying power of the public sector is often overlooked, but it is essential for the transition to a sustainable and ecologically friendly world. Too much procurement goes to the lowest-cost bidder without consideration of social and environmental impacts. My amendment hopes to prompt the Minister to address public procurement and its role in supporting a better food system for the UK.

**Lord Greaves (LD):** My Lords, I thank the previous speaker for her support of my Amendment 53. I do not want to say much about it, but I wonder whether the Government can comment on the way in which new technologies are producing food, such as protein in laboratories and the concept of vertical gardens and vertical market gardens in urban areas. How do they fit into their general food strategy?

I want to support pretty much everything that the noble Baroness, Lady McIntosh of Pickering, said in introducing this group. It is extremely important. I have one minor quibble: she said we need less reliance on food banks. I always have to pinch myself when I come across a food bank, and I come across them fairly frequently nowadays. Why do we have to have food banks? Food banks are an indication that there is something very sadly wrongly with the society and the economy in which we live. Although at one level they are an excellent example of community endeavour and of people coming together to meet a need, we ought not to be looking for less reliance on food banks; we ought to be looking to abolish them because nobody needs any longer to go and get free food because they and their families cannot afford to eat.

I added my name to Amendment 63, tabled by the noble Earl, Lord Dundee, about “urban and peri-urban areas”. I have mentioned urban areas; I had not really come across the phrase “peri-urban areas” before, until I realised that I probably live in a peri-urban area. There are urban buildings on the very edge of the fields. We are talking about the areas surrounding towns, cities and urban agglomerations—earlier in this Committee, I spoke briefly about this on Amendment 79, tabled by the noble Baroness, Lady Meacher.

What I want to do briefly now is to mention the importance of the range of small-scale enterprises that go under the name of allotments. A lot of allotments are hobby allotments, but they are still very important as part of a food strategy because people are growing their own food which, by definition, is what they want and it is usually organic and nutritious. Some allotments are community enterprises and some are semi-commercial enterprises—small market gardens and that kind of thing. It seems to me that there is huge scope for the expansion and extension of this kind of thing in peri-urban areas, as the noble Earl describes them.

I should perhaps declare an interest as a councillor in the Waterside ward of Colne because I want to mention something that happened there. Much of Waterside ward is an area of closely packed terraced streets which are nevertheless on the edge of the countryside. They are on the edge of the peri-urban area because we have old mill towns that never expanded

—particularly between the wars because the towns were shrinking not expanding. In that area, we have several community-based allotments, including a community land trust, an allotment used by a group catering for people with special needs and one I am particularly proud of as, as a councillor, I was fairly responsible for the council acquiring land in the 2000s and laying them out for new allotments using money from what eventually became the ill-fated housing market renewal scheme, but which nevertheless provided us with very useful funding that we could use for that purpose.

We need a lot more. In most areas the provision of allotments is a responsibility of town and parish councils. The problem they have in expanding is getting the money to acquire land and lay out the infrastructure of an allotment, such as dividing it up, providing the fencing and perhaps a water supply and so on. By the structure of the way they work, parish and town councils do not get direct funding from the Government in a general sort of way. They do not get local council support grants. However, there is a huge need for an expansion of mini market garden community allotment and traditional allotment provision, particularly in the areas around towns where not only can they provide very useful growing facilities for people but they can solve some of the problems of what is quite often a tatty zone around some urban areas.

I do not think it is his department, but I ask the Minister to go back and see whether in what the Government are doing under their proposals to regenerate towns, in particular left-behind areas such as the old industrial areas, specific funding for allotments could be given a great deal more priority.

**Lord Northbrook (Con):** My Lords, I was very pleased to hear about the success of the excellent allotment scheme mentioned by the noble Lord, Lord Greaves. I shall speak to Amendments 56, 60 and 69, which are tabled in my name. I was one of the 20 or so noble Lords who were excluded from Second Reading, and while my Whip courteously gave me an explanation of the causes—the combination of Covid-19 and technology factors—I had hoped for some sort of apology from someone on the Front Bench to the 20 or so of us, but as far as I am aware none has been made. Such exclusion from Second Reading is a not a good precedent.

I declare my interests as a landowner and arable farmer. These amendments support domestic agriculture to ensure that food security and the stability of food supply are included in the purposes to which financial assistance can be directed under Clause 1. It is an important requirement for any Government to serve the interests of their people by investing in domestic food production to ensure stability and security in the provision of a safe and affordable domestic supply of food, as the quantity and quality of imports cannot always be guaranteed. Today’s *FT* points out that the UK is only a little over 50% self-sufficient in food and that, of the balance, four-fifths comes from the EU. Should there be any disruption by way of port delays, it will be serious.

The coronavirus crisis has shown how important it is to have a domestic supply of food. The view of farmers as food producers has never resonated more

[LORD NORTHBROOK]

with the public than at this time, with the need to keep our shelves stocked the highest of priorities. I welcome the fact that the Government recognised that food production role by granting farmers key worker status during the countrywide lockdown, although the future of domestic fruit and vegetable supply may not be guaranteed if there are not enough workers to pick them. Given the increased significance of food security in the UK, the first amendment in particular would enable the Government to give financial assistance for the explicit purpose of supporting the domestic production of food.

In developing new forms of financial assistance, the Bill obliges the Government to,

“have regard to the need to encourage the production of food by producers in England and its production by them in an environmentally sustainable way.”

This is a welcome advance from the first Agriculture Bill, which, extraordinarily, did not mention food at all. While in the Bill “have regard to” provides a robust starting point and an ongoing reference point during the development of schemes such as the environmental land management scheme, the Government should be clearer about how exactly they see this provision influencing government policy in practice. It would be strengthened by an explicit requirement that any financial assistance scheme is designed to encourage the sustainable production of food by producers in England. I do not know whether the ELM scheme will do that.

6 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, it is a pleasure to follow the noble Lord, Lord Northbrook. I second his comments about the importance of food security and its absence from the Bill at present. It is also a pleasure to follow the noble Baroness, Lady McIntosh of Pickering. I commend Amendment 35 in her name for its focus on food security. One of the major roles of the Government must be to ensure that people can eat. I also commend Amendments 46 and 70, which are supported by my noble friend Lady Jones of Moulsecoomb.

I shall speak chiefly to Amendment 47, in my name, which my noble friend Lady Jones, the noble Baroness, Lady Boycott, and the noble Lord, Lord Judd, have kindly backed. I am also grateful that in our discussions last week, the noble Baronesses, Lady Bakewell of Hardington Mandeville and Lady Jones of Whitchurch, commenting on the linked Amendment 77, expressed support for the principle of this amendment and for the Bill to cover this explicitly.

To some degree, this amendment is a rebuttal of the statements made last week by the noble Lord, Lord Rooker, suggesting that outdoor livestock production is not giving us enough food and, implicitly, that factory farming is essential. That suggests that production of meat is one of our problems, which is clearly not the case. In fact, we have meat production which is largely food waste. I am talking about factory farming, of course—feeding large quantities of perfectly edible grains, oils and proteins to produce far smaller quantities of meat. This is something we can no longer afford.

Land is a scarce resource, as the Government acknowledged last week. We cannot afford to waste it growing food that is immediately fed to animals, as we currently do with about 20% of farmland. There is an argument for small quantities of winter feed for predominately pastured animals, but that is very different from the vast chicken sheds, piggeries and factory dairies that we have seen expanding in the UK in recent years. The problem with them is not simply food waste, or the failure to produce healthy food. I often come under attack from people who wave a finger at me and say, “The Green Party wants people to eat less meat, isn’t that terrible?” Usually I point to those well-known radical environmentalists of the British Medical Association, which also says that we need far less meat in the British diet and meat of a far higher quality. As the noble Baroness, Lady Jones of Whitchurch, said last week, this is a very strong medical recommendation.

The noble Baroness also alluded to the crucial issue of antimicrobial resistance, something we hear concern about from all sides of politics, including the former Prime Minister David Cameron, who some years ago made it the subject of a major speech. In the past week, we have seen the chief executive of GlaxoSmithKline identify antimicrobial resistance as a predictable threat to global health on the same scale as Covid-19.

Sadly, Covid-19 has made all too clear the need to think about the welfare of workers, not only on factory farms but in the giant, fast-moving, mass-production abattoirs. There is also the health of our environment, including dead zones in our oceans and rivers from nitrogen pollution, and the air pollution problems on which my noble friend Lady Jones has tabled amendments.

The noble Lord, Lord Rooker, was right that we need protein. That is where the positive side of this amendment comes in, as it seeks to promote a shift to plant-based food production, particularly—one of the things that we have seen some progress on, but it must be much faster—the production of protein crops. It is interesting that this also means the potential for farmers to diversify into different crops, reducing risk. Of course, growing nitrogen-fixing crops often reduces or ends the need to rely on artificial fertilisers, with all the other benefits that have been rehearsed in this debate.

This amendment says, “We want to see the Agriculture Bill positively promote crops that are good for the environment, good for people’s health and good for farmers’ incomes and farm security.” I need to point to the possibilities of a pretty small-scale operation. A wonderful company called Hodmedod’s, which is very much focused on promoting different crops and restoring historical ones, recently grew lentils in the UK for the first time in quite some time. I also learned that it has been promoting carlin peas, which, as I learned in an internet discussion, are apparently a traditional cultural bar snack in Lancashire. Rather than peanuts, we could have local carlin, or parched, peas. This reminds us that we can have cultural restoration as well as the restoration of our health, well-being, soils and food. I commend Amendment 47 to the House.

I was also pleased to attach my name to Amendment 71, tabled by the noble Earl, Lord Devon, and supported by the noble Baroness, Lady Bakewell

of Hardington Mandeville. It would introduce a requirement to support healthy and nutritious food and, implicitly, avoid supporting unhealthy food. It is clear that our global food system, of which the UK is a closely enmeshed part, is entirely broken. Last year, before Covid, 690 million malnourished people were unable to get the basic calories they needed; a similar number are obese, unable to get the healthy food they need, and billions more are on that route. Yet we have just seen a truly tragic figure in the UK: the number of cases of children admitted to hospital suffering from malnutrition has doubled in the past six months to 2,500—and that was with only two-thirds of NHS trusts reporting. I hope that, in responding, the Government will say that it is their business to ensure that the UK meets the second sustainable development goal: zero hunger. Part of that is having a healthy diet, not simply an adequate number of calories. We not on track to meet that goal by 2030. In his response, I hope that the Minister will tell us how the Government hope to achieve that goal if they are not intending to use the Agriculture Bill to do so.

Amendment 75—tabled by the noble Baroness, Lady Boycott, and backed by the noble Baronesses, Lady Meacher and Lady Bakewell of Hardington Mandeville—seeks to improve public health by increasing the availability, affordability, diversity, quality and marketing of fruit, vegetables and pulses. I want to focus on marketing in particular. The World Cancer Research Fund has said that countries, including the UK, are failing to protect children from the effects of “harmful” junk food marketing. Children are having unhealthy food promoted to them but are not seeing the promotion of healthy food; the World Cancer Research Fund says that this is a human rights issue.

Finally, Amendment 75 refers to reducing the use of antibiotics and related veterinary products. I have been contacted by members of the public and industry asking what “related veterinary product” refers to; I would point to anthelmintics, in particular their impact on dung fauna and on insects on land and in watercourses. I do not consider this amendment as covering vaccines. I also note the similarity between this amendment and my Amendment 49, which would put a similar provision in Clause 1. If the EU target is for a 50% reduction in pesticide use in a decade and if the UK is to be world-leading in that regard, how will we get to that standard if not through the Agriculture Bill?

**The Earl of Dundee (Con) [V]:** My Lords, I declare my own business interest in farming as already detailed in the register. In this group, I support Amendments 35, 36, 60, 69 and 71. All of them emphasise growing healthy and nutritious food. That also means growing and offering a rather better selection of food than we now do. Therefore, I am also in favour of Amendment 47 in the name of the noble Baroness, Lady Bennett of Manor Castle, which advocates a shift in direction to achieve improved diets—still containing, but much less dominated by, animal products. I also support the amendment of the noble Lord, Lord Greaves, which urges more food production in urban areas.

Amendment 63 in my name would encourage urban and peri-urban growing enterprises to provide fresh local produce close to the market where it is required.

I hope that my noble friend the Minister agrees that the Secretary of State might provide incentives accordingly. During the coronavirus pandemic, we have witnessed the importance of food security and local supply chains delivering food to where it is needed. Farming endeavours within conurbations can have an immediate and beneficial impact on supply chains, responding accurately to local demands. This contrasts with large supermarket chains sourcing goods from overseas and adding to the carbon footprint of such produce through transport costs.

Small-scale intensive food production uses little space yet reveals a high yield per acre as well-evidenced in the Netherlands. Those examples are particularly suited to towns and cities where ground is in short supply. Green-belt areas could also be freed up for such endeavours. They would also offer quality outdoor employment for people in urban environments.

Some of these projects might fulfil a social purpose too: for instance, city farms to educate children about animals and agriculture; and allotments, to which the noble Lord, Lord Greaves, has already referred, which can teach people about food production at the same time as allowing and encouraging them to grow their own food. Not least, they also enable more green areas in cities for the benefit of those living there.

**The Earl of Devon [V]:** My Lords, I will endeavour to be brief: we have an awful lot to get through. I am grateful to see Clause 1(4) in the Bill. It was remarkable that, in its early iterations, a Bill about agriculture had no specific reference to the provision of food. My Amendment 71 would merely improve upon that provision of food by the specification that it should be both “healthy and nutritious”.

I am grateful for the support of the noble Baronesses, Lady Bakewell and Lady Bennett, on this amendment. I understand that all the amendments in this group are directed to a very similar goal. There is clearly strong support across the Committee for making sure that the food whose production we are encouraging is healthy and nutritious, and not the sort of food that causes ill-health, obesity and so many other issues that are being brought into full focus with the onslaught of coronavirus. At this time, of all times, it has become clear that the health and well-being of our nation are a result of the healthiness and nutrition of the food that we eat. This is therefore not just about agriculture; it goes to a much wider issue.

Some may say that the health and nutrition of the food could be secured by the fact that the clause provides that it must be environmentally sustainable. Of course, the two things are vastly different. It is perfectly possible to produce food in an environmentally sustainable way and it not be healthy and nutritious. There has been much talk over recent days of insect farming and novel agritech. You could certainly see insect farming as a very environmentally sustainable means of farming. It is the feeding of waste product, typically to insect larvae, which are then mashed up for their protein. That is the production of food in a very environmentally sustainable way, but I am not sure that it is either healthy or nutritious food, albeit it has an important role to play in the feeding of fish, for example, and other larger animals.

6.15 pm

I want also to speak briefly to Amendment 47. As a farmer from Devon, I will obviously resist any suggestion that the farming of livestock be discouraged. The west of England has some of the finest pasture in the world and our livestock farming stands competition with that of anywhere in the world for its carbon footprint, and the health and vitality of the meat produced thereby. Rather than discourage the production of food by livestock farming, we should encourage it, because in the global marketplace we have a product that very few are able to match.

On Amendment 53, I am obviously interested in and am a keen proponent of urban, vertical and such farming types, but I wonder whether those are necessarily public goods. As I said in debate last week, many exciting agritech areas are getting lots of investment and support, all of which contribute positively to the options available to us, but I am conscious of the definition of “public goods”. I would appreciate it if the Minister could address whether such agritech products are necessarily public goods.

**Baroness Boycott (CB) [V]:** My Lords, it is a great pleasure to be in this debate and to follow the noble Earl, Lord Devon. I thank the noble Baronesses, Lady Bakewell of Hardington Mandeville, Lady Meacher and Lady Bennett of Manor Castle, for supporting my amendment. I agree with pretty much all the amendments proposed, and agree entirely with the provision and principle of ELMS, but I want to make a few points.

Of course, we must support the environmental goods that our farming can do, but if we do that without including the need to grow healthy food, we have in a sense lost the primary reason why we farm and have given it back to the market. By that, I mean the overwhelming power of the big retail producers, which has meant that so much land has been given over to grow grains which feed animals, or grains which are highly refined and end up in un-nutritious products such as cheap white bread and that so little of our land ends up producing the nutritious fruit and vegetables that we need.

I shall give a few facts and figures. The volume of home production decreased by 1.8% in 2019 to the lowest level that we have had for 20 years, despite its value having gone up. Imports have increased as well. Home production of vegetables contributes only about 54% of the total UK food supply. I know that the noble Baroness, Lady McIntosh, and others have talked about our food security but it is bigger than that: it is about trying to support farmers to do the right thing to support our health. Some 31,000 premature deaths in the UK could be averted every year if we ate enough fruit and veg, yet according to the Food Foundation, of which I am a trustee, UK adults currently eat an average of just 2.5 portions of veg a day.

When the previous Agriculture Bill went through its Second Reading in the Commons, Michael Gove, then Secretary of State for Defra, said:

“Every measure in the Bill is designed to ensure that our farmers receive the support that they deserve to give us ... healthy food.”

When challenged on why this was not in its Clause 1, he said that

“food production in this country is critical to the improvement of public health ... we put the importance of improving public health at the heart of everything that we do”.—[*Official Report*, Commons, 10/10/18; cols. 150-51.]

In answer to another question about whether that Bill would support the production of fruit and veg, he said that it was a critical issue. I therefore consider this Bill worryingly silent when it comes to healthy food production. It has to be a matter of strategic national interest and social justice that we ensure that our country is better able to feed itself with healthy, nutritious food and to protect itself from volatility.

Sustainable production must be central to this Bill—it cannot be seen as something to be left to the market—and that, I am afraid, takes money. The noble Lord, Lord Greaves, spoke about the need for allotments and more growing spaces. When I ran the London Food Board, we had a project called Capital Growth and created 2,500 new community projects. It is tremendously successful and we are trying to roll it out across the country. However, at the end of the day, it accounts for a tiny amount of vegetables. The point is that, if we are to grow more, farmers need money. At the moment, a very small amount of our land is devoted to this. We have to understand that financial help is needed, first, to make the transition and, secondly, to get this produce to the market. All the other things that I have talked about in our debates on amendments—local food networks, local abattoirs and so on—are part of the same thing.

We know that we have terrible problems with obesity, heart disease and type 2 diabetes. These are the results of a food system which is not working for us and our citizens. We have had a policy based on food corporations. We now have a unique opportunity to take this system back into public ownership and public concern.

Healthy food is a public good just as much as our NHS, and if we had better diets we would save that amazing institution about £2 billion a year. If we ate more local and seasonal fruit and vegetables, and if we bought from local producers, we could also reduce our carbon footprint, at the same time as improving our health, our land, our mental health and the mental health of our communities, which, as every noble Lord will have seen in the last few weeks, is an issue of such importance to our country.

**The Deputy Chairman of Committees (Lord Russell of Liverpool) (CB):** As the noble Lord, Lord Grantchester, has indicated that he will not speak on this group, I call the next speaker on the list, the noble Earl, Lord Caithness.

**The Earl of Caithness (Con) [V]:** My Lords, first, I thank those responsible for the speakers’ lists for heeding my words and those of the noble Lord, Lord Greaves. The present speakers’ list is in a much better shape and leads to better debate than was the case previously.

I have put my name to Amendment 70. I think that the words “have regard to” in Clause 1(4) weaken the importance of producing good, healthy food. I hope that my noble friend the Minister will agree that they

should be deleted, and I congratulate my noble friend Lady McIntosh on sponsoring this amendment. I was happy to sign up to it.

All noble Lords have been speaking about food security. I hope that every single one of your Lordships participating in today's debate has read the recently published report of the Food, Poverty, Health and the Environment Committee entitled *Hungry for Change: Fixing the Failures in Food*. The report goes into the subject in some depth, covering many of the points raised in this evening's debate.

I would like to make one point about growing healthy food. It sounds as though our farmers do not grow healthy food at the moment. I think that, in the present circumstances of the CAP, our farmers grow very healthy food but it is the food industry that turns it into ultra-processed food, and that is the poison that contaminates our diets. Rather than just concentrating on farmers, the food industry has to be looked at as a whole.

We make a number of recommendations in our report *Hungry for Change*, and I hope that the Minister will respond positively to them in due course. Food security covers a vast number of departments. We talked to three different ministries during our deliberations, which were somewhat hampered by the Covid pandemic, but it is clear that this is a whole-government rather than just a Defra problem.

Given what everybody else has said, I can now terminate my remarks, but I hope that my noble friend will agree to Amendment 70.

**Lord Whitty (Lab) [V]:** My Lords, I added my name to Amendment 35, which was so comprehensively moved by the noble Baroness, Lady McIntosh, and I did so for one simple reason: it explicitly recognises that a key part of the output of farming must be its effect on human health. It is somewhat strange that Clause 1, which lists all the ways in which public money can be spent to support the output of farming—the improvement of land, water, woodlands, the environment, natural heritage, the countering of environmental threats, the welfare of livestock, the health of plants, plant and livestock conservation and so on—contains no mention of human beings.

The biggest impact of farming, both in its production methods and in what it produces, is on human beings. I was provoked, to some extent, to add my name to the amendment of the noble Baroness, Lady McIntosh, because I received advice on pesticides when I was tabling a different amendment that comes much later on in this Bill. Some of the issues relating to this have already been referred to by the noble Lord, Lord Wigley, and the noble Baroness, Lady Finlay, in the earlier debate today. However, I asked that this amendment be headed “human health”, and I was told that this was beyond the scope of the Bill. It must not be. I have amended that amendment to conform, obviously, but human health is central to this Bill.

It is not just the potentially negative effects of some farming processes; it is much more positively the effect of the produce of farming on the balance of our diets and nutrition, and the way it gets to the public. Like the noble Earl, Lord Caithness, the noble Baroness, Lady Boycott, and others, I was a member of the

Select Committee under the noble Lord, Lord Krebs, which produced its report very recently. That report spells out that farming has to be seen as part of the totality of the food chain, and one of its principal impacts is its being directly or indirectly responsible for the health and nutrition of our population.

As the noble Earl, Lord Caithness, has just said, much of the responsibility here lies with the big processors, the wholesalers and the retailers, which both specify and advertise food that is quite often not so healthy. However, the responsibility also lies on farmers and government policy towards farming. The Krebs report makes quite a wide range of recommendations that relate to this, and the Bill does not fully reflect that priority because the availability, quality, pricing, convenience and affordability of nutritious food is vital to turning around the declining quality of our diets, which is causing such things as our obesity being the worst in Europe and examples of malnutrition and so forth in our population—mostly, but by no means exclusively, among the least well-off families.

Good food is a public good. This Bill needs to reflect that. A more plant-based diet is a health benefit. More domestic production of fresh fruit and veg is a key part of any strategy for healthier food. Hence I—and I think the whole of the Krebs committee—would wish to see, in Clause 1, a reference to health and diet as a public good derived from the output and methods of farming, and therefore worthy of our support. Therefore, I support Amendment 35, to which I have added my name, and Amendment 36 in the name of my noble friend Lady Jones of Whitchurch, which refers explicitly to healthy food.

**The Deputy Chairman of Committees:** The noble Baroness, Lady Meacher, has withdrawn from the list, so I call the noble Lord, Lord Judd.

**Lord Judd (Lab) [V]:** My Lords, I want to speak to the whole group of amendments as I find the interrelationship between the various amendments on this occasion particularly interesting. My noble friend Lord Whitty has been talking about food security. This group focuses on food security not only in the context in which he mentioned it—although that is vital—but in the context of the most unstable period in world affairs that we can remember. It is very important to think of food security in that context as well.

6.30 pm

Covid-19 has reminded us starkly of the relationship between people's well-being and basic health and their vulnerability to diseases of this kind. It is no accident that the concentrations of some of the worst instances of Covid-19 are in areas of poverty—and poverty is, of course, related to diet. What we are seeing is that diet and the quality of food are essential to a healthy, vigorous nation that is able to resist onslaughts of this kind.

Another interesting aspect of this group of amendments is that it looks at how we reconnect people with the whole process of agriculture; it is not the only group to do so. In our urbanised society, countless people do not begin to understand or think

[LORD JUDD]

about the production of food. I declare an interest as one of my daughters is very much involved in this kind of activity; the emphasis on reconnecting people in communities with the process of agriculture and encouraging them to see the relationship between what happens on farms in their area and what they consume, which is vital.

The other point that comes out of these amendments is that we must always think about the best possible sustainable use of land, not just what we can produce from it. We need to consider sustainability and the effect on the environment of the way we use land. We talk about the effect of the environment on agriculture, but agriculture has an impact on the environment; we therefore have to think very hard about getting the balance right between arable and animal farming—and about what happens when we rely too much on animal farming. I say this as a non-vegetarian but as somebody who takes this point very seriously indeed.

Having got to know the Minister quite well over the years, I am sure that he is the sort of man who will take this group particularly seriously, because he has this kind of outlook on human affairs—an awareness of the interrelationship between all these dimensions. The point I want to make above all is that we should stop thinking about agriculture simply as a segment of our society to be managed; we must think of it as centrally related to the whole of social policy and the issues that confront us.

**Baroness Butler-Sloss (CB) [V]:** My Lords, I refer to my interests, which I set out on day one of Committee last Tuesday. I refer back to the concerns of those supporting native ponies about the wording of Amendment 69. Naturally, none of them, nor I, have any objection to the support of food management, but the wording of Amendment 69 has the potential to confine financial support to food production and might therefore exclude native ponies from financial assistance.

**Lord Inglewood [V]:** My Lords, ever since the age of the hunter-gatherers, earth has been supplying humankind's food needs. That is why I am pleased to support the amendment proposed by the noble Baroness, Lady McIntosh, and the thrust of many of the other amendments which have been grouped with it.

Over the centuries, famine has been a regular feature of human history in different parts of the world. It is worth recalling that in western Europe, immediately post the Second World War, in the period that the Germans call *Die Stunde Null*—that is, within living memory of people alive today—people were starving to death. Of course, it was partly for this reason that the common agricultural policy was set up in the way in which it was. Given that, it is not perhaps as silly as it is sometimes thought to be by certain not very well-informed commentators in this country.

I think it is generally agreed that one of the duties of a state is to ensure with reasonable certainty that its citizens have enough to eat of an appropriate quality and at a reasonable price. It seems that if it is necessary and appropriate to do so, the state should spend money to ensure that this happens. Of course, medieval chroniclers tell us that, on occasion, people in besieged

cities lived on cats, rats and dogs, but I do not imagine that many people would consider that a desirable state of affairs.

What is interesting about the first clause of the Bill is that climate change is mentioned, because it affects the earth we live on, and in turn the future of humanity. Equally, however, I believe that food security should be included in this section of the Bill because, in a completely different way, it just as much affects the future of humanity.

Some of your Lordships may remember that it was not all that long ago that there was a very poor wheat harvest, and suddenly the price of bread shot up in the supermarkets. If you were to believe the tabloid press, there was a huge crisis. Equally, there was an interesting article in the *House* magazine this week written by the managing director of Arla Foods—I declare a specific interest in that I sell my milk to Arla. He said that it is interesting that in this country we still import 35.5% of the yoghurt we consume, just under 40% of the butter and just under 68% of all cheese. Our security of supply is in a number of temperate foodstuffs—obviously, we cannot produce bananas and things like that here—very far from secure. It is rather like pandemics, is it not? “Oh no, it couldn't happen here”—but then suddenly Covid-19 comes out of left field and we are all caught in a very exposed position.

The Minister may well argue that food security is by inference present around the Bill because it is part of general policy that the state should be guarantor of food security. However, if you look at the way in which the Bill is constructed, and you look at Clause 1, you see that those provisions are there to set out the ground rules for our future agricultural order and the financial support for it. I believe, for the reasons I have just explained, that food security should be included within it so that the ground rules are clear to everybody.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, I am delighted to followed the noble Lord, Lord Inglewood, and to support the amendments in the names of the noble Baronesses, Lady McIntosh of Pickering and Lady Jones of Whitchurch. This group of amendments is quite clearly about the need to fight and campaign for, but above all to establish and place in the Bill, food security. While food security might be implicit, it needs to be explicit.

Like the noble Earl, Lord Caithness, the noble Lord, Lord Whitty, and the noble Baroness, Lady Boycott, I was a member—albeit not for as long as they were—of the Select Committee under the chairmanship of the noble Lord, Lord Krebs, that published the report last week entitled, *Hungry for Change: Fixing the Failures in Food*. I agree with my colleagues that a holistic, systems approach has to be taken to food, from the moment it is produced and grown by the farmer, right through processing and retailers, through to the consumer and food waste. These things are all vital. I urge the Minister to read that report. In advance of the government response, I urge him to indicate in his response today whether he has read our Select Committee report and whether he has any initial thoughts. Will he ensure that these amendments dealing with food security—now heightened as a result of the Covid situation—are placed in the Bill?

We are also still awaiting the report from Henry Dimbleby, who coincidentally gave us evidence. It is important that the national food strategy comes forward as quickly as possible, because we want to encourage people to eat healthily.

Like the noble Lord, Lord Greaves, I would like to see the day when people do not have to access food banks because of their inability to purchase food due to lack of resources. It is therefore important that we build a robust, resilient food supply. This is an issue for all of government, not solely Defra.

The amendment in the name of the noble Baroness, Lady Jones of Whitchurch, talks about food sustainability and farming

“in an environmentally sustainable way”,

which is vital. It is also important that this Bill reflects food security directly related to health and well-being as important components in qualification for financial assistance.

A whole chapter of our report dealt with food security. One of our recommendations is

“built around the central aim of ensuring that everyone, regardless of income, has access to a healthy”,

affordable and sustainable diet. An onus should be placed on farmers to ensure food security as part of the food system.

Equally, like the noble Earl, Lord Caithness, I say an onus has to be placed on the processors and retailers to ensure they are providing food of a healthy, nutritious quality, not subject to reformulation through the addition of fats and salts. We have to create a healthy nation of people who have good health and well-being. If that means more fruit and vegetables are eaten, that is all to the good.

I support this group of amendments, in particular Amendments 35 and 36. I also commend the report from our Select Committee and look forward to the Minister’s response to it, indicating support and that cross-departmental action will be taken across government to ensure that its recommendations are fully implemented.

6.45 pm

**Lord Blencathra [V]:** My Lords, I begin by paying tribute to the wise words we heard last week and today from my noble friend Lord Inglewood, who always brings not only wisdom and farming experience to our debates, but sound common sense, which seems to be a government policy at the moment.

I am afraid that some of the amendments here are misguided in that they talk of farmers producing healthy food. I submit that all food that leaves UK farms is healthy, but it may not be so healthy when it is processed and on the supermarket shelves, exactly as my noble friend Lord Caithness so rightly said.

Many amendments mention the word “food”, but I can see only one with the word “diet” in it. In fact, I think the noble Lord, Lord Whitty, was the only Peer to mention “diet” until the noble Baroness, Lady Ritchie, mentioned it a couple of minutes ago. There are no bad foods, just very bad diets, yet people keep demonising certain foods which are perfectly okay if eaten as part of a balanced diet or in moderation.

Many years ago, when I and others did winter warfare training in the Cairngorms, we would scoff an enormous fry-up for breakfast, two Mars bars on the top of some mountain and a very big dinner. We would come away half a stone lighter and a lot fitter at the end of a week. We are becoming a nation of inactive, obese blobs, and that is nothing to do with British farmers.

I am perfectly willing to be informed, but I cannot think of anything grown or produced on a UK farm that is intrinsically a bad food of itself. Since we have the tightest controls on pesticides and antibiotics of any country in the world, healthy food leaves the farm gate. Are we to tell farmers to stop growing potatoes because some people eat far too many chips? The chickens and lettuces leaving our farms are healthy, but by the time, say, Pret a Manger has slathered them in mayonnaise—making them taste delicious, I accept—in their giant sub sandwiches, then they are very heavy on the calories.

I do not see any benefit to the environment in trying to stop UK framers producing meat, then flying in avocados from Brazil and almond milk from California. We should concentrate on people’s overall diets and their lack of exercise, and not tell farmers to produce healthy foods, which they already do.

If we want farmers to grow different food, that means getting food manufacturers to create the demand based on what their customers demand. There is no point in farmers growing what noble Lords in this debate have called healthy food if there is no market for it. It is the role of the whole of government—not just Defra, but especially the Department of Health—to attempt to educate the public to change to healthier diets, and I stress “diets”.

Every amendment here concentrates on the production of, rather than the demand for, food. Like it or not, the demand has to come first. Farmers do not need to be encouraged to switch to grains and pulses production. If the supermarkets want more tofu, quinoa or lentils then British farmers will soon find a way to supply it, just as they rapidly moved into growing oilseed rape and linseed as soon as the EU started paying for it. British farmers will rapidly adjust what they produce if the demand is there. I agree with and passionately believe in the need for healthy diets, but that is not the job of British farmers.

**Lord Carrington (CB) [V]:** My Lords, I declare my interests as a farmer and landowner as set out in the register. I support Amendments 56, 60 and 69 in the name of the noble Lord, Lord Northbrook, as it is so important to encourage the production of food by our farmers in an environmentally sustainable way.

I also believe that farming with new technology will be possible and appropriate in the urban environment, so I very much support Amendment 53, in the name of the noble Lord, Lord Greaves, and Amendment 63, in the name of the noble Lord, Lord Greaves, and the noble Earl, Lord Dundee. Industrial farming is moving to farm to fork, which looks more sustainable. Localism and resilience are the current watchwords, but some products, whether fruit or vegetables, can be grown only in hot climates. This is where technology comes in and where Amendment 63 is so important. Vertical,

[LORD CARRINGTON]

indoor farms are emerging, as fruit and vegetables can be grown in confined spaces, with light, heat and water controlled by technology. This can take place in cities, next to consumers, and, of course, uses less land. The Bill needs to provide for the next generation of farms, whether rural or urban. Look at Singapore, which imports 90% of its food and aims to produce 30% locally by 2030. Much of this is urban, using new technologies. I therefore support these amendments, which provide a setting for food security in the United Kingdom.

**Lord Bruce of Bennachie (LD) [V]:** My Lords, I support Amendments 35, 36 and 60 on food security and access to food that promotes good health and well-being: I would have signed them, but many other people wanted to do so first and I am very glad to support them.

Having represented an agricultural and food-producing constituency for 32 years, I have experienced the destructive effects of BSE, foot and mouth and, incidentally, the truck-drivers' strike. BSE led to the laying off of 1,000 people in my constituency within a week, and although foot and mouth did not directly affect my constituency, the restrictions on movement had very serious impacts, so I am very aware of food security and how it can very quickly be disrupted.

We have seen an increase recently in food poverty, because although supply chains have adapted to deliver food alternatively, it has in many cases been at more expense, as when suppliers to the catering industry have offered to supply domestic suppliers—healthy, good fruit and vegetables, yes, but at a price that not everybody can afford. Of course, as a country we are heavily dependent on seasonal food imports; and not just seasonal food, but fresh fruit and vegetables from Spain and the Netherlands, in particular.

Our homegrown fruit and vegetable production has been disrupted recently by a shortage of labour: Covid-19 restrictions have perhaps given us a taste of what a post-Brexit labour shortage will do for our supply chain. I can certainly say that, in our area, some producers are struggling to harvest our berry crops, of which Scotland is a major grower—for the whole of the EU, incidentally, not just for the UK. Indications are that the UK could face shortages of fresh fruit and vegetables, either because of tariffs or the diversion of EU exports elsewhere, because of higher transport costs and delays and losses because of necessary border inspections. After all, £700 million is being laid out to create a lorry park in Kent, where, I suspect, it will be difficult to keep food as fresh as it would be with the just-in-time delivery we currently enjoy. Quite simply, I worry that EU suppliers, who are currently happy to send fruit and veg to the UK, might find it less profitable and choose to divert to alternative markets within the EU, where there is less bureaucracy, less cost and less risk of delay and disruption.

Do the Government recognise that we may, for both security and nutrition, need to provide additional support to homegrown production, which will not face this disruption? What plans are in place to do that? Are we prepared for a sudden drop in supply or a dramatic increase in prices from 1 January 2020? The Government had not planned very well for the unexpected pandemic;

they cannot suggest that what happens on 1 January is not foreseeable. How well are they planning for it, and how sure are they that disruption will be avoided?

Those who campaigned for us to leave the EU constantly promised an abundant supply of cheap food. The questions in this debate have been whether that cheap food is also nutritious food, and whether it is as good as the food we currently get or could get from our own production and our own sources. How can the Government guarantee that there will be an adequate, affordable supply of nutritious, affordable food if there is a shortfall of supply from our current EU sources? I commend these amendments and I hope that the Government will take them seriously, because if they do not, there will be a price to pay, in cash, in quality and potentially in shortage of good-quality, nutritious food.

**Lord Cormack (Con) [V]:** My Lords, I am delighted to follow the wise words of the noble Lord, Lord Bruce. He has asked some pertinent questions, which deserve clear answers.

What you never have, you never miss, but you soon miss what you have taken for granted. That has been underlined, time and again, during this very difficult Covid year. It is important that there is a smooth transition at the end of December. I personally greatly regret the fact that Ministers have been so obdurate about that date, but there it is. We have to face up to the fact that it is the prime duty of every Government to defend the realm. As the noble Lord, Lord Inglewood, made plain in his splendid speech, part of defending the realm is keeping people properly fed. As one who grew up through the war years, when our affairs were brilliantly managed in the face of often seemingly overwhelming odds, I know that and so do many of your Lordships.

I was glad that my noble friend Lady McIntosh began this debate with such a prudent and sensible speech. There have been many of those in this debate, and there are very few amendments to which I would not have been glad to put my name. However, when we talk, as my noble friend did at the beginning, of public payment for public good, what is a greater public good than ensuring a proper supply of healthy food to maintain the health of the nation? It could be argued that that is the greatest of all public goods. I hope that the Minister will reflect on that when he comes to reply. He is a very well-regarded Member of your Lordships' House and he knows about farming and agriculture at first hand. He also knows that his is the Department for Environment, Food and Rural Affairs. I am glad that "Food" features so prominently, as it did in the old Ministry of Agriculture, Fisheries and Food.

It is essential that we have a quality supply of good food. We are dependent upon our farmers for that. Some colleagues have, quite justifiably, made disparaging comments about what those who process the food do to extract nutrition from it, but our farmers produce excellent food. They must be encouraged to do so in every possible way while having proper regard, as we debated last week, for the countryside and the environment in which they operate and for which they are responsible.

I refer again to the admirable speech by the noble Lord, Lord Bruce. I very much hope that there is adequate planning to ensure a smooth transition at the end of the year. Above all else, the Government will be judged, not only by how they have handled the pandemic but by how they create a smooth transition, so our people can still take for granted a ready and steady supply of healthy food for the good of the nation and future generations.

7 pm

*Sitting suspended.*

7.30 pm

**Lord Trees (CB) [V]:** My Lords, I wish to comment briefly on proposed new subsection (b) in Amendment 75, which refers to reducing the use of antibiotics in livestock and related veterinary products. I fully agree with the aim of reducing the use of antibiotics on livestock as far as possible while retaining their use to treat sick animals to ensure their good welfare. Indeed, in the UK, we have been incredibly successful in reducing the use of all antibiotics on all livestock by more than 50% since 2014. Currently, in fact, usage is well below the target set in the 2016 report from the commission headed by the noble Lord, Lord O'Neill.

With regard to so-called critically important antibiotics for human use, there is absolutely minimal use on livestock today. This has been achieved by management improvements, husbandry improvements and, of course, the use of vaccines, which are a major tool in controlling and preventing infectious disease. They are thus terribly important in reducing drug use for therapeutic purposes, so it is important that their use is not discouraged.

I seek greater clarification on what is meant in this amendment by “related veterinary product use”. I noted that the noble Baroness, Lady Bennett, commented on this to some extent in her earlier speech; I think she said words to the effect that she did not envisage the inclusion of vaccines in this amendment. I hope that that is so; it would indeed be counterproductive.

She also commented on anthelmintic use and its effect on dung beetles. As a parasitologist, I want to comment briefly on that. I assure her that that is not an issue in the UK. Some years ago, this was looked at carefully; various anthelmintics, which of course are for worms and which also have powers of activity against insects, were introduced. Poor research students were sat out in the open having to observe the degradation of cowpats in fields, some of which were grazed by cattle with anthelmintics and some of which were grazed by cattle without them. I assure the noble Baroness that there was absolutely no difference as a result of the anthelmintic treatment.

**Viscount Trenchard (Con):** My Lords, I repeat the declaration of my interests that I made last Tuesday.

Amendments 35 and 36 seek to add to the list of purposes for which financial assistance may be given. Amendment 36 is already covered by existing purposes, as is Amendment 35, up to a point. This amendment, moved by my noble friend Lady McIntosh, also seeks to establish food security as a purpose. It is hard to see how these amendments would have much of an effect on the proportion of our food that we import—or,

indeed, the proportion of our food produce that we export. British farm produce, including arable, dairy and livestock, is produced to very high international standards and, I believe, can hold its own in both domestic and overseas markets.

I cannot see that Amendment 46 in the name of the noble Baroness, Lady Jones, has any place in an Agriculture Bill that seeks to reduce farmers' dependence on the state. It would threaten to increase the cost and reduce the choice of meals provided by public bodies by introducing distortions to the market, reflecting particular views on environmental or animal welfare standards that go further than required by law.

In the same way, I would resist Amendment 47 in the name of the noble Baroness, Lady Bennett, because I do not believe that the Secretary of State should be involved in trying to persuade people to change their diet to a vegetarian one. I very much agree with the remarks of the noble Earl, Lord Devon, with regard to her amendment. I have nothing against vegetarians—indeed, I have a daughter-in-law who does not eat meat—but it should be a matter of personal taste.

My noble friend Lord Northbrook, who is most knowledgeable in this area, has eloquently spoken in support of his Amendment 60, which seeks to ensure a sufficient level of food security. I do not think my noble friend is suggesting we need go back to a time when foreign food was virtually unknown to most people in this country. Of course we need to maximise our domestic food production, but it is also important that our new trading relationships continue to offer British consumers more choice at reasonable prices.

My noble friend also wishes to require the Secretary of State to support the production of food in England through his Amendment 69. On this, I prefer his drafting and the effect of the change he wishes to make. I also prefer his wording to that of my noble friend Lady McIntosh in Amendment 70, although her amendment is also an improvement on the current somewhat ambiguous wording.

I am afraid that I do not understand the purpose of Amendment 71, in the name of the noble Earl, Lord Devon, as I do not want the Secretary of State to become a sort of food policeman. I do not understand what the noble Earl means by suggesting that his amendment

“avoids the Secretary of State having regard to the production of unhealthy food.”

I am not sure that public health concerns, as mentioned in Amendment 75 in the name of the noble Baroness, Lady Boycott, should be in an agriculture Bill, however desirable the improvement of public health obviously is.

Amendment 92 in the name of the noble Baroness, Lady Jones of Whitchurch, defines “environmentally sustainable way”. I do not think that it needs to be specifically defined and I question whether avoiding the “depletion of natural resources”, desirable though that is, is clearly contained within the meaning of the phrase.

**Baroness Neville-Rolfe (Con) [V]:** My Lords, it is a great pleasure to follow my long-standing and noble friend Lord Trenchard. I agree with the general thrust of his comments. After a long day on two important Bills, I will confine myself to two points.

[BARONESS NEVILLE-ROLFE]

First, the changing weather pattern, the risk of another pandemic and, more immediately, the possibility of an exit from the single market without an FTA all point to the need for a sensible, long-term focus on food security. I welcome my noble friend Lord Northbrook's Amendment 60—an enabling amendment and not a requirement—and the part on food security in the lead amendment, Amendment 35, proposed by my noble friend Lady McIntosh of Pickering. This plays to Clause 17 of the Bill and its proposal for a five-yearly report on food security, which I very much welcome.

Secondly, like the noble Lord, Lord Trees, I will talk about antibiotics. I support the provision on reducing farm antibiotics in Amendment 75 in the name of the noble Baroness, Lady Boycott. The impact of antibiotic resistance is one of the most serious issues facing the human race. It could make common operations extremely dangerous around the world, endangering people of all ages and in all countries—and with no prospect of a vaccine, so potentially worse than Covid-19.

At Red Tractor—I restate my interests here—we have worked hard with the Responsible Use of Medicines in Agriculture Alliance to tackle this on farms through proper measurement and collection of data, assured standards and annual veterinary inspections. The former CMO, Dame Sally Davies, has commended us for the substantial decline in antibiotic use. For example, in the pig sector use of antibiotics has fallen by 60% over four years. However, there is more to do, and we are working with farmers, processors and retailers to do just that. The power proposed by the noble Baroness, Lady Boycott, could help us to intensify the work, with some government support. This should be if and only if the need arises, and after proper costing and risk assessment—to hark back to my amendment to Clause 1.

The noble Lord, Lord Whitty, said that he had been advised that the scope of the Bill did not cover health. I would like confirmation that the role of farmers in AMR is within its ambit when the Minister replies to this important group.

**The Lord Bishop of St Albans [V]:** My Lords, I support a number of amendments in this group, in particular those that touch on food security, such as Amendments 35 and 60. Food security is crucial, both for our protection and for the flourishing and survival of any nation. History teaches us that food shortages have always occurred. They are often caused by many different factors and occur at an alarming rate. One of the earliest historical examples of this is found in the Hebrew scriptures, in Genesis chapters 41 and 42, where we read of Jacob storing up grain in Egypt ready for the seven years of famine. Not only did his actions save the lives of many, but underlying this narrative is the message that food is also about political power:

“And all the world came to Egypt to buy grain from Joseph, because the famine was severe everywhere.”

We are all aware that food security in the modern world is complex. The many advantages of an international market have meant that for most of the time food prices have been driven down and choice expanded. We know that many types of food would be

both difficult and expensive to grow in this country due to our climate, so we will never be totally self-sufficient in food.

We have heard reference to publication of the report *Hungry for Change* from the Food, Poverty, Health and Environment Committee just eight days ago. I note in that report the evidence given by Defra. It states:

“The ELMS proposes to reward a number of environmental ‘public goods’ with public money. The Government will support and reward farmers for providing improved environmental outcomes such as improved soil health and carbon emissions. The Department told us that the scheme may lead some farmers to move away from ‘traditional agricultural activity’.”

But the basic fundamental point of agriculture is to grow food and it is deeply worrying to consider that in under 30 years it is estimated that the world will need 60% more food than today. It is concerning considering that, at this very moment, we have vast swarms of locusts devastating crops in east Africa, Asia and the Middle East—an event of which we had no foresight a few months ago but which is likely to lead to extensive famines in the coming months. So I am keen to support these amendments, which support food security both for our good and for that of the international community.

Amendments 53 and 63 refer to food produced locally, including urban areas. We are trying to improve the environment, reduce transport and provide locally grown food, so these amendments are worth exploring. Both are supported by Amendment 69, which strengthens the Bill by changing “must have regard to” to “must support”. I look forward to hearing the Minister's response to these ideas and how Her Majesty's Government might include them in the Bill.

**Lord Naseby (Con) [V]:** My Lords, here we are on day three and we are still on Clause 1. Just to encourage the Minister, I remind him that he must have been in the House of Commons when the Maastricht Bill was being debated. It had all of four clauses but it took 25 days, so he is doing extremely well at the moment. But in the interests of making progress I am restricting myself to one speech tonight. That concerns Amendment 36. To me that is the heart of the Bill and very much the heart of horticulture. What a privilege it is to follow the right reverend Prelate the Bishop of St Albans. He covers most of Bedfordshire, although unfortunately not the part that I live in, but much of the part of Bedfordshire that is keen on horticulture.

7.45 pm

In my judgment, horticulture today is the poor cousin of agriculture. However, it offers so many opportunities, particularly for import substitution. It does not matter what you list; vegetables, flowers, salad, fruit and—even in Victorian times—tropical fruit are all grown with great success. Noble Lords may, like me, have a glasshouse and mine has certainly had far more attention this year than it normally gets. The tomatoes and lettuces look great, the leeks are ready for planting out, the cucumbers are falling off the top of the wires et cetera.

The noble Lord, Lord Carrington, mentioned vertical farms, but the key to restarting horticulture in this country is the cost of fuel. As it happens, we have a

unique opportunity with the increasing incidence of green energy, but somebody needs to talk to Ofgem, which, as I speak, is restricting the return on capital for all the electricity suppliers, including those supplying green energy. It is the green energy suppliers who are investing the most and are most impacted by Ofgem, whose whole strategy at this point appears to be to save the consumer the odd £50, or maybe £100.

If we do not remove that tourniquet on investment for the green energy industry, we will not revive the horticultural industry, because all it does, at this point in time, is undermine the production of and investment in green energy. I had the privilege of sitting on the Select Committee on Energy in the other place and saw there what was happening. I say to my noble friend on the Front Bench that he needs to have a close look at what Ofgem is doing because, although I will obviously continue to campaign for the area we are talking about—horticulture—I worry about how we will compete with Holland in particular if our green energy suppliers, which are doing so well, are constrained by minor changes to the amount that the consumer pays.

I say to my noble friend that, for once, horticulture needs the involvement of Her Majesty's Government. We need a strategy across government and industry; it is a small-scale industry, but it has such potential. Therefore, I make this plea to my noble friend—I believe it falls on productive soil—to look at horticulture, see what it needs, recognise its role of import substitution and get cracking to reinvigorate the industry, which was three, four or five times bigger in past decades than it is today.

**Lord Dobbs (Con):** My Lords, I regret that we have to deal with these proceedings virtually; we would not normally do so, but these are not normal circumstances. It is a hugely ambitious and vital piece of legislation that must, of course, be debated, but also allowed to breathe. I fear—forgive me if I sound impertinent—that far too many of the amendments that we are seeing today and on other days will not improve the Bill but instead tend to smother it.

As my noble friend Lord Naseby just mentioned, this is the third day in Committee and we are still on Clause 1, with another 53 clauses plus all the schedules to go. I hope noble Lords will agree that as a responsible House we have a duty to exercise a little caution and even a little self-restraint.

I hope the noble Baroness, Lady Bennett of Manor Castle, will forgive me if I offer a few words about her Amendment 47 on

“transitioning from livestock to plant-based food production.”

Last week we were discussing getting livestock out of the sheds and into the fields. This week we are getting the same livestock, which have just been put into the fields, out of the fields again and replacing them with plants. Even the cows are confused, so I have no idea how my noble friend the Minister will deal with that.

I have an even more fundamental objection to this amendment. Transitioning from livestock to plants en masse may be a good thing; it may not. There are very opposed opinions on this. The noble Lord, Lord Blencathra, made some good points about the importance of a balanced diet. Wrapped up in this

amendment is a clear political agenda, and the noble Baroness as good as acknowledged that in her extensive remarks. I am not afraid of politics, but taxpayers and consumers should not be asked to pay for a political agenda through the back door, as this amendment does, unless they voted for it—which they have not. This is not the stuff of fundamental legislation but for the political hustings. If it is so good for farmers' incomes and consumers' health, as has been suggested, they will get the point without any instruction from us.

In these difficult circumstances we have a responsibility to be brief, so I will finish on Amendment 35 on “access to food that promotes good health and wellbeing.”

But of course. How can I say this without causing offence? This amendment, in this Bill, is apple pie so sweet it will make your teeth rot. It is totally unnecessary; indeed, it is inappropriate. As the noble Lord, Lord Whitty, has acknowledged, it is beyond the scope of the Bill.

Some want to turn the Bill into a vehicle for fundamental social change, but this is a Bill on agriculture, not the Sermon on the Mount. I hope the Committee will show a good deal of self-restraint in both debating and pursuing these amendments, no matter how worthy some of their objectives may be.

**Lord Marlesford (Con) [V]:** My Lords, I first declare again the interests I declared last week, as in the register.

I am delighted with this set of amendments, because they put right a fundamental flaw in the Bill, which was to make a false distinction between food production, food and agriculture on the one hand and the environment. This is dangerous, because it plays into the hands of those who say that all that matters is the environment, which irritates the people who see their main job as producing food.

This debate has really brought back a unity and a recognition that food production is not simply a private good but very much a public good; I hope this is able to be incorporated in the Bill in some way on Report. We have seen two main reasons given, both very relevant: security and, of course, obesity. Security has come to the front recently because of Covid, and everybody who happily took the instant availability of anything they wanted from anywhere in the world got a rude awakening; we all did. I was taken back to my childhood days in the war. At home in Suffolk we managed to get a fortnightly delivery from Waitrose because we were locked up. My wife had ordered a bunch of bananas, and what actually arrived was two bananas—serves us right. The point is that food security means something: using what we have, not what we do not have.

The next important thing is obesity. It is the biggest epidemic we have, bigger and probably more important than Covid-19. This is absolutely a matter of better eating and eating more natural foods. I am not a vegetarian, but I believe that the simpler the food we eat is, the better. One of the great changes was when people stopped having porridge for breakfast. All sorts of sophisticated cereals were introduced—Corn Flakes, Grape-Nuts, Weetabix and so on—and very delicious they were. However, they soon became adulterated with far too much sugar and salt. Then we copied the Swiss and introduced muesli, which was originally simple grains,

[LORD MARLESFORD]

mixed, cold and raw, which you ate with your milk in the morning, but which has been adulterated and become a terrible product called Alpen, which is stuffed with sugar and fats and is quite revolting.

We must recognise that healthy eating is very important and the key to it is getting the consumer and the producer close together and making as many consumers as possible into producers. I very much support the remarks that have been made about horticulture. I will very quickly give one story of the first time I went to China, in December 1965, just before the chaos of the cultural revolution descended and swept away the Mao dynasty. I noticed when visiting a commune that the people who were happiest and who paid the most attention to life were those working their private plots in corners, which were very small and intensive, producing a great deal of food which obviously they ate themselves.

Small is beautiful, in farming as well as in modern technology, but we must spread the word of people getting involved in agriculture and getting consumers and producers together. Years ago, when I was on the Countryside Commission, the urban fringe was doing very badly. We had what we called Groundwork to clean it up. It was a great success. It got local people excited, and changed the nature of deprived and grotty, dirty, litter-filled areas, polluted ponds and so on. It is the same principle as the remarks that have been made about urban farming on this set of amendments. I am in favour of all that. The big lesson from this group of amendments is in exposing the false distinction between public and private good, in which food production is relegated to being a private good. Let us get together to improve our food, ensure the security of our food supply and, most of all, encourage the beating of obesity by the sensible eating of natural foods.

**Lord Clark of Windermere (Lab) [V]:** My Lords, I am delighted to follow the noble Lord, Lord Marlesford, and very much go along with the sentiments that he expressed. This is an ambitious Bill, which I find exciting. It deals with agriculture for this moment in time and for the future.

Let me make it clear from the beginning that I am full of admiration for farmers, who work so hard, usually in inclement conditions, to put food on our plates, by which we all live. We should never forget that.

What has come through this series of debates—and it is perhaps the nature of the hybrid system that so much time has been spent on Clause 1—is that Clause 1 sets the tone of the Bill and its moment has come. Words and titles are important. When I became the principal Opposition spokesman on agriculture in 1987, one of the first things I did was to change the title of my job from the Shadow Minister of Agriculture, Food and Fisheries to the Shadow Minister for Food and Agriculture. It has always been important to mention food. Time has shown that that was right, and I am delighted that we now have a Department of Environment, Food and Rural Affairs, because it is very important.

8 pm

This set of amendments makes it clear that we live in a very urban society. People are well removed from agriculture and the production of food, and we must

always try to get the importance of food across. That is why we discussed the importance of the soil earlier and talked about animal health. It is worth reminding noble Lords of what we have been through: salmonella in eggs and bovine spongiform encephalopathy—mad cow disease. We all remember how appalling that was. Then we had foot and mouth; up here in Cumbria, we were very much at the front of that. We could not handle that as politicians in the House of Commons or House of Lords, so we created a separate Food Standards Agency to get that across. I feel we have moved the debate a long way forward, and now is time to take stock, perhaps to redefine some of the things we are doing and to take healthy eating on board.

I disagree with the noble Lord, Lord Dobbs, whom I hold in the highest regard, when he says there is too much politics in this and that we should not try to push good health and well-being. What does he want us to push? Does he believe that public money should be for public goods, and that they should be for ill health and poor-being? Of course he does not. Sometimes we have to grasp the nettle, and this is one of those times.

The series of amendments we are discussing now sets the tone for the Agriculture Bill, which will in turn set the tone, to a certain extent, for the Environment Bill that follows. That is good for all the British people, who will have better food produced and, ultimately, more prosperous farmers. That is what we want.

**Baroness Kennedy of Cradley (Non-Aff) [V]:** My Lords, I support this set of amendments. Given the hour, I will speak in support of Amendment 75 in the name of the noble Baroness, Lady Boycott.

I welcome the Bill's commitment to public money for public goods. Failing to explicitly incorporate public health as a public good in the Bill would be a missed opportunity. A healthy diet—eating a variety of fruits, vegetables, nuts and pulses—is directly linked to lowering the risk of health problems, such as coronary heart disease, stroke and some types of cancer. As we know, the diets of many in this country are too low in fruits and vegetables, and too high in salt and sugar. Agricultural policy can and should help shape a country's diet. Incentive for food producers to specialise in specific crops means the supply of greater than normal quantities, leading to lower prices and increased consumption.

According to data on agricultural land classification, 19% of total agricultural land in England is suitable to grow fruit and vegetables. However, only 1.4% is currently used for fruit and vegetable production. A study by the Royal Society for Public Health found that increasing land use for fruit and vegetable production would increase their consumption and in turn save lives. Financial support, therefore, for the increased production of fruit and vegetables, nuts and pulses would mean that those foods could be made cheaper, be of higher quality—as they would be part of a shorter supply chain—be more widely available and be better promoted. This amendment would ensure that our agricultural policy could be used as a lever for public health. It would help develop a truly sustainable agricultural system for the UK that benefited farmers and the public alike. I look forward to the Minister's response.

**Lord Rooker (Lab) [V]:** My Lords, I have nothing to declare but, I hope, a touch of practicality. It is worth recalling that the food industry, if we take it from one end to the other, is the UK's largest manufacturing sector. It is also worth remembering that sectors such as horticulture and pigs never received any common agricultural policy subsidies; they were direct to the market.

I want to comment on two or three of the amendments, in particular Amendment 53, on urban production. We have to be careful when we talk about urban production. Allotments and growing food for your own house and family is one thing, but if it is urban production employed for the community at large, we have to be very careful. For example, there are fields around airports where you are not allowed to grow certain foods—I think that the reasons for that will be obvious. That would apply also to fields that were very close to industry where pollutants were present. The only way in which we could really make an effort in urban production, and I agree with it, is if it was under cover or under glass. It might be vertical production, for which I cannot really see why there should be public subsidies, or glass-like production using waste heat. The sugar plant at Downham Market has a glass-house next to it—the last time I was there, it was 25 acres, but I think it has gone to 40 acres—growing tomatoes. They are not allowed even to call them organic. No pesticides or herbicides are used on them, but they are not grown in the soil. That is because of the religious zealots in the organic certifiers, but they are perfectly okay, and we could be productive in tomatoes with the other glass-houses and would not need imports. I am all in favour of that. It is probably factory farming, but it is not animals. It has to be done under cover and be mechanised. That would be an effective use of urban facilities for growing more of our food.

The contrast between obesity and malnutrition is very disturbing—I shudder at that—but we should not blame farmers for obesity. I invite noble Lords to google a BBC2 documentary called “The Men Who Made Us Fat”. It was shown about five or six years ago. The sophistication in encouraging people to eat more, in bigger portions, is incredible and it is very profitable. It should not be, but farmers are not to blame on that point.

The noble Earl, Lord Devon, spoke about livestock supply. People might want to move away from livestock, but what is the problem in exporting it on the hoof? We have exported for years. Before the BSE crisis, we had an incredible export performance in beef to Italy. It was cut in a separate way—I shall not mention it because it fitted a particular supermarket's way of doing it. There was a massive amount of exports. We had the land for doing it, because of the pastureland in the west of England. If we want to cut down in certain respects, that does not mean that we should take the industry out. We should use it for export markets; that is what Brexit is supposed to be all about: we can improve our export markets. I do not really see why we should be too concerned about this.

The noble Lord, Lord Inglewood, made the point that we are not really that secure. I am in favour of using our land to grow as much of our food as possible.

In some ways, I resent seeing fields of renewable energy platforms when I nip up and down the motorway when they could be used to grow crops. I do not know what the proportion of it is at present, but it is not a good use of agricultural land.

I very much support the point that the noble Lord, Lord Trees, made. I said last week that there has been a massive reduction in antibiotic use in animals, which has been pushed by the supermarkets and the food retailers. However, I made the point that there is still more to do in the game industry.

In some ways, although this is a very seductive group of amendments and I could support many of them, I am more on the line of the noble Lord, Lord Dobbs, than that of the noble Baroness, Lady Bennett.

**Lord Campbell of Pittenweem (LD) [V]:** My Lords, it is always a pleasure to follow the noble Lord, Lord Rooker, who, as I think he promised, always has more than an ounce of common sense in what he has to say. I will talk a little about Amendment 75, which I am quite fascinated by. Although it has been rather dismissed already, if you analyse its possible consequences, they are both effectively public goods.

The amendment intends that financial support should go to farms that grow fruit and vegetables that are available, affordable and of good quality. That is certainly a public good, not least because it would contribute to food security. However, to follow the point made by the noble Baroness, Lady Kennedy, the more fruit and vegetables we grow, the more likely they are to be consumed. That goes right to the point about better health outcomes. Obesity and diabetes have just been mentioned.

There is also no question that too many people live in poverty in this country. Poor people have poor diets, poor health, poor life expectancy and poorer resistance. If, as a consequence of supporting food security, we are in a position to have an influence on that problem, this can reasonably be described as two public goods.

I looked up a statistic just before the debate started. Some 26% of children in this country live in absolute poverty. The consequences for their diet are obvious. If we encourage farmers to produce more fruit, vegetables and pulses, as this amendment suggests, we have a chance to have a much greater influence on the lives of these children. At first blush, it looked as though financial support had been drawn in the amendment simply for better health outcomes, but it could have a very considerable impact on farming and food security.

Finally, I adopt without question the very powerful arguments advanced by my noble friend Lord Bruce of Bennachie. He asked a number of questions that I hope the Minister will be in a position to answer.

**Lord Holmes of Richmond (Non-Aff) [V]:** My Lords, it is a pleasure to speak to this group of amendments and this is another excellent opportunity to thank our farmers and front-line food producers for everything they do every day, not least during the Covid crisis. We owe them an enduring debt of gratitude. Through the correct deployment of this Bill, we have the means to swiftly repay the debt for the service they have given their local communities and the nation.

[LORD HOLMES OF RICHMOND]

I congratulate the noble Lord, Lord Krebs, and all other noble Lords who served on the Select Committee, which produced a report with the excellent title *Hungry for Change*. Has my noble friend the Minister had a chance to reflect on the report and digest some of the recommendations set out therein?

It is a pleasure to hear the noble Lord, Lord Rooker, back in the Chamber, I grew up just down the road from the constituency that he served for many years. I learned a lot and always enjoyed listening to him when he was regularly on “Midlands Today”. I take his point about the use of agricultural land for non-agricultural purposes. I gently guide him towards Amendment 235, which is in my name and due to be debated on Thursday—for that, read “probably Thursday week”. I would be delighted if he would see his way to supporting that amendment, as it very much speaks to what he covered.

8.15 pm

Similarly, I guide my noble friend Lord Naseby, who spoke about using energy as an effective means of spark-priming our under-glass production, to my Amendment 61; it was debated last week but will be brought back on Report for sure.

I support a number of the amendments in this group, not least Amendments 60 and 69 in the name of my noble friend Lord Northbrook and Amendment 70, to which my noble friend Lord Caithness has added his name. We need to give strong consideration to the issue of food security. The Covid crisis has not changed the situation that we are in; it has merely shone the starkest and sharpest of spotlights on the predicament not that we have found ourselves in but that we have allowed ourselves to come to.

I also strongly support the speech of my noble friend Lord Inglewood, who spoke with wisdom, experience and expertise. I support, too, the words of the noble Earl, Lord Devon. We have some of the greatest herds in the world and their carbon hoofprint is perfectly in order. It is another great gem in our agricultural crown and should be celebrated rather than being pushed away in some shameful shed. Food is essential to everything that we do. It is our energy and, without it, we have nothing on which to run. I look forward to the Minister’s comments in response to these amendments.

I turn to the comments of a number of noble Lords about how technology can assist. Technology can enable us to produce food in the quantity, and of the quality, that we need. Has the Minister had the opportunity to look at a report that I produced in 2017: *Distributed Ledger Technologies for Public Good*? It covered the whole question of how technology can assist and revolutionise things in a positive way. Human-led technology has already brought about excellence in our food production.

Finally, I found the speech of the noble Lord, Lord Trees, fascinating. It perhaps leaves us with many things to think about, not least the perfect title for an autobiography or maybe a late Alan Bennett play: “The Degradation of Cowpats”.

**Lord Thomas of Gresford (LD) [V]:** My Lords, perhaps I may repeat the words of the noble Lord, Lord Holmes of Richmond: technology produces excellence in food production.

I support Amendment 35 in particular in this group. I can think of no more important aim for food production than food security. The essential purpose of policy should be to maximise food production in the United Kingdom while at the same time reducing harmful emissions.

Ever since the Centre for Alternative Technology opened in an old slate quarry near Machynlleth in 1973, Wales has led the way. As the centre pointed out last week, the panic buying and empty supermarket shelves that greeted the opening stages of the Covid-19 pandemic woke a lot of people up to the reality that our global food chains are increasingly vulnerable. In response to the crisis, the centre quickly set up a project called Planna Fwyd!, meaning Plant Food! It has an amazing variety of schemes to help the local area to feed itself in the coming years. For example, it brings together a land army of people who can help to work the land; it supports home-growers with the skills and knowledge that they might need; it provides family seed packs; and it distributes fresh produce and offers seed swaps. It is a great initiative.

I would like to draw attention to a scheme that is proposed on the outskirts of Wrexham by a Brighton-based organisation, Low Carbon Farming. The company has two pioneering projects taking shape at the moment, one in Bury St Edmunds and one elsewhere in East Anglia. Last week, I spoke of the paucity of Class 1 agricultural land in Wales. I told the House that 400 acres at Holt, close to my home in Gresford, comprises the whole of Class 1 land in the entire Principality. The new project near the Wrexham industrial estate is still at the planning stage. It is to construct two 7.6 hectare greenhouses and a packing facility on poor-quality land. On one side there is Berwyn prison, of which I have spoken many times, on another an abattoir, and on the third the Wrexham sewage works belonging to Dŵr Cymru. It answers the call made by my noble friend Lord Greaves in Amendment 53 to produce food in an urban area, and I hope it might even satisfy the noble Lord, Lord Rooker.

The Wrexham plan would capture waste heat and carbon emissions from the Dŵr Cymru facility and use them to grow tomatoes, cucumbers and peppers at the site. Britain imports from other countries 80% of its tomatoes and 90% of its peppers. The promoters think that their current projects in East Anglia can meet 5% of the national consumption of tomatoes. It will use less water than traditional agriculture: treated water emerges from the sewage plant at 25 degrees centigrade and, at the moment, that heat is entirely wasted. The quality of the soil at the site is completely immaterial. The system could be hydroponic or it could use a suitable growing medium.

The Wrexham project proposes the creation of 150 new jobs. The Home Secretary should surely support it, since with 2,000 prisoners doing nothing very much next door there will be no need for the east European agricultural workers who she does not seem to like very much. There are shades of Norman Stanley Fletcher in “Porridge”. Access to such labour would also deal with the concerns that the noble Lord, Lord Northbrook, expressed at the beginning of this debate. The idea behind the project is that waste heat from the sewage

works would be used to provide heat to the greenhouses through a heat exchanger; any carbon emissions would be directed into the greenhouses to be absorbed by the growing plants. Plants absorb carbon dioxide and give out oxygen. It is obviously win-win all the way round.

I am addressing your Lordships from a passive house which we built five years ago. It relies upon a heat exchanger air pump, which greatly reduces our heating costs and provides an even flow of warm air throughout the year. It was a novel idea in these parts at the time, but planning permission was granted after some scratching of heads. I hope that schemes similar to the Wrexham Five Fords project relying on heat pumps can be developed throughout the country. That may require some modern thinking in planning departments but they are surely one important way forward. Does the Minister not agree that projects of this nature should be explicitly added to the aims set out in Clause 1, as highlighted by the amendments in this group, and that to promote sustainable food security they deserve full government support and investment?

**Lord Adonis (Lab) [V]:** My Lords, my speech has been made by the noble Lord, Lord Inglewood, who made the critical point that the fundamental interest of the state is to be able to intervene to see that people have enough to eat at affordable prices. The issue of food security is, therefore, to the fore. My question to the Minister is the obvious one that comes from this debate: do the Government have the power they need to maintain food security if that is required?

The noble Baroness, Lady McIntosh, proposes to add food security as an item in Clause 1(1). That is clearly sensible if the Government do not already have those powers. I look to the Minister to give the Committee chapter and verse on whether the state already has powers to intervene to maintain food security by providing subsidies as and when required. It can clearly secure those powers extremely quickly, probably within 24 hours, if needed in the event of a crisis. Before we go off on a long meander through amendments on Report, it would be helpful to know whether this power already exists and, if so, where. If not, why do the Government not think this an appropriate moment to take that power since, where food security is not being maintained, it is clearly a fundamental duty of the state?

**Baroness Bakewell of Hardington Mandeville [V]:** My Lords, I have put my name to Amendments 35 and 70, tabled by the noble Baroness, Lady McIntosh of Pickering, Amendment 36, from the noble Baroness, Lady Jones of Whitchurch, Amendment 71 from the noble Earl, Lord Devon, and Amendment 75 from the noble Baroness, Lady Boycott, all of whom have spoken passionately. Health and sustainability are important to all families. Protecting food security so that citizens have access to good quality food will ensure healthier outcomes. The extremely large number of speakers on this group indicates the strength of feeling and concern about this subject. The noble Baroness, Lady Bennett of Manor Castle, gave the statistic showing that children being admitted to hospital with malnutrition had risen by 25%. This statistic is scandalous in a country as rich as ours. My noble friend Lord Campbell of Pittenweem referred to children living in poverty.

In recent weeks, there have been a number of Oral Questions about the quality of food eaten in our families and whether it is healthy. Most people want to eat a healthy diet but some do not completely understand what constitutes one. For many it is sufficient that it fills them up. We must move away from this and promote healthy eating at all levels. This is not just an issue for agriculture. As has been said, diabetes is on the increase. In the three years to 2018, 170 limb amputations took place each week on those suffering from the severer effects of diabetes. While we may all know these figures, and understand the horror caused by them, many of those eating unhealthy diets have no idea what may lie in store for them.

Exercise is of course key to remaining healthy but for those on low incomes, there are implications of healthy eating. It is estimated that eating more fruit and vegetables could cost some families as much as £15 extra per week. This is simply not affordable for them. Many families managed before the Covid epidemic but after its outbreak were forced to use food banks to survive. Food banks saw the number of people applying to them rise dramatically during the first stage of the crisis. It is vital that people are fed—but fed with nutritious food. The noble Baroness, Lady Jones of Moulsecoomb, made a vital contribution on this issue.

Amendments 35 and 63, in the names of my noble friend Lord Greaves and the noble Earl, Lord Dundee, respectively, promote the growth of food production in urban areas. I note the cautious comments of the noble Lord, Lord Rooker, on this. Growing food in urban areas has somewhat fallen out of fashion. As a child, I was brought up in Bristol when it was not uncommon for homes to have a pigsty in the garden, as well as a plentiful supply of home-grown vegetables. There was also a large section of allotments in the city. The keeping of pigs at home fell out of favour with the first outbreak of foot and mouth, but it is still possible for vegetables and fruit to be grown in and around urban areas. Councils should set aside more land for allotments, especially for those living in blocks of flats. My noble friend Lord Greaves spoke at length on the importance of allotments. The Happold Foundation says that:

“Cities the size of London will never be able to grow enough food to feed the population ... However, it still seems desirable to get food production closer to the consumer to make it more sustainable, and to reduce the food miles of what we consume and we release less CO<sub>2</sub> into the atmosphere.”

Perhaps the vertical indoor growing method, raised by the noble Lord, Lord Carrington, will help with this.

8.30 pm

The growing food poverty and food insecurity in this country should not be accepted by society. We must measure and understand the causes of food insecurity and in doing so devise ways in which food supply chains in this country could help to provide a solution. As the British Poultry Council says:

“It is essential that the Agriculture Bill maintains a strong link between food production and the ability of people to eat.”

If we lose control of the food that enters our markets, we run the risk of creating a two-tier food system, where only the well-off can afford to eat British food that meets British standards from farm to fork. We would be wise to bear that in mind.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

Sustainable food production is essential. To achieve the systemic shift towards more sustainable farming methods, we need to unlock the barriers to change, since the current business model means that some farmers have no option but to employ agricultural practices that do not serve the public interest as regards their impacts on the environment and public health. The Bill is an opportunity to put that right.

The Nature Friendly Farming Association says:

“Government should demonstrate leadership and make real commitments to support sustainable, nature friendly and climate-friendly UK agriculture. All government departments should ensure that their procurement processes prioritise buying local food direct from UK farmers where possible, giving preference to those with high standards of environmental sustainability and animal welfare.”

My noble friend Lord Bruce of Bennachie spoke passionately about the reasons why food security is disrupted and the possible disruption to the supply of food coming from Europe. I look forward to the Minister’s response. I also welcome the support of the noble Lord, Lord Naseby, for green energy.

It seems that the noble Lord, Lord Dobbs, does not understand what the purpose of the Committee stage of a Bill is. It is for noble Lords from all sides of the House to put forward amendments on elements that they feel will improve the Bill. I felt that his attack on the amendment in the name of the noble Baroness, Lady Bennett, was somewhat poor. Of course there will be differences in the viewpoints of members of the Green Party and the Conservatives, but each is valid and deserves to be listened to.

Many noble Lords who have taken part in this group of amendments have made the case extremely eloquently. I hope that the Government are listening and look forward to the Minister’s response.

**Baroness Jones of Whitchurch:** My Lords, I thank the noble Baroness, Lady McIntosh, and all noble Lords who have spoken in this debate. I hope that your Lordships will forgive me if I do not namecheck everyone who has spoken. I think that, with the exception of a few notable contributions, we were all in agreement that food production linked to human health should be at the centre of the Bill. I have previously cautioned against adding a whole lot of new features to Clause 1, but I make an exception for this issue. This is a fundamental lack in the Bill as it stands, and I will explain why in a moment.

We have tabled Amendments 36 and 92 in this group, and I thank noble Lords who have put their names to them and who have commented favourably on them. Amendment 36 adds an extra purpose to Clause 1. It would make it clear that producing healthy food, including through horticulture, in an environmentally sustainable way should be a key purpose for which financial assistance can be given. Amendment 92 goes on to give a clear definition of “environmentally sustainable way”, in particular emphasising the need to measure the long-term impact on natural resources.

We believe that this approach should be a fundamental objective of our future farming policy, so I want to talk about that overriding principle rather than the individual amendments. As I said, our amendments

echo the theme of a number of other amendments this evening that highlight the production of healthy food as a necessity to tackle food insecurity, food poverty and poor nutrition. We believe that the farming community lies at the heart of that.

The Government’s White Paper, *Health and Harmony: The Future for Food, Farming and the Environment in a Green Brexit*, highlighted the key links between our farming and food supply systems. However, incentives to produce healthy food seem to be missing from this Bill. The Minister the noble Lord, Lord Gardiner, made clear at Second Reading that financial assistance should not be given for producing food, as this was a commercial decision. He said:

“in our view food is a private good; it is bought and sold. This is the key distinction of the philosophy of the legislation, because its value is rewarded in the market. These new financial assistance powers are intended to reward farmers and land managers for those outcomes that the market does not currently recognise.”—*[Official Report, 10/6/20; col. 1830.]*

This is a profound philosophical distinction and we profoundly disagree. The danger with this philosophy is that maintaining UK food production is no longer a priority: we increasingly rely on imports and have to fight for enough quality food to feed our nation in the global markets. This is a seriously risky strategy, particularly as we leave the EU and no longer have the right of access to a large, stable food supply market. As we have discovered in the Covid-19 pandemic, these international food supply chains can be precarious, so we argue that feeding our nation is a public good.

However, we cannot simply rely on the food production systems of old. The public health consequences are too stark. As noble Lords pointed out, our nation’s dietary habits are fuelling obesity, type 2 diabetes, heart disease and some cancers. It is characterised by a low intake of fibre, fruit and vegetables, while we overconsume energy, saturated fats and sugars.

Last year, the Social Market Foundation calculated that more than 1 million people in the UK live in food deserts. These are neighbourhoods where poverty, poor transport and the lack of shops seriously limit access to affordable fresh fruit and vegetables. On the one hand, therefore, we have growing obesity, and on the other hand we have growing food poverty. The recent pandemic illustrated all too shockingly that millions of people relied on food banks and food parcels. The school meal voucher chaos illustrated that tens of thousands of children who relied on schools to provide the one substantial meal of the day were left to skip meals when that provision was taken away.

These are huge public health issues for the Government, but they are also matters where a change in farming practice could fuel better eating habits and lead to a healthier nation. We will not achieve this by intensifying conventional farming methods, which would strip out the natural nutrients in the soil and weaken natural defences to pests and diseases, leading to more artificial crop protection interventions. This is why—and this has been a theme throughout our debate—a whole-farm ecological development has to go hand in hand with generating healthy food. We address the issues of food security and the need for a national food plan in later amendments. In the meantime, I commend these amendments to the House.

I say to the Minister, however, that of all the issues we have debated so far, this is the one where I think the Government have got it badly wrong. I hope that he will reflect on this and come back with a more positive response on report. I look forward to the Minister's response.

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, this has been an absorbing debate once again. I thank my noble friend for her Amendment 35. I shall address Amendments 75, 56, 60, 69, 71, 36 and 92, all of which relate to food production. I declare my farming interests as set out in the register.

This debate has thrown up quite a number of questions, and those that I am not in a position to answer—very often because they require some detail—I shall, of course, answer in writing in a letter that I am proposing to compose when we conclude Committee stage. Because a lot of things are coming up that are repeated quite often, it would be best if we try to co-ordinate with a sensible government response. I hope that is acceptable to your Lordships.

Growing healthy, nutritious food is, of course, the primary role of farmers. It is something that farmers in the United Kingdom do exceptionally well. Through the purposes in Clause 1, the Government want to support goods that benefit society but are not currently provided for by the market. The noble Baroness, Lady Jones of Whitchurch, is absolutely right: I said it at Second Reading and I say it again. The point about food, in contrast, is that it can be bought and traded: it is rewarded in the market and, indeed, those of us who farm receive income from our production. That is why, in the construction of the Bill, new Clause 1(4)—I say “new Clause”, because I think this is a very important addition and one I strongly support—places a duty on the Secretary of State, when framing any financial assistance scheme, to consider the importance of food production and its production in an environmentally sustainable way. This was a point raised by the noble Earl, Lord Devon, and my noble friend Lord Northbrook.

I absolutely agree with the analysis of my noble friends Lord Inglewood and Lord Cormack of what this country and much of the world has gone through in previous times, and why food production is so important. It is important for this country, but also for giving us opportunities to help feed the world through our exports. That is essential too, and it is why I say to my noble friend Lord Marlesford that food production and environmental sustainability not only can but must—I underline “must”—go hand in hand. We should be champions of great British food and drink and I place on record that farmers have, all too often, been maligned. I am reminded of what the noble Lord, Lord Carrington, said on an earlier Committee day about all the things that farmers do on our behalf.

The duty requires the Secretary of State to have “regard to the need” to encourage sustainable production, rather than simply “to encourage” sustainable production, when designing financial assistance schemes. This is because all schemes must be looked at in the round; each scheme will have different aims and will operate in different ways. While the Government's future farming schemes as a whole will be designed to encourage

sustainable food production, it is not necessarily the case that every scheme is directly aiming to do so. I have one example—the tree health pilot which will start next year—but the noble and learned Baroness, Lady Butler-Sloss, spoke of another aspect of a scheme which clearly does not directly relate to food production.

The duty, as drafted, gives Ministers the flexibility to design individual schemes in a way which best meets their objectives, while ensuring that there is a clear obligation to encourage sustainable food production overall. The noble Lord, Lord Judd, among many others, spoke of health and well-being. I was very struck by his words. Indeed, the important report that the noble Baroness, Lady Ritchie of Downpatrick, and the right reverend Prelate the Bishop of St Albans raised, *Hungry for Change*, is very important, because this will involve multiple departments. I am therefore very pleased to say that I will make sure that Defra will play a key part in that multi-departmental response.

The Government believe that the best place to encourage healthy eating is later on in the supply chain, a point that my noble friends Lord Caithness and Lord Blencathra were referring to: after all, fruit and vegetables can still be used in products that are unhealthy if not taken in moderation. I know that it may be unsatisfactory to noble Lords who see this as an opportunity to attach to the Bill something that we think is best placed in other work, but it is the intention that the national food strategy should address these major challenges, including food security and health. The strategy will build on the Bill to help ensure that our food system delivers healthy and affordable food for all, built on a resilient and sustainable agriculture sector.

8.45 pm

The noble Baroness, Lady Bennett, raised the UN sustainable development goals. The Government are committed to achieving the principles set out in the goals. It is our intention to report on this under Clause 17(2)(d). I was struck also by other points that have been made. Yes, there is a dilemma. We all wish that there were no food banks because people did not need recourse to them. These are often an important part of volunteering and civic society. The Government spend £95 billion per year on the welfare budget supporting those who face food insecurity. This Bill, the national food strategy and other existing initiatives to encourage the consumption of healthy food will work together to ensure that citizens have a steady supply of healthy, home-grown, sustainable food.

As a farmer, I am obviously keen that we produce food, and more of it. The most recent available statistics indicate that we produce 64% of our entire food supply. That figure rises to 77% for food that we can grow or rear here in the UK for all or part of the year. The noble Baroness, Lady Jones of Whitchurch, suggested that these figures are not steady, but my understanding is that they have been steady for about the last 20 years. The Government are also making significant investments in schools to promote physical activity and healthy eating, through our Healthy Start, school fruit and vegetable and nursery milk schemes.

The provisions in this Bill are designed to ensure that our farmers and growers receive targeted support to create a farming system that provides food produced

[LORD GARDINER OF KIMBLE]

to high environmental and animal welfare standards. Clause 1(1)(f) already—I stress “already”—allows the Government to give financial assistance to protect or improve the health or welfare of livestock. We will use this power to develop schemes to tackle endemic diseases; these schemes will support a responsible reduction in antimicrobials and other veterinary medicines. I very much endorse what the noble Lord, Lord Trees, said. My understanding is that there is, overall, a 53% reduction in the use of antibiotics. This point was also made by my noble friend Lady Neville-Rolfe.

I was privileged to go to Washington with the former Chief Medical Officer and Chief Veterinary Officer to talk about what this country is doing to reduce the use of antibiotics and the concerns around microbial resistance; as I said, it was a great privilege to go with Dame Sally Davies and Christine Middlemiss. It is acknowledged around the world—even if not, perhaps, by some of your Lordships—that this country is leading on this matter.

On the use of farming chemicals and pesticides, we are already committed to protecting people and the environment from the risks that these products can pose. Strict regulation permits the sale and use of pesticides only through scientific assessment that shows that they will not harm people or pose unacceptable risks. We wish to reduce any risks and encourage the uptake of alternatives and new technology.

With regard to Amendment 47, Clause 1(2) enables support for the enhanced productivity of plant-based production. I think there is a balance to this. I agree with my noble friend Lord Blencathra, the noble Lord, Lord Rooker, who speaks with great experience, and the noble Earl, Lord Devon. I think personally that the British livestock sector offers a great contribution both in relation to food and to our landscapes. The iconic landscapes of so many of our national parks and other beautiful places, uplands and lowlands, are due to livestock farming. If anyone needs a clue as to what I think about the importance of benign livestock farming in this country, I have said a great deal. I am also reminded of recent reports about protein and the contribution that meat, as part of a mixed diet, makes to protein intake.

With regard to Amendment 46, I can assure the noble Baroness that we already have stringent methods and guidance in place as part of public procurement policy. The government buying standards for food and catering services—GBSF—applies to all food and catering services provided by central government departments and their executive agencies. This guidance sets out the minimum standards that must be adhered to if something is procured via Crown commercial services, including a requirement that:

“All food served must be produced in a way that meets UK legislative standards for animal welfare, or equivalent standards.”

My noble friend Lord Naseby, the noble Lord, Lord Thomas of Gresford, and other noble Lords spoke of horticulture and green energy. The Government are currently considering the best way to support the horticulture sector and we will be working with the industry to design a replacement fruit and vegetable aid scheme. This includes looking at the use of innovative

methods of production, such as the use of sustainable energy, which is a very important point to bear in mind and work on.

I turn to Amendments 53 and 63. The Government recognise that there are opportunities to produce food in urban areas. They are also committed to encouraging sustainable food production. Clause 1(2) could provide new opportunities for growing food, for instance on marginal land or through new techniques such as vertical farming. I note what the noble Lord, Lord Carrington, said about opportunities in that regard and what my noble friend Lord Holmes of Richmond said—I would be interested to see his technology report. I think that these are some of the great innovation opportunities that we should grasp, and they are where we will get much advice from the research funding that will come from different sources.

I should also say that I have made many visits to allotments and this is a matter where local authorities should have responsibility, but if anyone would like me to use this opportunity to proclaim the importance of allotments, I take that opportunity now. I thank the noble Lord, Lord Greaves, and others for raising the importance of community projects, not only for working together but also for producing nutritious food.

On the supply issue raised by the noble Lords, Lord Bruce and Lord Adonis, and my noble friend Lord Cormack, the Government have well-established ways of working with the food industry during situations with the potential to disrupt supply. Indeed, as I think I said at Second Reading, I have direct experience of working within the department in recent weeks with retailers and farmers on ensuring that there is food for the nation. We are doing extensive work with industry to prepare, including the launch of the UK’s New Start: Let’s Get Going campaign this week, which includes border operating models.

I say to the noble Lord, Lord Adonis, that we have done quite of lot and I would like to write to him because the list is pretty extensive. However, the Government will make appropriate regulatory interventions—as we have done during the recent Covid crisis and continue to do—such as the food supply information clause in the Covid-19 Bill. However, I would like to write because we did many things in terms of drivers’ hours and derogations to ensure that food supply came through, which I would like noble Lords to know about.

In connection with the national food strategy, I take all the points made about the importance of food security; it is why Clause 17, which we will debate, is in the Bill and why food security is absolutely acknowledged as a key part and a key feature of this Bill, as indeed is Clause 1(4).

I restate my point about wanting this to be undertaken through the national food strategy, which is not to suggest for one minute that it is not important; it is absolutely key to how this country becomes healthier. It is absolutely essential that we ensure that the young generation and older generations find ways of becoming fitter because one thing that is very clear, I am afraid, is that underlying health issues have been a major issue in this recent crisis. It is an imperative and why I think the national food strategy will be absolutely imperative. I have not seen it; it is an independent report and that is the important part about it.

For all the succeeding elements of the food discussions we will have in Committee and beyond, I will ensure that Henry Dimbleby has sight of the extracts from *Hansard* on all the groups that involve what I would call the national food strategy work and what we want him to do by way of enhancing health and ensuring healthy eating, which is absolutely fundamental to our improved national life. To pick up the words of the noble Lord, Lord Judd, health and well-being from food are absolutely key to the success of our nation.

With that explanation of how and why we have drafted the Bill in the way we have, I will look at *Hansard* because I am conscious that there may be some issues of detail I may not have properly addressed. I have always liked to have a tradition of trying to mention everyone's name, rather like the noble Baroness, Lady Jones of Whitchurch. With the speaking lists we have, I am afraid that in getting this Bill through I will have to breach a tradition I have so cherished; it is not a discourtesy. I hope that on this occasion my noble friend Lady McIntosh will feel able to withdraw her amendment.

**Lord Foulkes of Cumnock (Lab Co-op) [V]:** My Lords, I warmly congratulate the Minister and thank him for the sympathetic way in which he is dealing with this Bill. Like all of us, he will have clocked in at 4 pm for a delayed start at 4.40 pm and has sat through all these extensive debates. He deserves not just a medal but a whole chestful of medals for the way he is dealing with it, but he has not dealt with one intervention: the one from the noble Lord, Lord Dobbs. He complained—I think he moaned a little—about the fact that on the third day we were still on Clause 1. He called for caution and self-restraint.

During his speech I was checking up. In fact, in this debate more than twice as many Tories as Labour Members—to take a random example—have contributed. We have enjoyed some of the speeches, including the wartime reminiscences. When we eventually get to the next group, we have 12 Tories and only two Labour Members. If the Minister agrees with the noble Lord, Lord Dobbs—I do not, by the way; I think we should scrutinise the Bill carefully both in Committee and on Report—I suggest to him that the person he needs to talk to is the Tory Chief Whip and no one else.

**Lord Gardiner of Kimble:** My Lords, it is very nice to hear the noble Lord; I enjoy having this dialogue. I am advised that your Lordships will have three times the amount of time, with the six days or more, to consider this Bill in Committee. We should use it wisely; we need to get through a lot of groups. The whole point calls for a bit of good old-fashioned common sense.

**Lord Curry of Kirkharle (CB) [V]:** I thank the Minister for his usual detailed responses, but I would like to probe him a little more on whether food security is a public good. He is quite correct in saying that there is a market for food. If that is the definition, clearly production of food is not a public good. However, many times in the past the market has not adequately rewarded me for the food I have produced as a farmer. If we want a nation fed on healthy, wholesome food and schoolchildren need healthy meals, one could

argue that the need to intervene could occur at some stage in the future. We do not know what the market will be like when we leave the European Union.

The Minister is quite correct that we will discuss Clause 17. This is important and I very much welcome it, but it does not state what the Government will do if there is a food security crisis. I suggest to the Minister that it may be appropriate to reconsider whether food security should be included as a public good, should the Government need to intervene at some stage in future.

9 pm

**Lord Gardiner of Kimble:** Obviously I take the point made by the noble Lord, Lord Curry. The construction of the Bill, as I said, ensures that we are rewarding farmers for those matters that we have hitherto not rewarded them for. We will get to that in Chapter 2, which deals with

“Fair dealing obligations of business purchasers of agricultural products”.

We want to address that, which is why it is in the Bill. Clearly, the farmer has not always had a fair deal with agricultural producers and others in the supply chain—and of course in Chapter 3 we will look at producer organisations.

As I said, the construct of the Bill is designed to provide new financial assistance powers within the prism of productivity grants. As subsection (1) states:

“In framing any financial assistance schemes, the Secretary of State must have regard to the need to encourage the production of food”.

and this production must be undertaken “in an environmentally sustainable way.”

We all want a healthy diet. We all want food security. That is why the Government have been working with industry and will continue to work with industry, as we always have. Industry is often the best at finding sources all around the world so that we have resilience in our food supply.

**Baroness Jones of Whitchurch:** Like the noble Lord, Lord Curry, I wanted to probe very quickly on what basis the production of healthy food would ever be classified as a public good. The Minister has reiterated his view that it is a private good. But does he not accept that in some circumstances it would be a public good and therefore entitled to some of the funding that is set out in the Bill?

The problem with referring noble Lords to the later clauses that deal with food security and the national food strategy is that that area does not necessarily have any money attached to it, whereas the financial assistance and the public good element is the one that we are really interested in, so the onus is on that. Are there any circumstances in which the Minister would see it as a public good?

**Lord Gardiner of Kimble:** I apologise to the noble Baroness, but the only way that I can reply to that is to repeat that the whole construct of this is to ensure that farming with food production and enhancing the environment go hand in hand. There is obviously a limited sum of money. The noble Baroness and other noble Lords have said that we must be careful that we do not make this Bill a Christmas tree affair by adding everything on—so we need to be pragmatic.

[LORD GARDINER OF KIMBLE]

The area where we have not hitherto rewarded farmers is in relation to the purposes set out in Clause 1(1)(a) to (j). They are considerable projects that will, in the end, help us to produce even better food. If one were to start rewarding food production, it would drive a coach and horses through the construct of the Bill, which is that produce is created by the farmer, for which they receive money. They do not often receive money for the projects in paragraphs (a) to (j). We think, looking at the British taxpayer, that this is the best way of reflecting that we need food production for which the farmer receives payment, and in Chapter 2 we recognise that we need to address fairer arrangements for the farmer. But this is better than, in effect, having a direct payment for the food you produce when you are already being paid whatever you sell your wheat or your milk for. We can have a discussion about that price, but in terms of the taxpayer rewarding and acknowledging farmers, we think that subsections (1)(a) to (j) and (2)(a) and (b) are the right way forward.

**Lord Northbrook:** I thank the Minister for his detailed response to the group. I think he has answered my question. Is what he has just said the reason why he does not approve of Amendment 60—because it does not directly support domestic production financially?

**Lord Gardiner of Kimble:** My Lords, I will have to look again at Amendment 60. The construct is about where, following the Health and Harmony consultation we undertook, it was decided that we should recognise support for farmers in a post-CAP world. It was recognised that we needed to put food production and food security in the Bill, and we have put them in. This is the difficulty when you have improvements in iterations. They were valuable new iterations, but the point about rewarding food production is that, with better fair dealing, the farmer gets a reward from the market. They do not as yet for the purposes in Clause 1(1)(a) to (j), and we think that is where the reward should be.

**Baroness McIntosh of Pickering [V]:** My Lords, I am grateful to all who have contributed to this group of amendments. There were almost 40 contributors, including the Minister and me. It has been a vigorous debate and almost all noble Lords were united.

I am grateful for the response from the Minister. My remaining concern, as has been reflected in the questions, including those following his speech and his response to them, is that food production should be considered a public good. I am not quite sure that we have established that yet. Also, I remain deeply concerned—as, I believe, do other noble Lords—about the future of food security. We have not had and will not have sight of the Dimpleby report on food strategy, in which a lot of this will be dealt with, according to my noble friend said. That is regrettable. But the hour is late. For the moment, I will withdraw this amendment, but I reserve the right to return to it later. I beg leave to withdraw Amendment 35.

*Amendment 35 withdrawn.*

*Amendments 36 to 57 not moved.*

### *Amendment 58*

*Moved by Lord Lucas*

**58:** Clause 1, page 2, line 31, at end insert—

“( ) providing advice and support to those in receipt of, or potentially in receipt of, financial assistance under subsection (1)”

Member’s explanatory statement

This amendment provides for an advice-based system of support, as opposed to a sanctions-based one.

**The Deputy Chairman of Committees (The Earl of Kinnoull) (Non-Aff):** We now come to the group beginning with Amendment 58. Anyone wishing to speak after the Minister should email the clerk. I remind the House that anyone wishing to press this or any other amendment in the group should make that clear in debate.

**Lord Lucas [V]:** My Lords, in moving Amendment 58 I shall speak also to my other amendments in this group. There are two basic ways of managing the flow of funding under the Bill: through penalties or through encouragement and advice. I hope that the Government’s intention is to focus on incentives—broad-brush, bottom-up, banded, with plenty of room for local initiatives and a clear understanding that initiatives will often fail—rather than opting for top-down micromanagement. I hope that the Government will institute a strong supply of advice and the funding for it, so that good practice and ideas find it easy to spread, rather than relying on audit and enforcement.

The management of chalk grasslands is a challenge local to me. These are a potentially immensely rich, if sometimes rather small, environment. They were created by a pattern of agriculture that has gone: cattle and sheep herded in large open areas, then folded in the lowlands at night, with a plentiful supply of shepherds and rabbits to keep the scrub from spreading. That has all gone, but we still want the chalklands ecosystem. It is the principal objective of the South Downs National Park.

We have to take the overloaded pastures that have resulted from wartime needs and subsequent agricultural policies, with lots of parasites and consequence high use of biocides, and end up with fields full of insects and wildlife, and a profit for the farmer. We have to find ways to allow the public to enjoy the results of the system that we create; to allow larks to nest undisturbed and people to listen to them; to have fields full of orchids that people can picnic in; and to combine dog walkers and sheep, and old ladies enjoying the outdoors and a herd of bouncy cattle.

Finding a way to do that will take lots of experimentation and there will be lots of failure. Farmers will participate in this over the whole of the chalklands. We do not need, “You can have money to do this, but if you don’t succeed, we’ll be after you”; we do need lots of advice, recording and sharing of data, experimentation and supported failure. That is expensive. The Government would have to fund a team of people over decades. To hazard an estimate, £10 million a year might be the basic level for 200 field staff. However, that £10 million would multiply the benefit of the hundreds of millions being spent elsewhere, because it would make that larger

expenditure much better focused and better directed. It would also set the tone of the whole agricultural support system and make it a pleasure to interact with, since it would look for ways to make better things happen. That would make a huge difference to compliance and effectiveness in a fragmented industry.

Of my three amendments, Amendment 135 is key. That is the one I want the Government to get behind.

**The Earl of Caithness [V]:** My Lords, I am delighted to support my noble friend Lord Lucas. I have put my name to Amendments 58 and 119. The Minister will recall that I majored on the whole question of advice in my Second Reading speech. I dedicated all my time to it because I think it is so important.

Farming has been partially insulated from market pressures by the support schemes of the CAP. In particular, the area payments developed by the CAP since 1992 and subsequent steps in 2003 and 2013 have acted to reward land occupation, not business activity. This has been associated with reduced flexibility in land occupation markets, and thus with the relative weakness in the United Kingdom's agricultural productivity growth.

The progressive removal of area payments and the prospect of more open trading agreements seem likely to drive an accelerated process of change in who is farming what land and how, by both unwinding the protectionist effects of past area payments and responding to the coming changes. This might affect poorer businesses on more marginal land in particular, whether cropping or livestock. My concern is that this process of change should be managed to maximise its economic, environmental and social benefits, while minimising costs.

Farming's adaptation to the new policy and business environment will not be a simple and swift transformation, but will take much time and effort. The scale of the challenges and the changes associated with them should not be underestimated. Success will require attention to skills and training, investment, approaches to sustained innovation in business policy, technology and marketing. It will be all the better if this is enabled by a new positive regulatory regime after Brexit, ensuring flexible and open markets in land occupation and use. All this must be supported by effective and practical advice and facilitation.

The outcome will be a much less standardised industry than the one we created since the war through policies before and under the CAP, which were largely dedicated to full-time commodity protection. Achieving this will be a major call on all those involved, not only Governments and farmers.

9.15 pm

At Second Reading, I quoted a statement from the Welsh Government. I will repeat it and hope my noble friend the Minister will confirm that he agrees with it:

"Advice should be seen as an investment in the capacity of farmers and farms rather than a cost".

My noble friend Lord Lucas also talked about the importance of the need to experiment; schemes might go right, they might go wrong. I draw the House's attention, as I did earlier, to the Northern Devon Nature

Improvement Area. The reason that has worked, as well stated in its report, is that the key to achieving its objectives was the creation of

"an integrated and co-ordinated advisory service to landowners."

That is the purpose of these amendments. I hope the Minister will respond favourably to them.

I have one other point which did not occur to me when I put my name to this amendment, because I was looking at the farmers' point of view. County shows, which principally exist to educate us about food, farming, the countryside and the wider environment, have been going a long time but are now in very uncertain territory. Most of them take about nine months or so to plan. What will happen next year? As my noble friend is aware, the shows have been cancelled this year. What will the guidance be for those planning mass gatherings next year? How soon will that information become available?

Also, will there be any financial assistance for events such as county shows? They are in jeopardy of falling by the wayside and giving up because they have not been given the attention they deserve. I hope my noble friend can comment on both those points, because I know he has lauded county shows in the past in this House. I support him on that. Defra would be a poorer department if it did not have the help from county shows in educating us the way they do.

**Lord Addington (LD):** My Lords, I put my name to these amendments on a very simple principle: if you are asking people to change how they go about their business or the way it happens, you will need some advice or guidance to get you through. If you have not done it before, you will need to be given some guidance, some advice or pathway, on how to get through so that you can do it correctly. Also, if you are giving assistance, you need to be told what you are expected to do for that.

This will be a very complicated mesh—two speeches have been made already and I cannot think of anything I disagree with. If you are trying to do this, you will have to give guidance through very different pathways which will change in every type of landscape you come across. The South Downs, the North Downs where I live, and the fields of East Anglia where I grew up will all need different structures. As the noble Lord, Lord Lucas, brilliantly said in introducing this, you must allow for, if not failure, then less successful schemes to be tried to see how long they take to develop.

We will need this to make sure that the Government's actions work. It might well be that the Government will not smile on these amendments, but could the Minister embrace the principle here and tell us whether the Government expect to be a place where good information is brought together and passed on? Could he also say what is unacceptable—what will not be supported, financed and encouraged? That would also be beneficial.

The Government are changing stuff. They are basically creating a new rulebook. It would help if everybody could read it before we start.

**The Deputy Chairman of Committees (The Earl of Kinnoull) (Non-Aff):** Lord Marlesford, you suggested that you were going to speak on only one group today. Do you want to speak now?

**Lord Marlesford [V]:** I have one thing to add. There is the inescapable fact that after 2021 farmers will not get money under the basic payment scheme in the same way as they have done. That money is on average around 70% of their taxable profit. Without it, many would not be able to continue. They therefore must be helped into what they will do instead and how they will diversify their farming operation to get themselves a living. That is why I back these amendments.

**Lord Cameron of Dillington [V]:** My Lords, on this group of amendments on training for farmers we have come to the nub, that pivotal point where this Bill will either succeed or fail in its ambitions. These amendments are the key to getting the whole new agricultural, environmental land management programme to work on the ground.

It is exciting that with this Bill we have a whole new approach to producing our food and managing the countryside while rewarding farmers. We do not know yet exactly where we are going—ELMs is still at the pilot stage—but one thing is certain. Farmers and land managers will need all the help and training they can get if we are to make it work on the ground.

There is very little time between the demise of the single farm payment and the putting in place of thousands of ELM contracts—good luck with that—so we must get a training scheme in place as soon as possible, training not only how best to judge what the farmer and his land can provide for the nation, but also how best to deliver. Proper training will make things better for farmers, better for our flora, fauna, meadows and woodlands, better for visitors and, above all, better for the taxpayers, who might then get the best return on their money.

By their very nature, farmers take a long-term view: live as if you will die tomorrow, but farm as if you will live for ever. That does not necessarily mean that they are slow to change, but they need help and assistance to change. Farming is one of the most isolated jobs in the world, so without some form of a proper training scheme it will be hard for farmers to engage properly with this brave new world that we are hoping to roll out—and without their engagement, frankly, the brave new world will not happen.

**Lord Carrington [V]:** My Lords, I support Amendments 58 and 119, as tabled by the noble Lord, Lord Lucas, and the noble Earl, Lord Caithness. I also agree with every word that the noble Lord, Lord Cameron, just said, and the words of other noble Lords.

The threat of sanctions put off many farmers from taking up opportunities under the current environmental schemes. These sanctions threaten not only the environmental scheme payments themselves, but also, through cross-compliance, the basic payments. Access to and the eligibility of financing advice is therefore supremely important if there is to be a wide take-up of ELM schemes. The wealthier farmers with larger farms often have good access to advice, but most of this is expensive and unattractive as an option. Farmers are not a homogenous group. All that a farmer with a small to medium-sized farm knows about is the traditional farming that he has done for ever through good and bad years. He knows the risks. That is his life

and livelihood. A farmer may not have great expectations and he may not take foreign holidays, but he fears getting involved in a new venture outside of his comfort zone which could lead to direct or indirect sanctions and put him out of business.

A study by the School of Agriculture, Policy and Development at the University of Reading and the Institute for Sustainable Food at the University of Sheffield looked at the impact of the digital divide and sometimes limited access to broadband in rural areas, which, together with lack of time, the age of the farmer and social isolation, has made it difficult for farmers to contribute to or participate in the design of ELMs.

These factors will not have changed at the implementation stage, so access to and funding for farm advisers with good training and good communication skills is essential. The success or otherwise of the Bill will be judged partly by the take up and success of environmental land management schemes. The balance between crop production on marginal land and environmental schemes is the key. Too little profit from the environmental land management scheme will encourage continued production on marginal land, leading to possible losses and risks to the farmer's business and livelihood. If there is too much profit in the scheme there will be a loss of farm production and, consequently, greater imports of food and less self-sufficiency. This demonstrates the importance of the provision of advice and, if necessary, financing it.

**Baroness Young of Old Scone (Lab) [V]:** My Lords, I support Amendment 122 in the name of my noble friend Lord Grantchester and I thank the noble Lord, Lord Lucas, for bringing forward his amendments. We are standing at a watershed for farming and land management. We cannot underestimate the scale of change that this Bill denotes. We need to fund an effective advisory process to support farmers and land managers through what could otherwise be cataclysmic changes. Over the past 30 years we have seen the erosion and virtual disappearance of what was, in early days, a systematic advisory support service, which had developed to support farming improvements in the post-war era. Most farming advice is now provided by commercial agronomists with products to sell or by fragmented single-focus organisations. Advice needs to cover not only technical and productivity improvements but ecological literacy. The scale and ambition of the changes the Bill proposes and the multiple functions we need land to deliver show that the time has come again for a comprehensive and joined-up approach to advisory services, and for the funding to deliver that. I hope the Minister can support this.

**Lord Inglewood [V]:** My Lords, being a farmer, over the past two or three years I have had to think very carefully about my activities in future. In my case, I have one specific and really quite complicated land use problem—or perhaps I should say challenge—to deal with. The way in which I have approached it is to take a certain amount of specialist advice. In simple terms, that advice has been paid for by the BPS payment I received. As all your Lordships know, the BPS payment is to be cut and the effect is that the money that otherwise would pay for advice may well not be there.

My example is not particular to me; a lot of farmers are thinking seriously about what they have to do next. They will have to take external advice, probably now—it is no good waiting until the changes come into effect before you decide what to do. What you have to do is think about the future, work on the basis of what we know about the general rules and regulations that will be in place and plan a course. In all sorts of ways, this is something which many farmers cannot do. Of course, if you are going to take advice, you have to pay for it. When the BPS is cut back, individual farms' resources to do that will be curtailed. I suggest to the Committee, and through it to the Minister, something which I have mentioned to his private office. Instead of simply cutting pieces off the BPS payment until ELMS comes into being, it should be possible for that money to be drawn down from individual farms and hypothecated to get the advice necessary to prepare the farmers for the future world that will come. Otherwise I fear a lot of farms will not do enough homework, which will be to the detriment of not only British agriculture but Britain as a whole.

9.30 pm

**Lord Dobbs:** My Lords, there appear to be two different types of amendment in this group: those that seek to promote and incentivise advice and guidance, and those that seek to impose requirements on the Secretary of State. Amendments 58 and 119 in the names of the noble Lord, Lord Lucas, and my noble friend Lord Caithness seek to promote advice; they are entirely right in that and the noble Lord, Lord Lucas, spoke most eloquently about it. I will be interested in the Minister's response; I am sure he holds all these leads close his heart. The noble Lord, Lord Cameron of Dillington, spoke so movingly about the challenges of change.

I suggest that Amendment 122 goes too far in requiring, rather than facilitating, advice—and across a large number of areas. This will inevitably make any advisory system more bureaucratic and less flexible. The object of the exercise is to promote opportunities for farmers, not bureaucracy. It is so important that we move flexibly and quickly in this area, rather than trying to set up another version of the common agricultural policy.

**Lord Northbrook:** My Lords, I partially support the amendment moved by my noble friend Lord Lucas. Assistance should be given to training but there should not be just blanket financial assistance in this area. Last week, I received a letter from Defra about the environmental land management summary document; before I move on to that, let me put on record my thanks to the Minister for his tremendous work in tightening up matters at the RPA and improving BPS payment times.

The letter said, "Environmental land management: we want to hear your views", and explained that, going back to February, there was a 10-week national conversation, which has been delayed due to coronavirus—fair enough. It also said that Defra was launching webinars, which I will take part in over the next few weeks. Then there is a six-page document setting out, very helpfully, broad details of the various tiers. I will

summarise the purposes of each. Tier 1's purpose is to incentivise environmentally sustainable farming and forestry and help to deliver environmental benefits; that is perfectly clear. Tier 2's purpose is to incentivise the management of land in a way that delivers locally targeted environmental outcomes; that is a little more difficult. Tier 3's purpose is to deliver land use change projects of a landscape scale to deliver environmental outcomes; that is not clear at all, in my view.

Then there is a chart about how you decide whether to participate in these schemes. Two key boxes say, "I decide which environmental outcomes and associated actions I am best placed to provide on my land", and, "I develop a plan and submit my application". For larger farmers, with the aid of advice, that will be not such a difficult thing, but as the noble Lord, Lord Carrington, said, for small and medium-sized farmers, it will be a very daunting task. Those farmers should get the financial assistance.

**Lord De Mauley (Con) [V]:** My Lords, I reiterate the declaration of my interests as a landowner and land manager.

In the context of my noble friend's Amendments 58 and 119, I draw the attention of my noble friend the Minister to the agricultural associations and societies, which have been getting a bit of coverage on Radio 4's excellent "Farming Today" programme this week. There are about 200 agricultural and show societies in the United Kingdom, many with histories stretching back to the agricultural revolution in the 18th century. Much in line with these amendments, they are there to support, represent and indeed connect providers of advice with those who make up the agricultural industry and to provide a showcase for anything that members of the public might want to know about food, farming and rural life.

My noble friend Lord Caithness referred to the county agricultural shows. I know that the Minister and other noble Lords will, like me, have visited many of the annual summer county agricultural shows in recent years—although, sadly, of course not this year.

All the agricultural societies are charities in their own right. Wales, Northern Ireland and Scotland hold their own national shows, as well as many regional and county shows, as does England, which has 15 significant societies, each of whose visitors number more than 60,000 per show in a normal year. What I might call the top 18—the Scottish, Northern Irish and Welsh national societies and England's top 15—welcome a total of 1.8 million visitors just at their annual shows. The likely combined economic value of these events is in the region of £450 million to £500 million. Taking in other year-round activities, this probably increases to about £800 million. The remaining very large number of agricultural society shows around the country could account for a similar economic impact.

Show grounds, a number of which are permanent, also act as venues for a wide range of year-round events and activities supporting business, leisure and tourism across the nations and regions. Each of the societies offers educational activities throughout the year, as well as providing a forum for conferences and events aligned to and supporting the agricultural sector. Formal links exist with local further and higher education

[LORD DE MAULEY]

institutions and research centres focused on promoting the skills and careers that the industry needs and offers.

Like many other businesses and organisations, the agricultural associations face uncertainty, especially regarding the next one to two years. Their major events, such as the annual county agricultural shows, take at least nine months to prepare for, and without any support after October, particularly from the current furlough scheme, they could find themselves facing a bleak future. Many of them are already running a slide rule over a “no show in 2021” scenario. As my noble friend Lord Caithness said, the agricultural societies are not asking for special pleading. What would really help them is: first, clearer guidance on mass-gathering indoor and outdoor events by no later than September this year; secondly, recognition of the impact of their unique sector as part of the fabric of agriculture in the UK; and, thirdly, financial assistance, perhaps under the replacement for Pillar 2 if it becomes clear that next year is in jeopardy, particularly, as I said, as the current furlough support will end in October.

Policymakers need to bear in mind that, although heritage and tradition are themselves important, the collective economic and jobs contribution from the agricultural societies is significant. Their collective reach is international and they contribute more broadly to UK plc—for example, through tourism. Therefore, I take this opportunity to ask the Minister to look into the plight of the agricultural societies and to see what he can do to help.

**Baroness Bakewell of Hardington Mandeville [V]:**

My Lords, the provision of advice to farmers at various stages of the Bill is essential. I listened carefully to the noble Lord, Lord Lucas, and the noble Earl, Lord Caithness, talk to Amendments 58 and 119. Agriculture is moving from one system to a completely different method of funding, and farmers will be uncertain about how this will operate and what is expected of them. I therefore completely agree that a system of advice-based support is needed.

The noble Lord, Lord Cameron, and my noble friend Lord Addington spoke in favour of an advice system. There will be a few farmers who are unwilling to make the necessary changes to ensure the protection of the environment and the restoration of land to encourage the return of bird, insect and plant species. For those, it might be necessary for a sanctions-based system to be coupled with advice to encourage them to conform. It will be at best unhelpful if there are one or two renegades who spoil the overall thrust of the Government’s measures.

The noble Lord, Lord Carrington, spoke of the difficulties and the digital divide. Rural areas are very poorly served by wi-fi and broadband, which are essential for farming communities.

I fully support Amendment 122, in the name of the noble Lord, Lord Grantchester. The list of measures to be taken into account in proposed new subsection (2) are essential, especially the impact on the environment, alternative methods of pest control, and food safety. To have this list on the face of the Bill will help farmers

to have a much better idea of what is expected as they move towards the new system and, I hope, will remove the need for any sanctions further down the line.

The noble Lord, Lord De Mauley, and the noble Earl, Lord Caithness, have raised the plight of the county shows and all the good work they do. They are an essential part of the farming and rural communities, and I have visited many very many of them over the years. They need certainty for the future and funding.

I trust that we are not too far into the debate for the Minister to have become reluctant to accept the arguments made. Advice is absolutely essential.

**Lord Grantchester (Lab):** My Lords, I declare my interests as recorded in the register. I thank the noble Lord, Lord Lucas, the noble Earl, Lord Caithness, and the noble Lord, Lord Addington, for their amendments defining that advice and support should be given to those in receipt of financial assistance in a more positive manner rather than the response being one of making sanctions and deductions to an application that one has submitted—as is too often the case. The receipt of applications would therefore need to have some supervision or opportunity for corrections to be included in the submission process. How far there will be explanations at the beginning of the transition to be implemented and under the new ELM scheme is an interesting call for the Minister. I am sure that the initial expositions about the new ELM scheme will be vital to achieve a confidence-based response from potential applicants.

I shall speak to my Amendment 122, which places a duty on the Secretary of State to include the provision of advice, training and guidance to those receiving financial assistance. Clause 3 is to enable good administration of the new payment system. As part of that good administrative system, regulations must also include the provision of advice across a wide area of important matters—this is in my proposed new subsection (2)—to look at how the running of a land-based system can encompass all the features necessary for success. This covers: business management; the welfare of stock; farm safety—on which farming does not have a particularly good record—and the welfare of land-based workers; and good agricultural practice, which are all necessary to encourage a thriving countryside that is aware of its responsibilities and positive in its outcome.

Good administration is not merely a mechanical process characterised as sanction based and without acknowledgment of responsibilities towards the people who will be undertaking activities we wish to promote. As my noble friend Lady Young noted, this has previously often been delivered in the past through ADAS and other services, but it is no longer provided.

Amendment 135 seems to follow in this vein and provides for advice on three main strands: strategic direction; compliance with the responsibilities of participants; and such compliance provided through encouragement. I would also encourage regulations to include those personnel-type administrative functions.

I thank all noble Lords who recognise the extent of the adaptability required of farmers and who have spoken on these amendments.

9.45 pm

**Lord Gardiner of Kimble:** My Lords, this has been very helpful debate. I am grateful to my noble friend for Amendments 58, 119 and 135, and to the noble Lord, Lord Grantchester, for Amendment 122.

The Government agree that effective advice and guidance will play an essential role in ensuring that agreement conditions are met and that the outcomes we are looking to achieve through future agricultural policy are delivered. “In connection with” in Clause 1(1) includes advice and guidance given to recipients so that they can better understand how to deliver the purposes for which they are in receipt of assistance. The same is true of the two purposes in Clause 1(2).

My noble friend Lord Northbrook spoke of the environmental land management policy discussion document. My notes state that it is currently live, and my noble friend endorsed that by remarking about it. The Government make it clear that access to an adviser will be a crucial component of the success of ELM. I do not want to go into too many of the tiers at this stage, but tier 3 will be where we provide financial assistance on a much broader, landscape level. I can think of catchment areas and greater expanses of land where a number of land managers and farmers would be involved. Tier 1 would be for the farmer, but tiers 2 and 3 would most likely involve a wider number of farmers and land managers. Those policy documents set out a range of models for the provision of advice, including one-to-one advice, group training, telephone and online support, and facilitation of peer-to-peer learning.

I agree with what was said by my noble friends Lord Lucas and Lord Caithness and the noble Lord, Lord Carrington. The ELM tests and trials team has established an advice and guidance thematic working group—that sounds pretty awful, but I am sure that it is a very good working group. This will gather evidence on how different types of expert advice could help farmers and land managers plan, and record, the public goods they choose to deliver across their land. There are currently 34 tests and trials on advice and guidance. I not only take but endorse the point made by my noble friend Lord Lucas on tone and what the noble Lord, Lord Carrington, said about the manner in which all these things are done.

In the policy and progress update published in February, the Government confirmed their intention to offer advice to applicants for productivity grants. This advice could help applicants decide how to target investments to achieve the greatest improvements in business performance. Advice and guidance are also an integral part of the Government’s future animal health schemes, with vets in particular having been identified as a key source of advice for farmers who wish to take pragmatic steps to improve animal health.

In the policy update, the Government also committed to a future system of agricultural regulation which, among other things, understands and implements better

ways to provide advice and guidance to the sector. The Government will work closely with industry to consider the best way to deliver such advice. It is, however, imperative that that advice and guidance are delivered by the right people, in the right places, at the right time and—I emphasise—in the right way. A wealth of knowledge and expertise already exists across our farming and land management communities. However, it is also a priority for the Government to ensure that the farming industry is adequately supported by advice and guidance.

My noble friends Lord Caithness and Lord De Mauley spoke about agricultural shows. As a former president of the Bucks County Show and a current vice-president of the Buckinghamshire and Suffolk Agricultural Associations, and having made many visits to agricultural shows across the kingdom, I know that they are an extraordinary example of the great part of rural life and farming at its backbone. All of us obviously regret not having been able to go to our local county shows. The current advice on meeting people outside your household is available online and allows that events of more than 30 people can take place as long as they are planned by an organisation in compliance with the Covid-19-secure guidance, *Working Safely During Coronavirus: the Visitor Economy*. So I say to my noble friends and all noble Lords that planning for next year, which I know all of them are doing, will clearly depend on where we are in the containment of the virus. There is also industry-led guidance on keeping workers and audiences safe during Covid-19, which applies to those working in outdoor events.

I am well aware that many of these show societies are charities, and of the use of the furlough scheme. I will reflect on what noble Lords have said. Agricultural shows are an important part of the rural calendar and are a way for urban and rural schools to get involved and understand why agriculture and rural life are so important. They are a key part of showing the country what the countryside provides.

**Lord Lucas [V]:** My Lords, I am grateful to my noble friend for his comprehensive and optimistic reply. I urge on him again the importance of allowing failure; allowing people to get things wrong; to try things for the best reason and find the disaster and then have to put things right. We are going to find the right way to do some of these things only if we are adventurous and stick our necks out. That is the sort of support that I hope this Government will feel able to give. I am comforted by what my noble friend said and beg leave to withdraw the amendment.

*Amendment 58 withdrawn.*

*Amendments 59 to 72 not moved.*

*House resumed.*

*House adjourned at 9.52 pm.*





