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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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The following abbreviations are used to show a Member's party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Wednesday 28 February 2024

3 pm

Prayers—read by the Lord Bishop of Leeds.

Retirement of a Member: Lord Plant of Highfield

Announcement

3.06 pm

The Lord Speaker (Lord McFall of Alcluith) (Con): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Lord, Lord Plant of Highfield, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lord for his much-valued service to the House.

Skill Shortages in Business and Industry

Question

3.07 pm

Asked by ***Lord Storey***

To ask His Majesty's Government what assessment they have made of the skill shortages affecting business and industry.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, one-third of UK vacancies are due to skills shortages. Sectors with large shortages include construction, information technology and communications. This Government have committed to developing a world-leading skills system that delivers the skills that employers need through T-levels, apprenticeships, skills bootcamps and higher technical qualifications. Where there are key shortages, we have introduced programmes such as the construction and digital bootcamps to increase the supply of people with the right skills.

Lord Storey (LD): I thank the Minister for that helpful Answer. Since this Oral Question was tabled, I have been shocked by the number of employers who have written to me. The Heat and Building Business Council says the UK has faced significant challenges in attracting engineers, despite substantial salary increases of up to 35%, which of course contribute to rising costs for the clean heat sector that are ultimately passed on to the consumer. How do we encourage young talent to consider engineering and green technologies as a secure path for the future?

Baroness Barran (Con): I am sure the noble Lord will agree that many young people are attracted to working in areas that will address climate change, environmental issues and sustainability, but they might not always make the association with those engineering roles as opposed to some others. We are working with business through our Green Jobs Delivery Group, and with the Green Apprenticeships and Technical Education Advisory Panel, making sure that our standards map on to those occupations and that that is backed by great careers advice for young people.

Lord Blunkett (Lab): My Lords, last week, the Labour Force Survey had a set of statistics that I find staggering—namely, that 850,000 16 to 25 year-olds are not in education, employment or training. Do the Government have any plans, perhaps next week, to give flexibility to the apprenticeship levy, so that we can train and employ these young people?

Baroness Barran (Con): About half of apprenticeships are taken up by young people under the age of 24. I think the noble Lord referred to 21, but it splits at about half under 24 and half above that. The Government have done a great deal: investing in 16 to 19 education, improving the range of options and introducing qualifications that are directly linked to the careers that young people need.

The Earl of Clancarty (CB): My Lords, I did not hear the Minister mention the creative industries, which certainly suffer from skills shortages in many areas. Looking at this issue in the round, does the Minister agree that cuts to the arts—such as, for instance, the proposed 100% cut in local authority funding for the City of Birmingham Symphony Orchestra—are the worst possible advert for attracting skilled workers into the creative industries?

Baroness Barran (Con): As the noble Earl knows, one reason why there are skills shortages in the creative industries is their very rapid growth rate. Between 2010 and 2019, they grew one and a half times faster than the wider economy, and in 2021 they employed 2.3 million people, which is a 49% increase on 2011. We have created flexi-job and accelerated apprenticeships, and improved the transfer system, particularly aiming to support our world-beating creative industries.

Lord Lilley (Con): My Lords, is my noble friend aware that the United Nations International Labour Organization warned that a

"temporary … shortage … of trained native workers, can … be made … permanent by the attempting a quick fix from migrant labor. Any program which imports migrants into a sector whose employers are complaining of insufficient trained natives, can be expected to exacerbate (rather than alleviate) its native shortage"?

Since Tony Blair ignored that warning, we have imported millions of workers—

Noble Lords: Oh!

Lord Lilley (Con): We have. As the ILO predicted, shortages have got worse, even though Members opposite want to deny the facts. When will we abandon this failed policy and start training and paying our own people better?

Baroness Barran (Con): As my noble friend well knows, we have introduced a points-based immigration system, making sure that we can focus on the brightest

[Baroness Barran]
and the best to make a positive contribution to our economy. But my noble friend is quite right that we need to invest in a way that promotes productivity and creates great careers and livelihoods for all our people.

Lord Wigley (PC): My Lords, does the Minister accept that one part of the answer to this is to stop losing so many of our best and brightest young people, who may be emigrating to look for work? Do the Government have any system at all for tracking such people to make sure that they have opportunities to come back for the appropriate jobs when those jobs are available?

Baroness Barran (Con): I am aware that we are doing a great deal of work to try to understand some of the issues that the noble Lord rightly raises, and which are particularly acute in some of our shortage occupations. I am not aware whether we track specifically how to encourage people to return, but I will take that back to the department.

Baroness Wilcox of Newport (Lab): Apprenticeship schemes are essential for developing vital skills in young people, yet in the last decade apprenticeship starts have fallen by one-third, while over £1 billion raised by the apprenticeship levy goes unspent every year. Does the Minister accept that the apprenticeship levy requires a total revision of how companies are encouraged to offer apprenticeships?

Baroness Barran (Con): Apprenticeship starts fell because we had to do so much work with what we inherited as an apprenticeship system to make sure that we offered the quality that employers required. I do not agree that the apprenticeship levy requires a major overhaul. In the last two years, the levy has effectively been fully spent; where it is not spent by levy-paying employers, either they can spend 25% of the levy on companies within their own supply chains, so enhancing that productivity, or it can be spent by small and medium-sized enterprises. I wonder what the noble Baroness would say to them if her party was to be elected and go through with its proposed policy.

Baroness Morgan of Cotes (Con): My Lords, as chair of the East Midlands Institute of Technology and of the national Careers & Enterprise Company, I think my noble friend is somewhat selling this Government's achievements short in support for training, skills and careers advice. Does she agree that the important thing now is to make sure that the system—a strengthening system—continues, including working with the local skills improvement partnerships?

Baroness Barran (Con): I would never want to sell this Government's achievements short. I absolutely agree with my noble friend's point about working with local skills improvement partnerships and getting a sense of where the emerging opportunities are in each area of the UK.

Lord Addington (LD): My Lords, would the Government agree that we have a shortage of traditional level 4 and 5 skills in our skills package? This is dealt with by local skills partnerships, but we have a national problem. What are we doing to make sure that people become aware of training opportunities on a national level, not just locally, because there are well-paid jobs to be had?

Baroness Barran (Con): I have already talked about some of the things we are doing. It is important that people know what options and opportunities are available in their local area, and the LSIPs are critical for that. In particular, the Government have invested up to £300 million in a network of 21 institutes of technology, which are providing exactly the kind of higher technical education to which the noble Lord refers.

Baroness Wolf of Dulwich (CB): My Lords, the Government's figures indicate that fewer than one apprenticeship in five is in a shortage occupation. Given those figures, is it really plausible that no changes are needed in the apprenticeship levy?

Baroness Barran (Con): I hope I did not suggest that no changes are needed. What employers need and want is a degree of stability in the apprenticeship system. We have done a huge amount of work, and the noble Baroness has been a critical part of achieving that, in improving our apprenticeships system. I am not suggesting that there is not some tweaking required—the noble Baroness is a great expert on that. Broadly, stability for our employers is vital, so that they know how they can use the levy and that it will be here to stay.

UNICEF: Child Poverty Rankings

Question

3.17 pm

Asked by ***Lord Rooker***

To ask His Majesty's Government what assessment they have made of the position of the United Kingdom set out in the UNICEF's Innocenti Report Card 18 *Child Poverty in the Midst of Wealth*.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Viscount Younger of Leckie) (Con): My Lords, parental employment plays an important role in reducing the risk of child poverty, and there are 680,000 fewer children growing up in workless households compared with 2010. In 2023-24, we expect to spend around £124 billion through the welfare system on people of working age and children. With over 900,000 vacancies UK-wide, our focus is on supporting parents into, and to progress in, work, including through increasing the national living wage to £11.44 from April.

Lord Rooker (Lab): My Lords, the actual Answer to my Question should be "With shame". Can the Minister explain why child poverty rate changes in the seven years from 2014 to 2021, adjusted for Covid, on page 27

of the UNICEF report card published two months ago, showed that in two-thirds of the rich nations child poverty rates went down, whereas in four of the worst five nations they were up by 10%? Worst of all, rated 39 out of 39, was the UK, where the poverty rate was up by 20%. Is it not time for an election?

Viscount Younger of Leckie (Con): The Government like to read all reports and regard this one with a great deal of interest. However, our argument is that it is hard to give these findings much weight, due to the methodology used to create this ranking. Let me explain. International comparisons of poverty rates are difficult, due to differences in the frequency and timing of data collection and the approach taken to gather this data.

I shall go further. UNICEF's ranking uses two measures: recent rates of relative child poverty and the percentage change in those rates over an arbitrary comparison period. There are issues with both measures. First, in considering recent child poverty rates, the latest OECD data shows that the UK has a relative poverty rate for nought to 17 year-olds comparable to large European countries. Secondly, UNICEF's ranking compares relative poverty rates between 2012-14 and 2019-21.

Baroness Lister of Burtersett (Lab): My Lords, paid work is hardly the answer, as the Minister suggested, given that the majority of children in poverty are in families with a parent in paid work. He goes on about the methodology, but he knows very well the evidence of hardship and deepening poverty in this country. Is it not time the Government accepted the case made by UNICEF and many others for a coherent, cross-government child poverty strategy?

Viscount Younger of Leckie (Con): The noble Baroness will have heard me say this before, but we believe that the best route out of poverty is through work. We are committed to a sustainable long-term approach to tackling child poverty in particular—the subject of this Question—and supporting people on lower incomes to progress in work. She will know that in April 2023, we uprated benefit rates by 10.1%, and working-age benefits will rise by 6.7% from April 2024, in line with inflation. But we are very aware of the pressures that quite a few households are experiencing.

Lord Palmer of Childs Hill (LD): My Lords, the figures are truly devastating and very worrying. Can the Minister tell the House whether the Government have related those child poverty figures to the mental health of young people, as referred to in a report that came out a few days ago? Is there a relationship—and what are the Government doing about it?

Viscount Younger of Leckie (Con): I have given the Government's view on this scorecard—and, by the way, it is a scorecard, not a report, we should be careful to say. But the noble Lord makes a good point. What I can say is that we are looking at a new type of measure: the Department for Work and Pensions is developing the below average resources statistics to provide a new additional measure of poverty, based on the approach proposed by the Social Metrics Commission, led by my noble friend Lady Stroud.

The noble Lord makes a very good point about children. It is very important to get the statistics accurate. The importance of children remains very much live in our minds.

Lord Alton of Liverpool (CB): My Lords, in addition to combating the financial disadvantage facing some 69 million children in the 43 wealthiest countries in the world, as identified in the UNICEF report referred to by the noble Lord, Lord Rooker, does the Minister agree that poverty can be about more than simply money? How do the Government measure the impact on the life chances of 2 million British children who have minimal contact with their fathers—69% of whom are in the low-income categories—in the households in which they live?

Viscount Younger of Leckie (Con): Again, the noble Lord raises an important point about children, who are the subject of this Question. The latest statistics show that, between 2020-21 and 2021-22, the number of people on absolute low income was virtually unchanged, and absolute poverty rates after housing costs were stable for children and working-age adults, with strong earnings growth offsetting the impact of the withdrawal of the unprecedented levels of government support, protecting those in jobs, which were provided during the pandemic.

Baroness Sherlock (Lab): My Lords, the Minister mentions various measures, but when it comes to international comparisons, the Government do not get to mark their own homework. Relative poverty is used because it is used internationally to measure poverty over time and across countries. The Minister may not like the way it was measured in other countries, but the UNICEF report card compares the UK's performance in 2019-21 with its performance in 2012-14, and during that time, on those measures, child poverty in the UK clearly increased by 20%. During the same period, in Poland it fell by 38%, in Slovenia by 31% and in Canada by 23%. Does the Minister not accept that something is going badly wrong here?

Viscount Younger of Leckie (Con): I come back to the point that it is important to have statistics that are grounded. The noble Baroness will know that, over many years, we have used our own statistics for poverty, which are cross-government. The Government prefer to look at absolute poverty, as the noble Baroness knows, rather than relative poverty, as the latter can provide counterintuitive results. The absolute poverty line is fixed in real terms, so it will only ever worsen if people are getting poorer and will only ever improve if people are getting richer.

Baroness Altmann (Con): My Lords, I know that my noble friend, who is an excellent Minister, is very concerned about this issue. I apologise for questioning him further, but it remains a struggle for unpaid carers of working age, who perhaps have children as well, to stay in or find work. What more can the Government do to support this important group?

Viscount Younger of Leckie (Con): The Government certainly recognise and value the vital contribution made by carers every day in providing significant care and continuity of support to family and friends, including children, pensioners and those with disabilities. We know that most carers of working age want to retain a foothold in the labour market, not just for their financial well-being but to enhance their own lives and the lives of those for whom they care. Perhaps I can reassure my noble friend that the Government continue to provide financial support to unpaid carers through the carer's allowance, the carer element of universal credit and other well-known benefits.

Baroness Hussein-Ece (LD): My Lords, the Minister has said several times that the best way to help children in poverty is for their families to be in work. According to the Child Poverty Action Group, however, 71% of the children it classifies as poor live in working families. Why does he think that such a high percentage of children in poverty live in working families?

Viscount Younger of Leckie (Con): We certainly know that it is prevalent, but I have already laid out the measures we have taken. There has obviously been quite a debate this afternoon about the statistics. The Government published *The Best Start for Life: A Vision for the 1,001 Critical Days* in March 2021. I reassure the noble Baroness that we recognise that the early start for children is incredibly important. There is a range of initiatives to help with that issue, which of course is linked to poverty.

Lord Bird (CB): Are the Government aware that most of the people we are talking about—the children—inherit poverty? It crosses the generations. When will we move a lot of the effort into breaking poverty passing from one generation to another? That is where the money really needs to be spent, to bring about social transformation in every sense.

Viscount Younger of Leckie (Con): The noble Lord is of course right, and I was very pleased to wind up his debate last week. Perhaps I can be helpful by saying that, compared with 2010, there are over 1 million fewer workless households in the UK, the number of children growing up in homes where no one works has fallen by 680,000, and 1.8 million more children are living in a home where at least one person works. However, the point he makes is incredibly important: we have to stop this intergenerational worklessness issue.

Housing Benefit: Temporary Accommodation

Question

3.28 pm

Asked by ***Baroness Thornhill***

To ask His Majesty's Government what assessment they have made of the adequacy of the Housing Benefit subsidy for temporary accommodation; and whether they have plans to provide further support to local authorities in providing emergency and temporary accommodation.

Baroness Thornhill (LD): I beg leave to ask the Question standing in my name on the Order Paper and declare my interest as a vice-president of the Local Government Association.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Viscount Younger of Leckie) (Con): My Lords, the Government recognise the challenges that local authorities face in responding to the increased demand for temporary housing. Our priority is to support claimants and keep people in their homes. From April, we are investing £1.2 billion to increase the local housing allowance, benefiting 1.6 million claimants and helping to prevent homelessness. In England, our £1.2 billion investment in the local authority housing fund provides capital funding directly to councils to build new homes. Additionally, our £2 billion investment over three years tackles homelessness and rough sleeping.

Baroness Thornhill (LD): I thank the noble Viscount for his Answer. What my Question was really getting at was whether there has been an assessment of the adequacy of what is being allocated. Is it enough and is it going to the right places? Stark evidence from the Local Government Association, London Councils and the District Councils' Network would say that clearly it is not. A survey by the DCN, which was published just today, shows that housing benefit subsidy covers just 38% of district councils' temporary accommodation costs. Can the Minister explain why the housing benefit subsidy for families and councils using temporary accommodation has been frozen since 2011, despite rising costs and dwindling supply? Does he agree that much has changed in that time, and it is time that the rate changed too?

Viscount Younger of Leckie (Con): The subject that the noble Baroness has raised is to do with temporary housing, and we appreciate that these remain difficult times and that local authorities are subject to many pressures. We will continue to review the situation with housing benefit subsidy rates, but perhaps I can help the noble Baroness by saying that, following the Autumn Statement back in 2023, the Government announced additional funding of £120 million to help councils address in particular the Ukraine situation and homelessness pressures looking ahead to 2024-25. Today, I am pleased to say that it has been announced that England's share of the £120 million is £109 million, which is to be paid via the homelessness prevention grant top-up for the year 2024-25.

Baroness Warwick of Undercliffe (Lab): My Lords, the undersupply of social housing has meant that spending on temporary accommodation has increased by a staggering 62% over the last five years. Yesterday, Shelter and the National Housing Federation published new research by the CEBR on the economic impact of building social housing. It showed the massive economic and social benefits of building 90,000 new social rented homes and found that delivering social housing at this scale would save nearly £250 million a year on the benefits budget, result in £4.5 billion in housing benefit savings and save local authorities £245 million a year on homelessness

services. What action can the Government take to urgently improve delivery of social housing and reverse this vicious cycle?

Viscount Younger of Leckie (Con): The noble Baroness is right that building more houses and finding more houses, including social housing but also in the private rented sector and for homeowners, is incredibly important. We remain committed to our target of delivering 300,000 homes a year in England. We also recognise that the planning system can be complex. The levelling up White Paper marked an important moment, making clear the scale of our ambition to address the inequalities for communities right across the country, which I think was the gist of the noble Baroness's question.

Baroness Eaton (Con): My Lords, I also declare my interest as a vice-president of the Local Government Association. Research by the Local Government Association confirms that government could save £780 in housing benefit for every social home that is built. Will my noble friend the Minister explore the option of making the 100% retention of right-to-buy receipts permanent, so that local authorities have the fiscal powers necessary to build the next generation of social housing?

Viscount Younger of Leckie (Con): Indeed, and my noble friend has much experience in this field from her long experience in local government. I will certainly take that back: I cannot give any guarantees right now at the Dispatch Box.

The Archbishop of York: My Lords, I thank the Minister for his commitment to trying to make headway on this issue. We are all aware of the terrible strains that local authorities are under because of temporary accommodation being necessary and, of course, we also know that the reason is that incomes are just not meeting housing needs. Have the Government assessed the recent proposal from the Joseph Rowntree Foundation and the Trussell Trust for what they call an essentials guarantee? This would guarantee that universal credit was enough to cover the essentials—rent—which would therefore reduce the number of households in temporary accommodation, creating a virtuous cycle that would reduce the budget strain on local councils.

Viscount Younger of Leckie (Con): Yes, I am very aware of the "essentials" argument that often comes up in this Chamber. I do not have any answer for the most reverend Primate except to say that we note the questions that are put on that point. I shall go a little further, because he started by mentioning housing pressures. The £1.2 billion local housing fund enables councils in England to obtain better-quality temporary accommodation for those owed a homelessness duty. That is our way of making sure that there is some progress on homes.

Baroness Sherlock (Lab): My Lords, unaccountably, I am not a vice-president of the Local Government Association—no one has asked me to become one, but who knows?

A number of issues come into play here, but, basically, councils are probably going to spend heading for £2 billion on temporary accommodation this year. They have to pay up front to procure the accommodation, and then they can get back some but not all of it—and increasingly not all of it—from central government. The reality is that they are paying the price for the fact that we do not have a functioning housing system, and the Government, despite being in power for quite a long time, have an ambition but, so far, seem not to have the will to solve that problem. I am guessing that the Minister and the DWP are going to DLUHC Ministers and saying, "What are you going to do to solve this problem?" What answer are they getting?

Viscount Younger of Leckie (Con): We have already taken some actions, and the noble Baroness will know that on 24 January this year the Government announced additional measures for local authorities in England worth £600 million. This includes £500 million of new funding for councils with responsibility for adult and children's social care, distributed through the social care grant. Taking into account this new funding, local government in England will see an increase in core spending power of up to £4.5 billion next year.

Lord Bellingham (Con): My Lords, is the Minister aware that if you look at any high street in the country, you will see many empty flats above shops, particularly above national multiples? Is he aware that, in Norfolk, Freebridge housing association has done an absolutely sterling job in leasing such flats and then renting them out as temporary accommodation, and to permanent tenants as well? Can he tell the House what more can be done to make the most of this underused resource?

Viscount Younger of Leckie (Con): Absolutely. Although I do not have a particular answer to the noble Lord's question, I have certainly been reading about some innovative programmes to reinvigorate properties and give them different uses, not only in high streets but in more central areas. This is just the sort of creative thinking that is required to produce more housing, which of course then leads to people moving out of poverty.

Baroness Pinnock (LD): My Lords, I have relevant interests in this issue. Does the noble Lord agree that it is not just the excessive cost of temporary accommodation that we should be thinking about but the huge disruption to family life and children's education when they have to move into temporary housing? At the heart of it is the huge loss of social housing; in my own council, there are 20,000 fewer houses for social rent than there were 20 years ago. The Government's proposals will not address this huge issue. When are they going to up their game to provide the social housing that is desperately needed?

Viscount Younger of Leckie (Con): Again, I can say that quite a lot of action is going on this field. The noble Baroness started off by talking about families, and we know that children—who have been a theme of today's questions—can be affected by living in temporary

[Viscount Younger of Leckie]
housing, particularly poor-quality housing. The £1.2 billion local authority housing fund enables councils in England to obtain better-quality temporary accommodation for those owed a duty to be found a home. We want children in particular to grow in a safe and secure home and are committed to a strong welfare system to support those most in need.

Housebuilding
Question

3.38 pm

Asked by ***Lord Young of Cookham***

To ask His Majesty's Government what is their response to the final report of the Competition and Markets Authority's housebuilding market study, published on 26 February.

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): We welcome the CMA's final report, following its full market study into housebuilding. In 2022, the Secretary of State wrote to the CMA, supporting the suggestion of a full market study, the first since 2008. The Government will now take away and carefully consider these findings and recommendations, and formally respond within 90 days. The CMA's recommendations can help industry, the Government and regulators to make sure that the market is operating effectively, and working well for consumers.

Lord Young of Cookham (Con): I appreciate that the report was published only two days ago, but it was published after the Government made significant changes to housing and planning policy. On those changes, the CMA report is very clear. It says that "significant interventions" and "further actions" are required by government if we are to address what it describes as the "complex and unpredictable" planning system, with its underresourced planning departments. The report also makes it clear that local authorities should have clear housing targets if we are to meet the demand in housing that we have just heard about. Will the Government be looking very sympathetically at these recommendations?

Baroness Scott of Bybrook (Con): As I have said, we will carefully consider all the recommendations and findings from the report. Our National Planning Policy Framework means that councils must have local plans in place to deliver more homes in the right places and of the right type that are required in that particular community. As part of the recent consultation on changes to the National Planning Policy Framework, we have committed to review our approach to assessing housing need, once the new housing projections data based on the 2021 census is released next year.

Lord Best (CB): My Lords, the excellent report from the Competition and Markets Authority shows why depending on a small handful of volume housebuilders does not produce either the quantity or the quality of homes that we need. Has the Minister thought about taking off the shelf the Oliver Letwin report, which is quoted in the CMA report very favourably? It calls for development corporations with master plans and compulsory purchase powers which could take the place of some of these volume housebuilders and get what we actually deserve.

Baroness Scott of Bybrook (Con): The noble Lord has some interesting ideas in this area, particularly about the large housebuilders, which seem to have controlled the market. That is why we are putting a lot of support into small and medium-sized housebuilders. As for the Oliver Letwin report, we will look at everything once we have got this report and when we start to work on it, and we will be bringing out further information in due course.

Lord Moylan (Con): My Lords, is my noble friend aware that your Lordships' Built Environment Select Committee has repeatedly found that the cost and arduousness of the planning system is a deterrent to development, particularly for small housebuilders, who have fallen from producing 40% of our homes 20 years ago to merely 10% today? Will she consider the possibility of alleviating the burden of the planning system, particularly for smaller sites, so as to make it possible for smaller housebuilders to survive and thrive?

Baroness Scott of Bybrook (Con): As I have said previously, SMEs play a critical role in housebuilding and in the housing market in this country. Through the Levelling-up and Regeneration Act, we have made changes to the planning system that will support SMEs to build more homes by making the planning process easier to navigate, faster and more predictable. The Government have recently announced policies that will support SME housebuilders, including an expansion of the ENABLE Build guarantee scheme, Homes England's pilots of SME-only land sales and updating the community infrastructure levy guidance. So we are in the same place as my noble friend and we will be working with this sector very closely in the future.

Baroness Taylor of Stevenage (Lab): My Lords, there is a specific recommendation in the excellent CMA report regarding targets:

"More objective and effective use of targets to ensure housing need is met"

are needed. With the Government caving in to pressure from Back-Benchers in the other place and scrapping housing targets, and the developers putting profit before people's homes, will the Government now reinstate those housing targets and make a long-term plan to deliver the homes we need, preferably in the new "new towns" that the Labour Party is promoting?

Baroness Scott of Bybrook (Con): My Lords, let me make it clear that we have delivered 2.5 million extra homes in the last 14 years. Since 2018, we have also delivered the four highest annual building numbers for 30 years, and we are on target for 1 million more homes in this Parliament. We are delivering, but we

have been through an economic crisis. We are coming out of it, and we will start to build more homes in the future.

Baroness Thornhill (LD): My Lords, the report highlights the now widespread practice by local authorities of the non-adoption of public amenities, such as roads and playgrounds, on all new-build estates. Does the Minister accept that councils have been pushed down this road by significant cuts to their budgets over many years? More importantly, what steps are the Government taking to reverse that trend, which has resulted in an explosion of unregulated management companies ripping off residents who are, in effect, paying twice for public facilities usually provided via council tax?

Baroness Scott of Bybrook (Con): The noble Baroness is right and, like me, she understands this system. Since about 2015, there have been more councils that are not taking control. I believe that that is about council priorities and not about money, because not all of them have. It is up to the developers and the local planning authority to agree the appropriate funding, delivery and maintenance arrangements for these public areas. That is why, through the Leasehold and Freehold Reform Bill, we are taking firm action to ensure that estate management companies are more accountable to their freeholders for how their money is spent.

Lord Lansley (Con): My Lords, my noble friend the Minister will have observed that the CMA noted what it said was an increase in the number of snags of a serious kind that new-home buyers are encountering. In paragraph 5.123, it makes a recommendation about how the New Homes Quality Board could be the mechanism by which the new homes ombudsman service and a mandatory code for home buyers and housebuilders could be brought forward more rapidly. I wonder whether my noble friend, in her examination of the report, will respond positively to that recommendation?

Baroness Scott of Bybrook (Con): My noble friend brings up a very important point. The Government are already committed to improving redress for new-build home buyers when things go wrong. The Building Safety Act includes provision for the new homes ombudsman scheme to become statutory and to provide dispute resolution to determine complaints by buyers of new-build homes against their developers.

Baroness Bennett of Manor Castle (GP): My Lords, the report notes that about

"60% of … houses built in 2021 to 2022 were … speculative private development",

and acknowledges that this has widened

"the gap … between what the market will deliver and what communities need".

Is it not the case that, to get the right home in the right place at the right price, we have to get away from this privatised model and—to address the issues the noble Lord, Lord Lansley, raised—get better quality?

Baroness Scott of Bybrook (Con): That is exactly why the levelling-up Act made such an issue of every local authority having a local plan. That local—

Baroness Bennett of Manor Castle (GP): Oh!

Baroness Scott of Bybrook (Con): It is no good the noble Baroness shaking her head. If you are going to have a plan-led system, which is the simplest system to navigate, you need a local plan. You need to know how many houses you need in your area, what types of houses they are and the area of land that you are going to use for housing. If local authorities have local plans, they will deliver more houses in the right place and of the right type that this country needs.

Lord Kennedy of Southwark (Lab Co-op): My Lords, does the Minister agree with me that this excellent report highlights that we need to end leasehold once and for all. We have a Bill coming forward in a few weeks' time—I can see it there in the Leader of the House's hands—through which we could end leasehold once and for all at a date in the future and actually promote commonhold, which is what we need in this country.

Baroness Scott of Bybrook (Con): My Lords, the House will be glad to hear that the leasehold Bill left the Commons yesterday and is now here—so I cannot wait to discuss it with the noble Lord opposite. I am sure that we will discuss all these things in great detail.

Leasehold and Freehold Reform Bill

First Reading

3.49 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Procedure and Privileges Committee

Motion to Agree

3.49 pm

Moved by ***The Senior Deputy Speaker***

That the Report from the Select Committee *Temporary exclusion; Statements on trade between Northern Ireland and the rest of the United Kingdom; and Financial Services Regulation Committee* (2nd Report, HL Paper 64) be agreed to.

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I shall focus on the Procedure and Privileges Committee proposal on the new Standing Order on temporary exclusion, but should there be any questions on the other points covered in the report, I will of course address them in winding up.

The proposed new Standing Order on temporary exclusion is the outcome of almost two years' work, lead in the first instance by the House of Lords Commission as the senior committee with responsibility for safety and security on the Estate. The task of the Procedure and Privileges Committee has been one of implementation, drawing up a Standing Order to give effect to the framework of a temporary exclusion scheme outlined by the commission.

[Lord Gardiner of Kimble]

The Parliamentary Estate is principally a place of work. It is also an important cultural and educational centre, with many visitors, including a considerable number of school parties. After careful consideration, the commission concluded that a Member charged with serious sexual or violent offences should not have free access to the Estate while awaiting trial. Indeed, if they were staff of the House, they would be suspended pending the outcome of any criminal process.

After a consultation to which all noble Lords were invited to contribute, the commission has brought forward proposals for the temporary exclusion of Members charged with specific serious offences. The scheme is designed to be as straightforward and streamlined as possible. It will take effect at the point of charge; it will not be triggered by an unsubstantiated allegation, nor if a Member of the House is investigated or arrested. It will be triggered only when the prosecuting authorities bring charges, having satisfied themselves that there is enough evidence to establish a reasonable prospect of conviction.

Exclusion would apply in respect of all serious violent or sexual offences that are liable to a sentence of more than two years' imprisonment. The process of exclusion would in such circumstances be automatic. Indeed, this is a key feature of the scheme. Once someone has been charged, it is for the courts to determine their innocence or guilt, and no one else. The proposed scheme supports that principle. Exclusion would imply no judgment on the Member concerned; it would be a temporary measure akin to those used in workplaces across the land pending the final decision of the criminal justice system.

I turn to the terms of exclusion. The House possesses the power to modify or limit the rights of attendance in specific circumstances. This was reaffirmed by the House in 2009, when it resolved to suspend two Members found to have breached the then Code of Conduct. The power to suspend was subsequently put on a statutory basis, but the House's inherent power to place conditions or limitations on Members' exercise of their undoubted rights remains. This is why the proposed Standing Order sets out what excluded Members would not be allowed to do, rather than giving an exhaustive list of what would still be allowed. Excluded Members would not be allowed to participate in proceedings of the House or any of its committees, whether in person or remotely, to enter the Parliamentary Estate, to vote in hereditary Peer by-elections or elections for Lord Speaker, or to undertake parliamentary-funded travel.

Activities not falling under those headings would by necessary implication continue to be permitted. Excluded Members could undertake parliamentary business not requiring personal presence, including but not limited to tabling Questions for Written Answer. They would retain their parliamentary IT account and would continue have access to the network and other digital services. They could also commission research remotely from the Library. Existing staff sponsored by the Member would retain their access rights. Excluded Members will remain subject to the Code of Conduct.

The commission took full account of the parallel work in the House of Commons looking at the same issue, which I understand will come before the other place on 4 March. Obviously, the two Houses need to work together on issues of safety on the Estate, although that does not mean that we have to have identical approaches.

To touch briefly on the amendment tabled by my noble friend Lord Attlee, it raises the issue of charges brought in overseas jurisdictions. The draft Standing Order provides an extra safeguard in the event that a Member of the House is charged with a serious violent or sexual offence overseas. In doing so, it reflects similarly nuanced approaches adopted in statute in Section 3 of the House of Lords Reform Act 2014 and in our own Code of Conduct. The reason is simple. There may be cases where behaviour that is deemed a criminal offence overseas is not an offence domestically. If a Member is charged overseas and the House is sitting, the exclusion will last for a maximum of 10 working days and will continue in force only if the Leave of Absence Sub-Committee—made up of myself, the Chief Whips and the Convenor of the Cross Benches—resolves to that effect. I emphasise that 10 days is a maximum. The sub-committee is a small body and in reality would almost certainly reach a decision sooner than that. If a Member was facing genuine charges overseas for serious offences, they should certainly be subject to exclusion in the same way as someone charged with a similar offence in the United Kingdom.

I am sure noble Lords agree that safety of those on the Parliamentary Estate is paramount. I hope that this Standing Order will never have to be activated but it is in the interests of those who work and visit here. I therefore commend it to the House. I beg to move.

Amendment to the Motion

Moved by ***Earl Attlee***

At end insert ", but regrets that the provision on temporary exclusion could enable foreign states to prevent a member from attending the House for up to ten sitting days."

Earl Attlee (Con): My Lords, I am grateful to the Senior Deputy Speaker for the skilful and clear way that he has explained his proposals. I am sure that the whole House is grateful to the House authorities for how they have developed the proposals, which, as the noble Lord explained, work in a slightly different way from those in the Commons but none the less have the same effect of keeping everyone safe on the Parliamentary Estate.

Our system will be automatic, avoiding any committee or officer of the House being put in a difficult position. So far as the UK's criminal justice system is concerned, we can be confident that our independent prosecuting authorities will, in all cases, fairly and competently assess, first, whether the evidence is credible; secondly, whether there is a realistic prospect of conviction, as the noble Lord pointed out; and, thirdly and finally, whether any prosecution is in the public interest. Therefore, in any case of exclusion arising from a charge in the UK, we can be confident that there is a case to answer and that the noble Lord's proposals are sound.

My amendment claims that foreign states will be able to prevent noble Lords attending this House—if only for a short while. This is because with a prosecution

in a country with which we might not even be friendly, the Clerk of the Parliaments will have no choice—no discretion—but to exclude a Member who is charged with a relevant offence in that country. There is no sanity test or the need for that country to be a member of, say, the EU or NATO, or even for us to have an extradition treaty with that country. I am sure that the noble Lord will argue that the Clerk of the Parliaments could arrange for the Leave of Absence Sub-Committee of your Lordships' Procedure and Privileges Committee to consider the matter very urgently, and possibly virtually, which is true. He also told us that the sub-committee is a very small, compact committee.

However, inevitably, the committee will be reliant on FCDO advice, and providing it as a matter of urgency might not be a priority for that department—it might not even be convenient. Unless the committee receives clear, unambiguous advice from the FCDO that the charges are false, it might not be easy to lift the exclusion.

4 pm

Since 2003, we have set a high and reliable bar for charging decisions in the UK; this might not be the case in other jurisdictions. I am not an expert, but I would not be surprised if, in some jurisdictions, the charging decision is a low-level decision and the main decision is made by some sort of magistrate who decides whether the case should go to a criminal court. Sadly, in many countries, the police are either corrupt, incompetent, underresourced—maybe they are all three—and the same could apply to their court system. It is easy to imagine how a false charge could be laid either accidentally or maliciously with the intent of a foreign Government or even a non-state actor.

I can assure the House that these proposals are extremely unlikely to apply to me. However, seven of your Lordships exhibit significant physical and moral courage by visiting far-flung parts of the world, often to the irritation of the Governments concerned. The noble Lords do not hesitate to call out serious human rights abuses or corruption, and these proposals would leave them extremely vulnerable to coercion or attack. I propose that the Senior Deputy Speaker puts his Motion to the House in the usual way but undertakes to ask the relevant committees and House authorities, for foreign jurisdictions only, to task the Leave of Absence Sub-Committee with deciding whether a Member should be excluded, rather than have it occur automatically. I beg to move.

Lord Lilley (Con): My Lords, I am relieved that the committee did not follow the other place by excluding Members on the basis of allegations alone. That has led to palpable injustices—for example, Andrew Rosindell and his constituents; he was excluded for two years because of malicious allegations that nobody who knew him could possibly have given credence to and which were subsequently rejected.

But I am worried that even the proposal the committee does make undermines the sacred principle of innocent unless and until proven guilty, which Parliament ought to uphold more emphatically than everybody else. The report specifically undermines that principle by justifying exclusion on the basis that a charge means that

"the prosecuting authorities must be satisfied that there is a realistic prospect of conviction".

In other words, we should assume that anyone charged is probably guilty, not innocent. Secondly, the proposal justifies a precautionary exclusion by invoking that,

"the duty of care towards those on the parliamentary estate, including school parties,"—

ignoring that they are always accompanied by adults—

"should be paramount".

Paramount means it takes precedence over the presumption of innocence or it means nothing.

Why should noble Lords, or those who serve us, have more protection than the general public? The courts have the power to hold on remand people charged with serious offences that make them, in the opinion of the court, a potential threat to the public. Why should we second-guess the courts or give ourselves a higher degree of protection than the friends, neighbours and acquaintances of noble Lords elsewhere?

Finally, this is a solution looking for a problem. As far as I know, no noble Lord charged with an offence has ever molested anyone on the Parliamentary Estate, least of all the school parties invoked to defend this proposal. I hope the committee will think again and put the presumption of innocence first and foremost.

Baroness Berridge (Con): My Lords, as a former barrister, may I ask whether it is the committee's understanding that the presumption of innocence is sacrosanct in our criminal justice proceedings but that in workplaces around the country that face the same issue it is a relevant consideration? There are workplaces up and down the country, such as schools, where you remove somebody from the premises when they are arrested because of the risk they pose.

I wonder whether the Senior Deputy Speaker could answer the question of the regret amendment. Is it the same high bar of offence that you would have had to have committed overseas to be temporarily excluded from the premises here?

Although the Senior Deputy Speaker outlined the potential risk to children, in the manner of work here, one is often stopped in the corridor, as I have been, by staff asking us to deal with this issue, because they work unorthodox hours in a building that is full of nooks and crannies. As well as their safety, I add that noble Lords need to consider the House's reputation. We are fortunate to be in a wonderful building that is a UNESCO world heritage site. If anybody were charged with arson and were then able to gain free access to the estate, our reputation would be on the line. Could the Senior Deputy Speaker outline those points?

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, I thank noble Lords who have participated in this short but important consideration of these proposals, particularly the noble Earl, Lord Attlee, for the amendment. Dealing with that in more detail, the commission considered that the relevant offences set out in the Standing Order would be of significant concern to the Parliamentary Estate regardless of where they were carried out. An automatic temporary exclusion safeguards the parliamentary community—and, indeed, visitors on the Parliamentary Estate—against this risk.

[Lord Gardiner of Kimble]

I say carefully to the noble Lord, Lord Lilley, that, unfortunately, in the last five years a former Member of the House was charged, convicted and jailed for sexual offences against minors. That would have triggered this Standing Order. It is of concern that the Member attended the House on 10 occasions after charge, including just weeks before his expulsion. Up and down the land, in the judiciary, in the ecclesiastical world and in many companies, this sort of arrangement has developed for important reasons that we should respect. I say particularly to the noble Lord, although I think it is not correct to talk about what the other place may be considering doing, that that is why, following the very long consideration of the commission and the Procedure and Privileges Committee, we thought that the level of charge was the right basis on which we should present this to your Lordships.

To answer some of the noble Earl's questions, we have our own lawyers on hand to advise us, so we would not have to wait for the FCDO, particularly if the House is sitting. There is not a day the House sits when I do not look around at many members of the Leave of Absence Sub-Committee. The fact is that we could meet with nigh on immediate effect.

To turn to some of the points on overseas jurisdiction in particular, there is a possibility that Members may be charged overseas when they would not have been liable to such charges domestically. It is for that reason that the exclusion for charges brought outside the UK would lapse after 10 sitting days or two months, whichever is less. It is important that, for the exclusion to be extended, the Leave of Absence Sub-Committee would have to be convinced that the charges brought against a Member met the definition of the serious sexual or violent crime in the UK. This was deemed to be the most effective way of balancing—again, this is about balance—safeguarding and protecting the parliamentary community and visitors while protecting Members from charges that would not trigger the Standing Order if brought by UK authorities.

The noble Earl expressed concern that charges that were irrelevant or malicious could lead to an exclusion from the estate. As I repeat, 10 sitting days is a maximum. As chair of the Leave of Absence Sub-Committee, I would ensure that the sub-committee met as soon as possible, enabling the exclusion to be revoked earlier if appropriate. As the noble Earl said, the sub-committee may need to take advice but, given the safety issues, which I think are paramount, Standing Order 21A(10) provides an appropriate amount of flexibility. Were there to be evidence of genuine difficulty—I say this because it is not only in the report and the Standing Order—the sub-committee is required to keep this Standing Order under review. If this ever needed to be activated—as I said in my opening remarks, I very much hope it never will be—this is another area we would be able to consider if there were difficulties.

The noble Lord, Lord Lilley, posed a point about being innocent until proven guilty. That will be for the courts to decide. That is precisely why the exclusion is temporary and why we considered this in the balance at the level of charge. It is specifically designed so that, as much as possible, none of us is judging another Member. That will be for the courts to do following that charge. The noble Baroness, Lady Berridge, also raised this in the context of the environment and the importance that we have to everyone who works here. That is an aspect of what the commission and the committee considered: we need to be responsible, and we also want to have the right balance in the scheme.

I hope the noble Earl will understand my final words: this will be kept under review as part of the structure. I hope he will accept that we have given this a lot of consideration in statute and in the Code of Conduct, as I said in my opening remarks. We have sought to be consistent in recognising that these things might happen in overseas jurisdictions, but we recognise that and therefore have put in safeguards as best we can in the circumstances. With that, I very much hope that the noble Earl will feel able to not press his amendment.

Lord Rooker (Lab): My Lords, I am not a lawyer, but I have a couple of questions. I do not quite understand this, and I have read the Standing Orders and looked at the report. Our assumption seems to be that overseas countries have the same independent judiciaries as we have. But nobody has mentioned these countries: Russia and China. Who thinks they have independent judiciaries? All the evidence is that those countries already sanction Members of this House and the other place because of issues that have been raised. As I understand it, the incident—if I can call it that—could be from before someone was a Member of this place, so it could go back. Are we seriously taking countries that we do not believe have an independent judiciary and where, based on cases we read regularly, the Governments are in charge and, frankly, treating them like countries with independent judiciaries and the rule of law? Have I got that right?

The Senior Deputy Speaker (Lord Gardiner of Kimble): This is precisely why we have made the arrangement in the Standing Order for overseas jurisdictions, particularly because there may well be some countries that deem matters criminal that we do not. It is precisely why, in the statute and in the Code of Conduct, there is this consideration about overseas jurisdictions—and, indeed, why we have factored that into this.

4.15 pm

Clearly, if a serious violent or sexual offence was committed by a Member anywhere around the world, it would be appropriate for this Standing Order to be in effect. What we, this report and indeed this proposed Standing Order are saying is that there are very strong safety valves, precisely to outline some of the concerns of the noble Lord, Lord Rooker, and the noble Earl. It is precisely to ensure that there is a safeguard with the sort of malicious charge or allegation in a foreign jurisdiction that was bogus or not correct. That is precisely why I spent some time explaining what would happen, in so far as the Leave of Absence Sub-Committee acting extremely quickly. Obviously, if the House was sitting, it could be with immediate effect, on the basis of, in the balance of these things, protecting a Member who was subject to what I think the noble Lord was alluding to. But that is precisely why there is this element we have to factor in about overseas jurisdictions.

Lord Wolfson of Tredegar (Con): My Lords, I will try to assist the Senior Deputy Speaker and highlight the issue. I certainly understand the problem when you are dealing with a charge in overseas jurisdictions. There are essentially two issues. One is dealt with expressly in the guidance, although in the actual Standing Order the committee is given a broad discretion to take all matters into account. But the sole matter that is looked at in the guidance, and the point the Senior Deputy Speaker has focused on a number of times this afternoon, is whether somebody is charged abroad with an offence that is not an offence in the UK. I am sure we all understand that in those circumstances it would be quite right for the committee to meet quickly and to lift the bar.

The concern I have, I think shared by the noble Lord, Lord Rooker, is about the other case: where somebody is charged in an overseas jurisdiction with an offence that is an offence in the UK, but where that jurisdiction is one where the authorities, for one reason or another, are out to get that person, and where a charge in that overseas jurisdiction does not represent the sort of thorough review of the evidence that a charge in this jurisdiction does.

I wonder whether the way through might be a clear acknowledgement from the Senior Deputy Speaker that the investigations and assessment by the committee in those circumstances would not be limited to the narrow question of whether the charge in the overseas jurisdiction is also an offence in the UK, but would also include the wider question of whether, in all the circumstances, one can reliably assume that a charge in that jurisdiction carries the same weight as a charge in this jurisdiction would.

The Senior Deputy Speaker (Lord Gardiner of Kimble): I think that is why we have the ability, within the powers of the sub-committee, to review the point the noble Lord has made. It is within the scope of what is intended, as is the ability for us to act quickly, because of the point I described—if it was not an offence in this jurisdiction—as well as the one the noble Lord spoke of. It is also to assess those circumstances in which the charge may have been made in certain overseas jurisdictions.

I hope this does not get activated. But we are charged as a sub-committee with being in a position to keep this under constant review, because we want the right balance of making sure that with overseas jurisdictions we have the ability in this House to act through the sub-committee. If an offence took place in an overseas jurisdiction, rather than in this country, it could well be that we felt that the community here should be protected. The point of trying to get this consistent with the Code of Conduct and previous legislation is to deal with this matter for things happening in overseas jurisdictions.

I recommend that we put this scheme forward, with the caveat that we will keep it under review as and if it ever has to be activated.

Earl Attlee (Con): My Lords, when I tabled this regret amendment, I was confident that the Senior Deputy Speaker would give me a satisfactory answer. He went very well until he touched on my FCDO point, when, unfortunately, he seemed to think I was suggesting that the sub-committee would have to go to the FCDO for legal advice. We have no shortage of legal advice in the House. I was suggesting that the sub-committee and the Clerk of the Parliaments will have to go to the FCDO to get guidance on the situation in that country, and it may well involve the activities of the Security Service and other government agencies to find out what is happening. My final word is: you will be sorry. I beg leave to withdraw my amendment.

Amendment to the Motion withdrawn.

Motion agreed.

Standing Orders (Public Business)

Motion to Agree

4.21 pm

Moved by ***The Senior Deputy Speaker***

That the Standing Orders relating to public business be amended as follows:

After Standing Order 21, insert:

"21A Temporary exclusion

(1) This Standing Order applies to any member of the House who has been charged with a serious violent or sexual offence.

(2) The term 'serious violent or sexual offence' means any offence against the person or any sexual offence which carries a maximum sentence of more than two years' imprisonment.

(3) The member shall, at the first opportunity following charge, notify the Clerk of the Parliaments of the charge or charges.

(4) The Clerk of the Parliaments, upon receiving notification either from the member or by other means, shall immediately make arrangements to exclude the member from the Parliamentary Estate either until any criminal proceedings are completed or, if the member is convicted and sentenced to a term of imprisonment, whether suspended or not, that does not engage the provisions of the House of Lords Reform Act 2014, until the House has decided on any sanction recommended by the Conduct Committee.

(5) Notwithstanding paragraphs (4) and (6), the Clerk of the Parliaments shall allow a member subject to temporary exclusion under this Standing Order to have escorted access to the Parliamentary Estate in order to take the oath of allegiance or make the solemn affirmation.

(6) During the period of temporary exclusion, the member may not: (a) enter the Parliamentary Estate; (b) participate in proceedings of the House or its committees, whether in person or remotely; (c) vote in any election conducted in accordance with Standing Order 9 or 18; (d) undertake any external visits or other activities supported or funded by Parliament.

(7) Other rights enjoyed by the member shall be unaffected by exclusion, including the following: (a) the right to transact other business (such as tabling Questions for Written Answer) that does not require personal presence on the Estate; (b) access to services that can be provided remotely by the House of Lords Administration or the Parliamentary Digital Service; (c) the rights of existing staff sponsored by the member.

(8) The member shall remain subject to the provisions of the Code of Conduct and the rules on access to facilities, and any failure by the member to comply with the terms of this Standing Order shall be deemed to be in breach of the Code of Conduct.

(9) In accordance with section 2(3)(b) of the House of Lords Reform Act 2014, the House, in agreeing this Standing Order, resolves that section 2(1) of that Act shall not apply to a member subject to temporary exclusion under this Standing Order.

(10) The Standing Order applies regardless of whether (a) the alleged offence occurred before or after the member became a member of the House of Lords, and (b) the charges were brought inside or outside the United Kingdom; except that if the charges were brought outside the United Kingdom, the exclusion shall lapse after a period of two calendar months or ten sitting days, whichever is less, unless within that time the Leave Absence Sub-Committee of the Procedure and Privileges Committee resolves that the exclusion should remain in force.

(11) The operation of this Standing Order shall be kept under review by the Leave of Absence Sub-Committee."

Standing Order 18 (Election of Lord Speaker)

In Standing Order 18(4), insert "who are subject to temporary exclusion," after "suspended from the service of the House,".

Standing Order 63 (Sessional Committees)

After "Finance Committee", insert "Financial Services Regulation Committee".

Motion agreed.

Human Medicines (Amendments Relating to Coronavirus and Influenza) (England and Wales and Scotland) Regulations 2024

Motion to Approve

4.21 pm

Moved by ***Lord Evans of Rainow***

That the draft Regulations laid before the House on 10 January be approved.

Relevant document: 10th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 27 February.

Motion agreed.

Social Security (Contributions) (Limits and Thresholds, National Insurance Funds Payments and Extension of Veterans Relief) Regulations 2024

Tax Credits, Child Benefit and Guardian's Allowance Up-rating Regulations 2024

Bank of England Levy (Amount of Levy Payable) Regulations 2024

Motions to Approve

4.21 pm

Moved by ***Lord Roborough***

That the draft regulations laid before the House on 15 and 22 January be approved. *Considered in Grand Committee on 27 February.*

Lord Roborough (Con): My Lords, with the leave of the House, and on behalf of my noble friend Lady Vere of Norbiton, I beg to move the Motions standing in her name on the Order Paper.

Motions agreed.

Non-Domestic Rating (Rates Retention: Miscellaneous Amendments) Regulations 2024

Motion to Approve

4.22 pm

Moved by ***Lord Evans of Rainow***

That the draft Regulations laid before the House on 20 February be approved. *Considered in Grand Committee on 27 February*.

Lord Evans of Rainow (Con): My Lords, on behalf of my noble friend Lady Scott of Bybrook, I beg to move the Motion standing in her name on the Order Paper.

Motion agreed.

Social Security Benefits Up-rating Order 2024

Guaranteed Minimum Pensions Increase Order 2024

Motions to Approve

4.22 pm

Moved by ***The Earl of Courtown***

That the draft Order laid before the House on 15 January be approved. *Considered in Grand Committee on 27 February*.

The Earl of Courtown (Con): My Lords, on behalf of my noble friend Lord Younger of Leckie, I beg to move the Motions standing in his name on the Order Paper.

Motions agreed.

Media Bill

Second Reading

4.23 pm

Moved by ***Lord Parkinson of Whitley Bay***

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, it is a great pleasure to move the Second Reading of this Bill. I do so at a time when the UK's media landscape faces enormous technological change, but in the face of which I am proud to say it is thriving. British-made programmes are watched and enjoyed by audiences at home and across the globe. Our public service broadcasters not only produce fantastic shows which keep audiences glued to their screens but inform and educate them, and project British values and the best of British creativity around the world.

Similarly, our radio environment is exceptionally rich and diverse—there is a radio station for everyone. UK radio stations provide an incredible service, again not just entertaining their listeners but disseminating local news and information throughout the country. That is something that we want to value and protect.

We should also celebrate the thousands of excellent and exciting job opportunities that the sector creates across the United Kingdom, and the billions of pounds that it adds to the economy. This is a pro-growth Bill. It will not only enable people to continue to watch and listen to the content that they love but help to grow our world-leading creative industries and maintain their status as world leaders.

It has been more than 20 years since the last major piece of broadcasting legislation reached the statute book. The world has changed significantly since then, as have the ways in which we consume media. The growth of the streaming giants, smart televisions and online radio has completely changed consumers' demand and expectations. Our world-renowned media industry has embraced the challenge, adapting rapidly not just to survive but to thrive.

His Majesty's Government have heard the passionate support for the Bill from the industry and from Members of both Houses of Parliament. I am delighted that it is now before your Lordships' House, and I look forward to working with noble Lords from across the House to ensure that it delivers for our brilliant media sector and for viewers and listeners.

The Government are grateful to the Culture, Media and Sport Select Committee in another place for its thorough examination of the Bill during pre-legislative scrutiny last year. We were pleased to accept the majority of the recommendations set out in the committee's two reports; there is no doubt that those have improved the Bill before us. I also thank the Communications and Digital Committee of your Lordships' House—under the expert chairmanship of my noble friend Lady Stowell of Beeston and, before her, of my noble friend Lord Gilbert of Panteg—for the work that it has carried out on the many areas relating to the Bill. Its reports on public service broadcasting and on the future of journalism and, most recently, its inquiry into the future of news have helped to shape the Bill and the Government's wider work in this area.

The Bill has also benefited from extensive engagement with industry and with Members of both Houses. We have heard from public service broadcasters, commercial broadcasters, the radio and news media, radio and television selection services, on-demand streaming platforms and Ofcom throughout the drafting of the Bill, in its pre-legislative scrutiny and during its passage through another place. Together, that has helped to produce a Bill that incorporates their views and addresses their challenges, and one which we hope will work for everyone. We are very grateful for the time and effort that everyone has gone to while working with us on the Bill.

I thank Ofcom for the work that it has undertaken to get the Bill to this stage. Its research in this area and its close work in supporting the drafting of the Bill have been invaluable. It has already made clear its plans for implementation in the materials that it published earlier this week. The Government look forward to continuing to work with Ofcom on the remaining stages of the Bill and on the implementation of its provisions.

I turn to what the legislation does. The Bill supports our public service broadcasters to ensure that they are able to provide high-quality content to United Kingdom audiences for years to come. As it stands, our public service broadcasters are governed by laws written more than two decades ago. Part 1 of the Bill seeks to modernise the framework for public service television. This will ensure that our public service broadcasters are encouraged to focus on what makes them distinctive, while having the flexibility to serve audiences across the UK with high-quality programmes on a wider range of services.

Many noble Lords, like countless people beyond your Lordships' House, are passionate sports fans. We want to make sure that fans are able to continue to watch the biggest sporting events that this country has to offer. That is why we are modernising the listed events regime to protect viewers' access to the major sporting events that define our nation. We are extending the protections that the regime offers for live listed events coverage in line with where audiences choose to watch it. TV-like services providing live content to audiences in the UK via the internet will now need to comply with our rules. We are also making qualification a public service broadcaster benefit, recognising the role that these broadcasters play in delivering national sporting moments, and providing certainty in the future.

Part 2 of the Bill deals with prominence. We know that audiences value public service content. We want to make sure that it is always available and easily accessible for them. As is the case in linear broadcasting, the Bill ensures that public service content is made available and easy to find on modern platforms such

[Lord Parkinson of Whitley Bay]
as smart televisions, set-top boxes and streaming sticks. Not only will that improve the audience experience but it is a vital reform for the sustainability of our public service broadcasters.

Part 3 contains measures specifically designed to support the sustainability of Channel 4. The Government are clear in our intent to support Channel 4 in continuing to make ground-breaking, unique and distinctively British content for years to come. Some of the means to do that can be found in the Bill, such as the measures to strengthen the broadcaster's governance arrangements and allowing it to make more of its own programmes. Others can be found in the memorandum of understanding undertaken between the Government and Channel 4 when the Bill was introduced in another place on 8 November last year.

The Government have also worked closely with Sianel Pedwar Cymru—S4C—to make sure that it has the tools it needs to continue to provide Welsh language content. I am pleased to say that the Bill will implement in statute recommendations from Euryn Ogwen Williams's 2018 independent review into the future of the broadcaster. This includes allowing S4C to broaden its reach and offer its contents on new platforms across the United Kingdom and beyond, and updating its public service remit to include digital and online services. S4C will be able more easily to adapt to market change, maximising the benefits to its audiences, and to continue to deliver high-quality content.

The ways in which we watch television have changed a great deal in recent decades. Watching several episodes of "Coronation Street" back to back was once possible only during an omnibus on Sunday afternoons; now people can do it with a few clicks on ITVX, any day of the week and any time they choose. The growth of video on demand services has been extraordinary, but we know that audiences would like to see these services held to the same standards that are required of normal television services. That is why we are introducing a new video on demand code, drafted by Ofcom, by which the streaming giants will be required to abide. Noble Lords will, I know, be pleased to hear that this code will better protect children and uphold the standards that we see on our linear services. In addition, Ofcom will have a new duty to review and ensure that all on-demand services' audience protection measures are effective and fit for purpose. We are also making sure that streamers provide greater access to their programmes by increasing the amount of subtitled, audio-described and signed content available on their services.

Turning to the radio industry, I am sure that noble Lords will welcome the provisions for radio in Part 5 of the Bill. These seek to boost the growth of our fantastic radio industry by reducing regulatory burdens and costs on commercial radio stations, and supporting investment by broadcasters in content and the long-term sustainability of the sector, while also strengthening protections for the provision of local news and information. As with television, we have seen a shift in how people enjoy the radio. While traditional broadcast methods remain popular, recent years have seen rapid growth in listening via devices such as smart speakers, too. The Government want to encourage innovation in the growth of new technology, but we also recognise the need for protections for radio and the huge public value that it provides, as noble Lords have often raised in our exchanges in this House. Again, we are grateful to the radio industry and to technology companies for their engagement on these measures.

Finally, in Part 7, and fulfilling a manifesto commitment, the Bill will remove a threat to the freedom of the press by repealing Section 40 of the Crime and Courts Act 2013. That section has not been commenced; if it were, it could force publishers to pay the legal costs of people who sue them, even if they win. Members of your Lordships' House, along with Members of another place, have taken a strong interest in the practices and culture of our free press over recent years. There now exists a strengthened, independent self-regulatory system for the press. But, as the manifesto on which the Government were elected makes clear, we will make sure that the heavy-handed measures of Section 40 are not able to stifle the independence or threaten the sustainability of the British press.

I am mindful that my noble friend Lord Forsyth of Drumlean has tabled a regret amendment to the Second Reading. I will listen to his reasons for doing so when he rises shortly. Let me pre-empt his comments, if I may, by assuring him that the Government take this issue seriously.

Under the Enterprise Act 2002, the Secretary of State has powers to intervene in media mergers on certain public interest grounds, including where there are concerns about media freedom and freedom of expression. The Government also already have tough powers, including through the National Security and Investment Act 2021, to address foreign interference and to scrutinise—and, if necessary, intervene in—acquisitions on grounds of national security. The Bill before us has only one clause pertaining to the press: the repeal of Section 40, which I have just mentioned. It is concerned with the removal of burdensome obligations on news media outlets and not press ownership, which is beyond the scope of the Bill. As my noble friend will be aware, there are ongoing discussions and amendments to the Digital Markets, Competition and Consumers Bill on this issue.

I am grateful to noble Lords for their involvement in and support for the Bill as it has made its way to your Lordships' House. I look forward to the debates ahead and the scrutiny that we will give it, and I beg to move.

4.34 pm

Lord Bassam of Brighton (Lab): My Lords, I will start with a reference to the amendment to the Motion laid by the noble Lord, Lord Forsyth. I fully understand the noble Lord's frustrations. Concerns and questions over this issue have been raised multiple times in both Houses. I have asked previously whether the Government have any plans to review rules on media ownership and to date have received no answer. We recognise the Government's response that they are awaiting the conclusion of investigations by the CMA and Ofcom. However, I wonder whether the Minister can offer an opportunity, perhaps outside of this debate, for noble Lords to raise issues and hear from the Minister or Secretary of State on this. That said, we have waited

20 years for the Media Bill in front of us. I will focus my remarks on the substance of the Bill which has finally reached us, but I look forward to hearing from the noble Lord, Lord Forsyth, later in the debate.

The Minister has fairly set out the rationale behind the Government's Media Bill but, of course, he has not given us the full story behind its arrival here in the Lords. We were promised this particular piece of legislation a long time ago. Finally, two years ago in the 2022 Queen's Speech, details were provided of a media Bill, although this turned out to be a draft Bill published in March 2023. Some commentators have said that this has been in the offing for nearly 10 years. I do not intend to try to embarrass the Minister; the delay is embarrassment enough.

We would certainly have had a Bill earlier in this Parliament if it had not been the subject of internal wrangling about the future of Channel 4. However, we are pleased that the Government saw sense and dropped their desire—or the desire of the former Secretary of State—to privatise it. I suspect that if they had pursued that course, they would have upset the whole public sector broadcaster eco-structure. I suspect that it would have also made the Minister's job today a whole lot harder.

It was way back in 2003 under the previous Labour Government when the legislative framework for public service broadcasting was renewed. So much has changed, as the Minister said, since the Communications Act 2003. As the Government have rightly asserted, much has changed in the media landscape. We now have on-screen entertainment divided into linear broadcasting and on-demand streaming services. Broadcast radio has also changed, with the public being able to choose how they access on-air services. The Government have argued that these changes make it essential that public service broadcasting, on-demand programme services and commercial radio have a new regulatory framework. We agree wholeheartedly with that. For that reason, we support the Bill.

The Bill is important, as the Minister has said, because it brings media legislation into the digital age. Although the Bill lacks a commanding overall vision for broadcasting in the UK, the PSBs believe—and we think they are right—that it is in good shape as currently drafted and it will enable that sector to thrive and develop, not just here but will enable us to compete internationally, where our public service broadcasters are much admired.

The PSBs and other stakeholders are all rightly keen that the Bill passes into law as quickly as possible, so that they can have the long-awaited certainty they need for programming, commercial and long-term planning. However, that should not detract from our duty as legislators to ask questions of the Government and, where appropriate, to seek to amend the Bill. However, I assure the House and those listening eagerly to the debate that we support the Bill and will be looking to work on a cross-party basis to get it on to the statute book as quickly as possible.

We are also conscious that with advertising revenue shrinking in a highly competitive market, the commercial PSBs will not welcome any additional undue cost burdens being placed upon them. Several, including Channel 4 and ITV, have indicated that to remain sustainable as businesses, they will have to reshape their business model.

There are a number of key issues the House will want to scrutinise carefully, including prominence for our PSB services and ensuring that audiences are protected and have access to varied and high-quality content. We will want to ensure that Ofcom is empowered to achieve what is being asked of it as a robust regulator and, of course, that the legislation is future-proof.

We are pleased to see the case for prominence being updated has been recognised by the Government. Clause 28 is hugely important to the PSBs, extending it to cover services not currently included, such as interfaces on smart TVs, set-top boxes and streaming sticks. Given that Ofcom recommended this back in 2019, it is long overdue. This should make PSB content prominent on both linear and on-demand services and make public service content available and easy to find across the full range of television platforms.

We are aware that, in another place, some Members—notably, the chair of the DCMS Select Committee, Caroline Dinenage—made the case for a different wording for "prominence". They argued that, instead of "appropriate" prominence, it should be "significant". I am sure that the House will want to probe to ensure that the word "appropriate" is flexible and robust enough to do the job for the PSBs. It might be useful if the Minister could fill out in a little more detail the thinking behind the language used. I am not sure that Sir John Whittingdale's clarification in the Commons quite did the job.

On assuring quality content for our audiences, we welcome the simpler, streamlined public service remit and believe that the Bill will enable a broader reach of audiences across a wider range of platforms. We will have questions to probe the genres included, or not included, in the remit, ensuring that the right safeguards are in place. We will also want to consider the details of Part 4 on video on demand regulation for both the industry and the audiences who access the services, including the tier model and age ratings.

On future-proofing, we welcome the listed events reforms, which will strengthen the role of public service media within the regime. However, this is one of the key areas where future-proofing the legislation comes into play, on the issue of digital rights for listed events in particular. Attention to digital rights will be necessary to enable UK audiences to come together for our biggest sporting events, whether this is online or through traditional linear broadcast outlets. Future-proofing will also be a key issue when we consider radio provisions in the Bill, including access to on-demand content and access through services other than smart speakers—particularly in cars, where car manufacturers can effectively become the default gatekeepers of radio access.

This Bill was much delayed in the 20 years since the Communications Act 2003. More generally, given the pace of change in the media world, can the Minister say today that the legislation is sufficiently flexible to match the changes and challenges that we can immediately foresee? Perhaps the Minister can assure noble Lords that the Secretary of State will keep under regular review the platforms through which PSB content can

[Lord Bassam of Brighton]
be viewed? This will surely be essential, given how technological developments are likely to work alongside shifting markets and audience expectations.

As I made plain at the outset, we are pleased that Channel 4 privatisation has been dropped. The Government have made two changes that materially affect Channel 4. The first is to place a sustainability duty on the company, and the second is the removal of the existing publisher-broadcaster restriction. The first change, relating to the duty, is, I hope, limited to ensuring the channel's financial security and stability. Perhaps the Minister can say something about that when he comes to wind up. The lifting of the restriction on Channel 4's ability to create content directly is clearly significant. I noted, as I am sure other noble Lords will have done, the careful response adopted by Channel 4 to this new freedom. The channel, having rightly made the argument about privatisation upsetting the broadcasting eco-structure, will not want to disrupt that same eco-structure through rapid expansion of in-house production, having carefully built up its commissioning role over the past 40 years.

With others, we are considering carefully what might need amending in the Bill. As well as the areas that I have referenced, there a few amendments that we feel are important in addressing possible gaps to the legislation. One that seems particularly important, given concerns about the viewing habits of children and young people, was that relating to a review looking at ensuring that they have access to public service content. With the dominance of smartphones and social media among young people as a means of viewing TV content, this would seem vitally important. We also support having a review within six months of the Bill passing into legislation on whether a Gaelic language service should be given a public service broadcast remit.

I finally come to the Government's decision to bring forward the repeal of Section 40 of the Crime and Courts Act 2013, relating to the Leveson provisions. In my opinion, it sits rather oddly in a Bill about broadcast media. But we are aware that this measure has manifesto cover from 2019 and we have not sought to remove it. From conversations with key stakeholders and noble Lords, it seems fair to say that the debate in this House will not focus solely on the question of repeal but will instead look at a range of possible amendments. In the Commons, Labour supported an amendment laid by George Eustice MP that would retain an incentive for newspapers to sign up to an approved regulator. This will, I am sure, be part of our conversations going forward. Ensuring access to justice and a free and important press is very much a live and current issue, and I look forward to hearing from noble Lords across the House today on that point.

In conclusion, this Bill is much needed and long overdue. The PSBs need it, the media world needs it, and it is welcome. Our approach will be to carefully listen to the arguments over points of contention. We have no intention of disrupting the architecture of the Bill or its main provisions. If we have an argument with the Government, it is simply this: instead of spending the last four years running down the excellence of our PSBs, they could have better spent that time promoting their strengths internationally and celebrating their role in helping make the UK the arts and culture superpower that we truly should become.

4.45 pm

Baroness Featherstone (LD): My Lords, the Media Bill is good, but it can be better. That is what I trust we will achieve during its passage here.

We are so fortunate with our PSBs, which form a miraculous ecosystem that lies at the heart of our nation, our common understanding, our daily lives and our conversations. It is not only our unique selling point but the birthplace and cauldron that nurtures the extraordinary talents that we boast in this country. It is no mystery why the streamers have streamed here: tax breaks and talent. Paramount, among others, has spoken out about the importance of PSBs to inward investment. It says: "We have a special place in the UK market as a huge investor each year across film, pay TV, PSB, Channel 5 and streaming. We have always been very clear that PSBs are the cornerstone of the UK content sector and that is what makes it so attractive for inward investment".

Budgets are being squeezed, and our PSBs are up against a proliferation of streamers with global competitors worldwide with very deep pockets; so, as we welcome the brilliant and differing content and jobs and inward investment that the streamers make, we need to ensure that the pure size and commercial power that the streamers have cannot simply ace them out. British dramas are great exports but are also important to our nation, as we recently saw with "Mr Bates", but they are so much more. We want to make sure that we can keep making brilliant programmes like that, "Happy Valley" and "Line of Duty", and that audiences can find them easily and significantly.

The elements of betterment to the Bill are no mystery: prominence, listed events, live coverage clips, fair coverage, Channel 4's change to remit, genres, smart speakers, unfettered access, content classification, Section 40, video on demand, local radio and local content and accessibility, among others. We and others across this House will undoubtedly lay amendments to test these and many more.

The modernised mission statement for our PSBs replaces the original 14 objectives with four generalised requirements. We are concerned that removing Ofcom's responsibility to monitor the delivery of content in specific areas of public benefit may see these less commercially viable, but vitally important, areas decline. The current Bill is framed in consumerist, rather than societal, terms. "Inform, educate and entertain" is a long-standing, overarching aim for our PSBs. Ofcom will have a statutory duty to measure delivery of this content if it is in the Bill, not in quantitative terms but overall.

I turn to prominence. How that word has gained prominence in my life in recent days—in fact, I would say it had gained "significant" prominence, not simply "appropriate" prominence. I literally do not understand what the Government have against "significant" rather than "appropriate". If the PSBs are not there, right at the front of the queue for viewers' attention, they simply will not get it. So I very much hope that the

Government may move on that in due course. "Significant" will give more power and impetus to Ofcom to ensure that UK viewers and listeners can continue to access high-quality programming and journalism from our PSBs in an ever more cluttered media offering. I also could not help but notice that Amazon, in its evidence, prefers "appropriate" to "significant"—which makes me think that "significant" is definitely what we need.

By the mid-2030s, 80% of Brits will get stuff online, and we are concerned that big shopfronts such as Amazon and Google will sell that visibility—will sell their shopfronts and prominence. The Bill has to intervene in that market, because it is clear that these gigantic superpowers may obliterate all before them if left free to roam. While I love Amazon and Netflix—actually, I love all of them; I have far too many subscriptions for the time available to use them—I also love and value our ecosystem of creativity.

Amazon MGM, for example, which is the production and distribution arm, says that it has supported more than 16,000 full-time permanent jobs in 2022 and is creating new facilities at Shepperton. That is all brilliant, its investment goes right across the nations and it is working with film schools; but if we are not careful and we do not protect our PSBs, the cauldron of talent that is nurtured and grown by the BBC and others will be eaten up and will one day disappear. The very golden egg of whatever is in the water that grows our very British talent—I am sorry for those mixed metaphors—will have disappeared.

We are very happy that the Government cancelled their decision to privatise Channel 4, but we are concerned about what the change to empowering it to make its own programmes may do to the diversity and sustainability of the UK's world-leading independent production sector and the employment and creativity it generates in the nations and regions. To date, Channel 4 says that that will not happen for at least five years, but as a publisher-broadcaster it does not produce its own programmes but commissions them instead every year from more than 300 independent production companies across the UK. Although it has come to rely on a few of the bigger ones it has created, for that investment in start-ups, it is very good that it does not have a list of preferred or approved production companies. That must not be put in jeopardy. It is the cauldron of our creators, and its future is vital in the role it plays in enabling small, new, inventive, adventurous programming. I think Margaret Thatcher had something to do with that.

The Bill makes it clear that listed event primary beneficiaries are terrestrial, and the existing regime makes it harder to hide behind a paywall. The Bill says the same should apply to streamers, but we need to extend that regime further in terms of digital rights, to clips and catch-up. People are increasingly accessing through digital and watch more and more after an event, using clips and catch-up, so these must not be hidden behind a paywall.

Undoubtedly, we will have to address the removal of Section 40, and on this we will find disagreement across the House. For these Benches, it is a bulwark against the overweening power of the press, let alone the inaccuracy and bias that already populates its titles. That power cannot remain untrammelled.

On radio, we need to ensure fairness in the choice of station, not unfair direction by owners of the appliance. There should be no charging of radio stations licensed by Ofcom, and we need to protect against overlaid unauthorised advertising. It is important that we have our own choice of what to listen to, be that national or local, entertainment, news, or other information. As this era of shifting and changing listening and viewing habits marches on, much of it online, we need to safeguard the irreplaceable part radio plays in our lives. As smart speakers become more and more dominant, we need to ensure that such safeguards are in place.

On the nations and regions, local content is so important. We must ensure that appropriate and relevant material, not just local news, can reach local areas. We need diverse voices, and Welsh language and Gaelic broadcasting.

On inclusion, we need to be aware that millions still rely on free-to-air, but it is guaranteed only up to 2034. No long-term protections are in place and loss of these services would hit the most vulnerable, who are already disadvantaged by digital exclusion in so many ways. TV is a mainstay of the old, those without family and those who are lonely, as well as lower-income households, people living with disabilities and those in rural areas. Clear safeguards in law are needed.

Before I finish, I will say a little about Ofcom. It is growing and growing like Topsy, so I trust it will have the wherewithal not only to manage but excel at its task, employing the best for what will be a heavy responsibility going forward. Moreover, it is vital that dispute resolution is clear and attainable in the Bill. Ofcom needs to be empowered and powerful, and any issues need to be dealt with swiftly and strongly. To date, this has not been a noticeable feature of Ofcom, but it needs to be as it gets more and more responsibility.

We have something very special in this country. It is always difficult to put it into words, but it is part of our national identity; our cohesion; our unique selling point. We need this Bill to guard against any loss of that identity, or any damage to the creative furnace that is so important to our nation's future. I and my colleagues look forward to working on the Bill and making it better than ever.

4.55 pm

Amendment to the Motion

Moved by ***Lord Forsyth of Drumlean***

At end insert "but this House regrets that the Bill does not make provision concerning the ownership and control by foreign governments of newspapers in the United Kingdom".

Lord Forsyth of Drumlean (Con): My Lords, this is the Media Bill; it is 176 pages of very good stuff, as the Minister, my noble friend Lord Parkinson, said. It is a pleasure to follow the noble Baroness, Lady Featherstone, on this occasion, when I can agree with almost everything she says. It is 176 pages, but it does not address the elephant in the room, which is not foreign ownership of newspapers and media outlets. The elephant in the room is foreign Governments being able to own media outlets, including newspapers.

[Lord Forsyth of Drumlean]

My noble friend, very helpfully, said he would make a few remarks on the amendment, and said it is outwith the scope of the Bill. How can it be outwith the scope of the Bill? Surely, it is an absolute principle that foreign Governments should not be able to own newspapers. In his opening remarks, my noble friend said that there are various procedures whereby the Secretary of State can assess national security or other matters. Surely, the most important matter that concerns us is the freedom and integrity of our press, the jewel in our nation's crown, which we have always revered.

I owe the House an apology. I feel like something of a hypocrite, because I do not like tabling regret amendments at Second Readings of Bills. I have done so only because I could find no other way of drawing the seriousness of this matter to the House's and the Government's attention. I am most grateful for the comments from the Labour Front Bench: that across and in every corner of this House, noble Lords are concerned at the idea that the *Daily Telegraph* could fall into the ownership of a foreign Government. Yet the Government are doing nothing about it in the Bill, which I believe they could.

Without wishing to upset my colleagues who are responsible for our diplomacy, I can think of few other countries less suitable—totally unsuitable—to own a newspaper than the UAE. I know that my former colleague George Osborne and others have been very active, arguing that it is not the Sheikh or a foreign Government, because they have set up a structure to own it. We have a saying in Scotland: "He who pays the piper calls the tune". In this case, the amount being paid is very considerable. It is a while since I did valuations of companies, but I would struggle to get beyond £400 million for the *Daily Telegraph* and the *Spectator*, and very considerably more than that is being paid. That does not strike me as an investment opportunity; it strikes me as an influence opportunity, and that is what I believe is behind the acquisition, and why a substantial premium is being offered.

Do the Government really believe that this can be right for a Government of a country like the UAE, which has a dreadful record on censorship and editorial influence, and which is noted for its threats to free expression and accurate presentation of news? It is a country that locks journalists up because they say things with which the Government disagree, and a country which—I believe—is listed as 145 out of 180 countries on the freedom index. Is it really going to be our Government's role and our role as a nation to achieve the distinction of being the first country in the world—I believe—to allow a quality newspaper with a large readership to be owned by a foreign Government?

I hear what my noble friend says about the scope of the Bill. I confess that another reason why I have moved this amendment is that I am having an interesting dialogue with the Public Bill Office as to whether an amendment can be made which is within the scope of the Bill. As my noble friend pointed out, I have never seen a Bill with a Long Title like it—it is like a shopping list. Included on that shopping list is the repeal of Section 40 of the Crime and Courts Act. I am not sure whether I voted for that; I suspect I did, because, as noble Lords know, I am a very loyal supporter of the Government. I am sure I voted for it, and I am sure it was explained to me that it was essential to have some independent ability to look at the conduct of our newspapers. I seem to recall that there was a bit of a row, and the newspapers—and others—argued that it was essential that we should not have newspapers or other publications in our country subject to government control. I am at a loss to understand why, if the Bill provides for removing that, it is impossible as a consequence to discuss the impact of allowing a foreign Government to have ownership of a newspaper when those controls have been removed because the Bill provides for the abolition of Section 40. I am not a clerk; I am not even a lawyer. However, it seems to me to be completely illogical, and I cannot understand why the Government are going along with this view. The Government's duty is to maintain a free press in our country and to make sure that our press is not subject to undue influence, which I presume is why this provision is in the Bill in the first place. Taking it away removes any possibility of independent regulation—I support that, even if I voted for it before out of loyalty to the Government. Allowing foreign Governments to have ownership without that protection seems to be very difficult to justify.

A free press is a central part of a free country. If we allow the UAE today, why not other states tomorrow? Why not North Korea? My noble friend might say that the Secretary of State will look at that, but there is a principle here. It is a principle which ought to be clearly in the Bill. I do not want to take advantage of the fact that I am moving an amendment to the Bill to exceed the speaking time, so I beg to move.

5.03 pm

Baroness Kidron (CB): My Lords, it is a great privilege to speak after the noble Lord, Lord Forsyth. I declare my interest as a director of a film and TV production company that works regularly with studio streamers and broadcasters, including the PSBs.

I welcome the Bill and, like others, wish it had been with us a little earlier. The focus of my remarks will be to question whether the Bill has kept up with changes in the media landscape. First, however, I add my support to recommendations made by the pre-legislative committee in the other place. At Second Reading, Dame Caroline Dinenage, the chair of the committee, said that the removal of the genre list

"was something that the PSBs themselves did not want to linger on in their evidence to us".—[*Official Report*, Commons, 21/11/23; col. 248.]

The fact that they did not wish to linger on it should make us nervous. Their silence is evidence that a narrowing of the list will likely result in a downgrading of religious, arts, science and children's programming, among others. It is true that the PSBs can take a somewhat creative view of what constitutes such programming; I once directed a film about sex workers in New York for the religious strand of Channel 4 television, so, clearly, the genres cannot be claimed to be too restrictive. However, the fact that this broad remit exists and is engraved in legislation is at the heart of what is most unique about our public broadcasting ecology.

I know that the Minister has a deep concern about the arts and hope that the House already has his ear on that issue, but when he responds, can he explain both the rationale for narrowing the genres and where the Government imagine broadcasters will find room for religious or children's programming? If we downgrade the breadth of what PSB means, in effect, we downgrade much of what the Bill seeks to protect. These categories are central to our collective understanding of how we see ourselves and our world.

Similarly, I fully support the committee in wishing prominence to be "significant" rather than "appropriate". Ministers in the other place argued that it may not always be appropriate to make something prominent, let alone significant. Even if you can work out what that means and it is occasionally the case, it can be dealt with by the overarching duty in the Regulators' Code for Ofcom to be proportionate. Meanwhile, the cost of not requiring significant prominence may, over time, render the prominence measure entirely ineffective. Let us imagine, in the near future, that broadcast is consumed using connected eyewear allowing us to walk into immersive environments or that each of us has an AI-derived personal programme; "significant" would drive innovative solutions as technology changes, while "appropriate" serves up an unimaginative status quo.

The same future-proof reasoning should mean that both digital on-demand services and app stores are in scope of the legislation. If, as is often the case, an app store is the gatekeeper or first port of call for content, but its terms require a 20% or 30% cut in revenue, the Bill, in effect, gives poor digital real estate to the PSBs and leaves the most lucrative sites profiteering from their content or carrying none at all.

That leads me to my final point: simply, that I am not sure that the Bill represents a vision of media fit for our age. We are about to suffer a tsunami of synthetic material in which the guesstimate of large language models provides a further fragmentation of any consensus about the truth—witness last week's pause on Google's Gemini image generator after it created German soldiers from World War II incorrectly featuring a black man and an Asian woman. Those of us in this Chamber know how preposterous that is, but that is simply not the case across all UK demographics or user groups. Similarly, damaging disinformation from all quarters about the war in Gaza is circulating in our schools, and the false citations and assertions swamping our academic community undermine the very rigour on which it stakes its reputation.

In this picture, we know that the consumption of news and PSB content is falling rapidly, particularly among children. Yet the Bill does not even begin to tackle the provenance or labelling of media content, does not set out expectations about misinformation or disinformation, and does not contain a must-carry component for YouTube, app stores, Facebook or Instagram. While those things appear to be out of scope of the Bill, as a veteran of the then Online Safety Bill, the digital markets Bill and the data Bill—and because Ministers have already promised that there will be no AI Bill—I ask the Minister to tell the House where they sit.

Finally, I understand that the BBC is not held in the same high regard by all in government as it is by the public. But in a world in which media is so fractured and toxic, the Bill could have usefully reimagined the role of our national broadcaster as a scaled-up alternative to the platforms. Imagine the UK offering a PSB to educate, entertain and inform across a broad range of genres—news, entertainment, education and digital services—from a genuinely trusted media voice. It would be a real alternative to those chasing advertising revenue to the detriment of the quality, social cohesion and security of our ever more fractured world, in which the audience is seen principally as a user/consumer rather than as a citizen. This is an investment that should have been made a decade ago but even now the BBC remains one of the few public assets that could be a global phenomenon. It could be world beating.

Neither culture nor politics is a zero-sum game. It does not follow that if social media or streamers have content, we need none of it in our collective hands; nor does it follow that, because this generation of the young has been hijacked by the persuasive design strategies of an advertising business model, that should form our blueprint for the next generation. The PSB system offers the opportunity of a contemporary and collective vision of what binds us. This is a crucial time in which money rules, politics is discredited, nations states are weakened, and the international community is divided by layers of self-interest and proxy wars. It is a time in which something that can be shared may also, at its finest, allow us to discern a collective path to a very much brighter future.

5.11 pm

Baroness Foster of Aghadrumsee (Non-Afl): My Lords, I draw your Lordships' attention to my register of interests, particularly my work with broadcasters.

It is always a privilege and a pleasure to follow the noble Baroness, Lady Kidron. When she was speaking about the need for labelling in terms of AI and future-proofing, it struck me that instead we seem to spend an inordinate amount of time looking at classics, reclassifying them and putting out warnings on them—I think "Mary Poppins" is the latest.

I thank the Minister for his introduction of this important Bill; I say from the outset that I fully understand and welcome the need for updating the legislative basis for broadcasting in the UK. I also associate myself with the comments of the noble Lord, Lord Forsyth, on foreign government interference—it is important that we describe it as that—in our media and the importance of a free press here in the United Kingdom.

I will speak principally about one area, which the noble Baroness, Lady Kidron, has already referenced: the public service broadcasting commitment for traditional broadcast television—linear television. As the House of Lords Communications and Digital Committee report said in March 2019, public service broadcasting is as vital as ever, and indeed, recognition was made of the need to keep PSB prominence on both linear and on-demand services. That is the area where I have concern.

The House of Commons Culture, Media and Sport Committee in its pre-legislative scrutiny of the draft Bill suggested a number of changes, including retaining

[Baroness Foster of Aghadrumsee]
the PSBs' obligation to provide specific genres of content. It noted that as currently drafted, the genres of religion, international matters and science were removed, while retaining news and current affairs. That leads to fears, which I share, that that could mean a decrease in the provision of less commercially successful content. Given the Bill's desire to give PSBs greater flexibility in how they deliver their remit, I do have concerns about its likely impact, particularly on religious, cultural and ethical programming.

We all want British broadcasters to compete more effectively with their international digital competitors. However, there are major public service concerns, which are shared not only by those who value public service programming but by those who are digitally deprived and wish it to be accessible to the widest possible audience.

At present, the Bill enables broadcasters to move much of their religious and ethical programming, such as it is—we have already heard a very good example of that—to digital only, where it will be inaccessible to a significant section of the population. In the case of the BBC, some licence fee payers will be paying for programmes that they cannot view. That is an important thing that we need to take cognisance of.

In the present climate of severely reduced broadcasting budgets, such a move will mean that programmes will be less widely viewed and fewer will be made. If we believe that it is vital for a healthy democracy that we have a shared knowledge and understanding of the beliefs of different faiths, and of the particular role of Christianity in our history and culture, that is a retrograde step. We should not abandon terrestrial broadcasting too quickly. For example, if the recent ITV drama series on the Post Office scandal had been available only on digital, it would not have had anything like the impact that it has had. Everyone benefits from shared broadcasting experiences, whether we are old or young, rich or poor, of differing faiths or none. Television will always deliver fantasy, entertainment and crime, but there needs to be a space for deeper things.

Frankly, there is evidence that those people who commission TV shows continually underestimate the appetite of the general public to explore spiritual and ethical issues. That ignorance of other faiths and of the importance that faith plays in the lives of so many of us is dangerous for society. There has never been a more important time in the United Kingdom to inform, educate and entertain. We should look very carefully in Committee at an amendment which brings those genres back to public service broadcasting so that the broadcasters have an appropriate amount and range of programmes—on religion and other beliefs, which I have a particular interest in, science, culture and arts, social issues, matters of international significance and matters of specialist interest. I hope that we will have the opportunity to debate such an amendment in Committee.

5.17 pm

Baroness Stowell of Beeston (Con): My Lords, it is a great pleasure to follow the noble Baroness, Lady Foster. I will come to my noble friend Lord Forsyth's amendment and the important issue it raises in a moment. First, I congratulate my noble friend the Minister on his efficient opening speech. I welcome this long-awaited Media Bill. The Communications and Digital Committee that I have the privilege of chairing has been calling for many of its measures for several years.

The Bill is in good shape, and I would not advocate for any substantial amendments. However, there are still questions about the consequences of its changes and how well the public service broadcasters are currently responding to their strategic challenges. As my noble friend the Minister said, my committee's current inquiry is about the future of news and how the news industry is responding to strategic challenges, such as falling audience trust, impartiality in a world of evolving social divides and the impacts of tech platforms on news media business models. These are big challenges which are unlikely to solve themselves. I am sure that many of the points that are made today will also come up in our session with the public service broadcasters next week.

PSBs must serve all audiences across the United Kingdom with high-quality programming. The changes to the public service remit for TV are understandable and I hope they will provide the direction and flexibility to deliver the remit more efficiently. But such changes must not become an excuse for cutting back content that is more difficult to produce or addresses an area of market failure—the noble Baroness, Lady Foster, gave a powerful illustration of some of those genres. As our inquiry on the future of the BBC emphasised, PSBs fulfil a vital function in providing valuable content that would otherwise disappear, particularly as they face growing competition from international streaming giants. Although I am content with the changes, for Ofcom to be effective in ensuring the public interest is best served through them, the broadcasters must provide clarity on how they will interpret their responsibilities, including what they will not do, as well as what they must.

The prominence provisions to ensure content is properly carried and easy to find on various devices, including audio devices, are also crucial to the future of PSBs. I am particularly pleased that the measures for radio and smart speakers were included in the Bill; the world is changing fast, connected devices are becoming increasingly ubiquitous, and our regulations need to keep pace.

Radio is an area where there are legitimate concerns about the BBC's proposals to spin out new digital stations from Radios 1, 2 and 3 that will compete with existing similar offerings from commercial stations. It comes at the same time as the BBC appears to be transitioning away from local radio to local websites, which struggling local news industry representatives say is impossible to compete with. Moreover, BBC local radio, at its best, is the ultimate example of distinctiveness in a crowded marketplace. These changes underscore the need—as called for by my committee—for the BBC to set out a refreshed strategic purpose and clarify what changes are necessary for it to continue delivering for all audiences so this can be used to inform decisions about its future funding.

More broadly, making changes to help our broadcasting sector thrive involves striking a balance. The structural changes in the market pose a growing challenge to all UK providers, and we should not be shy about championing and supporting things that make the UK's broadcasting sector distinctive and internationally valued. The Bill has done a good job here; but, equally, it must not mean that PSB status can be taken for granted. The PSBs must continue to demonstrate the value of what they provide, and that includes doing a better job of serving all audiences across the country and showing that they are responding to people's concerns, particularly around impartiality in news and other genres. There is more to do here, and we should continue to press for improvements because these organisations and institutions exist for the benefit of everyone.

Finally, I want to state my personal support for Clause 50 of the Bill, which repeals Section 40 of the Crime and Courts Act.

I will turn at this point to my noble friend Lord Forsyth's amendment and the matter of independent media. We are all aware of the issues around foreign Governments owning print or broadcast media. Personally, I agree with my noble friend: I have no problem with foreign businesses owning UK media; they are a large reason why we have a thriving media environment that is financially independent of government. But I do have principled concerns about ownership by foreign Governments or outfits under significant government control. That is materially different, and raises big questions about foreign policy, editorial independence and the relationship between an outlet's owners and its coverage.

We need to have confidence in our media. Having foreign Governments own such a critical and sensitive part of our nation is not only unnecessary and troubling; if it was allowed to happen, it would completely undermine public confidence in our free press. At the moment, there are no automatic measures to prevent this, which does not seem right. My noble friend Lord Forsyth has argued that this Bill is the right vehicle to do something about this. In principle, I agree and I had assumed the same, but like my noble friend I have also had extensive discussions with the Public Bill Office, which has also advised me that such an amendment would be out of scope. I certainly look forward to my noble friend continuing his discussions with the Public Bill Office.

Instead, I have tabled an amendment to the Digital Markets, Competition and Consumers Bill. That amendment states that foreign Governments should not be allowed to buy our news media organisations unless the Secretary of State and relevant regulators have agreed the proposal and it has been confirmed by Parliament by the affirmative procedure. In other words, it cannot happen unless Parliament says so. That amendment, which I have tabled and has been co-signed by my noble friend Lord Forsyth and the noble Lords, Lord Robertson of Port Ellen and Lord Anderson of Ipswich, is a serious one, and I expect the Government to take it seriously. To that end, I ask my noble friend the Minister and his colleagues to meet me and my co-signatories as soon as possible, because it is due for debate on Report in less than two weeks, on Monday 11 March.

As to this Bill, I am very pleased it has made it this far. I support it and urge all colleagues to support its speedy passage through Parliament.

5.26 pm

Lord Lipsey (Lab): My Lords, I will confine myself to one clause in this Bill, Clause 50, which will repeal Section 40 of the Crime and Courts Act 2013. That is the dross that makes an otherwise jewel of a Bill a complete disaster.

I do not know why the Tories changed their mind—well, I do, but I will not guess here. They were strong supporters of the Leveson solution, which was agreed with all parties when it was introduced. Then, of course, they changed their mind. I should say that I speak with a certain inside knowledge on this because I was deputy editor of two national newspapers and I understand the strength of feeling on all sides.

We are now 11 years on from the Crime and Courts Bill. The Government dithered and dodged whether to repeal it. What did they do from 2013 to 2017? Absolutely nothing. Seven years ago, they promised repeal in their manifesto. What happened? Absolutely nothing. Then they promised it again in their 2019 manifesto. What did they do? Absolutely nothing. Then suddenly in this, the last year of the Parliament, they have introduced repeal into this Bill, in which it does not belong in any context.

Why the decade-long delay? In the early years, it was because the Government could not decide what to do. Then they quite fancied having a legislative threat to hold over the newspapers, to blackmail them into doing their will. That was not very successful with some of them, but it was with others. Then the Government made their manifesto pledge in 2017 but did not do it, and then it was included again in the 2019 manifesto.

So nothing happened for 13 years until it was introduced in this year, 2024. Why is this a special year? Because we will have an election; that is why. We are getting this clause after a decade of doddering and dithering because the Tories hope to bribe the press with this pourboire.

I am sure that Ministers hope that the Government will use every possible manipulation to prevent the likely disaster for the Tories at the next election—I suggest noble Lords keep their eye on the *Daily Express* and the *Daily Mail*. This clause is not a piece of considered legislation: it is a straightforward bribe to the newspapers. Ministers know this perfectly well, so they say that things have changed for the better since Leveson, so we do not now need it. To me, change for the better is not terribly obvious, with Mirrorgate, Harrygate and countless cases of slurs against individuals.

I recently had the pleasure of meeting Danielle Hindley, who was charged with being a "rogue beautician" by the *Mail on Sunday* in 2017. It ruined her business and her life. Only by going to court and winning—which was a terrifically risky thing to do—was the newspaper's story revealed as completely misleading and lying. Under the Leveson clause, the *Mail on Sunday* would either have had to become a registered newspaper under the PRP and so protected against damages, or remain unregistered under IPSO, the latest of the public regulators designed by the press.

[Lord Lipsey]

I am delighted to see the IPSO chair, the noble Lord, Lord Faulks, here—I have much regard for him—but was it really sensible of IPSO to appoint a man who had been a Minister in this Conservative Government as an impartial regulator? No, of course not.

IPSO's failings have been widely and decisively exposed. Most recently, on 22 January, the Press Recognition Panel published its latest review of the regulator. Item: IPSO does not meet the Leveson report criteria for a regulator's independence from the press that funds it. Item: as a result, IPSO is kept on short commons by the press funders, so it cannot do the job that it is supposed to do, even if it wanted to. Item: the laws are written by the newspapers, which are supposed to be bound by them. By the way, has there ever been regulatory capture like that? The noble Lord, Lord Grade, is here; I do not think he would allow that to happen to Ofcom.

IPSO has never fined the press or introduced a standards investigation into the press. In the five years from 2018 to 2023, it investigated 3.82% of the complaints it received. It upheld 0.56% of those, around 1 in 200—yes, noble Lords heard that right.

I even took the experimental step myself of complaining to IPSO—in my ultimate memoirs I will no doubt produce the correspondence. Not only was it quite extraordinary that it turned down my complaint but, having read the letter 23 times, I still cannot understand a single word of its grounds for doing so. It is a phony regulator, designed to provide the fig leaf that the press wants to cover its worst excesses.

There is an effective regulator, Impress, but it covers mostly minor publications. If there were a will, there would be a way to expand Impress to do the job. Instead, we have IPSO, the repeal of Clause 40, and a press whose daily distortion leaves the public to be smeared at will.

I am pleased to say that my party voted against this on Report in the Commons—and I am very pleased to say that the Tory, George Eustice, voted with us, as he has been a very coherent critic. I hope that a Starmer Government will start at the beginning, implementing press reform as outlined by Leveson and reinstating Clause 40. This year is the 100th anniversary of the election in which Labour first took power. I do not think that we will be waiting another 100 years for the next Labour Government, and I hope that they deal with this hypocrisy and the disgraceful bending of the truth by the press and restore it to the very great thing that it once was.

5.34 pm

Lord Birt (CB): My Lords, I will start by saying that I think the arguments of the noble Lord, Lord Forsyth, are absolutely unanswerable. This Bill includes some welcome measures in support of our public service broadcasters, particularly on prominence, but I intend today to identify the issues that the Bill should address but does not.

One hundred years ago, both main parties had the wisdom, in contrast to their US counterparts, to create a single, publicly funded public service broadcaster, the BBC. In the 1920s, a Conservative Government even had the wisdom to deny Winston Churchill his wish to take over the BBC during the General Strike, thus cementing its independence ever since. When ITV was launched in 1955, with Churchill now Prime Minister, it was of course commercially funded, but very heavily regulated, with substantial public service obligations. Ten years later, I joined the creative hothouse of Granada TV as a graduate trainee, and a few years later, LWT.

In subsequent decades, ITV would give the BBC a real run for its money: in current affairs, the investigative "World in Action" and "This Week", both in peak time; an authentic northern voice with "Coronation Street"; "Brideshead Revisited"; the anthropological masterpiece "Disappearing World"; "Spitting Image"; and the first ever recording in the Cavern of an unknown Liverpool group. One of the greatest of ITV's achievements—indeed of all global culture—was Melvyn Bragg's painstaking chronicle, over three decades, of the world's most renowned artists: Bergman, Sondheim, McCartney, Satyajit Ray, Walton, Lean, Callas, and many more.

ITV spent as much money on its local programmes as it did on its network. At LWT, the "London Programme" employed a young Peter Mandelson before his change of career, and was as well resourced as a network current affairs programme, famously rooting out corruption in the Met. ITV made Britain's first programmes for ethnic minorities, with two young novice producers: one Trevor Phillips, the other Samir Shah. Whatever happened to them? ITV raised the BBC's game too, forcing the somewhat highbrow broadcaster of the 1950s to embrace and brilliantly develop popular entertainment and drama programmes of quality: "Morecambe and Wise", "The Two Ronnies" and "All Creatures Great and Small".

Channel 4 was launched in 1982, when Mrs Thatcher was Prime Minister. Again, it was a deeply wise decision by government not to have an ITV2, pressed at the time, but rather, another publicly owned public service broadcaster, mandated to innovate and break the mould. And it did: "Gogglebox", "Big Brother", "Saturday Live", "Dispatches".

Of course, we had and have the contemporary BBC itself: the BBC of John Ware's revelatory "Panorama" last week on Hamas; the BBC of unsurpassed coverage of the Coronation; the BBC of "Dad's Army", "Absolutely Fabulous", "The Office", "Fawlty Towers", and "Fleabag"; the BBC of "Gardeners' World" and "Countryfile"; of "Horizon"; of the Proms and "The Archers"; of the whole life's work of David Attenborough.

No other country in the world comes even close to matching the dazzling success of British public service broadcasting. Though a BBC executive at the time, I attended—to criticism—Sky's opening night in 1990. I unequivocally welcome the streamers for the explosion of riches they bring, but they are an expansion of choice and are not, and never will be, a substitute for what 100 years of UK PSB has brought us—for the PSBs, unlike the streamers, are rooted in British culture, identity, creativity, expression, experience and values.

It is horrific to apprehend that these very same PSBs are facing an existential threat. ITV has seen its share price fall by almost 80% since 2015, and—forgive me—is a shadow of its former self. Channel 4's revenues

fell by 20% in real terms in the decade following 2010. Since the pandemic, it has seen an uplift, but it is currently signalling stormy seas ahead.

The BBC is a prime victim of the culture wars, the governing party over the past 14 years wholly lacking the wisdom of its predecessors. From 2007 to 2022, BBC licence revenues declined by around 27% in real terms, yet in the same period the BBC has been handed further responsibilities which were previously funded by government. In 2014, it was required to fund most of the World Service from the licence fee; from 2018, some over-75s licences; and, since 2022, the whole cost of S4C. In all, these cuts and obligations add up to a 33% drop in real terms of the funding for core BBC programming. Unavoidably, the BBC is pulling back in every area of programming, and for me that is a personal tragedy.

Yet, in spite of these reverses, 96% of the population still consumes the BBC every month. On average, UK adults consume BBC services for around 17 hours per week, more than Netflix, Disney and Prime combined. Moreover, licence payers do so for a bargain £13 per month versus the Netflix subscription of £18 per month and the mighty £105 paid by a football fanatic such as me who wants to be able to watch any Premier League match across the three services that now carry Premier League games live. My football obsession now costs me six times as much as I pay each month to consume the BBC.

In conclusion, I look not just to the Minister, who is young and, I think, probably redeemable, but to other Front Benches and to all sides of this House, and I issue a challenge: whatever form a new Government take after our imminent general election, one of our national priorities simply must be to identify how we can ride to the rescue of one of our most precious and hard-won achievements of the past 100 years: British public service broadcasting.

5.42 pm

The Lord Bishop of Leeds: My Lords, it is a pleasure but somewhat daunting to follow the noble Lord, Lord Birt. I agree with every word he said. I strongly welcome the Bill. It is timely and necessary. The regulatory framework that governs public service media, not just broadcasting, is in urgent need of updating, given the accelerating changes in technology, media consumption and the wider media ecosystem in the 20 years since the Communications Act 2003. I commend the excellent Library briefing for this debate. It was very helpful.

A number of things that are on my mind have already been mentioned, so I will move swiftly on. As the noble Baroness, Lady Featherstone, and, I think, the noble Lord, Lord Lipsey, have already noted, I understand that the intention to drop Section 40 of the Crime and Courts Act will almost certainly proceed. It was a manifesto commitment by the Government. However, I will not be the only person to want to put on record that arguments by press agencies about freedom of speech can ring somewhat hollow. Leveson worked on this for good reasons. Freedom of speech and press freedom must not be confused with press protectionism. Victims of press misrepresentation and abuse must be forgiven for suspecting that government can easily be captured by business.

Leveson did not address public concerns for the good of his health. The promises of Leveson still stand. How are they to be fulfilled if Section 40 is dropped? The problem it sought to address has not gone away. Using this Bill to drop the Leveson commitment will not solve the problem that Leveson addressed, and it will not go away. I endorse the question asked by the noble Lord, Lord Forsyth, about press ownership, but I urge a wider and deeper public debate about media ownership per se.

In this speech I shall focus on four points that I urge the Government to pay attention to as we proceed: prominence, genres, metrics, and language. Many noble Lords will address the question of PSB prominence so I will not labour that point here, but if PSB is to be properly valued as part of our media and democratic landscape, it needs particular attention when ensuring that people can see, quickly and easily, where to access it. PSB cannot play an equal role in a commercial battle with companies whose endgame is simply to make money. I think the Government agree about this prominence priority, so it does not need to be pressed further here.

I endorse the point made by the noble Lord, Lord Bassam, about language. Please can the Minister tell us what "appropriate" means? Who judges what is appropriate in which circumstances and according to which criteria? In common conversation the word might be useful—it is unspecific and creates space and flexibility—but this is legislation. Noble Lords have asked many questions, in recent legislation passing through this House, about the use of this undefined word. I ask that it not be swapped with "significant", a word that is commonly used but meaningless unless you say what it signifies. Something can be "significant of" something, but it being "significant" tells us nothing. Perhaps "substantial" or "substantive" would work. Maybe this is pedantic, but it is important for another reason involving metrics that I will come on to in a moment.

My main concern about the Bill has to do with genres, which the noble Baroness, Lady Kidron, has already mentioned—or rather the lack of them. The current Bill has dropped specific reference to genres that might be described as "minority interest", such as children, the arts, science, and religion. I will be specific: guaranteeing space for religion is not about propaganda for any particular faith or religion. The point is simply that you cannot understand the world if you do not understand religion. Religion is not about worldviews or beliefs alone but about prime motivators for individual and communal decisions and behaviours, about how and why people see the world as they do and how their priorities, rituals and communalities shape our societies. In broadcasting terms, that embraces drama, comedy, and current affairs; it is not all about "Songs of Praise". This is not trivial. The fragilities of our world at present make attention to religion more important than ever, not less.

That brings me to the related issue of quotas, or metrics. I understand the point made by the DCMS Secretary of State at a recent Communications and Digital Committee meeting that the Bill aims to build flexibility in a rapidly changing media environment, but she was not able to answer questions about how

[The Lord Bishop of Leeds]
the aspiration to ensure adequate PSB coverage might be measured. What are the metrics that Ofcom might use to measure whether or not PSB commitments are being fulfilled? I understand the point about flexibility, but I want to know how Ofcom can do its job in this respect. What are the metrics? There have to be some, surely. If they are not percentages or numbers of hours, what are they? If you cannot measure, you do not know whether commitments are being fulfilled. On Monday Ofcom wrote of the Bill:

> "It makes changes to our existing responsibilities—including to our regulation of commercial radio and how we ensure that public service broadcasters deliver against their quotas".

That makes my point beautifully. If there are no quotas, how can Ofcom ensure that?

In conclusion, I support and welcome the Bill. I am grateful to the Minister for meeting me a few days ago to discuss it. But I have specific concerns, which I will continue to address, along with others, when the Bill comes to Committee.

5.49 pm

Lord Black of Brentwood (Con): My Lords, it is a pleasure to follow the right reverend Prelate even if—he will forgive me—I did not agree with every word he said. I declare my interests as deputy chairman of the Telegraph Media Group and director of the Regulatory Funding Company, and note my other interests set out in the register.

In the 14 years that I have been in this House, I have never known a period during which we have had such a rollercoaster of legislation impacting on the media. It is like the fabled number 11 bus: you wait for ever, then four Bills come along all at once. Indeed, there are arguably five Bills if the Private Member's Bill in another place on SLAPPs is included. Each Bill has been incredibly important and this last one, which we embark on today, is no exception. I strongly support it. It has been a long time coming—two decades—and I hope that we can help it on its way to the statute book speedily and intact. The pace of change in the media landscape is ferocious and history will judge us harshly if we delay in any way these vital changes; they are needed now.

Like other legislation that we have considered, particularly the Online Safety Act and the digital markets Bill, this Bill has already undergone extensive and detailed scrutiny, as well as widespread consultation across the industry. It comes to us, perhaps unlike some other legislation, in pretty good shape. While scrutiny is important, like my noble friend Lady Stowell, I do not believe there is any case for fundamental change to its shape or terms.

One thing we must ensure is that the Bill is future-proofed. As we have heard, the Communications Act 2003 has sat on the statute book for over 20 years, without any mention of the internet in it. That is perhaps one reason why media markets are now so fundamentally flawed as a result of the growth of the giant tech platforms, to the detriment of consumers and content providers. To make sure that does not happen again, we must ensure that there is a regular review of the Bill's terms and impact, particularly in regard to PSB content.

PSB content is a vital component of UK media, as the noble Lord, Lord Birt, said, and we have seen its power recently in exceptional drama from ITV. But the future of PSB is at serious risk because in the distorted global media market we have, it is the unaccountable platforms which increasingly determine what UK audiences see. Without action, PSB content could disappear from view on global online platforms and that would be unconscionable. We must protect it at all costs and the Bill is a vital step. We should make sure that we do nothing in this legislation which adds to the regulatory burdens and costs on PSBs if we want them to thrive—a point that the noble Lord, Lord Bassam, made very effectively.

Ofcom's role is central to that. While Parliament will set out the framework, it will be the regulators, as with the Online Safety Act and the digital markets Bill, which have to do the heavy lifting, and they will have a great deal of discretion. During the passage of this legislation, we should send a strong signal to Ofcom —it is very good to see my noble friend Lord Grade in his seat—and we expect it robustly to implement its terms, particularly in regard to prominence and dispute resolution, and to do so without delay. We must hold it to account for that. The recent introduction by Amazon of global standard terms requiring all content providers—including PSBs—to provide 30% of their advertising revenues shows how important this is.

On the subject of Ofcom, one issue that concerns me is the potential for the Bill to create a new form of complaint tourism industry, with people from outside the UK able to complain under both the standards code and the privacy and fairness code. That has serious implications for the breadth of content available to UK audiences. It will also be a significant burden on Ofcom, which is already facing the huge extra responsibilities of the Online Safety Act. I believe that complaints should be accepted only from UK residents or, at the very least, that there must be a mechanism to assess to what extent the codes are being used inappropriately for content tourism, with adjustments to the complaints regime made accordingly. My noble friend Lord Grade already has enough on, and we do not want to add too much to his burden.

The other area of real importance in the Bill is the future of radio, which plays a huge part in the lives of so many UK households. I strongly support the measures in Part 6 to ensure that audiences can access their favourite radio stations on voice-activated devices when they ask for them, but again, we need to make sure that the legislation is future-proofed so that our good intentions are not outpaced by the speed of market change. There is a strong case for broadening the scope of the Bill to include online-only radio content provided by Ofcom-licensed stations. For example, the award-winning Virgin Radio Pride summer pop-up, which provides a dedicated platform to celebrate the LGBT+ community, as well as discussing important issues impacting on LGBT people, would not be covered by the Bill's protections. The Bill can also go further, through minor technical amendments, in addressing the imbalance of power between the giant tech platforms and UK radio stations in a number of areas, including access to data, non-financial carriage charges and the insertion of platform advertising before radio stations.

I would like to take up some of the points made by the noble Lord, Lord Lipsey, who, I am afraid, seems to be stuck in a past which has long since vanished, but I have not really got time. There is little that I want to say about the repeal of Section 40 except this: it was one of the most odious and shameful pieces of legislation ever put on to the statute book in this country in the modern democratic age. It sought, for the first time since 1695, to hold a gun to the head of the free, independent press in the UK and say, "Join a state-backed regulator or we will close you down". That would have had the real-world commercial impact of forcing publishers, particularly regional and local ones, to pay the costs of a libel or privacy action even if they won. It would have punished newspapers and their websites for telling the truth and utterly destroyed investigative journalism. It would have been completely incompatible with our commitments under the ECHR.

The result of all that is that it has severely dented the UK's once-shining reputation for press freedom. If it had ever been implemented, it would have been the day that liberty died in this country. For all those reasons, it must not be allowed to stand a moment longer on the statute book. The repeal of this abominable legislation is long overdue and all credit is due to the Government.

5.57 pm

Lord Hunt of Wirral (Con): My Lords, I declare my interests as set out in the register and, in confessional spirit perhaps, remind noble Lords that I was the founding chair of the Independent Press Standards Organisation. I strongly support the Bill in principle and am delighted to follow my noble friend Lord Black of Brentwood, who is an indefatigable campaigner for press freedom. Like him, I welcome the fact that my party is, somewhat belatedly perhaps, acting on its repeated manifesto commitment to abolish Section 40 of the Crime and Courts Act 2013.

We hear a lot from critics of the press about how the newspapers can and should be accountable to politicians and Parliament. But let us not forget the vital role that a free press plays in holding us—Parliament and the politicians—to account, too, in its unique position as what my old schoolfriend Sir Brian Leveson termed a critical witness to events. A free press is vital to our nation. As fake news continues to spread across the e-media, our traditional publishers and publications continue to play that so-important role in holding power to account, exposing all forms of hypocrisy and improper behaviour.

In the 10 years since I departed from IPSO, the ever-diminishing piles of newspapers in newsagents' shops silently testify to the continuing decline and influence of the printed press, the local and regional press in particular. After a period of frenzied and desperate consolidation, that has all but vanished across vast tracts of our nation. In this age of rampant fake news, the consequential loss of accountability should alarm us all.

I vividly recall the debates we had at the time of the Leveson report, before and after I took over the reins of the old Press Complaints Commission. There was general agreement that the PCC was a complaints handler and not a regulator, and that it urgently needed to be replaced by something more powerful. I engaged fully with Lord Justice Leveson and his inquiry. When he published his final report in November 2012, Sir Brian restated his desire for

"the industry to work together to find a mechanism for independent self-regulation that would work for them and would work for the public".

Having read the report from cover to cover, I expressed my hope that it would be implemented in full. In almost all respects, the Leveson report has been implemented.

The attempt to find a solution that was fully acceptable to all broke down principally on the question of how, or indeed if, a new regulatory structure should be validated. When we first discussed this legislation, various voices, including my own and that of my noble friend Lord Black, warned that the major newspaper publishers would not and could not be coerced into anything that smacked of statutory regulation. Our warnings may have been unwelcome—indeed, I think it is the only time I have been heckled in this House—but they were founded in truth.

For the Prime Minister of the day—now the Foreign Secretary, my noble friend Lord Cameron—and the press media, using a statutory body for that purpose was a bridge too far. The use of a royal charter at least limited the legislative basis required to underpin the new system, but Section 40 was deemed a necessity, supposedly providing both an enticing carrot and a persuasive stick.

Noble Lords have received a number of lobbying messages from the taxpayer-funded Press Recognition Panel, which has recognised the organisation Impress, which mainly regulates micropublishers, but to which IPSO has never applied for recognition. The tone of these messages was strikingly partisan and almost polemical in places. The thrust of the argument is that IPSO has failed because of the relatively low number of complaints it has upheld. I confess that I have not kept in touch with every detailed aspect of IPSO's operation since I departed 10 years ago; I rely on my noble friend Lord Faulks for that, as he is the present chair. However, I do know that progress should be measured not by complaints upheld, but by behaviour improved.

When asked about the relationship between politicians and the press, the late and much-lamented former leader of the Liberal Democrats, that fine and witty man Charles Kennedy, responded ruefully but with a characteristic twinkle in his eye: "Dogs and lamp-posts, dogs and lamp-posts". He did not enlighten us on which was the dog and which the lamp-post, but we must surely work that out for ourselves. Personally, I think the casting swaps over not infrequently.

Section 40 has never been activated. Had it been, it would have been ineffective at best and, far more likely, counterproductive at worst, with unforeseen and unforeseeable consequences that would have necessarily impinged on press freedom, while doing nothing for the individual citizen. I wish it could have been dealt with earlier. Let us crack on with removing this unnecessary and potentially damaging measure once and for all.

6.04 pm

Viscount Colville of Culross (CB): My Lords, I declare an interest as a television producer who has worked for all the public service broadcasters.

[Viscount Colville of Culross]

Like many others, I welcome this long-awaited Bill. The television and film industry has been one of the great successes of our economy. Our public service broadcasters, together with the BBC, are national treasures and admired across the world. What I treasure most is their ability to reflect our country back to ourselves, to stimulate national discussion and to ensure a light is shone on unreported communities and unheard voices.

This view was so well expressed in the actress Samantha Morton's very moving acceptance speech at this year's BAFTA awards. She told the audience that watching Ken Loach's film "Kes", about poverty, was a seminal moment for her. She recognised her own upbringing and finally saw her own experience reflected on screen. She said:

"You see the stories we tell, they actually have the power to change people's lives".

She added that the film had transformed her and drawn her into the industry.

Television has made wonderful strides in the last few decades since I joined the industry in the late 1980s. It has provided employment for people from many backgrounds and, thanks to the move out of London, brought work to the nations and regions. The stories they tell have indeed replicated Samantha Morton's experience. However, in the last 18 months the industry has been struck by a shocking downturn in commissions. They are few and far between. Independent production companies are closing down for want of work, and experienced technical and production staff are leaving the industry. Channel 4 has admitted that a 9% reduction in advertising revenue has forced it to call a slowdown in commissioning. In reality, this has meant vanishingly few new commissions. Channel 5 and ITV are not much better. ITV's head of policy Magnus Brooke called it "past peak TV".

The resulting effect on the workforce has been dramatic. BECTU, the television union, this week published a survey of workers in the industry, which has revealed that 60% of the respondents across the industry were not working, while 88% were finding it very difficult to make a living. The result has been an exodus of talent. The huge strides made in the last few decades in bringing women and people from ethnically diverse backgrounds into the industry are being reversed. The BECTU survey shows that 40% of women are thinking of leaving the industry and half of black respondents are thinking of following suit. This Bill must do everything it can to protect those unheard voices and ensure that the industry continues to shine a light into the corners of this country that are not normally seen.

I want to praise the Government for bringing forward measures in the Bill such as digital prominence for PSBs, which is so badly needed. However, the privilege of the status of public service broadcaster must be reciprocated by providing distinctive content, which is so important to our national sense of being. In this very competitive marketplace where streamers are bombarding viewers with drama and advertising revenue is declining, the pressure will be on the PSBs to commission only popular shows by big production companies with proven records. Like my noble friends Lady Kidron and Lord Birt, my concern is that the Bill is so vague in many areas designed to protect this distinctive content.

The last Ofcom review of PSB content was published in 2020, so it is already out of date, but it is the best official indicator of the state of factual programming. It said that PSB provision of and investment in arts, religion, formal education and children's content is low. My fear is that the BBC is increasingly going to become the channel of market failure programmes, although even there it seems that the commissioning of factual science, arts and religion has almost dried up.

The Bill not only drops the "educate and inform" mission for PSBs; it is also particularly vague on their public service remit. The Government inserted Clause 1(6) in the other place in response to these concerns. It is a permissive clause calling for a range of "appropriate" genres of content to be made available by PSBs. It is one thing to permit PSBs to broadcast a range of genres, but being so vague about what they are supposed to be gives the measure no meaning.

I would be grateful if the Minister explained what an "appropriate" range of genres means in the absence of a mission to educate, entertain and inform. I am echoing concerns already expressed in the other place. The Culture Committee, in carrying out pre-legislative scrutiny of the Bill, warned that replacing a list of specific commitments required of public service broadcasters with a general remit was "a step too far". The Government's response was that the amendment was a simplification. Without a firm list of genres that need to be covered, what is the incentive or capacity for Ofcom to judge whether the PSBs are sticking to their public service remit? I imagine that news and children's content will be measured, but what about the rest?

I ask noble Lords to take these concerns seriously. These distinctive genres need to be protected, because they create commissions and jobs in the very communities which the Government say they want to foster. Channel 4 has a vision statement that talks of elevating unheard voices from diverse communities, to encourage emerging writers and producers from different points of view. I have to praise the Government for not going ahead with their policy to privatise Channel 4, but I want to ensure that the company recovers from its present commissioning drought, and that the Government, together with Ofcom, ensure that it continues to commission from as wide a range of small independent production companies as possible, because that is where the freshest and newest ideas are coming from.

Once again, the Bill is very vague on how this is to be achieved. It talks about

"an appropriate range of independent productions",

and

"an appropriate range of programme made outside the M25".

I applaud the sentiment, but I fear the vagueness. I know that the Minister will tell me that appropriateness will be decided by Ofcom, the expert regulator, but, as parliamentarians, I think we have a duty to steer Ofcom.

In 2022, production companies with turnovers of more than £25 million annually received 70% of Channel 4's primary commissioning spend. The channel, despite its mission statement, has been too risk-adverse in its

commissioning. Its new licence agreement states that 35% of productions for Channel 4 will be made by qualifying indies—those not partly owned by a UK broadcaster. But these indies could include Banijay, a huge production company with massive annual revenues. More needs to be done to guarantee that smaller indies are protected. There are various ways in which the threshold could be calculated, but I ask the Minister to engage seriously with protecting these small but unheard voices.

Similarly, I applaud the Government for emphasising the need for local radio, regulated by Ofcom, to be protected in the digital world and for encouraging locally collected news. As online listening hit over 26% of listeners last year, I encourage the Government to extend the scope of these protections to cover all online services and podcasts generated by these stations. I really would not like to see these digital offerings diluted by commercial interventions by the platforms, either in charging a fee for carrying them or superimposing endless advertising on them.

I also applaud the Government for focusing on regulating voice-activated services, and ensuring that the platforms do not have too much power to promote their own content over that of the audio provider. However, I think that the Government ought to bring into scope in-car entertainment systems that are not voice activated. It would be good to get a steer from the Minister on this and not to leave all future-proofing to regulations.

This Bill does so much to propel our world-class television and radio services into the digital world. I hope that it will pass with all speed, but I ask the Government to protect the small players in the audio-visual industry and to ensure that they have a place in the increasingly competitive digital sphere.

6.12 pm

Lord Holmes of Richmond (Con): My Lords, it is a pleasure to take part in the Second Reading debate. I declare my interest as a member of the board at Channel 4 and an adviser to Boston Ltd.

As the late, great David Frost had it, "Let's talk telly". The invention of television allows us to be entertained by people in our living rooms—by people we would not allow in our home. I can give another perspective from another David, latterly of this parish: the great Lord Puttnam, in his review of only a few years ago, pre Covid, talked about more people watching television, not necessarily on television. And finally, I refer to possibly an even slightly greater legend, Jeremy Isaacs, really defining what any channel should be shooting at: something for everyone, some of the time.

Broadcasting at its best entertains, educates and informs, but its greatest power, perhaps, is to empower change. "Mr Bates vs The Post Office", Channel 4's "It's a Sin", and indeed—why not?—the London 2012 Paralympic Games coverage, were all about driving change and enabling active citizens, communities and cities across all of our four countries that make up, at our best, our United Kingdom.

It is the mention of the Paralympic Games that takes me to the first provision in the Bill worth comment—that of listed events. It is so important in such a fractured, divided and often divisive time, particularly post Covid; it is those events that bring us together to find common chat, common conversation and common cause. So what is the plan for digital on-demand rights? If they are just stacked behind a paywall, it will be increasingly unscalable for so many in our communities right now.

On the question of "prominence" that many other noble Lords have rightly mentioned, and the choice of "appropriate" or "significant"—neither word does the trick. The Government are seeking for "appropriate" to do quite a deal of heavy lifting—more than it is capable of. Although the word is not "significant", there are a number of legal terms which will do this job and be far more appropriate, rightly, than "appropriate".

To turn to some of the genres themselves, others have been mentioned, but I make a play for science. If we are to be a so-called science superpower, and if we are going to enable all citizens to have an informed view and feel part of the AI future now, to understand the risks but also the opportunities, one would imagine that we would want some role from our PSBs in that journey. As the noble Baroness, Lady Kidron, rightly pointed out, if we are not going to look at those elements here, or indeed in any of the other Bills—and, as my noble friend Lord Black pointed out, we have had a few of them—we are seemingly not addressing not just an elephant but a whole algorithmic herd of elephants coming towards us. To give more than a nod to the noble Baroness, Lady Kidron, if we do not address it, we really are at the "Edge of Reason".

Can the Minister say something more about "must offer, must carry"? How will it not turn into a mere revenue gouge for carriage?

Tuning in to radio, I am pleased to see the provisions in the Bill on a medium which has meant so much to me over so many years. But how will this work in terms of some of the current aggregator services that sit between the stations and indeed the smart speakers? Similarly, I applaud the ambition in the Bill that one can simply call a radio station on a smart speaker and, rightly, immediately it will appear. How will this work in situations such as the BBC stations, where one is required to log on and sign in? That gives nothing in terms of speed, or a frictionless, efficient service, and indeed asks questions as to why that would in any sense be necessary.

On access and accessibility, I note the provisions in the Bill around putting access service provisions for subtitles, sign language and audio description on the streamers. Would my noble friend the Minister not agree that we can go further with this, both in terms of linear and on-demand and streaming services, particularly with what technology can enable us to do with the provision and creation of these access services? It does not need to be seen as a post-production burden, or an additional cost on the programme makers, the prodcos or, indeed, the channels. If this is integrated and thought through from the outset, why not have all new programmes fully accessible to all—not least for those channels where we are all licence payers?

As other noble Lords have mentioned, we are again through this Bill putting a lot on to Ofcom. I am duty bound to ask the Minister whether he can reassure the

[Lord Holmes of Richmond]
House that it will have the resources that it needs to effectively undertake these new tasks, along with all the other requirements that have been put on it in just the last 12 months.

Finally, in a media Bill I am interested that there is no mention whatever of media literacy, media competency and all those key, important issues. I know that we discussed this at length in the Online Safety Bill, now Act—but would not one imagine a key role that the PSBs could play in fostering increased media literacy and media competency?

It is a positive Bill, and I support much of it. Prominence, provenance, trust, truth, accessibility and access services—if we want the PSB ecosystem to thrive in the decades ahead, to enable, empower and unleash all the creative talent and indeed all the individual and collective talent of all of us as citizens, we need to legislate for that. The Bill goes quite a way in doing that; fortunately, there is still plenty more for us to consider when we come to Committee.

6.20 pm

Lord Addington (LD): My Lords, every now and then in this House, you can look down the speakers' list and think, "I wonder what that person will say". I looked at the name of the noble Lord, Lord Holmes, and thought how he and I would want to talk about listed events, and access in terms of both disability and technology—I was absolutely right. The noble Lord has done it, and probably better than I will, so noble Lords have saved themselves a couple of minutes of listening time—let us look on the bright side.

I start with the listed events structure. We have them; we have kept them. There will always be some disagreement about what should be included. I do not think that this is the right time to go into that but, certainly in the modern world, as has already been said, you do not just watch an event; you do not even watch a replay. You often watch segments—it does not matter what you call them; you might call them highlights, blocks, teasers, the continuous parts of an event—and these are a part of the normal viewing experience for those people who are not usually watching on television but on another screen, such as a computer or smart device. Unless they are brought into this structure properly, we will in fact be saying that we are getting rid of part of the listed events' ability to reach everybody. The fact of the matter is that there is general agreement that these are big cultural moments, such as sporting events, which are a big cultural part of our society and should be there.

I hope that the Government will be receptive to strengthening this aspect, so that it goes a little further. The aim is there, but I hope that they will make sure that the whole thing is there in the Bill and that it properly covers the way that we consume this information now. This is what we need to make it mean something.

There are also problems about, for example, the big one—the Olympics. The Paralympics have already been mentioned. With multi-event sports, the structure is difficult and it needs another little look. If we have got it wrong in our concerns, the Minister will be able to tell us and we shall all go away happy. That may happen—we will see. This is something that I think we must guarantee is done properly and that the full effect is taken on board.

When it comes to disability and sport—I remind the House of my declared interest with Microlink PC; it usually operates in the business environment, but we also deal with the technology—just about everything can, fairly cheaply and fairly quickly, have better disability access added to it. It is not difficult any more; you can do it quickly and easily. I hope that the Government will take this opportunity to say, "This is comparatively easy to do; go do it". There has not been much else raised in this House on that; this is not the big issue that it was last time we discussed it. I think that people will think that some of this is now done. I would expect that all of it could be done without too much cost or too much intervention. That is my suspicion; I may be wrong, but it can be done comparatively easily.

I hope that the Minister will give us assurances that this will become a norm for people. It should be a norm: if you are broadcasting, you make it accessible; you make it as accessible as you can. There is the defence of reasonableness: if something is terribly difficult, maybe we do not do that—yet, but it is coming. I hope that the Minister will be able to engage on that.

I could wax lyrical—shall we say, second-rate lyrical—on some of the broadcasting requirements and genres, but those two issues that I have raised should be enough for the Government to improve the Bill considerably: making sure that everyone can get to it, and that the big sporting and cultural events are universally accessible. I would leave comparatively happy; my noble friends on the Front Bench may not be quite so happy on such a minimal diet, but that is for them to decide. I hope that the Bill goes through and I hope it is improved.

6.25 pm

Lord Russell of Liverpool (CB): My Lords, like everybody who has spoken, I welcome the Bill. It must be a joy to be on the Front Bench for the Department for Culture—unlike being on the Front Bench for the Home Office. I think we all wish that it could have come earlier, but the conundrum in this sector is that, whenever it comes along, it will almost certainly already be out of date. This sector is moving so quickly and in so many directions simultaneously that, whatever our best efforts, we will always be following, rather than leading—but better late than never.

I will speak briefly on three areas: first, the challenge of understanding, mapping, decoding and anticipating such dynamic sectors; secondly, the enormous cultural, financial and political advantages of being the creator and home of one of the world's most highly regarded public sector broadcasters; and, thirdly, the need for consistency and clarity of approach on child protection, an issue that quite rightly took up an awful lot of our time last year when we discussed the Online Safety Bill.

First, so much of the online world, which is now the principal driver and flywheel of modern media, is being tweaked, transformed and disrupted by the propellant of technology. This will be amplified and accelerated in ways that we can scarcely imagine by the effects of artificial intelligence. I wonder how our successors in Parliament in 25 years' time will view the

framing, ambition and content of the Bill. I am broadly supportive, much to my surprise—I can feel the much-missed and lamented Lord Judge raising his eyebrows as I say this—of some of the Henry VIII powers in the Bill, since speed of response and action to adapt will be essential to this legislation remaining relevant and effective. Part of me wonders, however, whether we will be regarded as well-intentioned dinosaurs attempting to craft evolution as we would wish it to be, rather than as it will actually happen. We must have mechanisms to enable Parliament to have appropriate oversight in real time.

Others have spoken about the need to future-proof the Bill. It will never be perfect, but I think we need to spend much more time than perhaps the Government have anticipated in trying to think through the ramifications of the way that this world is evolving.

Other noble Lords have mentioned—indeed, the Labour Front Bench very kindly came to the Cross-Bench meeting today, and this was one issue we all agreed on—that we lack an overarching strategy and vision for media and communications in this country. Such a strategy and vision need to be completely apolitical but that we can all understand and sign up to. I thought that the noble Baroness, Lady Kidron, and the noble Lord, Lord Holmes, spoke to great effect in that area.

Secondly, I suspect all of us have had the BBC, in its myriad forms, as a constant backdrop to our life. It permeates our individual and collective memories, marks key milestones and transition points, and is generally regarded, not just by us but, importantly, by citizens of other countries, as not just a national treasure but a benchmark for public sector broadcasting excellence and a tangible element in how they view our culture, politics and place in the world.

Like others who have spoken, particularly the noble Baronesses, Lady Kidron and Lady Foster, the right reverend Prelate the Bishop of Leeds and the noble Viscount, Lord Colville, I am worried by the decision to narrow the public sector broadcasting remit across a range of genres. I acknowledge that to maintain standards and high-quality output across such a broad range of genres is challenging at the best of times, and now is certainly not the best of times, but it is the very breadth and accumulated knowledge and experience across these genres which make the BBC so much more than a news broadcaster with add-ons. They give it cultural heft and a rich history and are a key element in building the creative industries which are such a vital part of our economy. I put it to the Minister and those on the Benches behind him and in his party that if anything should be a poster child for levelling up, it is our public service broadcasting, which is effective right across the United Kingdom and outside.

I am not going to sing, but I think the singer-songwriter Joni Mitchell encapsulated what many of us feel when she wrote, I think in 1970,

> "Don't it always seem to go
> That you don't know what you've got 'til it's gone".

I am sure that your Lordships will be diligent and persuasive in mapping and articulating the dangers in discarding and diluting so much of value: we can be rather profligate in taking things for granted and not acknowledging its true worth.

Thirdly, when it comes to child protection, I am uncomfortably aware that this generation of under-18s is the most technically savvy in history, and the generations ahead will be even more so. If they wish to gain access to content of almost any kind, they will invariably find ways that all the best efforts of legislators, regulators and platforms had not anticipated. Let us be realistic: that is the world we live in. How do we deal with this? We must acknowledge the reality that we are always going to be reactive rather than proactive. I think we need to find ways of involving young people very directly as we look at this world and understand it; they have a far better understanding of it than we do. We must work very closely with other international jurisdictions, platforms and regulators; working together, learning from one another and acknowledging, above all, that the online and media worlds which children inhabit are borderless. It is futile for any nation state to proudly declare that somehow we are going to build a Trump-like wall around us and everything within it will be wonderful. The world is not like that.

I look forward to our discussions and to working across the House with other noble Lords in trying to ensure greater parity of approach across child safety. I do not think that there is a silver bullet; we can and must do better, but I am concerned that, as we pile more and more responsibility on to Ofcom, we are perhaps being unrealistic in our expectations. We need to be careful not to delegate a lot of responsibility for what we are trying to do to a regulator that is going rapidly into territory in which it has not hitherto had much experience. Like most of us, it is unlikely to get everything right first time.

6.33 pm

The Lord Bishop of Newcastle: My Lords, I am glad to be able to speak in this debate, and thank the previous speaker, the noble Lord, Lord Russell, for his comments. It is an honour to follow him.

In conversations I have had in recent weeks, it is clear that there is a strong desire across this House to ensure the Media Bill progresses positively through its legislative processes, in part because this is, as noble Lords have said, a Bill that acknowledges the vastly changed broadcasting landscape over the past 20 years. Given the rapidly developing technological nature of the communications landscape, it is understandable that the Bill aims to give flexibility and adaptability where needed. The point I wish to make is about the absence of clear statutory provision for languages in this Bill, in particular for Gaelic. Other noble Lords have already referred to this in the debate.

The issue of provision also relates to a matter that other noble Lords have already raised about quotas and genres. I fully understand the desire to reduce burdens and increase the potential for creativity in the PSB sector; this is a Bill for growth, as the Minister has said. However, I ask the Minister to consider asking the Government to strengthen language provision in the Bill, rather than have it left in the rather precarious state it now finds itself in. Leaving it to Ofcom to assess —through counting objections to the absence of language provision, for example—is an unhelpful consequence of a lack of statutory recognition.

[The Lord Bishop of Newcastle]

Members in the other place have made similar points regarding Gaelic—covering the Gaelic language as spoken in Scotland—Irish, Scots, Ulster Scots or Cornish even, and of course Welsh. I recognise, with others, that it is not realistic at this stage to ask the Media Bill to provide a funding solution. However, the Bill could ask Ofcom to ensure that there is sufficient new Gaelic content to enable delivery of a Gaelic television service with a public service remit. This would mean that Ofcom's annual reports would highlight where there are deficits in the delivery of a Gaelic service, thereby providing an incentive to address those deficits. MG Alba, the PSB provider that delivers Gaelic media content across diverse platforms, is, as other noble Lords who are speaking in this debate may indicate, caught in a difficult place, because while there is good will, there is no statutory provision for a Gaelic language service. There is an opportunity here to do something about this, and for good reasons.

In that regard, I turn briefly to the reasons for the statutory basis for language provision. In my maiden speech last November, I referred to my background of living and working in New Zealand. A week or so after my maiden speech, and bearing in mind the time of year—later in the year—I came across my noble friend Lady Goldie cheerfully humming a tune. I recognised the tune, though could not immediately place it, but she told me that it was a Māori language Christmas carol from New Zealand, "Te Harinui", or "Great joy". This brought home to me the global nature of our context and the way in which music and language convey memories of place, culture and identity. In the New Zealand context, the PSB remit for the Māori language stems from the belief that language is

"at the very heart of Māori culture and identity and for that reason alone, it must be preserved and fostered. It provides a platform for Māori cultural development and supports a unique New Zealand identity within a global society".

New Zealand's national indigenous media organisation, Whakaata Māori, in its own words

"promotes, revitalises and normalises the Māori language by taking a digital-first, audience-led approach in the delivery of educational, entertaining and engaging programming".

There is a level of intentionality about this which has everything to do with creativity and growth. It is not about burden, but about acknowledging and honouring the place of language as a means to uplift the whole national identity—and by this I mean, in this House, every part of the United Kingdom. The whole point of the digital revolution is to make every sector more accessible, helping us tell the rich story of our diverse cultural and linguistic landscape, but this does need, I think, a statutory basis.

In conclusion, I commend the Government for this Bill and I hope the Minister will be able to look seriously at these concerns about language provision. I look forward to working with him and other Members of this House as the Bill progresses. I finish with a Gaelic thank you: "Tapadh leibh".

6.38 pm

Lord Mendoza (Con): My Lords, it is a pleasure to follow the right reverend Prelate the Bishop of Newcastle. I draw attention to my registered interests, in particular having recently stood down as commissioner for culture at DCMS, where I had the great joy of working closely with my noble friend the Minister. I remain there as an expert adviser to the film and TV production restart scheme and chairman of the department's culture and heritage capital initiative.

I might take a slightly different approach. I welcome the Bill hugely, but I hope that in Committee we achieve a careful balance to avoid overregulation and complexity—we do love regulation. It is quite frightening standing in front of my noble friend, the chairman of Ofcom, while I talk about this, but I hope he will poke me in the back if I say something wrong.

This creative industry is dominated by successful businesses that are international and mobile. The change in technology over the last two decades has been massive, as has been pointed out many times. This is largely down to an immense amount of research and development, and huge capital investment. One of my favourite examples is when I lived in New York in 2000, I used the Netflix postal DVD delivery service. At that point, when it ran out of money, it proposed selling itself for $50 million to Blockbuster, a video-rental store chain. When I looked yesterday, Netflix is capitalised at $250 billion—which, for scale, is three times the value of BP—and Blockbuster is now one nostalgia shop in Bend, Oregon.

Technology will probably continue to move at an even faster pace, as the noble Lord, Lord Russell, mentioned, and keeping up with the regulation from our side will be a non-trivial task. I imagine, in the next year or so, noble Lords will be standing in their drawing rooms and they will say, "Show me some thrillers in German", or "Bring me some cricket", and up it will come, totally bypassing any EPG. Even though we can mandate for prominence, it is going to be very hard to achieve any effect with prominence in the future.

Viewer habits are changing. Generation Z, for example, spend 50% of their viewing time on short films on Instagram, X or TikTok. The other day I asked YouTube how many people in the UK can make a living with a YouTube channel. It is an extraordinary number: this may not be completely accurate, but from memory it was 75,000 people—that is a lot of channels.

Of course, there are some fantastic parts of the Bill, and I commend DCMS, the Ministers and the officials who have seen the Bill through multiple iterations over that period. I thank particularly one official, Victoria MacCallum, whom I know very well, who led the team which did this work. The other place had a good debate, and the work of the Culture, Media and Sport Committee has secured great improvement to the Bill. I also, oddly, in the context of the business side, support the Clause 28 amendment, proposed by my right honourable friend the Member for Maldon, to protect smaller businesses by bringing local TV and any future public service channels within the prominence framework, and that is something we might consider in Committee.

I welcome the revision of Channel 4's remit; it is essential if Channel 4 is to survive, thrive and be sustainable. The idea that it can get involved in its own production and own IP, and begin to build a library of value, is a good thing, but it will not be easy for it, as we are seeing in today's advertising market.

When considering the regulatory clauses in Committee, I would like us to think about trying to balance regulation with maintaining this thriving economic sector. We should be proud that the Amazons, Netflixes and Apples of this world invest so much in this country. We have all had the notes and, in a way, I have some sympathy with the streamers when they point out tricky features, such as trying to maintain impartiality when you have a giant catalogue of thousands of titles that have been around for a number of years. Something that was impartial 10 years ago may be partial today, and that will be hard for them to maintain. They also make the point, and it is something we should discuss, that the tiering system may not be ideal and we may want to regulate all providers, not just have poor Ofcom decide who is in tier 1 and who is not, at any point.

This is a very significant sector. We are debating broadcast regulation but there is a correlation between local production spend and, for example, the reported Netflix production spend of $1.5 billion a year here. All these companies, including Amazon and Apple, make stuff here. The size of the creative industries in this country is £126 billion of GVA, as we saw in the McKinsey report of late 2023. To give that some context, that is three-quarters of the size of the financial services sector. This is an important and rapidly growing sector, with 2.5 million jobs in it; hence the Treasury saying that this sector is one of the great five economic sectors for growth for this country. We protected it well during Covid, and I should namecheck the outstanding Film and TV Production Restart Scheme, which made sure that production could happen all the way through Covid.

These companies move their investment very quickly; many other countries would also like to host those businesses and their production. In my view, we have to have three conditions in this country for them to stay here. We need a highly skilled and experienced workforce—which we have; that is necessary but not sufficient. We need a good exchange rate; we have very little control over that, but it drives business—particularly this business. We have a very sophisticated tax relief system which has been developed over many years; £1.7 billion of tax relief went to the creative industries in 2021-22, and that is an essential component of this business.

I am trying to get across that we are lucky to host this huge sector. I hope my noble friend the Minister agrees that we have to make sure that this finely balanced environment does not become less attractive through onerous and costly regulation.

6.45 pm

Baroness Grey-Thompson (CB): My Lords, I draw your Lordships' attention to my declaration of interests in that I do occasional work for the BBC and Channel 4, and other media outlets, which are declared on my register. I am also chair of Sport Wales.

I am interested in many aspects of the Bill; in particular, how sport will be treated. I was delighted in 2020 when His Majesty's Government added the Summer and Winter Paralympics to the "crown jewels". This was a really important moment for the sport's movement and the athletes. For a long time, while other countries were catching up on the media coverage of the Paralympic Games, many international athletes, friends and families used the British coverage to get up-to-the-minute updates. Just today, the International Paralympic Committee and Paris 2024 announced that media rights holders in more than 160 countries and territories plan to broadcast the Paralympics this year. I am in no doubt that the free-to-air coverage in the UK has helped the transformation of other jurisdictions, and we have much to be proud of.

The Bill introduces a new special clause for multi-sport events which was not in the draft Bill and was not subjected to pre-legislative scrutiny in another place. It would apply to four current group A events: the Summer Olympics and Paralympics, and the Winter Olympics and Paralympics. The new clauses would have the effect that Ofcom consent would not be required for multi-sports events if a service in one category has full rights and a service in another has what is termed "adequate live coverage". The Bill does not define adequacy and it is not clear that adequacy would mean the same thing to a PSB as to a commercial subscription service. A concern would be that "adequate" might equate to "incomplete"; for instance, by carving out particular sports such that they are available only on pay-to-view services, or by significantly limiting the hours of broadcast or transmission times available to a free-to-air broadcaster.

I ask the Minister about the ability of Ofcom to make regulations and what might constitute "adequate" live free-to-air coverage. At the moment, I am not reassured that the balance is quite right. It could remain possible, for instance, that some key Olympic and Paralympic events and moments will be lost behind a paywall; for example, a cycling gold medal or the' women's 100 metres final would be available only to those who can afford to subscribe. If this were the case, it could widen the divide between male and female athletes or give some sports less reach. Seeing elite athletes perform is important, to offer some inspiration to younger people.

Is it His Majesty's Government intention, with the multi-sports clauses, to facilitate partnerships between public service broadcasters and commercial pay broadcasters? This might be considered a curious sort of intervention, given that the BBC and Discovery are quite happily partner broadcasters for the Olympics right now, without these clauses. In fact, many listed events now have co-rights holders; these are sometimes more than one PSB—such as the BBC and ITV for football—and sometimes they are a free and a pay broadcaster. These partnerships are already allowed and, indeed, encouraged by the current legislation.

Does the Minister see any issue where the Government are inviting Ofcom to make regulations that will likely set two live streams as the ceiling for free-to-air coverage and potentially weaken the PSBs' hand in any negotiation with rights holders or commercial broadcasters? If that is the case, it cannot be in the wider interests of the UK public. There are already many challenges in negotiating sports rights without making it any harder.

I am also interested in what may happen to digital on-demand rights within the regime. The way that many of us watch or consume sport is rapidly changing. As many noble Lords have mentioned, we are no longer sitting around one TV in the living room as a family. If no reference to digital on-demand rights is included, it seems unlikely that two live streams free to

[Baroness Grey-Thompson]
air, but with no catch-up or digital clips available for free, would be sufficient for audiences. An unintended consequence of the multi-sports clauses, and exclusion of safeguards around digital on-demand rights in the regime, could be to make the investment case for PSBs so weak that they are no longer inclined to bid for these crown jewels and they de facto become an all-paywalled affair, or with minimal skeleton free-to-air live provision, so that many UK audiences may miss out altogether.

I am also interested in exploring prominence, as other noble Lords have done, and the difference between "significant" and "appropriate". Like many noble Lords, I support the Welsh language and Gaelic, but as the noble Lord, Lord Holmes, has already raised, we do not go anywhere near far enough in provision for those who require British Sign Language. I hope that we never go into another pandemic, but a huge frustration for me was that we could not provide British Sign Language at 5 pm on the media outlets that were updating the country about what was happening. This is simply not good enough.

Finally, have His Majesty's Government given any consideration to using the Media Bill to update the Communications Act 2003 to safeguard linear TV, which is still an important and familiar viewing route? This would also support audiences as the digital transition continues.

I will be tabling and supporting amendments that cover these issues, and very much look forward to Committee.

6.52 pm

Lord Stevenson of Balmacara (Lab): My Lords, I declare an interest as a former director of the British Film Institute, and that my younger daughter's partner has recently joined a media company whose interests are engaged by the Bill.

This Bill, the first media Bill for over 20 years, as many have commented, has been widely welcomed across the industry. However, it is worth bearing in mind that it comes at a time when we have been looking in depth at the social media industries through the Online Safety Act, when we are still considering changes to the rules governing personal data through the DPDI Bill, and when we are looking at the competition powers required by the CMA in relation to digital media under the DMCC Bill. I make that point because it is confusing for all concerned—I guess that even the Minister has some difficulties in working out which day, which Bill, or which speech he should be giving; I certainly feel that.

Until recently, such Bills were all largely under one set of Ministers at the DCMS. The complication that we have now is that this has been lost because of the machinery-of-government changes. I worry that it is causing unnecessary fragmentation of effort in key areas for the UK economy. It also bears on the amendment from the noble Lord, Lord Forsyth, and his frustration at being unable to tackle the mass of material which is going through, and where he may be ruled out of court and out of the Bill. I hope his points are made, thought about and addressed in some way over the next few weeks.

While I am whingeing, I could also say that, like others, I worry that we are not dealing with AI at all. It seems to be a blank in the Bill but also in the briefing notes and material, and the speeches we have heard so far. We all know it is there. It is a problem, but we do not know how to deal with it, and we are just blanking it off.

While we are concerned about that, we could join with the regret of the noble Baroness, Lady Kidron, that we did not use the Bill in a positive sense to try to place a context as a whole around the BBC. We all accept that the BBC is the jewel in the crown that we are talking about, but we never discuss or even consider how to safeguard and future-proof it as it goes forward.

Finally on these whinges, I hope that others will pick up the point made elsewhere about the question of Gaelic and minority cultures. That is so important, as is genre. I hope that will come through, but I do not have time to deal with it myself.

We know, as Ofcom states, that the

"UK's broadcasting and media landscape is one of the most diverse, creative, and vibrant anywhere in the world".

It is not an accident. As the noble Lord, Lord Birt, said, UK broadcasting policy has evolved on a broadly bipartisan basis since the founding of the BBC a century ago. There were some rocky passages in policy development in the last few years, but luckily, what we have before us today is, by and large, a continuation of that bipartisan approach, and I fully welcome that.

My noble friend Lord Bassam made a number of good points. His context is the one I want to follow, but freed from my responsibilities on the Front Bench, I do not have to cover everything and will cover only three points. The first is the timing of the DTT and IP switchover. A lot of the lobbying that we have received in the run-up to this debate has focused on the timing and the impact of the TV delivery system changing from DTT to IP. Clearly, further discussions are required, and we know they are going on. However, the key policy questions that we ought to be addressing are absent from the Bill, and I wonder whether that is right. For instance, is it right to push back the changeover until the mid-2030s? Is there any flexibility on that? There will be huge consequences if we miss the optimum timing—the tipping point—and do not bring forward when needed the substantial regulatory changes to drive the scale of industry co-operation which will be required across TV and all other content. Has this been factored into the thinking? What scenarios have been contemplated? Has any assessment been made of the investment required by both the public sector and private investors? The digital switchover plan comes to mind, but I do not see that anywhere in the documentation around this. Could the Minister comment on that?

The need to drive digital inclusion for those living in remote areas must not be forgotten. For those whose skills are not up to the challenges of internet provision, what will we do? Some of the figures are extraordinary. There are 3 million households still without broadband, of which over 2 million comprise mainly older people, who are unlikely to be able get their technical skills up to the level required. Even more worryingly, 1 million households are on low incomes and will not be able to afford to upgrade themselves. These are issues which I do not see in the Bill; I hope that we will be able to come back to them.

There has been a broad welcome for the proposal in the Bill for the reform of PSB prominence. As the Minister said, the current rules, which reflect the technology and usage patterns of the early years, are out of date, but the principles on which they stand need to be brought forward, and it is good to see them in the Bill. As others have said, I worry that the approach seems to be less concerned about radio, which is such an important part of our everyday life. The Bill seems unlikely to resolve some of the concerns raised about voice services and podcasts.

On Section 40, I do not wish to go into detail, because I take it for granted that its elimination will take place. Personally, I regret it slightly—my name was on the original amendment. By some weird quirk of fate, because of the rush to get it through, it happened to be patched into a Bill I was doing—I think it was the higher education Bill. It was nothing to do with it, so that might give some hope to the noble Lord, Lord Forsyth, that you can get these things through if it is necessary.

When he comes to respond to this debate, the Minister owes the House some sense of what is happening under the post-Leveson regulations. I do not want to get into the main issues; we need to know more about what the Government's thinking is before we can come back to that. Is it true that the Government remain committed to the continued existence of the royal charter on self-regulation of the press? If so, what role do they see for the Press Recognition Panel, established under the royal charter to provide the independent oversight of the system that it does? Have they any concerns about the system, and if so, could they set them out, so that we are aware of the issues that they have on this? What do the Government make of the PRP's recent annual report comment that:

"Because most publishers remain outside of the recognition system"—

and some do not even have a complaints system—

"complaining about news publishers is not straightforward"?

These are really important issues for those who have been put in a bad place because of the press. I think that we will hear more of that from other speakers. We need answers.

6.59 pm

Lord Storey (LD): My Lords, I, too, very much welcome the Bill. As has been said, we have waited a long time for it, so it is important to get it right; we will not have this opportunity again for some time. We have seen new technology, changed consumer habits, different ways to access media and increased global competition. At the time of the last media Bill, streaming was only a brave or madcap idea, so it is imperative to do it right. I welcome the Government's ambition to support our media to enable them to compete and continue to serve their audiences with high-quality content. We are also fortunate to have a Minister who gets it.

I welcome the Bill's efforts in granting greater flexibility and prominence to public service broadcasters; protecting our well-trusted radio services, which I will come to later; and further diversifying, and ensuring greater inclusivity of, our media landscape. However, I also want to draw attention to a number of concerns. I was not aware of the amendment tabled by the noble Lord, Lord Forsyth. However, the UAE Government's recent proposed bid to take over the *Telegraph* and the *Spectator* has indeed raised questions and concerns about the ownership of UK news companies and assets, particularly their acquisition by organisations in foreign jurisdictions that may differ in their regard for the freedom of the press.

Many foreign owners of media outlets have had a positive effect, bringing considerable investment, and have kept an arm's-length approach. That being the case, we should be concerned about the motivations of a foreign Government and investors trying to get their hands on a media title or titles. Trust in news media has already plummeted, and the buying of British news organisations by a foreign Government is likely to lead to an even greater decrease in trust.

Turning now to media literacy, the changing nature of the media landscape has been widely discussed, especially the importance of countering misinformation and disinformation. Naturally, increasing media literacy provides an answer to those challenges. Conversations need to be had about who should be responsible for raising levels of media literacy. I firmly believe that the Government have an important role in increasing trust in and future-proofing our media by educating consumers to be critical and media literate. During consideration of the Bill in the Commons, Labour's John McDonnell tabled a proposed new clause on media literacy, which he did not push to a vote. However, I encourage the House to pick up that clause. We should indeed seize the opportunity the Bill provides to place a duty on PSBs to develop their media literacy strategies, which in turn will enable consumers to navigate the media competently and cut through misinformation.

It would be a good idea to introduce a requirement for PSBs to be involved in improving media literacy among their audiences, and for Ofcom to be responsible for monitoring that requirement. If the aim is to ensure that the Bill will stand the test of time, we need to adapt to the expansion of social media, especially the rise of artificial intelligence and complex algorithms. With the rise of those phenomena, the role of PSBs in providing impartial and accurate information has become even more significant. However, if PSBs are to combat misinformation, their role goes beyond merely providing impartial and accurate information; it also entails trying to improve levels of media literacy, particularly of their younger consumers.

It is time for a greater recognition of the threats posed by AI and misinformation. Increasing media literacy is an important step towards understanding the challenges faced in interpreting media, and, consequently, a step towards combating phenomena such as echo chambers and filter bubbles. There definitely is a role for PSBs to play in that regard.

Unfortunately, we cannot easily regulate or halt the large-scale changes in the media landscape; however, we can educate people to navigate and understand those changes. As I have mentioned, streaming has become a natural way to watch programmes. Many families subscribe to one or two providers, as well as having the PSBs. Netflix and Amazon use the British Board of Film Classification to rate their programmes,

[Lord Storey]
while Disney has a different classification system, which can cause confusion for parents. It is important that we use the same classification system across the board, and it seems logical to me that we use the BBFC, which is known and understood.

We used to have a vibrant local independent commercial radio sector. Gradually, the sector has lost local skilled workers as local technicians, DJs and presenters have been made redundant. Programmes are aggregated, syndicated and made in London, with just a little bit of local news, weather and traffic on the hour. That is not local radio; that is the big providers taking over local radio and using it as a national network. What a great pity we have allowed that to happen. I wish that the Government and Ofcom had been far more rigorous in that regard.

I end by asking what the Government's view is on GB News, a news channel that is not balanced or impartial. Can the Minister remind me how many complaints against the channel Ofcom has currently decided to investigate? Can we imagine the outcry if there were a "Labour Red Rose News Channel" or a "Lib Dem Liberty News Channel", with the presenters being politically partisan in their views? It just would not happen. Interestingly, while Ofcom has investigated GB News on a number of occasions, this week a group of senior broadcasting veterans said that the broadcasting regulator was failing to enforce impartiality rules properly for a channel that sometimes uses Conservative MPs to interview their own parliamentary colleagues.

We have a media that is admired throughout the world, creates jobs, innovates, and is part of our amazing creative industry sector. The Bill will enhance it and keep it safe for the next 10 or 20 years.

7.06 pm

Lord Dunlop (Con): My Lords, I join in the refrain and say that I, too, welcome the Bill and share in the widespread cross-party support for it. As we have heard, it has been a long time in gestation and has benefited from pre-legislative scrutiny. There is now a strong desire across the UK broadcasting industry to see the Bill progress swiftly through Parliament. As we have heard, it is over 20 years since the Communications Act, and the media landscape is unrecognisable from two decades ago. UK creative industries are globally successful, and public service broadcasters are at the heart of the ecosystem. They compete internationally with new global platforms that have deep pockets and are increasingly the gatekeepers of content discoverability.

Our choice and competition are good; yet, if PSBs are to compete effectively, it is surely right that their video-on-demand services enjoy the same visibility as their linear services do now. As we have heard, there is a question as to whether "appropriate prominence" needs to be strengthened to "significant prominence", and I, like others, will listen carefully to the debates to come. As with so much of this Bill, a lot depends on how Ofcom discharges its extensive responsibilities, including ensuring appropriate regional prominence. For example, Scotland-based viewers watching via a Samsung TV or an Amazon Fire Stick need easy access to a prominently positioned STV Player app.

My main point concerns Gaelic language broadcasting, about which the right reverend Prelate the Bishop of Newcastle spoke thoughtfully. Gaelic is a valuable part of our cultural heritage; it continues to be important for Scotland's cultural life and has always enjoyed cross-party support. A Conservative Government—thanks, I think, to my noble friend Lord Forsyth of Drumlean—set up the first Gaelic television fund in 1991, with funding of £9.5 million per year. In today's money that would be worth £25 million, almost double MG Alba's current budget.

The White Paper recognised that

"certainty of … funding is important for MG ALBA being able to deliver for Gaelic speakers".

The reference in the Bill to public service broadcasters providing sufficient content in a recognised regional or minority language, including Gaelic, is welcome. However welcome, the Bill's protection for Gaelic broadcasting is incomplete, in contrast to the extensive—and very welcome—provisions for S4C. There are, of course, more Welsh language speakers than Gaelic speakers. Could this possibly be because there is a link between 40 years of consistent support for Welsh language broadcasting and a renaissance in the Welsh language?

The Bill facilitates the delivery of public service content in a fast-moving and competitive digital age. With the right support, Gaelic broadcasting has an exciting opportunity to engage the next generation of young, would-be Gaelic speakers. However, if the Gaelic television service lacks prominence and discoverability on new digital platforms, there is surely a risk of it withering on the vine.

Under the Bill, Ofcom determines what is sufficient. For me, this raises two problems. First, there is no yardstick for judging sufficiency, and the status quo is clearly not a helpful guide. The Gaelic TV channel, BBC Alba, is run by the Gaelic Media Service, MG Alba, in partnership with the BBC. The channel achieves great success, despite increasingly tight funding constraints. MG Alba's static £13 million budget will by 2026 be worth half what it was when it started in 2008, and the channel's total budget of £23 million compares with S4C's index-linked funding of nearly £90 million a year, plus programming worth £20 million annually from the BBC. Despite these constraints, BBC Alba pulls in a loyal weekly audience of nearly 300,000—not far off what S4C achieves.

Gaelic broadcasting is being asked to compete with one hand tied behind its back. Under current funding arrangements, only a quarter of content broadcast is new—one hour 40 minutes per day—and just three hours of new drama is commissioned a year: one evening's-worth of box-set viewing. S4C commissions 60 hours of drama for television and three hours of digital, and receives a further 63 hours from the BBC.

The second problem is that Gaelic broadcasting falls foul of one of the rough edges of Scotland's devolution settlement. On the one hand, broadcasting is a reserved matter. The statutory underpinning of MG Alba is UK legislation. A UK regulator, Ofcom, is the arbiter of sufficiency. Yet, on the other hand, the function of providing MG Alba's funding is devolved to Scottish Government Ministers, who are not answerable

to Ofcom: split responsibilities, with MG Alba falling between the cracks. So can my noble friend the Minister say what happens if the level of Gaelic content Ofcom deems sufficient is more than can be financed with current BBC and Scottish Government funding levels?

The Government argue that the future of Gaelic language broadcasting is best considered as part of the BBC's charter review. Yet BBC Alba is a joint venture where one of the parties—MG Alba—is not covered by the charter. In any case, a new charter is four years away and must deal with a plethora of other competing issues.

Gaelic broadcasting faces a very uncertain future if the can is kicked down the road—the opposite of what the Government recognised as being important in the White Paper. That is why more explicit protection of Gaelic broadcasting in the Bill is needed. I hope my noble friend can respond constructively to a very legitimate concern, which I believe with good will is soluble.

7.14 pm

Baroness Bull (CB): My Lords, it is a great pleasure to follow the noble Lord, Lord Dunlop, and, given what I intend to cover in the second half of my speech, it is something of a coincidence, too. I refer the House to my registered interests. I note that those relevant to this Bill have now ceased, but I retain many friends in the production sector.

Like others, I broadly welcome this overdue Bill but will highlight today two areas in which I hope we might see some improvement during the later stages. The first is the reduction in the public service remit for television, with news and current affairs the only genres named, and Ofcom required only to monitor whether content reflects the lives and concerns of different communities, cultural interests, traditions and localities.

I share the concerns of other noble Lords about the missing genres, but my point is slightly different. It is that the phrase "content that reflects" is a poor substitute for the more detailed text it has replaced. It does not inspire or demand the innovative approaches, techniques and formats that the UK's production sector has developed in fulfilment of PSB requirements over decades and in which it now leads the world. Gone are references to high quality, to educative value, to professional skill or editorial integrity, or to the "supporting and stimulating" of diverse cultural activity through the treatment of visual and performing arts. The obligations in Clause 1(5)(b) of this Bill could arguably be met by a series of talking heads in a locked-off shot—as long as that included heads that talked from time to time in a recognised regional or minority language.

In his opening remarks, the Minister celebrated the success of the creative industries and their impact on jobs and the economy. However, as my noble friend Lord Colville set out, the sector is going through what the Film and TV Charity has called

"one of the most sustained periods of financial uncertainty in its 100-year history".

BECTU reports 68% of film and TV workers currently out of work, with 30% reporting no work at all over the last three months. In this context, the changes give rise to concerns. Without a clear requirement for PSBs to invest in programmes that are more than "reflective of" but genuinely innovative in approach, content and format, how will government protect the future viability of a sector that it expects to drive growth in the economy and in the workforce?

I now join the right reverend Prelate the Bishop of Newcastle and the noble Lord, Lord Dunlop, in highlighting the missed potential for this legislation to cement the future of Gaelic language broadcasting. I have no interests to declare in this regard other than my enjoyment of BBC Alba, whose programmes range from a celebration of rich cultural history, language and people to the innovative, the quirky, and sometimes the brilliantly off the wall.

The 2022 White Paper recognised

"the hugely valuable contribution that MG ALBA makes to the lives and wellbeing of Gaelic speakers across Scotland and the UK",

the importance of the language to the protection of Gaelic culture and the need for "certainty of future funding". Yet the Bill fails to convey that there is, and must be, a Gaelic TV service with a PSB function and continues an uneven approach to the Welsh and Gaelic languages. Both have television services, in fulfilment of UK obligations under Article 11 of the European Charter for Regional or Minority Languages, but only one is provided for by Parliament, with Gaelic language television nestled under the BBC's portfolio.

The Bill gives Ofcom the decision on what level of Gaelic language content is sufficient, while offering no clarity on what "sufficient" means. However, as we have heard, the responsibility to provide funding to MG Alba—one half of the joint venture that is BBC Alba—is devolved to Scottish Government Ministers, who are not answerable to Ofcom. Given that sufficiency —of both quantity and quality—is directly related to funding levels, it is hard to see how this circle gets squared.

The Heath Robinson-like structure of the funding and accountability flows is hardly the future certainty the White Paper said is needed, and it is not surprising that MG Alba is concerned about sustainability. Yet, despite this precarity, much has been achieved: in 2022-23, £9.8 million was spent directly with 24 production companies on the creation of 407 hours of programming, and £9.1 million of that went to the independent production sector, nurturing talent and skills in the Gaelic language and creative sector. MG Alba has created over 340 jobs, nearly 200 of them in the highlands and the Western Isles.

In the other place, Sir John Whittingdale linked the greater support for S4C and Welsh language broadcasting to the fact that there are 1 million Welsh speakers in the UK, compared with 100,000 Gaelic speakers in Scotland. However, as we have heard, the two services enjoy similar reach. In 2023, S4C's reach increased to 324,000, while BBC Alba enjoys a reach of 300,000 adult viewers each week in Scotland.

In pressing the importance of Gaelic language services, I am not arguing for any diminution of support for S4C—far from it. There is very good evidence that language and culture is kept alive through representation. A 2017 S4C report said that the channel had been

"instrumental in stabilising the Welsh language since the 1980s",

giving the language

"status and prominence"

[Baroness Bull]

and allowing Wales and its people

"regardless of background, to portray, express and see themselves represented on screen".

The recently published Welsh language strategy action plan continues to highlight S4C as a key mechanism for growing the number of Welsh speakers. Broadcasting clearly has an important role to play in the preservation and advancement of language, identity and traditions. The omission of specific references to a Gaelic PSB in the Media Bill risks perpetuating historical marginalisation and fails to acknowledge historical disparities in political recognition and funding, compared with other language initiatives. Crucially, it undermines efforts to preserve and promote Gaelic language and culture, which are such precious and integral parts of our collective heritage.

I look forward to working with other noble Lords from across the House to see how these two concerns might, in future stages of this Bill, be redressed.

7.21 pm

Baroness Fraser of Craigmaddie (Con): My Lords, it is always a pleasure to follow the noble Baroness, Lady Bull. I think that we can all agree that the Media Bill is warmly welcomed and that the sooner we can get it on to the statute books, the better. My remarks, surprisingly, are offered from a Scottish perspective, and I declare an interest as a board member of Creative Scotland.

I hope that the Minister will ensure that this Bill does not inadvertently upset the finely balanced infrastructure of the screen sector in Scotland or ignore the best interests of the Scottish consumer. Many noble Lords, including the Minister, joined me the other day at a lunch with STV, which was were very supportive of the Bill. Prominence for PSBs across all user interfaces is essential for smaller PSBs such as STV. This is important on linear and on-demand services, so that STV Player is available and easy to find across a range of platforms. I welcome these protections in the Bill.

Like other noble Lords, I am not sure that I fully appreciate the differences between "significant" and "appropriate" prominence. MG Alba and Gaelic broadcasting, as we have just heard, would, I am sure, be content with either. I join fellow noble Lords in being concerned that the only mention of Gaelic—note that it is "GAL-ick" if talking in a Scottish perspective, please, not "GAY-lick"—is within Part 1 of the Bill, which asks Ofcom to adjudicate on whether there is sufficient minority language content. This feels inadequate compared with the protections for S4C.

I want to highlight my concerns for the Scottish independent sector of the proposed changes to Channel 4's remit. Channel 4 has a strong commitment to representing the whole of the UK. It has a long-established role as an innovator in the creative industries and its purpose is to be different. The arguments against privatising Channel 4 rested on its unique model. Channel 4's own website says:

"Our content is the key to Channel 4's success. As a publisher broadcaster we don't produce content in-house, we commission it – helping independent production companies across the UK grow and nurturing new and existing talent".

At the moment, we are being asked to rely on safeguards from Channel 4 that any move into in-house production will be a gradual one. Compare this to the BBC, where 16% of its content is from the nations and regions. At the moment, only 9% of Channel 4's current content meets this level, so just giving Channel 4 the power to produce programmes, uncapped and without measurable quotas on the level of, for example, locally produced content required on PSBs, risks undermining the independent production and distribution sector which Channel 4 itself acknowledges is the key to its success. I hope therefore that we can give this issue some further thought as the Bill progresses through this House.

I also have concerns that the Bill does not serve the best interests of the Scottish consumer in what it does not cover. The Scottish Affairs Committee reported that almost a third of households in Scotland used only digital terrestrial television—DTT—services. Currently, these services are only guaranteed until 2034. The universality belief that lies behind public service broadcasting in the UK should hold true in any future model, as no one must be left behind.

A recent study by EY predicted that, regardless of rollout, more than 5.5 million properties in the UK will not have a high-speed broadband subscription in 2040. The one report that the Minister did not mention from the Communications and Digital Committee, the recently published *Digital Exclusion*, which I was privileged to be a part of, noted that even if rollout continues across the UK, many of the most vulnerable in our population will remain unable to access good-quality broadband services.

DTT is free if you pay your licence fee, yet currently these services, described by the Digital Poverty Alliance as "a lifeline", have no guarantee of certainty to ensure that people are not left further isolated. I appreciate that DCMS has a broadcast framing, but our committee's report highlighted the lack of a joined-up strategy for digital inclusion across government. Can the Minister say whether research on network rollout, take-up rates, gigabit provision and providing IP connectivity to geographically hard-to-reach households has been considered before rejecting a commitment to supporting DTT? I hope that the Government can reconsider, so that the commercial viability of the Freeview service is not lost while millions are still relying on it.

Many Scottish Members in the other place have lamented the omission of Scottish national sporting events in the proposed listed events regime in the Bill. I suspect that this is partly because, miracle of all miracles, our national football team has qualified for the Euros this summer. However, on a more serious note, the Bill's removal of existing obligations for PSBs to provide socially valuable but perhaps not so commercially valuable content—for example, about religion and belief or science and technology—could have very negative unintended consequences. I associate myself with the remarks of everybody else who has spoken about that. I have written a list, which is endless. The Covid pandemic and recent events have demonstrated that, in today's world, an understanding of science and religious literacy matter more than ever before.

I hope that this Bill enjoys a smooth and rapid progress through this House. I hope that it is not like the Online Safety Act, as it is now, where it was not until the very last moment of its passage that it was appreciated that your Lordships had made some very

good points and the Minister eventually moved a number of welcome amendments. I live in hope that things might be a bit smoother for this Bill.

7.28 pm

Lord Inglewood (Non-Afl): My Lords, I am delighted to follow the previous speakers, who have been advocating for more emphasis and importance to be ascribed to Welsh and Scottish television. As a Cumbrian, we do not have any regional dialect television, but I live in hope.

I am also delighted to support the Bill, and simultaneously slightly depressed because we heard from a number of speakers that the previous Bill covering this was 20 years ago. Well, I was the Minister sitting where the Minister sits now on the Bill before that. On that occasion, I told your Lordships, who I do not think really believed me, that we were on the cusp of a revolution. We are now dealing with the effects of much of that revolutionary change. Everything has morphed and evolved, and all the hardware that we were talking about are now forms of computer.

There is a single universe of multiplicity, variables and variations behind the subject that we are discussing. It began with the moving image. I am glad to say that radio is now increasing its prominence, and I would never have guessed at the popularity of podcasts, with some of them so important to people who work in the Palace of Westminster.

Then, as now, there was a vigorous debate about public service broadcasting, and in an era of almost limitless quantities of information, it is just as important —arguably more important—given the volume of material that is available and washing around in the digital space. At the centre of it, a core of curated and moderate material is very important.

It is equally important that it is not from a single monopoly supplier, and it must be from independent organisations that are free from either domestic or foreign political control. I entirely agree with the comments made by the noble Lord, Lord Forsyth, about the control of newspapers by foreign Governments or their fronts. I assume that he would agree that, were that to go ahead, the Government would deserve to lose the next general election.

These matters underpin our civic society and freedoms and rightly sit at the heart of the Bill and our discussions. Since much of this is, in one way or another, paid for by all of us, it follows that access should be free to the user and made simple, and the material should be didactic and give some pleasure as well.

I feel like I am the Grinch at Christmas, but we are in a world where excessive prominence is given to sport. I enjoy sport and it has an important place in our society, but it seems all politicians go weak at the knees at the mention of it. There are a range of things behind paywalls that matter to people, and we need to recognise that. A system where people can come together over subjects that they value is part of the project's raison d'être; we must recognise there are other things beyond sport.

When we look at the media from the perspective of this Chamber—and the noble Lord, Lord Mendoza, made this point—we sometimes forget that media is big global business, and that we must, as a nation, have our share of it, and the policies surrounding our media must support this and our media's contribution to our national prosperity and global influence. This depends on having trained and skilled entrants into the industry, and we must recognise that, first, we have a good record in this country and, secondly, it is expensive, but it will be even more so if we do not get it right. Equally, we must make sure that the working capital of the media industry is not killed off by public parsimony, greed or confiscatory taxation. Outcomes are capable of being measured not only in strict financial terms.

In some ways, the digital world is a kind of Wild West, but it is neither the public bar nor simply a private domain. Private matters can go viral, and private point-to-point communication can become as publicly available as deliberately broadcast material. In this country, we have a limited jurisdiction over the interface between the virtual and territorial worlds, and we must find ways of dealing with often difficult, ever-changing problems for lawmakers, Governments and regulators.

Some of the problems with the material that we are dealing with and the extent of it—we have recently discussed in this House digital markets, this Bill, data protection and artificial intelligence—occur within the context of Brexit repatriating to this country a significant amount of regulation that was previously dealt with at European level, which is an unnoticed aspect of this. The effect is that all these things are connected, are complicated, move quickly and are always changing, and I agree with the noble Lords, Lord Russell and Lord Mendoza, that one of the great challenges we face as a nation in this sector is how can we properly legislate in a timely manner in a fast-changing world.

What is clear from the Bill is that much of this will be done by secondary legislation, but there is considerable dissatisfaction, which is entirely legitimate, with the way Parliament handles these things. Setting aside general constitutional principles, I wonder whether our system of scrutinising secondary legislation is doing this properly on a technical level for the individuals and commercial sectors affected. I also wonder—and I do not know if they will thank me for suggesting it, and I rank it no higher than a suggestion—whether, on a rolling basis, the Communications and Digital Committee could have a standing role in examining the substance of these things. I can see that the noble Baroness, Lady Stowell, in front of me is sceptical about that.

Finally, I turn to Clause 50. I chaired a local newspaper group for 10 years and one of the characteristics of the newspaper industry, based on its traditions of investigative journalism that this House has always endorsed, is the great suspicion of the Government of the day. I am surprised by the apparent nonchalance of the national press about what looks like an attempt in the Safety of Rwanda (Asylum and Immigration) Bill to corrupt our legal system. The changes in this Bill will proceed; on the other hand, there is hard and soft law, and if the abuses that undoubtedly took place are going to be kept under control in future, it is important that the soft law—if that is the way we are going—deals with the problem. The difficulty is there is not sufficiently wide public confidence in the self-regulatory system that is in place. There still are abuses

[Lord Inglewood]
from the national newspapers, although not what we saw previously, but the confidence is not there, and they need to look at themselves to see if they think they can improve their standing in the wider world, which underpins their acceptability and long-term sustainability. Maybe a bit of blood on the carpet will help.

Baroness Stowell of Beeston (Con): I am grateful to the noble Lord, and I say to my noble friend on the Front Bench that we are still on an advisory speaking time. The noble Lord made a very important point about parliamentary oversight of the powers delegated or devolved to regulators through various pieces of legislation that have gone through Parliament in the last few months. The solution is to expand our existing Select Committee capacity to manage that and not to try and manage it through our existing capacity, because we do not have the relevant resources and we need more. I have tabled an amendment to the Digital Markets, Competition and Consumers Bill precisely to meet that objective, and I urge the noble Lord to support it when it is debated in a couple of weeks' time.

Lord Inglewood (Non-Afl): I was delighted to hear what the noble Baroness said. My remarks were clearly justified because they elicited that remark from her and got her on her feet to tell us all about it.

7.38 pm

Lord Bethell (Con): It is always a great honour to speak after my noble friend Lady Stowell, who spoke powerfully of the need for more resources for our committees, which I endorse. It is also a great honour to speak after the noble Lord, Lord Inglewood, and I will lean into his comments, and those of my noble friend Lord Forsyth, about the ownership of the Telegraph Media Group. Foreign ownership of our media assets is a long and proud British tradition, one that I am proud to defend, but the ownership of British media assets by an overseas Government is a different matter altogether and something I do not welcome at all, and I very much share the reservations of the noble Lord, Lord Forsyth, on that matter.

I will speak on one specific subject: minimum standards for classification. As many noble Lords may know, 40 years ago Parliament passed an incredibly specific piece of legislation to regulate age ratings given to film and video content: the Video Recordings Act, a really thoughtful piece of legislation that is widely recognised around the world. It gave the Secretary of State the power to designate the British Board of Film Classification as the national authority for age ratings. It has done that job for the decades since then.

In the 40 years since then, our system of age ratings for cinema and home releases has become the most widely recognised and best understood in the world. Our independent classification guidelines are fully transparent and informed by regular consultations with the public. They are highly endorsed by viewers themselves. It is because of these high standards that parents instinctively know the difference between, say, a PG and a 12 and something for older viewers. That is why over 90% of them trust the BBFC ratings.

So I ask the Minister: why is a system that works so well not applied in the digital world? I have a particular interest in this key question of the application of rules in the real world and in the digital world. Why is the digital world of content in some way exceptional, in that content hosted on digital platforms is treated differently from that hosted in the real world? We do not leave it up to Warner Bros, MGM or Universal to decide the age ratings of the films they produce, or to Odeon or Showcase to decide whether nine year-olds are allowed to see this or that film, or to HMV to decide which DVDs they can buy, so why do we leave it to Disney+ to mark its own child protection homework?

Although Netflix and Amazon Prime have chosen voluntarily to work with the BBFC to use its age ratings system, to great success—I must pay tribute to their efforts—the same cannot be said for other platforms, notably Disney+. It refuses to publish its classification guidelines and there are numerous examples of it age-rating highly inappropriate content as suitable for children. Unfortunately, therefore, we cannot rely on the good will of these platforms and treat them like our domestic public service broadcasters; nor can we rely on Ofcom to, off its own bat, come up with a set of regulations of equivalent strength to those that Parliament has endorsed.

It should be our job as legislators to set the rules of the game and the job of Ofcom to referee the match. Instead, in its current form the Bill gives Ofcom not only complete control of the rulebook but the power to rewrite it whenever it likes. This is an issue not of media freedom or light-touch regulation but of child protection, so only the very best is good enough.

It would be a complete failure on our part to abrogate our responsibly to protect children from harm by not including some form of minimum standards in the Bill. I know this was discussed at some length in the other place, with various amendments proposed, so I flag to the Minister and the Chamber that it is my intention to table an amendment to close this gap. This is our one and only chance to have any influence over the regulation that is being outsourced almost entirely to Ofcom. Setting minimum standards for child protection is an important step, and I hope very much that the Minister will engage with those supporting this approach to work towards a common approach to change the Bill.

7.43 pm

Viscount Astor (Con): My Lords, I will comment on the Bill where it affects newspapers and publishing. It is some years since the Leveson inquiry exposed the culture of lawbreaking by the press. We all must admit that there has been a transformation in the way the press behaves, thanks to both public and regulatory pressure.

There are two regulatory bodies. The first is Impress, which is recognised by the Press Recognition Panel and founded under royal charter. Impress includes much of the regional press but few of the nationals. It has established a good reputation. It is not, as claimed by some, government- or state-backed.

The other regulatory body is IPSO, which was created by the press, for the press. It is controlled by newspapers and, I am afraid, replicates much of the

structural failings that plagued the old Press Complaints Commission. But one reason it has worked at all is because there is this threat of Section 40 of the Crime and Courts Act 2013 being introduced. This has hung over the newspapers as an incentive—or perhaps a threat—to conduct themselves properly.

The Government now seek to remove this section. Indeed, my noble friend the Minister said it was in the 2019 Conservative manifesto—a manifesto from a Conservative Prime Minister and former journalist. That was four years and three Prime Ministers ago. Why does my noble friend think it is necessary to remove it now? Are the Government really so confident that it will never be needed? Is it not a safeguard for the future behaviour of the press? IPSO's Editors' Code of Practice, created by an industry-dominated committee, does not meet the requirements for a standards code under the Press Recognition Panel.

This is nothing to do with blocking free speech. Section 40 was aimed at providing financial incentives for newspaper publishers to join an approved regulator. If enacted, it would not, as claimed, force publishers to pay both sides' costs in court actions if they win or, indeed, if they lose—if they join, that would not come into play—nor would it create an unprecedented barrier to justice because it would apply only if they do not join an approved regulator.

It was disappointing that, during the passage of the Bill in the Commons, the Government rejected an amendment from the Conservative MP George Eustice that would require the Secretary of State

"to consult on alternative incentives to encourage publishers or regulators to seek recognition under the terms of the Royal Charter for the Self-Regulation of the Press".

We have all seen failures of governance in the water industry and in the gas industry, which come under independent regulators. Those failures were exposed, quite rightly, by the press, but in their own case they want to self-regulate—something they would never condone for any other industry.

It is true that the worst behaviour resulted in criminal cases and some expensive civil actions, but the Press Recognition Panel does not believe that Section 40 should be removed without equivalent or alternative mechanisms being put in its place. I believe that to be the case. It also points out that the definition of a recognised news publisher is confusing where it relates to content coming under the remit of Ofcom, but I will leave that to my noble friend to sort out.

Might the Minister also accept an amendment to include anti-SLAPP measures? Does he not agree that Section 40 currently gives protection to publishers from excessive costs from those using SLAPPs? Without Section 40, how can newspapers be protected from outrageous claims by Russian oligarchs for vast amounts of money? I hope he might consider that. It may be that it could be dealt with under another Bill.

There are other issues in the Bill that I look forward to dealing with in Committee, but I cannot finish without talking about my noble friend Lord Forsyth's amendment. I agreed with much of what he said. I have a confession to make. There is nothing new about foreigners buying national newspapers to achieve influence. My great-grandfather bought the *Observer*. The only reason he bought it was to have undue influence. Why else would you buy a newspaper? Looking at other occasions since then, Roy Thomson—a Canadian—bought the *Times*. He sold it on to Rupert Murdoch, an Australian. The *Telegraph* was sold to the noble Lord, Lord Black of Crossharbour—another Canadian.

The amendment from my noble friend Lady Stowell might work—I hope it does—if my noble friend Lord Forsyth does not get his amendment accepted. However, I would say as a fallback for my noble friend that, in the past, press barons were given a peerage. I suspect that, this time round, the Sheikh did not put in a bid to acquire a peerage. However, if he was offered one and had had a chance to come to your Lordships' House to listen to the four hours of debate we have had this evening, that might put him off buying the *Telegraph*.

7.49 pm

Baroness Hollins (CB): My Lords, I too will speak about Clause 50. I am pleased to follow the noble Viscount, Lord Astor, with whose views on this clause I agree.

The repeal of Section 40 of the Crime and Courts Act has been lobbied for by national newspapers for over a decade. Other noble Lords have questioned why it should appear now in a Bill about broadcasting. The Minister asserted that the purpose is to remove "burdensome obligations" on the press, but, as the Press Recognition Panel's briefing explains, joining an approved independent regulator would protect them.

I have spoken on the issue of press standards for a number of years. I declare an interest, as I am co-party to a civil claim against a newspaper group about alleged hacking of personal data. The claim is at the pre-trial disclosure stage. As many in your Lordships' House know, my family suffered relentless intrusions and inaccuracies after my daughter was attacked in 2005. Although the circumstances of what happened to my family were unique, the experience of coming up against large and powerful newspapers bullying and abusing ordinary people is not.

The noble Lord, Lord Black, used the phrase "odious and shameful". Perhaps I should gently suggest that that is exactly what wrongdoing by the press is. It is an abuse of power by a very powerful industry. That is why, in 2013, all parties made promises to implement the Leveson system of independent regulation for newspapers and news websites.

The lack of independent regulation of the press and its online operations is anomalous among other industries. The noble Lord, Lord Inglewood, is right: there is insufficient confidence in current self-regulation. We regulate medicine because it matters to our health. We regulate law because it is critical to upholding justice. Thanks to the Online Safety Act, we regulate social media, because we as citizens have responsibilities in how we treat each other online. But the media matters too. It is an important industry. It is, sometimes with good reason, described as the lifeblood of democracy. While we recognise the importance of a healthy broadcast media and require the regulation of broadcasters, we do not do so for newspapers and their websites. This is an oversight that undervalues and underestimates the importance and power of the press.

[Baroness Hollins]

Please do not be fooled into believing that these problems are all historic and everything has changed—a narrative so often repeated by the press that one just might be tempted to believe it. In the years since Leveson, barely a week goes by when we do not hear of another invasion of privacy, distortion of the truth or other discriminatory content. We should be clear what the repeal of Section 40 will mean unless there is an alternative mechanism to underpin independent press regulation. It would be an endorsement of the status quo: that national newspapers prefer membership of IPSO, which upholds fewer than 1% of the complaints it receives. It is run by the press and has never investigated or fined a newspaper. Those of us in the Chamber committed to press freedom might think that IPSO, even if it cannot protect the public, could at least safeguard press freedom. I do not think it can do that either, as it features active parliamentarians as its chair, on its rule-controlling body —the regulatory funding body—and on its appointments panel. These are noble Lords for whom I have respect.

Let us be clear that support for Leveson is support for free speech, for the highest ethical standards in journalism, and for regulation totally free from political oversight. By contrast, repeal of Section 40 is a tacit endorsement of IPSO's model: a complaints handler controlled by the press and run by parliamentarians. I suggest that that compromises press freedom.

Independent press regulation is better for the public and for the press. That is why more than 200 local and independent newspapers are signed up to Impress. Many of them are investigative newspapers for whom press freedom is not just an empty slogan but an essential foundation of their journalistic work. I have spoken about this issue on a number of occasions. The Government often give the same response to amendments seeking action on press standards. They say, "Not in this Bill, and not at this time". So why now?

The point has been well made already. I hope the Minister will reflect on the coherence and appropriateness of using this legislation to attempt to dismantle the Leveson system. In every other respect, it is a Bill that promotes the public interest. In respect of the press alone, it profoundly compromises the public interest. I believe it is important that journalists and the public have protection from the consequences of a powerful, unaccountable, unregulated newspaper industry, which, through online readerships, reaches more people today than ever before. I hope the noble Lord will reconsider the Government's approach.

7.54 pm

Earl Attlee (Con): My Lords, technically, we are debating my noble friend Lord Forsyth's amendment, and I fully support his intervention. I am grateful to the Minister for his succinct explanation of the Bill. My sole interest in the Bill is Clause 50, which seeks to repeal Section 40 of the Crime and Courts Act 2013. I agree that, if the section is not to be commenced, it should be repealed. It was a sword of Damocles hanging over the press, and not just in the way my noble friend Lord Astor referred to.

Noble Lords will recall that, during the passage of the Data Protection Act 2018, the House agreed to my amendment—with the help of the noble Baroness, Lady Hollins—which would have commenced Section 40. My noble friend Lord Black and the noble Lord, Lord Pannick, were never able to explain how the state could interfere with the approved regulator, which is currently Impress, although there could be another one. At the time I was, and still am, very grateful for the support of noble Lords on the Labour and the Liberal Democrat Benches.

So far as Section 40 is concerned, my party appears to have a complete and utter lack of moral courage. As observed by the noble Baroness, Lady Hollins, the Conservative-led Government put the 2013 Act before Parliament, and Section 40 was agreed with a large majority. Then the Government got cold feet because of a little bit of pressure from the press.

I have to say that the News Media Association is far and away the most effective trade association I have encountered in my time in public affairs. For instance, during my 2018 campaign, it skilfully made sure that my name was never mentioned in any newspaper—with one exception, which was, of course, a positive reference. This minimised my exposure outside the House, which was quite brilliant tactics.

It is true that Clause 50 meets a 2019 manifesto commitment, but two Prime Ministers later. However, it uses these words:

"section 40 … which seeks to coerce the press".

If we took out the stick component of Section 40, to which various of my noble friends have referred, but kept the carrot component, which Ministers conveniently and shamefully forget to mention, we would be completely compliant with the Salisbury/Addison convention. I cannot see what any objection to a carrot-only Section 40 might be. I will be tabling such an amendment, but I do not think it would be profitable to send it to the Commons because there is no possibility of honourable Members being able to agree to it an election year.

Let no one think that I am an enemy of the free press. I am not. I was motivated to get involved by the heavy advertising and lobbying—presumably by the NMA—which was extremely economical with the truth in respect of how Section 40 worked. In other words, it omitted to refer to the carrot component. My personal view is that, with one exception, it should not be possible to sue a properly and effectively regulated newspaper. The exception is where the damage from a libel is irreversible—for instance, if a contract is lost or a firm goes bust. Otherwise, the remedy should be that the newspaper has to retract with due prominence.

Let us take the Post Office Horizon scandal: my understanding is that *Computer Weekly* could have revealed more and earlier had it not been for legal constraints. We should remember that one of its targets was a very large IT company with almost limitless legal resources.

We know that there are serious economic difficulties in the newspaper industry, and in addition we have a proliferation of unreliable sources of news. That is causing us serious problems. Surely the market opportunity for newspapers is to be a reliable, properly regulated source of information. We need the comment "it must be true; I read it in a newspaper" to be a wise one and not a naive one.

8 pm

Lord Wigley (PC): My Lords, I will not pursue the noble Earl's angle on this Bill. Quite clearly, the Bill has the support of the House for a Second Reading tonight. As I understand it, the BBC welcomes this Bill, but it has a couple of caveats, one regarding digital on-demand coverage of listed events and the other the question of how Ofcom interprets "appropriate prominence" rather than "significant" prominence, which was recommended by the culture Select Committee.

Having said that, let me become more parochial. At one time, we could depend in this House on a phalanx of Welsh speakers in such a debate; we have one on the Woolsack, but not many others around tonight. We are outgunned by the Gaelic lobby; that is a step forward for Scotland, certainly. Had our late colleague, Lord Elystan-Morgan, been with us today, he would most certainly have welcomed the Bill, but he would also have added his reservations with regard to some Welsh language issues.

In my early days in this Chamber, the Welsh language channel S4C faced being emasculated by the DCMS. Lord Elystan-Morgan and I had received strong letters from Cymdeithas yr Iaith Gymraeg, the Welsh Language Society, reminding us that Gwynfor Evans had threatened to starve himself to death to secure an independent Welsh language television service, which led to the creation of S4C. It asked what we were going to do. The outcome was that we secured a meeting with the DCMS Minister, then Jeremy Hunt, for a deputation including our two late colleagues Lord Morris of Aberavon and Lord Roberts of Conwy—a cross-party phalanx of Welsh speakers. The Minister agreed to reconsider, and within five days the threat to S4C was removed.

I refer to this episode to underline three issues very relevant to the Bill before us tonight. The Bill's implications for broadcasting in Wales are significant. There remains an ongoing fear that S4C, whose resources have been reduced in real terms—I point this out to my Scottish friends—by 40% over the past decade, could be squeezed out, and the Welsh language marginalised. I noted there was a similar squeeze on Gaelic television mentioned by the noble Lord, Lord Dunlop, and the noble Baroness, Lady Bull, and their analysis has a resonance in Wales. I gladly support their efforts in support of the Gaelic language.

The recent report of the Independent Commission on the Constitutional Future of Wales, chaired by former archbishop Rowan Williams and Professor Laura McAllister, called for a "stronger voice" for Wales in broadcasting matters. This in no way impugns the work of Dame Elan Closs Stephens, the former chair of S4C, who stood in as chair of the BBC over recent months; she has done outstanding work for the BBC and indeed for Wales. But we should have systematic safeguards in place, and not have to depend on outstanding individuals to defend our corner.

I will highlight two other issues. The first is quotas; Clause 14 of the Bill is relevant to this, though limited to areas outside the M25. The BBC has specific quotas for each of the nations, and Channel 4 has an out-of-England quota. But ITV and Channel 5 are not formally required to have any content produced outside of England. In practice, ITV Wales does produce its own content, but this has eroded over recent years from the halcyon days of HTV so that it is now far short of what we would ideally expect.

Ofcom acknowledges that in 2022 only

"3.4% of qualifying first-run network spend"

across all public sector broadcasters

"was allocated to programmes qualifying as Wales productions",

but even this may be misleading. TAC, the body representing independent Welsh television producers, has pressed for tighter rules over productions which qualify as "made in Wales". It warns of a real danger of companies "brass-plating" a Welsh dimension, whereas in practice they have only a token link with Wales. MPs on the Welsh Affairs Committee have asked whether Ofcom is regulating adequately to close this loophole and whether Ofcom's base criterion is adequate for these purposes. They proposed that this loophole should be tackled in the present Bill. Disappointingly, the Government responded that they see no need to legislate in this area.

The Welsh Affairs Committee also recommend adding the Six Nations live coverage on television

"to Group A of the Listed Sporting Events, to ensure its status on terrestrial TV".

The Government responded:

"As sports policy is devolved, it would be for the Welsh Government"

to go after this matter. Will the Minister tell the House what response they have received from the Government of Wales? Does the UK Government's eagerness to pass responsibility over to the Welsh Government not reinforce the case, presented by the archbishop's commission's report, that there is a case for devolving greater powers to Wales in these matters?

This apparent unwillingness of the UK Government to safeguard Welsh interests has fired new calls for broadcasting to be devolved. I recognise that the BBC has done much over the years to serve Wales and the Welsh language, but that cannot be said of all broadcasters who seek to reach a Welsh audience.

A new clause was proposed in the other place by my successor as MP for Caernarfon, Hywel Williams—incidentally, today is the 50th anniversary of my being elected for that seat. That new clause provided for the establishment of a new broadcasting and communications authority for Wales. The Welsh Government's expert panel has proposed a shadow broadcasting authority for Wales. This could involve the establishment of an independent regulator for Wales. Do the Labour Front Bench support that policy being advocated by their colleagues in Cardiff?

One argument in favour of such a move has been the low level of interest shown by the DCMS in the difficulties that S4C has experienced recently. When I was on the board of S4C a couple of decades ago, the DCMS was swift enough to insist on my removal when I mentioned that I might be re-entering politics. That is in stark contrast to its slothful approach and lack of interest in recent difficulties. This all fires up demands for Wales to take greater control over broadcasting matters that affect our nation.

The present Bill is necessary, but some aspects need to be examined, and I shall welcome an opportunity to do that in Committee.

8.07 pm

Lord Watts (Lab): My Lords, this is an important Bill and it is much needed after 20 years, but some outstanding issues need to be addressed. I very much support the view of the noble Lord, Lord Forsyth, about foreign ownership; there is the issue of SLAPPs, which are used to silence journalists who are doing legitimate stories; and we do not seem to have any long-term strategy for the media in this Bill.

National newspapers urge us to resist any amendments that would lead to some form of independent regulation. They claim that such regulation would stifle our free press. That is despite the fact that 200 papers have already signed up with it and do not seem to have any problems with that regulation.

People think sometimes that newspapers do not count, and they point to the decline in the number of people buying newspapers on a daily basis. That decline has to be looked at against the online content and the amount of people who are seeing that, and the effect that newspapers have on the media the following day—they set the agenda for the rest of the media, which follow without any question.

Some people in Britain believe that we have a free press, but our press, by and large, is owned and controlled by the rich and powerful—individual corporations and their executives. They control the editorial and political direction. They are answerable to nobody and are not accountable; they should be.

When the hacking scandal broke, the Government set up the Leveson inquiry. The report was supported by all political parties. What they did not say at the time was that they would support the recommendations as long as the press barons agreed to everything that they wanted to do. So there is a cynicism that has been created by the fact that, after Leveson produced his report, every politician and every political party got behind the recommendations and slowly the press barons were able to water it down so that it did not mean anything any more.

The press tells us there is no need for Leveson now because it has improved its practices and complaints procedures. It is not so. I went to meeting three weeks ago and heard from a woman whose child was knocked down and killed in a hit-and-run accident. A national newspaper sent a reporter to the scene of the crime. The reporter managed to get CCTV coverage of the event from a local shop. The national paper followed the story up with an article on the issue and provided a link to the CCTV footage so that people could watch what had taken place. When the woman complained to the regulator, she was told to take the matter up with the newspaper first. She did. After six months, she contacted the regulator again and informed it that she had made no progress over the six-month period and that she was even more stressed due to the lack of action by the newspaper. She was informed by the regulator that, if she was that stressed, perhaps she should consider dropping her complaint. That does not seem to me as though it was being investigated properly.

If we look at the facts about the regulator, only 0.3% of complaints are upheld. It has the ability to fine its members up to £1 million if they are found to have broken the rules and regulations. Not one national newspaper has been fined. I think that says a lot about that regulator and shows a lot about why we need to change the system. Many individuals and families continue to face intrusion, harassment, abuse, sexism and discrimination against different groups. There are still more than 1,000 legal cases of hacking that are being dealt with by the courts. These are people who do not want to be regulated. I suggest to Members that it is crucial that there is some sort of independent review of how they manage their affairs.

I do not believe that Parliament should have direct involvement with regulation, but it is surprising. People say that they do not want politicians to be involved in this decision, but they are quite happy to have political appointments. There are a couple of people who are ex-Tory Ministers on that body. If we look at how the public would see that, they would see the performance and the appointments and would know what is going on. There is too close a relationship between major newspapers in this country and one political party. They are not unbiased; they are politically motivated and they have their own agenda. I urge Members to support amendments that do something about this. It is a national scandal. It was a national scandal when Leveson was set up, and it has not changed yet. There has not been any improvement in the way that daily newspapers conduct their business or deal with complaints.

8.14 pm

Baroness Benjamin (LD): My Lords, I welcome this long-awaited Media Bill and declare an interest as per the register. The children's television sector is in crisis. Ofcom has identified a dramatic shift in viewing habits among young people, particularly those over the age of seven. This, together with the long-term reduction in commissioning of original UK content for children, has led to a situation in which children and young people are essentially lost to public service broadcasting.

However, this Media Bill does not address these issues. The Media Bill should focus on the spaces where children are watching media now, not the spaces they have deserted. We need to ensure that our children can find public service content in places where they are now spending their screen time, which is on non-child-friendly, unregulated platforms. This crisis largely affects school-age children, where the migration of the audience to online services has reached alarming levels. High-quality, pre-school content is relatively robust, because parents control viewing on on-demand services, such as CBeebies and Channel 5's "Milkshake!"

For older children, the problem of audience loss becomes acute. Live-action content that reflects the lives and concerns of British children is the hardest hit and is at risk of disappearing from commercial PSBs altogether. The BBC, which is the biggest provider of UK content for school-age children, has decided to focus more resources on animation to win back young viewers lost to streamers and video-sharing sites. The Children's Media Foundation's recent consultation revealed that the kids audience is no longer finding relevant, targeted, UK public service content, so is flocking to services such as YouTube and TikTok and watching adult content. Alarmingly, the consultation

also showed that this fundamental shift in viewing is likely to be a contributing factor to the post-pandemic crisis of childhood, with severe implications for the personal well-being of a generation of young people. The lack of relevance or connection in the content contributes to a sense of isolation and increases levels of anxiety and mental health challenges.

Over the past 75 years, high-quality UK content for children has been a huge British success story and the envy of the world, but, over the past 20 years, consumption by children of traditional, regulated PSB content has been in freefall. This is partly due to the explosion of choice children have in their hands via new devices and new platforms and to the 2007 ban on advertising HFSS food to children, which saw commercial PSB investment in children's content decline by 40% over the following decade.

Children have deserted PSB kids' TV because they easily can, because of the affordability of technology and, crucially, because they have control of their own devices. Added to the mix is the huge rise of unregulated advertising and subscription video-on-demand platforms such as YouTube or TikTok, as well as Netflix and Disney+, where children are watching content aimed at international audiences and dominated by US content. Who do we want to be role models for our children: influencers and extremists on social media or the diverse and inclusive performers and characters on public service children's television?

What is the answer? One was the powerful and relatively low-cost intervention of the Government's three-year pilot of the young audiences content fund. This successful fund, which has now ended, supported the creation of quality, distinctive content for audiences up to the age of 18 on public service broadcasters and their online platforms. When I secured more powers for Ofcom in relation to children's TV programmes in the Digital Economy Act 2017, I was pleased that ITV increased its investment in partnership with this fund. Sadly, that content got relatively small audiences on CITV and ITV Hub because revenue was very limited, partly due to restrictions on the products that can be advertised to children. Ultimately, these pressures led to the recent closure of CITV.

In contrast, YouTube alone takes in around £50 million a year in advertising revenue with unregulated children's content. It is very difficult for PSB broadcasters to invest in kids' TV content. They do not have the scale of kids audience or a fraction of the revenue from kids' content that they once had. This can be addressed only by public funding in one form or another without top-slicing the licence fee, perhaps with enhanced tax incentives, a levy on streamers and online services, Lottery funding or public funding from appropriate sources.

We need regulation to ensure prominence for content rather than services on video-sharing platforms, so the Bill should empower Ofcom to consider the extension of prominence regulation not only to PSB services on streaming on-demand platforms or smart TVs but to video-sharing platforms, using algorithms and recommendation systems. Perhaps the Government should consider a public service algorithm to give prominence to certified regulated content. I will be interested to hear the Minister's views on this idea.

Let us take this golden opportunity to make the Media Bill more future-focused on our children's media reality by reflecting what young people are already doing, which needs support and regulation, with a public service system fit for the 21st century. Once the last children have totally abandoned regulated broadcast television for an unregulated media landscape full of content with little relevance to their lives, a vital part of the fabric that contributes to our quality of life in the UK will be irretrievably lost.

8.21 pm

Lord Hall of Birkenhead (CB): My Lords, it is important to hear so much affirmation today that one of the United Kingdom's great assets is its public service broadcasters. In my previous roles I was always struck by how much they were admired outside this country. When you occasionally went abroad, people would say to you how much they would like a BBC, too. That is good for the UK, and actually very good for the soul.

It is great that we have been able to reflect on what these broadcasters—the BBC, ITV, Channel 4 and Channel 5—deliver for us: of course the news that our democracy depends on to inform our citizens but also, and we have heard this a lot, local news, regional news and programmes in the languages that are also important on these islands: S4C and BBC Radio Cymru in Wales, BBC Alba and Radio nan Gàidheal in Scotland.

Think also of the dramas that reflect who we are, our concerns and our identity. A number of noble Lords have mentioned ITV's recent, brilliant "Mr Bates". I do not believe that would ever have been made by the streamers. PSBs also make services and programmes that are unifiers, which act as a sort of national glue. We saw that very strongly during Covid, and we see it when they deliver sporting events such as the Six Nations rugby over the weekend—not always with the results you want but certainly with the coverage. I could go on. What our public service broadcasters are doing is not only necessary but extremely popular. People on average spend six hours and 15 minutes a week watching BBC TV or iPlayer. That is more than Netflix, Amazon and Disney+ combined. People want the PSBs.

At the same time, public service broadcasters are helping the broader audio-visual sector to grow. For example, Cardiff has been transformed over the last generation into a thriving media city. And this is a sector that is globally successful, as we have heard, with the PSBs at its heart. It is something that we really are world-class at. So there can be no doubt that British democracy and society, and our economy, would be worse off without the public service broadcasters. Where do we want our culture to be determined and reflected in all its breadth? We will need public service broadcasters more in future, not less.

That is why the Bill is welcome and important. It seeks to ensure that the British public will continue to have access to this extraordinary breadth of programming and services that reflect who we are. We all know how the environment in which our audiences are consuming television and radio has been transformed in the 20 years since the last Act. We now live in a world of apps, smart TVs and streamers, something hard to imagine back then, so it is really good that the streamers—which,

[Lord Hall of Birkenhead]
let us be clear, offer so much to our audiences—will be regulated alongside the UK broadcasters. I have long argued for a level playing field, and I hope that the code that is talked about in the Bill will be just that.

As a former deputy chair of Channel 4, I too am pleased that Channel 4 is now safe to pursue its own future. I am pleased that it is being allowed to produce some of its own programmes, although I am sure it will do so without damaging its important role as a commissioner for independent producers. My hope, along with the noble Viscount, Lord Colville, is that it will focus on growing a new generation of small independent producers.

I really am pleased that radio has a section all to itself. Radio or audio—call it what you will—is often sidelined, but we all know it is thriving and important. Again, the Bill recognises the changes in the way that radio or audio is consumed, ensuring that, for example, on voice-controlled speakers it will be easy to find the PSBs. That is really important. I have been keeping a close eye also on the systems used in cars, where about one-quarter of all listening occurs.

I welcome the Bill's commitment to ensuring that the UK's biggest sporting events are freely available to everyone across the UK. These listed events are an important part of the national conversation. Here I agree with the noble Baroness, Lady Grey-Thompson: it is a pity that at present the Bill does not take into account the viewing of these events in an on-demand world. Catching up with events, maybe because they are late at night in a different time zone, is a significant way in which people now use media. I think the Government recognise that and have consulted on it, and it would be great if they could help us on this.

There are two other areas where I welcome the Bill but hope that more work can be done. The first is around genres. I agree with the noble Baroness, Lady Kidron: this goes to the very heart of why public service broadcasting matters. We want our public—our citizens, our viewers, our listeners—to be able to find programmes and information on as wide a range of issues as possible. "What do our audiences need?" is one of the questions that public service broadcasting is out there to answer.

The Bill sets out provisions to ensure that, among other things, audiences have access to news, current affairs and content that reflects their lives and concerns. But the Bill does not define in a more granular fashion what that means and what the remit of public service broadcasting is—to provide, for example, programmes in education, science, the arts and religion. Faith, as we have heard, is so important for matters of international significance.

One of the great benefits of the public service ecology is that it is not just the BBC doing this: other broadcasters contribute in their own way. The Communications Act 2003 defined those genres, and maybe looking to incorporate those definitions could be helpful. Without data, and without defining those genres, I am not sure how we know whether what we want to happen happens.

Then there is the question of prominence itself. Let us use plain English and talk about the "discoverability of content"—that is horrible—or how you find the PSBs. This is so important, and that is why the Bill is so important. I urge the Government to be as strong on what prominence means as possible. We should give Ofcom the most powerful language we can to ensure that our audiences can find the public service broadcasters that we are so proud of. I, for one, argue that we should mirror the buttons I have on my handsets at home for Amazon and Netflix. Why not a button for our public service broadcasters? This is why I urge that the language should be tougher than "appropriate prominence" and instead should speak of "significant prominence".

Finally, I am concerned that so much in the Bill is, necessarily, being handed to Ofcom, which I admire. It will need resources, skills, determination and robustness for the battles over what prominence actually means. It will be taking on teams of lawyers and others from the streamers, TV set manufacturers and so on. The more powerful the message from here, the more power Ofcom will have for what it has to do.

8.28 pm

Lord Vaizey of Didcot (Con): My Lords, I declare my interests as a broadcaster on Times Radio, chairman of Marlow Film Studios and chairman of Common Sense Media in the UK. It is a great pleasure to follow the excellent speech of the noble Lord, Lord Hall. I loved working with him when I was a junior Culture Minister many years ago.

Many noble Lords have said during the debate that this is the biggest media Bill for 20 years. Of course, the last big media Bill, in 2003, created Ofcom. It was genuinely a very big media Bill and Ofcom has indeed proved itself to be an effective and robust regulator. It has increased its reach and powers, even to the extent that it now sits in your Lordships' Chamber, keeping watch over the debate to see that we stick to the rules and give it appropriate praise. It has taken over the regulation of the BBC, which I oversaw and was very much in favour of. But when it comes to broadcasting, interestingly, Ofcom is wrestling now with the difficult question of impartiality—particularly some of the challenges posed to it by, for example, new and innovative stations such as GB News, which is testing the boundaries.

Interestingly, there does not seem to be much room in the Bill or this debate to discuss impartiality, or indeed the Broadcasting Code itself and whether it is up to speed. I am not putting forward a specific view here. There is a particular recognition by Ofcom that the broadcasting landscape is changing as more people are able to start television channels, but a debate on how the Broadcasting Code should adapt to this changing landscape is perfect for this House.

This is not a very important or very big Bill. That is not an insult to either the Government or the Minister, because we are simply tweaking the edges. In my view, the biggest media Bill we have had since 2003 was the Online Safety Act, which gave Ofcom very important powers to regulate the content of platforms. That, of course, encapsulates the change we are debating, because we are now a country that watches streamed content, and people are moving in their droves online. That is what the consumer is doing naturally, as the noble Baroness, Lady Benjamin, pointed out in her robust speech on the quality of children's programming, for which she has been a staunch advocate for many years.

It is true that, as my noble friend Lord Mendoza said, the streamers make great investment in the UK but the link to the public service broadcasters is important. Many of the senior executives you might meet from these big companies trained at places such as the BBC, so we still provide not just quality broadcasting but quality broadcasting executives to the streamers. It seems that at the heart of this debate is the support for our PSBs, particularly the BBC, no matter how much it annoys us. The existential question at the heart of the debate, which we have to address, is: what are we going to do when all the content we consume as British subjects is owned by the Americans? It will be on Netflix and Disney; it will be on Amazon, Apple and YouTube. If we are to preserve British cultural content, if we believe that to be important, we are going to have to support as best we can the BBC and the public service broadcasters. That may mean asking difficult questions such as whether their three streaming services should be allowed to merge— presumably in the face of opposition from the Competition and Markets Authority —and whether we can bring a degree of scale to this debate in order to have any sense of competition.

I was glad that the noble Lord, Lord Hall, mentioned that he was pleased that radio has its own section in this debate, because radio is something I am passionate about. While I might have used this opportunity to big up Times Radio, what I actually want to talk about is Global. I was delighted to see that the founder of Global, Ashley Tabor, got a CBE while the chief executive, Stephen Miron, who has led it for 16 years, has just announced that he will be stepping down and becoming the chairman. Of course, the noble Lord, Lord Allen, one of our own, is the current chairman. It is a great British success story because we love radio in this country. Global took some assets such as Capital Radio and has turned them into real broadcasting powerhouses. It has been helped to do that by a process of deregulation, so I am pleased to see that the Government are continuing that process.

Behind deregulation lies the ability to trust the broadcasters to know where their audiences are and to use technology to provide local content—not necessarily having to be based locally, but still able to present local content. On that point, I would challenge how we have debated genres for public service broadcasters, because if we sit in this Chamber and decide what we think are important parts of the broadcasting genre landscape, we will end up disappearing down a rabbit hole. I would err on the side of deregulation simply to give our broadcasting companies, whether public service broadcasters or commercial, room to thrive.

Specifically on radio, I would love to hear the Minister's views on switchover. I avoided the date for switchover like the plague. There is nothing worse than having a person of a certain age with eight FM radios, one in the garden shed, coming at you if you tell them that they have to buy a digital radio. It seems that, rather like DTT, this should be led by the industry. I am a passionate supporter of community radio and would be interested in the Minister's views about its future. I would also challenge the BBC because, again, if there is any area where the BBC can have a major impact, it is on local radio. I simply do not understand why it keeps pulling back from local radio and making such a mess of it.

The regulation of video on demand is fascinating. I would love to see how it is to be implemented in practice—how to effectively regulate a library of content with things such as impartiality or a watershed. I am delighted that Channel 4 can now invest in its own content. The debate on privatisation, which again I was open-minded about, proved to be an enormous and costly distraction for Channel 4. I do not agree with my noble friend Lord Bethell that the British Board of Film Classification should be given a monopoly on ratings; I should say that Common Sense Media provides excellent ratings, which are loved by British parents, and there should be a choice. I agree with the noble Lord, Lord Stevenson, that the one issue we have not debated, partly because we do not have any answers, is the impact of artificial intelligence on content.

I end by congratulating my noble friend Lord Forsyth on moving his amendment. I did not realise that if you put in a regret amendment, you get to speak at the beginning and the end of the debate. I put the House on notice that I will be putting down a regret amendment on every Second Reading of every Bill that comes before your Lordships in future.

Lord Bethell (Con): I completely agree with my noble friend that no one should be given a monopoly on minimum standards. However, my amendment will be advocating that there should be minimum standards.

Lord Vaizey of Didcot (Con): I look forward to supporting the noble Lord's amendment.

8.36 pm

Lord Foster of Bath (LD): My Lords, this has been, as usual, an interesting and incredibly well-informed debate. But it has presented us with a significant problem. Many noble Lords have spoken about the urgent need to get on with the Bill as quickly as possible. At the same time, many suggestions have been made about areas in the Bill that require improvement, including the very important issue raised by the noble Lord, Lord Forsyth, about which we are very sympathetic, as my noble friend Lord Storey has already pointed out. I hope that the case for speed will not lead to justifiable concerns being brushed aside. After all, the previous Bill is 20 years old, and we may have to wait a further 20 years for another Bill. It is vital that we get this one right and ensure, as far as possible, that it is future-proof.

I echo the words of the noble Lords, Lord Birt, Lord Hall and Lord Vaizey, and, it would appear, Joni Mitchell. Nowhere is this more important than ensuring the long-term security of our public service broadcasters, from which we all benefit, and which help to drive our enormously successful creative industries. Our understanding of what was expected of a PSB was very clear in the 2003 Act. Unlike the noble Lord, Lord Bassam, and, I think, the noble Lord, Lord Vaizey, who appear to be welcoming the streamlining—as they put it—of the PSB remit, many other noble Lords, including my namesake, the noble Baroness, Lady Foster, and the noble Lords, Lord Hall and Lord Russell, the right reverend Prelate the Bishop of Leeds, and all of those on these Benches, have a different view.

[Lord Foster of Bath]

We believe that the Bill is much less clear about what is expected from a PSB because changes to Section 264 of the 2003 Act will remove the Reithian values of inform, educate and entertain. They remove many of the genres expected to be covered, from music and the arts to science and religion. All we now have is, as the noble Viscount, Lord Colville, said, the vague requirement of a range of appropriate genres. In response in the other place to similar concerns, the Government argued that it is in the royal charter for the BBC and in the licences for the other PSBs that such expectations will be covered. But can the Minister confirm that Parliament has absolutely no say on those documents? If Parliament is to have a say on what it wants of PSBs, surely we should look again at this issue.

The Government have also argued that Ofcom will cover this by looking at the delivery of genres across all platforms. Can the Minister confirm that the Bill provides no statutory duty for Ofcom to do this, as I believe it should? Does he also agree that, without specifying genres, it would be very difficult for Ofcom to do the necessary monitoring?

A further example that many noble Lords have touched on where there is a need for future-proofing in the Bill is in respect of radio. I suggest one small addition that I believe we should consider: to keep pace with the change in listening habits, the legislation should be extended to cover those issues that have already been raised. These include: non-broadcast online content, such as catch-up radio; online-only radio stations; podcasts; and the issue raised by the noble Lord, Lord Hall, of in-car radio.

Many noble Lords have raised the vital importance of prominence across all platforms. At a later stage I will be asking questions about the implications of the proposals. I wonder, for example, whether TV remotes, such as my current one, will still be allowed to have a large Netflix button without a PSB one. Much more importantly, if Ofcom is to be the guardian of prominence, it needs a very clear steer from Parliament about what Parliament intends. We share the view that "appropriate" prominence will not help Ofcom. The right reverend Prelate may also be right that "significant" prominence is not the right word either. I hope that we will get together and find the appropriate language so that Ofcom knows what it is that your Lordships and Parliament want.

We also welcome the proposals to update the listed events regime, as my noble friend Lord Addington said, along with others, including the noble Lord, Lord Hall, and the noble Baroness, Lady Grey-Thompson. There is a need for the regime to be further extended so that audiences can view time-shifted content on PSB video on demand platforms.

A House of Commons Library briefing explained this very clearly back in February 2023. It said:

> "If for example the Olympic 100 metre final was broadcast live in the middle of the night on the BBC, but all streaming and catch-up rights were sold to a different broadcaster and kept behind a paywall, then a culturally relevant event might not be available to a wide audience on a free-to-air basis".

I hope the Minister will consider supporting amendments to cover this concern.

I was very taken with the speech by the noble Lord, Lord Bethell, on minimum standards for child protection. He made a very powerful case. He argued that we should not be relying on the good will of the numerous VOD platforms; nor should we rely on Ofcom. I noted his remarks. He said that it should be our job as legislators to set the rules of the game and the job of Ofcom to referee the match. I do not think any of us would disagree with that. We certainly believe in that, and we will work with him to ensure that some minimum standards are on the face of the Bill.

Many noble Lords referred to Ofcom. I confess that I am not quite as sanguine as the noble Lord, Lord Vaizey, about Ofcom's ability to take on yet more responsibilities. After all, it has become something of a dumping ground for all the regulatory duties that have been incrementally imposed on it since it opened its doors back in 2003—all on top of its core functions around spectrum allocation and the monitoring of content. I certainly believe that we should be considering dividing this unwieldy behemoth into two regulatory bodies, one devoted to infrastructure and one devoted to content—but that is for another Bill at another time.

Given Ofcom's huge responsibilities, and given that there is so much that it has to do, it is not surprising that even tonight concerns have been raised about, for example, its ability to cope in relation to its regulatory approach to the new breed of opinionated news channels, such as GB News. Does Ofcom have the resources and competence to carry out its additional responsibilities? What can the Minister tell us about additional resource allocations to Ofcom to fulfil these further responsibilities?

One other point that we will certainly press is that, however illustrious its current and previous chairs have been—and it is lovely to see the noble Lord in his place—there is a legitimate disquiet over Ofcom's independence from government. Whether true or not, perception matters. We believe that the time has come to overhaul the appointment process to ensure that Ofcom is wholly independent and transparent, and we will move amendments to this effect.

It is well known that, on these Benches, we opposed the privatisation of Channel 4 and were incredibly pleased when the Government backed down. But we have some concern about the proposal which will enable Channel 4 to produce in-house programmes, as it could end up undermining the very basis of Channel 4 to support, especially, new and up-coming media companies—the indies—as it has so successfully done over many years. While Channel 4 has suggested that it will not immediately go ahead with in-house production, I hope the Minister will agree that, if and when it does, there should be a quota of minimum qualifying spend still going to SME indies.

On Part 4, several noble Lords have commented on the proposal to repeal Section 40 without any alternative proposal. On these Benches, we disagree with the noble Lords, Lord Hunt and Lord Black, and we agree with the noble Baroness, Lady Hollins, the noble Lord, Lord Watts, the right reverend Prelate, the noble Lord, Lord Lipsey, and others, who want Section 40 not only retained but implemented. Doing so would guarantee access to justice to the public and incentivise press membership of a truly independent regulator, thereby ensuring no backsliding into unlawful and

unethical press practices of the past. Perhaps most importantly, it would protect newspapers from chilling and meritless litigation, otherwise known as SLAPPs. The case to retain and implement Section 40 is overwhelming, and we will pursue it in Committee.

This is a necessary and important Bill, but changes are needed, and we will seek to make such changes during a later stage—but we will commit to doing so as quickly as possible. Given, as my noble friend Lord Storey pointed out, we have a Minister who truly gets it, I am confident that we can quickly agree to such changes and rapidly get this much-needed Bill on to the statute book.

8.47 pm

Baroness Thornton (Lab): My Lords, as one might have expected, this Second Reading debate has been a classic House of Lords debate—well informed, well judged, and correctly identifying those areas of the Bill that require greater scrutiny. I thank all the organisations that have beaten a path to our door, the Library for its briefing, and the Minister for making himself available for discussions at an early stage.

There seems to be universal acknowledgement that this Bill is much needed, if not urgent, and that it is in relatively good shape as it comes before us—which is more than can be said about a lot of the legislation that we have to deal with from time to time. Along with other noble Lords, I can remember the Bill from 20 years ago, and I remember the discussions about the care that we needed to take in amending it. I remember a discussion about the fact that the internet was not in it, and that we would have to look at it again quite soon. In your Lordships' House, "quite soon" seems to be 20 years—and 20 years ago, what was a smart device? What was an iPhone? What was a tablet? It was something that you took when you had a headache. YouTube did not exist at all, Amazon was a relatively small online retailer which, if I remember correctly, was actually making a loss at the time, and Netflix delivered videos and DVDs by mail order. Even in 2003, however, we knew that the media, tech and communication world was moving very fast and we knew that we would need legislation to keep up with that change. That challenge remains the same today.

On these Benches, we believe that the Media Bill is essential to securing the long-term future of our public service broadcasters. I do not think that I could express it any better than the noble Lords, Lord Birt and Lord Hall—Birt and Hall sounds like a music hall act, actually. More than that, it gives confidence to our nation's wider creative economy. We are concerned that the Bill gets on to the statute book as smoothly and quickly as possible. I therefore repeat the offer made to the Secretary of State by my honourable friend Thangam Debbonaire MP during Second Reading of the Bill in the Commons. She said:

"I start by making her an offer: I will work with her on a cross-party basis to get the Bill into law as quickly as possible, subject to the proper scrutiny that would be expected from His Majesty's Opposition".—[*Official Report*, Commons, 21/11/23; col. 234.]

My noble friend Lord Bassam and I make the same offer here in your Lordships' House to the noble Lord the Minister.

As I say, we profoundly believe that public service broadcasters remain at the heart of the UK's media ecosystem, providing content that enriches our culture, society and democracy; and that radio remains resilient, despite the environment in which it operates changing almost beyond recognition. It falls to us to pass legislation that both recognises the immense way in which technology and audience behaviour has changed and preserves the future of our valued PSBs and radio stations for years to come.

Britain's public service broadcasters must be fully equipped with the tools they need to thrive in this intensified era of internet and on-demand television. I am sure that the Minister understands how frustrating the delay has been to everyone involved—much of it down to the pointless war about Channel 4. I suggest that this Bill may go some way to restoring the trust of our PSBs and other players in the Government and their intentions.

I thank my noble friend Lord Bassam, who I think gave the House a good gallop round the main issues, as did the Minister at the beginning of this debate, for which we should all be grateful. I echo him in saying that the first issue that we will need to explore is of course those proposals ensuring that PSBs are always carried and given prominence on smart TVs, set-top boxes and streaming sticks. The Commons explored whether "appropriate" prominence, as it is described in the Bill, goes far enough and we will surely do so here. Many noble Lords, including the noble Viscount, Lord Colville, the right reverend Prelate the Bishop of Leeds and others, raised this, and the point that everyone has been making is that we have to ensure clarity in the mandate to Ofcom: what it means and how it should work. My honourable friend Steph Peacock MP commented in the Commons that the definition of PSB is that it is easily discoverable and promoted to audiences. That is what we need to be looking for.

The Bill gives significant discretion to the Secretary of State in how the new prominence regime is scoped and implemented. Given the turnover of DCMS Secretaries of State, and indeed the antics of Nadine Dorries when she held the post, we might want to look at how that discretion might operate. I say to the noble Lord, Lord Russell, that he might want to be careful what he wishes for in terms of Henry VIII powers in this area.

The noble Baroness, Lady Kidron, pointed out that misinformation and toxic material have not been dealt with and addressed. The noble Viscount, Lord Colville, rightly raised the need to hear unheard voices.

The noble Lord, Lord Russell, and the noble Baroness, Lady Benjamin, in particular referred to children's TV. That is an issue that we are going to have to take very seriously indeed. The noble Baroness, Lady Benjamin, made a very powerful speech. Children's TV makes a significant contribution to the economy and provides quality jobs, but it is also a key part of our soft power, promoting tolerance, logic and fair play to children all over the world. The Government need to consider the wider consequences for public service broadcasters if children are not consuming as much content as they used to.

We all have to think about how unhelpful it is for the long-term interests of our public service broadcasters if a generation of children is growing up not actually

[Baroness Thornton]
experiencing their content, and what we should be doing about that. It also provides a challenge to Disney+ and the other video-sharing platforms: do they care about the quality of content that our children are consuming on their platforms too?

As we are all aware, and as several noble Lords have said, the BBFC does a trusted job with its ratings system. We are aware, for example, that Netflix uses the BBFC system to rate its output, but of course that is not the case for all. I think, like other noble Lords—the noble Lord, Lord Bethell, explained it to us—that we will have to explore the issue of assured standards of transparency and accountability that will lead to trust in ratings for parents, in particular, and of this being regulated by Ofcom in a fair and robust manner.

Like many here, radio is important to us, and vital in many communities. It is to be welcomed that Parts 5 and 6 are in the Bill. As my noble friend Lord Stevenson said, I think we will need to explore the future-proofing of the proposals before us. I was particularly struck by what the noble Baroness, Lady Stowell, said about local radio. For example, we will need to look at expanding the scope of regulation to cover non-voice activated in-car information systems. The current clauses cover only linear, or live, radio, rather than on-demand and online content provided by UK broadcasters. As listening continues to adapt, the legislation should be future-focused and extend to online content, such as catch-up, online-only stations, and podcasts. This was a key recommendation of the Culture, Media and Sport Select Committee pre-legislative scrutiny report published in July 2023, and I think we need to pick that up.

I turn to sports. The final report of the pre-legislative scrutiny committee said that there is a need

"to close the loophole that allows an unregulated streaming service to buy the rights for a listed event and put them behind a paywall".

We be looking, along with others, such as the noble Baroness, Lady Grey-Thompson, at Clauses 20 to 25 with an eagle eye. Do they cover clips, do they extend to digital and on demand, and is live linear safeguarded sufficiently?

I too thought that S4C would be more prominent than Gaelic. We will be joining others in seeking clarity from the Government about the Gaelic language service and whether it should be given PSB status, as mentioned by the right reverend Prelate the Bishop of Newcastle, the noble Lord, Lord Dunlop, and the noble Baroness, Lady Bull. I say to others that I do not think that S4C was outgunned, because it is certainly absolutely treasured on these Benches.

We will be seeking clarity also on the removal of the specific requirement on public service broadcasters to include programming on "religion and other beliefs", as specified in the Communications Act 2003. This legislation will replace that with a more generalised requirement

"that the audiovisual content made available by the public service broadcasters … appears to OFCOM to be … a sufficient quantity … that reflects the lives and concerns of different communities and cultural interests and traditions within the United Kingdom".

The question is: does this requirement sufficiently protect programming on the range of religious and non-religious views in the UK, and could it result in essential programming being overlooked? I would like some discussion with the Minister and the Bill team about that issue.

In conclusion, I think that Ofcom will need muscular implementation of this legislation and, like other noble Lords, I will need reassurance—I think we will all need reassurance—about its resourcing and expertise to do that. Take AI, for example. Ofcom will have to deal with the question of how algorithms serve our content, and how will Ofcom know what is being promoted by the algorithms that are supposed to serve our content? These issues were raised only about halfway through the debate and I hope that they will be material.

I am about to say something which will probably only show how technically illiterate and old I am, but we now have one of those rather large and fancy, supposedly smart, televisions in our home. It seems to be incapable of working out my preferences and still presents me—with prominence—programmes that I would never watch in a million years, have never accessed and do not particularly want to watch. My son tells me that it can be remedied; however, the television is supposed to be smart and it should be able to learn—I should not have to put up with a lack of prominence of the things I actually want to watch. I am hoping that, during our discussions, I can realign my understanding and learn how it is supposed to work. It might be my ignorance and lack of technological expertise, but it seems to me that if it is a smart television, it should be able to do that job for me.

On the amendment proposed by the noble Lord, Lord Forsyth, he knows that we on these Benches are sympathetic to what he has to say. I thank all noble Lords who have spoken, and I look forward to working with the Minister and noble Lords as we move forward with the Bill.

9.01 pm

Lord Parkinson of Whitley Bay (Con): My Lords, I am grateful for the widespread support that has been expressed for the Bill from across your Lordships' House, and the recognition of the important difference that it will make for our much-valued broadcasters and media organisations. I reassure noble Lords that I do indeed get it, and I share the warm appreciation that they have expressed for our public service broadcasters.

In fact, my very first paid employment, at the tender age of 14, was playing the part of a French ghost named Guillaume, in a children's television programme which was broadcast on ITV on Halloween in 1997. As well as getting to film that in a château outside Dijon, I was paid £400, a princely sum for a 14 year-old, which I used to buy a television set of my own, for my room. That was the TV set on which, two years later, I watched the seminal Channel 4 drama "Queer as Folk", the 25th anniversary of which we mark this year, and its ground-breaking importance is still keenly appreciated by so many people.

I share the strong sentiments that noble Lords have expressed about the importance of public service broadcasters, the programmes they produce and the

fulfilling jobs they support and sustain. I am grateful to noble Lords for their enthusiasm for the Bill and look forward to working with them in the many areas in which they have set out their interests.

A number of noble Lords, including the noble Baronesses, Lady Kidron and Lady Foster, the right reverend Prelate the Bishop of Leeds, the noble Lord, Lord Hall of Birkenhead, focused on the changes to remit and the question of genres. I reassure noble Lords that the Government recognise the importance of a diverse media sector in the UK, where audiences can select from a wide range of programmes, according to their own tastes and interests, and indeed to have those tastes and interests expanded. Our public service broadcasters have an important and distinctive role to play in helping to achieve that. To ensure that the regulatory framework supports these outcomes, the Bill replaces the 14 overlapping purposes and objectives to which public service broadcasters must contribute with a new, modernised remit. It is intended to provide a much clearer sense of our public service broadcasters' distinctive role in the sector.

At the same time, it has always been our intention that the revised public service broadcasting framework, including the new remit, should retain the requirement on our public service broadcasters to produce a wide range of programmes. The Government have listened to the views expressed by the Culture, Media and Sport Committee in another place; in particular, the committee's concerns that the remit is not clear enough on this point. As a result, as the noble Viscount, Lord Colville, noted, we have added an explicit requirement that our public service broadcasters should, together, continue to make a range of genres available.

Ofcom will continue to collect and publish data on the prevalence of different genres; we have retained the current requirement under Section 358 of the Communications Act, which, among other things, requires Ofcom to report annually on the availability of principal genres on television and radio services. At present, Ofcom fulfils this duty in its annual communications and markets report, which last year reported on 15 key genres including religion and belief, arts and classical music, and educational content. We expect this reporting to be retained.

Moreover, should Ofcom identify a problem with the spread of genres, including in relation to religious programming—which a number of noble Lords mentioned—then the Bill allows for the remit to be updated, and indeed for the creation of additional quotas for underserved content areas. I am happy to reassure the noble Baroness, Lady Kidron, that the House does indeed have my ear on this, and I hope that she and others will recognise from the changes that we have already made to the Bill in this area that it also has the ears of my ministerial colleagues.

I agree that the noble Baroness, Lady Benjamin, made a powerful speech about the importance of children's television, and I strongly agree on the importance of ensuring that our children continue to have access to the public service content, indeed as does my colleague Julia Lopez, the Minister in another place. She spoke passionately there about the profound and positive impact that high-quality, original British programming can have. As the noble Baroness noted, children now have access to an endless library of global content at their fingertips. While there is some great programming out there for them to access, a lot of it can be generic and lack substance. That is why the Bill includes specific measures to ensure that original British children's programming, which reflects the world around children here in the UK, remains front and centre of the public service remit.

A number of noble Lords rightly focused on the provisions and the benefits in the Bill for Scotland and the Scottish broadcasting sector and creative economy. The Government are clear about the incredibly valuable contribution that the Gaelic media service MG Alba makes across Scotland and the rest of the UK. Its partnership with the BBC is particularly significant for Gaelic language broadcasting. I assure noble Lords, including the right reverend Prelate the Bishop of Newcastle, the noble Lord, Lord Stevenson of Balmacara, the noble Baroness, Lady Bull, and my noble friends Lord Dunlop and Lady Fraser of Craigmaddie, that the ongoing provision of Gaelic broadcasting and the future of MG Alba will be key considerations as we take forward the BBC funding review and the forthcoming charter review concluding in 2027. The right time to consider these issues is during the review of the royal charter, given the closeness of the link between the BBC and MG Alba. We will provide further details in due course on our timeline for that important review. The Government certainly—

Lord Stevenson of Balmacara (Lab): I am sorry to interrupt the noble Lord. He is making a very important point, and we respect the way it has been expressed, but is it not also the case that the negotiations between the Government and the BBC are limited to those two participants, and therefore the role for Parliament is not clear? Could he perhaps explain what contribution we could make as Parliament?

Lord Parkinson of Whitley Bay (Con): Through debates such as the one we have had today, and through Questions, which I am always happy to answer from this Dispatch Box on behalf of His Majesty's Government to set out our thinking. As I say, once we have set out more details on the timetable for that review, I am happy to provide updates to the House on the Government's thinking as we take those discussions forward.

I and the Government certainly agree with noble Lords on the importance of Gaelic language broadcasting. The Bill will help to ensure that audiences are able to access content in languages other than English, as well as content which is so culturally important to people across the UK, for decades to come, by including it in the new public service remit for television for the first time.

Not wanting the noble Lord, Lord Wigley, to feel outgunned—and I point to my noble friend Lord Harlech on the Government Front Bench for this Bill—I also highlight that the Media Bill will implement legislative reforms following the independent review of S4C, which took place in 2018, to reform S4C's remit, governance structures, commercial powers and audit arrangements. It also provides for changes to the

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statutory content arrangements set out between the BBC and S4C, to add greater flexibility. These changes will help to deliver the Government's manifesto commitments to support Welsh institutions such as S4C and to support the Welsh Government's ambition for a million people in Wales to be able to speak Welsh by 2050.

A number of noble Lords focused on the issue of "significant" or "appropriate" prominence, which was extensively debated in another place. One point that has been lost in the debate so far is that the test under the existing linear prominence regime is already one of appropriateness and not significance. The overwhelming evidence that we have received is that that test has worked well, so I suggest that the question is not why "appropriate" is better than "significant" but why the Bill should move away from terminology that is widely understood and has delivered for audiences.

The Government agree on the importance of ensuring that public service content is prominent and easily accessible on major TV platforms. As is already the case in the linear sphere, public service broadcasters' applications, and the content they provide, should be among the most prominent on the platform, whether that is on the home page, in search results or through the recommendations, such as those that currently confound the noble Baroness, Lady Thornton.

In addition to that core aim of securing prominence for public service broadcasters' services and content online, the regime must also be operable and proportionate to allow for innovation and consumer choice. For example, it must account for the differing requirements of audiences in different parts of the UK. While it remains important that designated STV services receive prominence in Scotland and designated S4C services are prominent in Wales, it would not, for instance, be appropriate to require those services to be given the same degree of prominence outside Scotland and Wales.

As the Government set out in our response to the Culture, Media and Sport Select Committee's final report on the Bill, we have looked carefully at whether requiring "significant" prominence would be preferable to requiring "appropriate" prominence, and we concluded that the descriptor "significant" would not be sufficiently flexible or operable. For instance, it would not address the question of regional prominence that I have just outlined. As any visitors to their local department store can attest, there is now a huge range of potential user interfaces and routes to content available from modern televisions. As a result, there can be no one-size-fits-all approach to delivering prominence, and we believe that "appropriate" prominence—as determined by Ofcom in its code of practice, and with flexibility built in—is fundamentally the right choice.

The noble Lord, Lord Bassam of Brighton, asked whether we would the keep the list of regulated television selection services under review, and I am very happy to say that we will indeed do so.

The noble Lord also asked about how the Government intend to measure the sustainability of Channel 4. As part of the reform package agreed with Channel 4 last year, both it and the Government agreed to updates to the financial reporting information that Channel 4 provides to my department and UK Government Investments, the Government's corporate finance specialists, on a quarterly basis. While there is no perfect way to measure an organisation's sustainability, that information will help to support our work in considering how best to enable Channel 4 to remain at the centre of British broadcasting for many years to come.

Although I agree with the noble Lord, Lord Inglewood, that there is more to life than sport, I am also grateful to the noble Baroness, Lady Grey-Thompson, my noble friend Lord Holmes of Richmond, the noble Lord, Lord Addington, and others for underlining its importance to very many viewers across the country. I assure the noble Baroness that there is no intention to weaken the public service broadcasters' hand in negotiations; rather, we will ensure that partnerships between them and commercial broadcasters can function effectively to deliver the best outcomes for audiences and rights holders. Ofcom will have the ability to bring forward regulations, including on adequacy. We recognise that it is vital that broadcasters maintain complete editorial control of live broadcasts when they enter into partnerships, so that they have the freedom to make decisions about what events to screen for the British public.

My noble friend Lord Holmes touched on digital rights for listed events. Legislating to include digital rights is a very complex issue; not only is it technical in nature but a balance needs to be struck between securing the right access for audiences and the commercial freedoms that allow rights holders to reinvest in sport at all levels. The Government believe that it would be more appropriate to evaluate that issue through the digital rights review before considering any potential legislation that would enact any particular conclusion. I hope that he and other noble Lords will be reassured that the issue remains under careful consideration; I am sure that we will debate it in Committee.

Baroness Thornton (Lab): Why do we need to wait for that review? It seems that we know enough about this and what the problems are, so why not deal with it now? We cannot wait for another 10 years, or however long it takes.

Lord Parkinson of Whitley Bay (Con): We have set up the review because there are important questions to consider, and it is worth considering them properly. As I say, there is a complexity here in striking the right balance. The review is looking into that and more, and from it may flow some suggestions for necessary changes in the law. It is right that we complete the review and look at that picture in the round. As I say, I am sure we will touch on this in Committee, and there are emerging areas which noble Lords will want to press, but we think it is right to complete the review, which is a logical consequence of setting it up.

The Government are also keen to ensure that sporting events are made available for the public as widely as possible. That is why we have the listed events regime. We acknowledge the interest that fans have in watching our sporting teams compete. It is important, again, that that regime continues to strike the right balance between accessibility and the ability of sporting organisations to generate revenues, so that they can

invest in sports at all levels. We believe that the current list of events works well to deliver the right outcome and that it strikes an appropriate balance, so we have no plans to review the list at this time.

My noble friend Lord Bethell spoke about the importance of age ratings for television content, and we are in complete agreement on the need to protect children and other vulnerable audiences from harmful and inappropriate video-on-demand content to which they might be exposed. As people move to a digital world, so must our regulation change. That is why, for the first time, we are bringing mainstream TV-like on-demand services in scope of the new video-on-demand code. That will be drafted and enforced by Ofcom, which has a long track record of regulating broadcast television to ensure that it is age appropriate, and protects those who may be more deeply affected by what they see or hear. In addition to creating this new code, the Bill gives Ofcom new powers through its audience protection review duty, so that it can provide guidance and report on and deal with any providers it considers are not providing adequate protections.

Taken together, these changes mean that the on-demand streamers will no longer be marking their own homework; that, rightly, will be for Ofcom to assess and do. The British Board of Film Classification, which my noble friend mentioned, does a fine job and the Government encourage all services to consider using it when reaching decisions. However, it is not the only source of effective child protection. Many streamers, including our public service broadcasters, for example, have very effective child protection measures in place and do not use BBFC age ratings. We do not want inadvertently to discourage services from investing in, developing and using the most effective child protection technology that is available and becomes available, which includes but is not limited to age ratings. The Government's overriding goal here is to ensure that effective protection is in place as the outcome, rather than specifying from the top down how that should be done.

The measures in the Bill will ensure that all streamers are given the incentive to place child protection at the heart of their product development, rather than just relying on the regulator to tell them what the bare minimum is they can get away with. For example, protections such as parental controls and warnings, in addition to age ratings, can be more effective than any individual age-rating system. However, we are listening to what my noble friend and others are saying and have been listening to the debate in another place as well, and we look forward to continuing to debate these issues as the Bill progresses.

My noble friend Lord Black of Brentwood raised concerns about the risk of complaints tourism arising as a result of Ofcom's regulation of video-on-demand services. As with existing broadcasting regulation, how these rules are implemented would be for Ofcom to set out. However, to be clear, Ofcom will be regulating only on-demand providers' UK libraries. In addition, following feedback from providers during pre-legislative scrutiny, we have already considered the issue of complaints tourism. The Bill now ensures that Ofcom will be able to consider the length of time that content has been available when considering complaints, which will reduce mischievous accusations. However, this is not new territory. Ofcom has a long history as an international regulator, and we have full confidence that it has the expertise and powers to deal appropriately with complaints of this nature.

More broadly, noble Lords rightly asked about the additional responsibilities Ofcom has taken on in recent years. As they know from our exchanges on the Online Safety Act, the Government are invested in Ofcom, which has taken on many more staff to cover its additional responsibilities. We are confident that it has the capability and resources it needs. Like others, I am very grateful that the noble Lord, Lord Grade of Yarmouth, attended our debate on the Bill today. Ofcom will continue to be accountable to Parliament. The Bill extends its powers in areas it has much experience in regulating. My department has worked closely with Ofcom throughout the drafting process. As I said in my opening speech, we are very grateful for the contribution it has made.

I am grateful to some—not all—noble Lords for expressing support for the repeal of Section 40 of the Crime and Courts Act. Views differ on this across your Lordships' House but, as I said, this is a government manifesto commitment. We worry that commencing Section 40 would risk creating a chilling effect on freedom of speech, undermining high quality journalism and causing serious damage to local newspapers. The Government consulted on repeal in 2016. A huge majority of respondents, some 79%, including press freedom organisations such as Reporters Without Borders, backed repealing Section 40, many arguing that it could have stopped publishers undertaking valuable investigative journalism or publishing stories critical of individuals, for fear of being taken to court and having to pay for both sides. However, I look forward to the further debates that I am sure we will have.

The noble Lord, Lord Stevenson, asked about the Press Regulation Panel. As he knows, that was established through a royal charter on the self-regulation of the press in 2013, which is separate from the Crime and Courts Act 2013. The repeal of Section 40 will not affect the Press Regulation Panel. Any press regulator can apply to be recognised by the panel. The panel will continue to recognise, review and report on Impress. It can also recognise other press regulators, should they choose to apply.

My noble friend Lord Astor asked how we can prevent strategic lawsuits against public participation if we repeal Section 40. If enacted, Section 40 would protect only news publishers which are members of an approved regulator. SLAPPs typically target individuals instead of their employers and can target people other than journalists, including consumers, tenants or victims of sexual assault. Many SLAPPs never reach court as their intention is to silence people before the case is pursued. As I hope my noble friend knows, the Government are taking broad action against SLAPPs to create a changed culture and raise awareness of them, alongside legislative change. The task force on SLAPPs that we established published its workplan in December, outlining action from government as well as from media and legal organisations to tackle SLAPPs. The Economic Crime and Corporate Transparency

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Act, which received Royal Assent in October, includes measures to tackle economic crime-related SLAPPs, which we believe represent up to 70% of all these lawsuits. The Government are also supporting a Private Member's Bill introduced in another place by Wayne David MP, Second Reading of which was last Friday. It has cross-party support, and we will update the measures in the 2023 Act to cover a broader scope, blocking SLAPPs across all types of litigation.

I am conscious that I am reaching the end of my time, so I will turn finally to the amendment moved by the noble Lord, Lord Forsyth. The noble Lord, Lord Bassam, asked whether a meeting with the Secretary of State might be possible. As he will appreciate, at the moment she is acting in a quasi-judicial capacity in relation to this matter, so she is very restricted in what she can say. A meeting would not therefore be helpful. However, I and other Ministers have kept your Lordships' House and the other place updated as much as we are able to while that legal process unfurls. I pointed in—

Lord Bassam of Brighton (Lab): Does the Minister have a sense of the timetable for this review to be completed?

Lord Parkinson of Whitley Bay (Con): If I may, I will point the noble Lord to the answers we have given which set out some of the timelines; there are different timelines under the different Acts and the work that Ofcom and the Competition and Markets Authority do. I will set them out, rather than try to give them off the top of my head, but I have answered questions from this Dispatch Box before and will continue to do that and through Written Questions where possible.

I pointed my noble friend Lord Forsyth to the Enterprise Act and the National Security and Investment Act, which cover the actions available to the Secretary of State, including where she has concerns about media freedom and freedom of expression. As my noble friend indicated, his lively discussions with the Public Bill Office and his resorting to this regret amendment reflect that this is not a matter for this Bill, but, as the contribution from our noble friend Lady Stowell of Beeston showed, she has had more success with tabling an amendment to the Digital Markets, Competition and Consumers Bill. I would certainly encourage them both to continue their conversations with my noble friends Lord Camrose and Lord Offord of Garvel.

Baroness Stowell of Beeston (Con): I am grateful for what my noble friend has just said, but am I to take it from what he said to the noble Lord, Lord Bassam, that the DCMS is not going to engage in this matter at all? Am I to direct my questions to the noble Lords who are responsible for the DMCC Bill?

Lord Parkinson of Whitley Bay (Con): As it falls to my noble friends Lord Camrose and Lord Offord to take that Bill through, it will be more fruitful to have the discussions with them—they will be having them on behalf of the whole Government. But, as my noble friend will appreciate, because my right honourable friend the Secretary of State has a quasi-judicial role, she is limited in what she can say, and so it limits what we can say. I am very happy to continue to answer questions on the process while my noble friends continue their discussions with my noble friends who are answering for the Government on the Digital Markets, Competition and Consumers Bill. I look forward to the discussions with my noble friend Lord Forsyth, who I hope will not press his regret amendment this evening. With that, I beg to move.

9.27 pm

Lord Forsyth of Drumlean (Con): My Lords, I do not think I need to test the opinion of the House because every single speech has supported the view that foreign Governments should not be able to own British newspapers. I thank the Minister for the excellent way in which he summed up the debate. I might just suggest to him that there is a distinction between the Secretary of State acting in a quasi-judicial capacity on this proposal that has come for the *Daily Telegraph* and what I was trying to convey, which is that this should be a matter for Parliament, not an individual, to decide.

The issue is whether, in principle, it is right or wrong for foreign Governments to own our newspapers; that is a matter for the Government as a whole. I have a splendid suggestion to make, which is that the Government can release us all from this quandary by simply accepting the amendment from my noble friend to another Bill. When the Minister says that it is a matter for other Ministers, it is not; it is a matter for the Government as a whole, and it is perfectly clear from what has happened tonight that he can convey to his colleagues that there is unanimous support for the idea that we should prevent foreign Governments acquiring British newspapers.

I say to my noble friend Lord Vaizey that I would not encourage him in the process of tabling regret amendments—it is a very unusual procedure. The reason that I did it was to convey to the Government the strength of feeling on all sides of the House about this. Having said that, I beg leave to withdraw my amendment.

Amendment to the Motion withdrawn.

Bill read a second time.

Media Bill

Commitment and Order of Consideration Motion

Moved by ***Lord Parkinson of Whitley Bay***

That the Bill be committed to a Committee of the Whole House, and that it be an instruction to the Committee of the Whole House that they consider the Bill in the following order: Clauses 1 to 17, Schedule 1, Clauses 18 to 27, Schedule 2, Clause 28, Schedule 3, Clauses 29 to 36, Schedule 4, Clause 37, Schedules 5 to 7, Clauses 38 to 40, Schedule 8, Clauses 41 to 48, Schedule 9, Clause 49, Schedules 10 and 11, Clauses 50 and 51, Schedule 12, Clauses 52 to 56, Title.

Motion agreed.

Ukraine
Statement

The following Statement was made in the House of Commons on Thursday 22 February.

"With permission, Madam Deputy Speaker, I would like to update the House on the conflict in Ukraine, as we prepare to mark two years since the start of the full-scale Russian invasion.

Like many in this House, I remember exactly where I was on 24 February 2022. Just before sunrise, I was woken by a phone call to be told that Russia had illegally invaded Ukraine, and that a car would be outside at 6 am, headed for COBRA. After that meeting, Ministers were all asked to speak to their respective Ukrainian counterparts. At the time, I was Transport Secretary, and my arrangement was to speak via Zoom with my then opposite number, Oleksandr Kubrakov. Oleksandr, who I have subsequently got to know very well, was standing in the middle of a field outside Kyiv. I asked him about the situation, and he told me that, quite frankly, he did not know how much longer the city would last. The Russian army was understood to be just kilometres away; the wolf, or in this case the Russian bear, was literally at the door; and expert opinion suggested that Kyiv would be taken in perhaps three days.

However, as this war drags into its third year, far from winning, Russia has been pushed back since those early days. Putin has achieved none of his strategic objectives, his invading force has suffered a staggering 356,000 casualties, and Ukraine has destroyed or damaged about 30% of the Russian Black Sea fleet and retaken 50% of the territory that Russia stole from it.

Meanwhile, Oleksandr Kubrakov is now the Deputy Prime Minister, and his job is the restoration of Ukraine when this is over. Putin arrogantly assumed that this conflict would be over in days, and he was wrong. He reckoned without the strength of the international support that would rally to Ukraine's cause. I am proud that, over the course of the past 730 days, Britain has been at the forefront of that global response. Our efforts, always a step ahead of our allies, have made a genuine difference. From the outset, we declassified intelligence specifically to scupper Russian false flags. Our NLAW anti-tank missiles, provided in advance of the full-scale invasion, and our Javelins helped brave Ukrainians devastate Putin's menacing 40-mile armoured convoy, which was headed directly at Kyiv. We were the first to send main battle tanks with our Challenger squadron, plus 500 armoured vehicles and 15,000 anti-armour weapons.

All of this helped to degrade Russia's once formidable fighting force, with Putin's losses amounting to 2,700 main battle tanks, 5,300 armoured vehicles and 1,400 artillery pieces. Throughout this conflict, our 4 million rounds of small arms ammunition have allowed Ukraine to maintain a rate of fire, and recently helped keep the Russians at bay during their winter offensive. Meanwhile, the Kremlin has been unable to achieve the air superiority that it assumed it would have, in part thanks to our donation of 1,800 air defence missiles, and over 4,000 British drones have been sent to date.

This conflict has indeed demonstrated that drones are changing the face of modern warfare, and we are already learning the lessons from that. That is why, earlier today, my honourable friend the Minister for Defence Procurement launched the UK defence drone strategy to stay ahead on this new frontier of technology —backed by at least £200 million, announced by the Prime Minister recently—making the UK the biggest drone partner for Ukraine.

Yet it is actually at sea where the allied contribution to Ukraine's cause has been most keenly felt. Our mighty Storm Shadows and our uncrewed sea systems have helped Ukraine achieve a breakthrough in the Black Sea. Not only has Russia's fleet lost seven different surface ships plus a submarine, but a Black Sea corridor has opened up for trade, allowing Ukraine to export 19 million tonnes of cargo, including 13.4 million tonnes of agricultural produce. At the end of last month, Ukrainian agricultural exports from its Black Sea ports reached the highest level since the war began, far exceeding what happened under Putin's Black Sea grain initiative.

As President Zelensky said to me when I visited, the UK's contribution has been monumental. He pointed out that, since the start of the conflict, the UK has sent almost 400 different types of capabilities to Ukraine. Together, we have shown that when Ukraine gets what it needs, it can win, which is why the UK is continuing to step up its support. Last month, the Prime Minister announced that we will be investing a further £2.5 billion in military support for Ukraine, taking our total military package so far to over £7 billion and our total support to over £12 billion, accounting for humanitarian and economic support as well.

In that spirit, today I can announce a new package of 200 Brimstone anti-tank missiles in a further boost to defend Ukraine. These missiles have previously had significant impact on the battlefield, in one instance forcing Russian forces to abandon and to retreat from an attempted crossing of a river. Members will recall that, a few days ago, President Zelensky told the Munich security conference that an 'artificial deficit of weapons' will only help Russia, and he is right.

So today we are giving Ukraine more of the help it needs, inflating its capabilities so that it can defend freedom's front line. Other capabilities will also be coming its way. Our UK-founded and administered international fund for Ukraine has pledged more than £900 million to help Ukraine plug gaps in its capabilities, delivering cutting-edge drones along with electronic warfare and mine clearance capabilities, with millions of pounds of kit to come.

We are investing not just in weapons but in the brave personnel who serve. So far, Britain has put more than 60,000 Ukrainians through their paces here in the UK, but Operation Interflex, our main training effort, is going to expand even further. I am delighted to announce that Kosovo and Estonia have joined us, Australia, Canada, Denmark, New Zealand, Norway, the Netherlands, Sweden, Finland, Lithuania and Romania in all training Ukrainian troops here in Britain. Together, we will train a further 10,000 in the first half of 2024.

Meanwhile, we are building capability coalitions. Alongside Norway, we are leading a maritime capability coalition, and we have been joined by a dozen other

countries in this enterprise. This is about mine detection drones, raiding craft and Sea King helicopters, which have already been sent its way, so that Ukraine can build its navy and defend its sovereign waters.

Last week, I met my NATO counterparts in Brussels, and I announced that, together with Latvia, we would lead the drone coalition. That will allow us to scale up and streamline the West's provision of miniature first-person view—FPV—drones to Ukraine, while supporting the establishment of a drone school for Ukrainian operators and a test range, as well as developing AI swarm drone technology, which will surely be critical in the next phase of this war. Britain has earmarked some £200 million to procure and produce long-range strike and sea drones, and become Ukraine's largest supplier of drones.

Yet this is far from the summit of our ambitions. In December, we set up a new task force to build a strong defence industrial partnership with Ukraine, ensuring that Ukraine can sustain the fight for years to come. In January, the Prime Minister signed the historic security co-operation agreement. This is the start of a 100-year alliance that we are building with our Ukrainian friends. Once again, it is the United Kingdom that has signed the first such agreement, with welcome signings from France and Germany having followed.

The Ukrainians have the will and they have the skills, and they have shown that if they are given the tools, they can do the job, but their need today remains particularly urgent. Russia is continuing to attack along almost the entire front line, only recently decimating and then capturing the eastern town of Avdiivka. The Kremlin continues to callously strike at civilian targets, most recently hitting a hospital in Selydove. Putin is making no secret whatever of being in this for the long term. Russia's economy has indeed shifted on to a full-time war footing, spending some 30% of its federal expenditure on its defence—a nominal increase of almost 70% just on last year alone.

If the cruel death of the remarkable, brave Russian opposition leader Alexei Navalny has taught us anything, it is that Putin's victory is something that none of us can afford. The tyrant of the Kremlin is determined simply to wait out the West. He believes that we lack the stomach for the fight, and we must show him that we are wrong. This House may not be united on all matters, as we have seen in the past 24 hours, but we are united on one thing: our support for Ukraine. So the UK will continue to double down on that support, and all freedom-loving countries must be compelled to do the same. This year will be make or break for Ukraine, so it is time for the West and all civilised nations to step up and give Ukraine the backing it needs.

Two years ago, when I spoke to an anxious Oleksandr Kubrakov, who had retreated to that field outside Kyiv, he did not know what would happen to Ukraine. Now, entering the third year of this conflict, it is remarkable to see that Ukrainians remain in full fight. I know that the whole House will join me in saying that the UK will not stop supporting the brave Ukrainians, our friends, until they have won and have victory."

9.30 pm

Lord Coaker (Lab): My Lords, marking the second anniversary of Russia's illegal invasion of Ukraine gives us another chance to reaffirm our support for Ukraine and its people—people who, in the defence not only of their freedom but of our freedom and our democracy, have suffered so much. So many have been killed and wounded. Cities, towns and villages have been ruined or destroyed.

Yet, in the face of that, Ukraine has stood tall, firm and resolute. Once again, all of us salute Ukraine's courage and bravery. As a country, we are united in our support and our determination to see this through with them. We have seen this in military support, but also in Ukrainians welcomed into our homes, donations of assistance to Ukraine and continuing rallies on many of our streets, marking that sense of solidarity.

Can the noble Earl tell us whether the Government's recent welcome announcement of further support for Ukraine will ensure that the ammunition shortfalls that the Ukrainian armed forces face will be speedily replenished? Do we have the stocks to do this quickly, and can we do all we can to ensure that such shortages are not experienced again? In part, this needs a boost to Britain's industrial production. The Government have announced plans to enable this uplift in capacity to take place with respect to armaments. What progress has been made with respect to this, and what timeline do the Government expect in order for that increased capacity to be available to meet the ever-increasing need?

The chief of the Armed Forces said this week that addressing this shortage of ammunition could take months until the West agrees further steps to support Kyiv. What are these further steps, and what progress has been made to achieve them? Ukraine has had to withdraw at times, not because of a lack of desire to fight but because of a lack of ammunition. This cannot be allowed to happen again. I know the Government will agree with that, but we simply cannot read again in our papers that military withdrawal has had to take place because of the lack of necessary ammunition, let alone equipment.

Alongside raising the amount of ammunition supplied and the speed of supply, we need to maintain the diplomatic effort to maintain our unity. Can the noble Earl comment on President Macron's calls for troops in Ukraine, which appeared to come from absolutely nowhere?

One of Putin's mistaken beliefs was that the West would be weak in the face of his aggression. Is it therefore not significant to note again that the opposite has happened, with the very welcome strengthening of NATO? Finland is now a member and the last obstacles have been cleared for Sweden. Can the noble Earl outline the Government's view of what Ukraine's path to NATO membership is? Do the Government have a view on how they expect this to happen?

The Government have made many announcements, including the recent one about 200 Brimstone missiles. Can we expect a full military aid action plan? Is there to be an implementation plan for the welcome UK-Ukraine security arrangement and agreement?

Alongside equipment, the training of personnel is also crucial. We have trained up to 60,000 individuals so far, which is a great feat on our part. Can the Minister update us on the latest news regarding Operation Interflex, which is our main training effort?

The morale of the Ukrainian people has been immense, and we must do all we can alongside our military support to maintain that morale. What thought have the Government given to this aspect of the war? In other words, what thought have they given to maintaining civilian morale in the face of the aggression and hardships that we all understand?

The shocking death of Alexei Navalny shows the sort of regime that we are dealing with. Success for Ukraine is our success, and it is crucial to the future of freedom and democracy in Europe. The resolve of the Ukrainian people is immense, and they should know the strength of our resolve and that of our friends to stand with them. It is a task we will not shirk, and they should hear that message again.

Baroness Smith of Newnham (LD): My Lords, from these Benches, I echo the words of the noble Lord, Lord Coaker. We stand here today supporting our Ukrainian friends. Across the Chamber and across the country, we give our support to Ukraine. It is unwavering, and it needs to remain so, because Ukraine's war is our war. If we flinch, that only gives succour to Vladimir Putin, so it is absolutely right that we all stand up and say that we support His Majesty's Government in the aid that they have been giving to Ukraine. The aim of this evening is perhaps to ask a few questions about what further support can be given; our own defence capabilities, to ensure that we have the ammunition we are seeking to give and are backfilling appropriately; the defence industrial base, perhaps; and what assessment His Majesty's Government have made of the ammunition support that Russia is getting from North Korea and Iran.

First, it is very clear that there is a concern about a lack of ammunition. President Zelensky has said that we must be very careful not to have an artificial deficit in ammunition. Can the Minister tell the House what preparations His Majesty's Government are making to ensure that we can supply or help supply Ukraine not just this week and next week but for the months and years to come? What discussions are His Majesty's Government having with other Governments in Europe and in NATO about their support? There have been problems about the pledges of ammunition being delivered from other European countries. We are all in a similar situation, and we are all trying to procure weapons from the same industrial base, even if we have our own defence industries. What co-operation do we have, and what discussions are we having? Are we ensuring that, collectively, we can provide Ukraine with what is needed?

I think there is a real issue. The Secretary of State, making the Statement in the other place last week, talked about the new UK drone strategy. Obviously, drone warfare is one of the issues that has come to the fore in recent years. In Ukraine, but also in the Middle East, particularly the Red Sea, we have seen drones that appear to come from Iran. Could we hear what assessment His Majesty's Government have made about the potential of Iranian drone warfare? Do we have any sense of the numbers?

Beyond that—I realise that sanctions probably fall in the remit of the FCDO; certainly, Minister Mitchell talked about sanctions in his Statement today—one of the issues about sanctions is that they ought to be stopping Russia being able to export oil and gas in the way that it has been doing. Are His Majesty's Government satisfied that the existing sanctions are working sufficiently well? In particular, if the rumours are true that among the other countries buying oil now is India, which is one of our Commonwealth partners, what discussions are His Majesty's Government having to try to persuade India and other Commonwealth partners that have not necessarily bought into the same level of commitment to Ukraine as we have? What are His Majesty's Government doing to try to persuade them to support the sanctions?

The Minister of State, Ministry of Defence (The Earl of Minto) (Con): My Lords, let me start by restating that the UK's commitment to Ukraine remains absolute, unequivocal and unwavering. Putin's appalling, illegal and unprovoked attack on the Ukrainian people must be repeatedly condemned by all sides. The Government are extremely grateful for the exceptional level of support across all Benches throughout the last two years.

The UK has been and remains at the very forefront of international efforts to end Russia's war. With that support, Ukraine has retaken over half the land occupied by Russia, pushed the Black Sea fleet eastwards out of Crimea and opened up grain export routes that do not depend on Russia. Ukraine has made significant progress—not consistently, but with enormous effort and huge fortitude—in repelling an extremely focused and aggressive invader. As we know, it is the second anniversary and, as those in the know have said for a long time, this will be a long war. A lot of the questions that have been asked are about the ability of the West to support and maintain the pressure and ability of the Ukrainian people to mount a continuous defence of their country.

I will take some of the questions that have been raised. On the question of replenishment and available stocks, the Government, not only here but also in Europe and NATO, are moving at speed to attempt to invest in industrial strategy that will up the rate of production. In this country, we have done a number of deals, both through the International Fund for Ukraine and also with some of our armament suppliers, to increase that rate. One of the most commonly mentioned ones is the 155mm artillery ammunition, where the actual rate has been increased by a factor of eight.

That is not to say for one minute that we are able to supply—and I do not think one would expect a country of our size to be able to supply—the full necessity, but in working with our partners, both in NATO and the EU, there is no doubt that the rate of supply will increase again, hopefully to the level of fire rate, which will allow the Ukrainians to hold their ground and ultimately push back. It is not an instant solution and, as I am sure noble Lords will be aware, there are some details that I am not at liberty to discuss, but we are doing everything we can to improve our own stocks and availability and restrict the Russian Federation from obtaining materials.

[The Earl of Minto]

Some of the further steps we are taking, particularly when getting other countries involved and stepping up to the mark, are, as you would expect, through diplomatic channels. That is extremely important, because when it comes down to it, winning on the battlefield is one thing, but it is diplomacy that really wins the day in the end. That is consistent with all the different issues we are facing now: we restrict the weapons, we concentrate on diplomacy, we restrict the flow of money and we continue to supply all that we possibly can.

On drones, the noble Baroness is absolutely right. The whole concept of warfare has changed significantly. As part of the £2.5 billion that we are gifting to Ukraine in 2024-25, £200 million is going to go to drone technology and will produce an enormous quantity of drones. The challenge with Iranian drones is that, although of course we will do whatever we can to restrict some of the key components, there are malign forces that are only too happy to supply those key parts which are so hard to get hold of.

On sanctions, we have introduced a sanction level that has never been produced before against a sovereign state. With our international partners, it is a major level of sanctions. Some 1,900 individuals and entities have been sanctioned, 1,700 of those since the start of the invasion. They include 29 banks, which is 90% of the Russian sector, and 131 oligarchs, which is £147 billion. The fall in Russian trade to the UK is now 99.7%. The sanctions are working, and we know that Putin is having trouble coping with them—in fact, he admits to it. How those seized assets should be applied, either for rebuilding Ukraine or for humanitarian aid, is an issue which is under constant discussion.

The question on NATO is an extremely good one. The primacy of NATO in this whole enterprise is paramount. The accession of Finland and the final acceptance of Sweden—I understand there is going to be a signing next week, which is great news—shows the Russian Federation the determination that NATO has. I cannot imagine what President Macron thinks he is doing suggesting that NATO troops become involved; I rather hope it is a question of translation at some point, because it is just extraordinary.

We continue to train a very high number of personnel —in fact, we trained an additional 10,000 in the past few months. One challenge that we have with training, and we have about a dozen allies who help us with it, is that we are not certain how many people are still coming out of Ukraine wishing to be trained. I am sure that noble Lords will know that the Ukrainian Government are looking at the conscription age to try to boost the numbers going into their forces. However, despite some of the setbacks, morale remains remarkably high. More than 80% of Ukrainians are determined to regain all territory. President Zelensky still has an extraordinarily high approval rating. Even the change of commanders, which is fairly normal in war, because after a couple of years people get tired and there needs to be some new thinking, has been well accepted.

The death of Navalny is a clear indication of the sort of people we are dealing with. They will stop at absolutely nothing. It is just another example of the complete lack of any form of moral compass that is being faced.

My final point is that the approach we are taking with some of our allies and some of the Commonwealth about buying oil and gas from Russia is one of diplomacy. The challenge is that, as I understand it, they know they are not necessarily doing the right thing but the Russians are charging a price that they almost cannot resist. That is a real diplomatic challenge and it is something that we need to concentrate on with enormous application and force.

Before taking Back-Bench questions, I will just say that I concur entirely with the noble Lord, Lord Coaker, that, as the second anniversary of Russia's invasion passes, we must all recognise that Putin simply must not be allowed to prevail, at whatever cost it takes.

9.51 pm

Baroness Falkner of Margravine (CB): My Lords, we are right to mark this anniversary, sad though it is, but I must say I am dismayed by the Minister's complacency in his lack of recognition of two other important anniversaries. It is 10 years ago this month since Russia invaded Crimea, and 30 years now since the United Kingdom offered security guarantees to Ukraine through the Budapest memorandum. We failed to deliver on that commitment 10 years ago when Russia invaded Crimea, and it is because of that that the past two years have happened. I am afraid the Minister has shown smugness in not understanding that Emmanuel Macron in France is trying to make us appreciate that the words of the Statement may well come true:

> "The tyrant of the Kremlin is determined … to wait out the West".

The Minister talks of diplomacy. One rule of diplomacy is that, once you rule out options, you soon run out of options. I am very sorry to hear that he thinks having some strategic autonomy in the West might be a mistake. We have to tell the public what the dangers are here.

The Earl of Minto (Con): My Lords, I could not be less smug about the situation in Ukraine, and I apologise profusely if that was the impression I gave. I am commenting on the Statement that was issued last week, which was an update on the current situation. I am fully aware that the world did not respond sufficiently to the challenge that the Russian Federation laid down when it moved into Ukraine 10 years ago. As President Zelensky says, it is all Ukrainian soil that he wishes to get back, not just what has been taken in the last two years. I assure all noble Lords that the Government are far from complacent about the situation that we face now, but diplomacy must constantly have a role to play, now and in the future. The role of NATO is one of defence, and that needs to be adhered to very clearly.

The Lord Bishop of Leeds: My Lords, I am grateful for what the Minister has said. It is understandable that the murder of Alexei Navalny is commanding the headlines, but there are other opposition leaders, a number of whom are in prison and possibly facing the same fate as Navalny. There are Russian anti-war organisations outside Russia, including here in the UK. Are the Government using their convening power to bring some of these disparate opposition groups

together in order that they can exercise what we might call soft power to influence people back in Russia? Indeed, are the Government aware of their existence? I am aware that they do not all co-operate very well, but that might be for the lack of some sort of convening power.

The Earl of Minto (Con): My Lords, the Government provide support, either overtly or discreetly, wherever they can to these groups. There is no doubt that that can help in certain cases to ease what is a very difficult situation.

Baroness Helic (Con): My Lords, Ukraine and the Ukrainians are paying for the West's complacency about Russia. It is good now that we are demonstrating unwavering support for Ukraine, and we must maintain that support. But in the western Balkans, where Russia and her proxies are working to challenge NATO and undermine stability in the region, we behave as if it is pre 2014 and pre 2022. Does my noble friend agree that it is high time to change our mindset and our policy and strategy towards the western Balkans?

The Earl of Minto (Con): My Lords, this is all part of the same story. There are links between these different malign organisations that need addressing. I cannot give an absolutely clear answer about the western Balkans, but I am very happy to write to my noble friend with the detail.

Earl Attlee (Con): My Lords, on the issue of sanctions, we are doing the right thing. We are trying to impose as many sanctions as we can on many entities and people. Obviously, we should not stop those. However, reports in the *Economist* suggest that they are not actually very effective.

The noble Baroness, Lady Smith, touched on European co-operation. In my opinion, as I said on 26 January, it is essential that we co-operate on a European level and decide who is going to do what. I said then that if necessary—if it is what we should do—we should create a Royal Ordnance factory. We should be looking at making 100,000 rounds of 155 millimetres a month, but so far as I can see we are just pussyfooting around. That is what President Putin will see. He will see that we are pussyfooting around. For instance, we are not overturning planning regulations or telling BAE Systems that it can do whatever it likes, and needs to do, to create the amount of ammunition we need. We are not telling BAE Systems that if it needs to requisition a machine tool from another factory and that would totally interfere with the rest of our domestic production, it does not matter. The priority must be to make the ammunition.

If we do not give Ukraine the munitions and other equipment that it needs, Ukraine will fail and be defeated by the Russians. The situation is dire. We will then have to double defence expenditure and keep it doubled for the foreseeable future. The cost to us will be very high, and we will not be able to do the things that we want to do for our people because we are going to have to waste the money on defence expenditure.

The Earl of Minto (Con): My Lords, I thank my noble friend for the impassioned view he takes. He is right, and I agree that we need to up the pace of production. Through the International Fund for Ukraine and other enterprises, the amount of money being spent to arm and replenish the situation in Ukraine continues to grow. Out of the £900 million pledged as part of the International Fund for Ukraine, 27 contracts are out with a total value of £340 million, and another £22 million-worth are just about to be placed. There is a competition out for a further £300 million for ammunition. There is £40 million for drones and another £194 million across air defence and maritime packages. That is just this country, but this is a combined effort across Europe. I am sure noble Lords will have seen that the Germans have started building a new ammunition factory, and the pace of growth continues to increase.

Earl Attlee (Con): Why on earth are we bothering with a competition?

The Earl of Minto (Con): To ensure that we get exactly what we want, and to ensure capacity and deliverability.

Earl Attlee (Con): Surely, we should tell industry what we want and tell it to get on with it. If it says that it needs some sort of capacity, power or machine tool, we should provide it.

The Earl of Minto (Con): There is certainly an element of that, but we work within a global market where resources are not freely available. It is very important to ensure that the vast amount of money spent on the production of munitions is properly spent.

House adjourned at 10.01 pm.