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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

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House of Lords

Tuesday 25 June 2019

2.30 pm

Prayers—read by the Lord Bishop of Chichester.

Poverty and Human Rights: UN Report Question

2.37 pm

Asked by Baroness Lister of Burtersett

To ask Her Majesty's Government what steps they are taking to address the concerns raised by the report of the United Nation's special rapporteur on extreme poverty and human rights on his visit to the United Kingdom, published on 22 May.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con): My Lords, nothing has changed since I answered exactly the same Question on this issue last week, when it was asked by the noble Baroness, Lady Janke. We have responded fully to the special rapporteur's recommendations and will continue to reform the welfare system so that it encourages work while supporting those who need help—an approach based on clear evidence that work offers families the best opportunity to get out of poverty.

Baroness Lister of Burtersett (Lab): My Lords, the Government have previously dismissed the report as “nonsense”, “barely believable” and “inaccurate”, and have effectively rejected virtually all its recommendations. Yet, as was pointed out in this House last week, the DWP's lead poverty official has acknowledged that it “made ... good points” and was “factually correct”. One of those facts was the highly regressive impact of tax and benefit changes since 2010, which, “have taken the highest toll on those least able to bear it”.

Will the Government therefore look again at the recommendation that requests that the NAO assess the cumulative social impact of those policies, especially on those in vulnerable circumstances, which independent experts have shown can be done?

Baroness Buscombe: My Lords, it is right that any Government are held to account for the effectiveness of their approach to tackling poverty, which was always one of our key priorities. While we take every report of this nature incredibly seriously, and recognise that there is more to do—as we always do—we remain disappointed by the overtly political tone of the report and strongly refute the suggestion that we have taken a deliberately punitive approach to welfare reforms. This year we will be spending £220 billion on welfare.

Lord Robathan (Con): My Lords, not every assertion that comes from the United Nations should be taken at face value, any more than an assertion that comes from the Government or indeed from government agencies. But Philip Alston describes himself as left wing and then describes life for the poor as akin to a Dickensian workhouse. Can my noble friend tell me why, if this is the case, so many people are queuing up to come and live the awful life in this country?

Baroness Buscombe: My noble friend makes a very good point. We are in very good shape in this country and we deliver the fourth most generous level of welfare support in the OECD. We spend more on family benefits than any other country in the G7, and as a share of our GDP, our public spending on family benefits is the second highest in the OECD. We continue to listen and learn, but we are also very proud of what this Government are delivering.

Baroness Corston (Lab): My Lords—

Baroness Meacher (CB): My Lords—

Baroness Thornhill (LD): My Lords, I draw the Minister's attention to recommendation (e) in the report, which I hope is less contentious. It mentions the importance of the Government getting the new fairer funding review correct, as it affects every council's ability to plan and provide for services for the most vulnerable and poorest in society. Can she update the House on progress with that important review, because at the moment, councils do not know how much funding they will get from 2020, how it will be distributed and the means of delivery?

Baroness Buscombe: I have to tell the noble Baroness that that is not exactly my area, but I will take away what she asked. It is important to say that we are doing all we can to ensure that we are delivering more from our services and continue to increase spending—certainly from the Department for Work and Pensions—to support those in need.

Baroness Corston: My Lords—

Baroness Meacher: My Lords—

Lord Taylor of Holbeach (Con): My Lords, I think we ought to hear from the Cross Benches.

Baroness Meacher: Thank you, Chief Whip. One of the causes of abject poverty of the most vulnerable is of course the work capability assessment. One of the creators of that assessment has declared it unfit for purpose. It denies severely disabled people benefits when they have no—but no—prospect of work. What plans do the Government have to review the model of the work capability assessment?

Baroness Buscombe: I am pleased to report that we are looking at that very point at the moment and are about to carry out a pilot for a much easier work capability assessment, which will mean that people do not have to have repeats or assessments for different things. That is something we are taking on board very seriously.

Baroness Corston: My Lords, given the Minister's dismissive reaction to the UN report, can she explain why, for the first time in the history of the welfare state, teachers are bringing food into schools because so many children are too hungry to learn?

Baroness Buscombe: My Lords, I am not dismissive of the report overall but I am dismissive of the UN rapporteur's approach, which was very unhelpful. We are doing an awful lot to support children in schools, with breakfast clubs and so on. We are also spending a lot more on family benefits to make sure that children are properly fed. However, we can always do more and we take poverty seriously.

Lord Kirkhope of Harrogate (Con): My Lords, does my noble friend agree that it is important for us to recognise that many good reports come from the United Nations on all manner of areas for which it is responsible, and that it is therefore rather unfortunate that this report was not objective in the normal way that we would expect of the United Nations? Does she agree that this should be drawn to the attention of the UN through our usual channels there?

Baroness Buscombe: My Lords, I am extremely grateful to my noble friend for what he says. I have just been at the United Nations in New York, representing Her Majesty's Government at a disability conference. Time and again, Ministers and commissioners—everyone involved with the UN—said that they do not recognise this report. Much that the United Nations does is brilliant but I am grateful to my noble friend for suggesting that sometimes, as in this case, its reports are not as objective as they should be.

Ash Dieback *Question*

2.45 pm

Asked by Lord Harries of Pentregarth

To ask Her Majesty's Government what action they are taking to address ash dieback.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, extensive action is being taken on ash dieback. We have restricted the movement of ash trees from other countries and invested more than £6 million in ash dieback research. The UK is coming up trumps and leading on work to identify tolerant trees. We are conducting the world's largest screening trials and will plant the first UK archive of tolerant trees in 2020. We are advising landowners on how to manage ash dieback and which trees to replant.

Lord Harries of Pentregarth (CB): I thank the Minister for his reply, particularly for the encouraging news about ongoing research. Does he agree that neither the Government nor the country as a whole have woken up to the scale of the disaster that is already befalling us? Some of us who were around in the 1950s will remember the wonderful English elm. Ten million elms died of Dutch elm disease; now, only 100 are left. Only in 2012 was ash dieback identified in East Anglia, as a result of the import of a few saplings; it has already gone down to the Gower and up into Scotland. It would be helpful if the Minister could say a little more about what success there has been in developing strains of ash that are immune to the disease. If and when such a strain is discovered, will the Government make plans for a massive replanting across the UK?

Lord Gardiner of Kimble: My Lords, the ash is a very important tree in our ecosystem, which is why we are investing in trying to find, through science, the best and most tolerant trees. We are planting 3,000 of them, out of hundreds of thousands of saplings, precisely because we recognise that that work must be done. Many research faculties, such as those at Kew, are engaged in the process. It is encouraging that we are learning much more about the genome of the ash, which is much wider than that of the elm. The noble and right reverend Lord is absolutely right—we take this seriously, as we must, because our ecosystem will be in peril if we do not deal with these diseases.

Baroness Young of Old Scone (Lab): My Lords, the Minister may recognise that ash dieback is a serious problem but I want to press him further. A load of other diseases are waiting in the wings, some of which will make ash dieback look like a walk in the park. Can the Government tell us what they plan to do to develop an accreditation system for UK-sourced and grown trees, so that the trees we grow in this country are sourced, grown and propagated here, rather than imported? That would address at least one source of disease, if not all of them.

Lord Gardiner of Kimble: The noble Baroness is absolutely right. That is why our work with the UK plant biosecurity alliance and the Horticultural Trades Association is so important in forming an assurance scheme that is precisely about growing more in Britain and having heightened biosecurity.

Earl Cathcart (Con): My Lords, I have a high percentage of ash on my farm, but so far only a small percentage has been affected, which I find puzzling but gratifying. Given that ash dieback has now spread to all counties, what advice is Defra giving to those with ash on their land?

Lord Gardiner of Kimble: My Lords, a range. Obviously, health and safety issues are hugely important—this is why we are also working with local authorities—but in many parts we are encouraging landowners to retain their ash trees on farms, because that is how we will achieve natural regeneration. It will also highlight where we will find tolerance. It is essential to continue the research into finding the most tolerant strains—particularly bearing in mind emerald ash borer, which is also in Moscow.

Lord Wigley (PC): My Lords, the disease knows no boundaries. Responsibility for dealing with ash dieback in Wales lies with Natural Resources Wales. Can the Minister give an assurance that there is maximum co-ordination between his department and Wales on these matters, particularly regarding preventive steps, which he has touched on and could involve considerable expenditure in the light of road safety and associated issues?

Lord Gardiner of Kimble: My Lords, the noble Lord is right: it does not respect borders, which is why there was a natural spread across our seas. It is imperative that there is collaboration between all parts of the United Kingdom and, indeed, the Republic of Ireland. It is essential that we see biosecurity as an international challenge.

Lord Krebs (CB): My Lords—

The Earl of Cork and Orrery (CB): My Lords—

Lord Framlingham (Con): My Lords—

Baroness Parminter (LD): My Lords—

Lord Taylor of Holbeach (Con): We will hear from the Lib Dems.

Baroness Parminter: I thank the Chief Whip. The Minister mentioned local authorities. What are the Government doing to support cash-strapped local authorities, which face huge bills for felling dangerous trees alongside roads and railways and in our towns and cities?

Lord Gardiner of Kimble: My Lords, that is precisely why we funded, and the Tree Council has published, a toolkit that helps local authorities to manage the effects of ash dieback; it contains guidance and case studies. I congratulate the authorities in Norfolk, Devon, Kent, Suffolk and Leicestershire, which are all working collaboratively. One of the key points is that, as part of the process, they are replanting, particularly in Devon. We are working closely with local authorities and other agencies.

Lord Krebs: My Lords, as the Minister has already acknowledged, ash dieback is part of the wider biosecurity problem in this country. Can he remind the House what additional measures the Government are taking to promote biosecurity in relation not just to tree diseases, but to all infectious diseases and other organisms that might come into the country?

Lord Gardiner of Kimble: My Lords, the whole issue of biosecurity is absolutely essential, which is why we have increased the number of inspectors at borders. It is important that we keep these pests and diseases out and, using the Asian hornet as an example, that we have the readiness, equipment and knowledge to ensure that, if it arrives, we eradicate it immediately. One of the problems is that in the past we have allowed things to establish when we really should have zero tolerance at the very beginning.

Child Refugees *Question*

2.53 pm

Asked by Lord Dubs

To ask Her Majesty's Government how many unaccompanied child refugees have entered the United Kingdom since the beginning of 2016 under (1) section 67 of the Immigration Act 2016 or (2) the provisions of the Dublin III Regulation.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, over 220 children were transferred to the UK under Section 67 in late 2016. Since then, we have made continuous progress towards achieving our commitment to relocate 480 unaccompanied children. Between 2016 and 2018, 426 children were

transferred to the UK under Article 8.1 and 8.2 of the Dublin regulation. Since the beginning of 2016 the UK has received 9,512 unaccompanied asylum-seeking children and has separately resettled 9,212 children through our resettlement schemes.

Lord Dubs (Lab): My Lords, I am grateful to the Minister for the figures she has given. Is it not incredibly disappointing that the Government themselves set an artificial cap of 480 unaccompanied child refugees under Section 67 of the Immigration Act? So far we have taken 220; no progress is being made at all. Why are the Government so reluctant to do what Parliament agreed we should do?

Baroness Williams of Trafford: My Lords, the Government are not reluctant to do what Parliament asked them to do: the 480 figure was based on local authorities' abilities to take children. I know the noble Lord understands that. As to the 220, we can only move as fast as France, in particular, will allow us to in putting down children's names for transfer to the UK. The broader picture, which I outlined in my Answer, is that we have been hugely generous to children who need our protection.

Lord Hylton (CB): My Lords, I understand that, following the Sandhurst treaty, £3.6 million was allotted by the Government to help eligible children in France to come here. What has been the result of that? Has there been any success in tracing families here who could welcome such children?

Baroness Williams of Trafford: Certainly, in terms of families who could welcome people here, we have the Gateway scheme, and the Mandate scheme more particularly, for people with family here. In addition, we have issued more than 26,000 family reunion visas in the past five years.

Lord Kennedy of Southwark (Lab Co-op): Have the Government satisfied themselves that they are doing everything possible to protect vulnerable unaccompanied children arriving at camps in Europe and, in particular—with our European partners—to protect them from traffickers, modern-day slavers, sexual abuse, rape and other horrific crimes that know no borders or boundaries?

Baroness Williams of Trafford: I appreciate the noble Lord's question because it goes to the heart of what we are trying to do—to protect vulnerable children and to ensure, so far as possible, that they come to this country through recognised routes. I spoke to him last week and he will know that we are now consolidating some of those routes to allow one route for vulnerable children and adults to come here. As to our commitment to resettling 20,000 vulnerable people from the MENA region under the VPRS and VCRS, by 2020 we will have resettled 23,000 of them, which is over the commitment we originally intended.

Baroness Manzoor (Con): My Lords, what are the Government doing to ensure that refugee children are safeguarded once they are in the UK? There have been press reports that we could do more.

Baroness Williams of Trafford: As my noble friend said, safeguarding is the prime concern for any local authority or anyone taking a child who has come from particularly traumatic circumstances anywhere in the world. It is the first priority for local authorities. That is why, when we agreed the 480 figure under Section 67, it was based on local authorities' abilities to take children.

The Lord Bishop of Chichester: My Lords, is the Minister aware of the recent report by the Church of England's Children's Society entitled *Distress Signals*, in which the mental health of unaccompanied children entering the UK for asylum was examined? The report notes that these children show a high risk of suicide and self-harm and find it extremely difficult to communicate their needs and fears to professionals. Does she recognise the value of these young people being assured and guaranteed access to a guardian—a respected, stable, safe and trained person—so that they can have the support they need?

Baroness Williams of Trafford: I have not read the report but I totally appreciate what the right reverend Prelate is saying, because any child who finds themselves in strange circumstances may well be expected to have mental health problems arising from trauma. For children fleeing war-torn regions of the world, often without their families, that state is manifest by numerous factors. I agree that support systems should be and are in place to safeguard them. I also pay tribute to the Church of England for the role it has played in community sponsorship schemes.

Lord Roberts of Llandudno (LD): Is it not possible to amend so that we can still open our gates to and welcome more of these refugee children? We also need to look at the consequences of the British Nationality Act 1981. Under that Act, in January 1983 the automatic acquisition of British citizenship by those born to Commonwealth parents was destroyed. Now people find themselves deported because of the mistakes made then. I would very happy if the Minister could meet me to discuss how on earth we can make it possible for those folk of an older generation to have settled status in the United Kingdom and thus remove their anxiety.

Baroness Williams of Trafford: On the first part of the noble Lord's question, I do not know what he is asking me specifically to amend. Of course, I am perfectly happy to meet him. The issue of settled status is incredibly important, particularly as we leave the European Union.

Arms Exports to Saudi Arabia *Question*

3.01 pm

Asked by The Lord Bishop of St Albans

To ask Her Majesty's Government what assessment they have made of the impact of weapons exported from the United Kingdom to Saudi Arabia on the conflict in Yemen.

The Earl of Courtown (Con): My Lords, Her Majesty's Government take their arms export responsibilities seriously. We draw on a range of sources in making

assessments, including from NGOs and international organisations which detail political and humanitarian developments in Yemen. We also consult regularly with colleagues at our overseas missions and in other government departments to ensure that we have all the relevant information to make an informed decision.

The Lord Bishop of St Albans: I thank the Minister for his reply. I was given an assurance in a past written response to a Question that every sale of arms from the UK undergoes a rigorous assessment in the light of serious violations of international humanitarian law. Yet in 2018 a Minister in the other place said:

"The MOD does not investigate allegations of IHL violations", and in 2016, as evidenced in the Court of Appeal last week, the decision was made that there would be no assessment of past violations of international humanitarian law with regard to Saudi Arabia. Can the Minister clarify whether international humanitarian law is taken into consideration when selling weapons?

The Earl of Courtown: My Lords, I thank the right reverend Prelate for his question. The key test for granting export licences in these circumstances is criterion 2c of the consolidated EU and national arms export licensing criteria, which considers whether there is a clear risk that the items to be exported might be used in the commission of a serious violation of international humanitarian law. The right reverend Prelate then moved on to a decision made in 2016. At that point, international humanitarian law was considered on past events as well, and the judgment under ground 1 was that we should also take into account past events.

Lord Lea of Crondall (Lab): My Lords, is it the case that the Saudi Arabian air force has embedded within it representatives of the British arms industry?

The Earl of Courtown: My Lords, as noble Lords are aware, there have been exports to Saudi Arabia, including air platforms and air-to-ground munitions and associated matters. BAE Systems works in Saudi Arabia, and I think that that is the point that the noble Lord is making.

Lord Hannay of Chiswick (CB): Can the Minister now answer the question I asked the other day on the Statement—namely, whether this suspension, while the legal processes work out, covers repeat deliveries under contracts? Does he not agree that the Appeal Court has done us all a great favour by drawing to the attention of the Emirates and Saudi Arabians the real risks that they have been breaching international humanitarian law?

The Earl of Courtown: My Lords, at this stage I am not sure whether I can add much to what I said on Thursday relating to the question from the noble Lord, Lord Hannay. We are carefully considering the implications of the judgment for decision-making, and while we do this we will not grant any new licences to Saudi Arabia or other coalition partners for exports of items that might be used in the conflict in Yemen. All existing licences are also under review.

Lord Collins of Highbury (Lab): My Lords—

Lord Deben (Con): My Lords, could we not turn things round the other way and say that we are not going to grant licences unless there is a very clear argument that a particular licence is acceptable, rather than what we are doing at the moment, which seems to be that, unless you can find a very good example or reason not to, you grant the licence? Saudi Arabia is not a country we should be granting licences to, and it is time we said that.

The Earl of Courtown: My Lords, my noble friend makes a point regarding the granting of licences and how we should go about doing so in the future. As I have already said, we are considering the judgment that was laid down. We are not granting any new licences to Saudi Arabia or its coalition partners for items that could be used in the conflict in Yemen. We will be considering all these matters over the next few weeks.

Lord Collins of Highbury: My Lords—

Lord Purvis of Tweed (LD): My Lords, is the suspension of any new licences for equipment not rendered a nonsense if existing integrated training and engagements are carried out by the British and Saudi air forces? These have included Operation Green Flag, which concluded in December last year and of which Major General Haidar bin Rafie Al-Omari, the commander, said:

“The Green Flag exercise involves all our air force combat systems supporting Operation Decisive Storm and Operation Restoring Hope (in Yemen)”.

He added:

“The British Royal Air Force aims to integrate all combat systems, including air combat, air support and electronic warfare”. Will the review ensure that not only equipment licences but current training are suspended?

The Earl of Courtown: My Lords, the noble Lord has made a number of points. The fact is that, as far as existing UK military personnel are concerned, we are providing information, advice and training to help Saudi Arabia minimise threats as well as sharing techniques for minimising civilian casualties. All UK personnel remain under UK command and control. I am not aware of the exercise mentioned by the noble Lord, but I will of course ask my officials about it.

Lord Collins of Highbury: My Lords, the Minister talked about informed decisions. Noble Lords have alluded to the fact that many in this House have raised concerns about arms exports because of evidence—presented by the UN and others—of clear breaches of humanitarian law. The judgment by the Court of Appeal should not be considered only in terms of future arms sales; we should be looking at the process that led to this Government disregarding evidence of breaches of humanitarian law.

The Earl of Courtown: My Lords, we did not disregard evidence of breaches of humanitarian law. We took note of what was said by NGOs and the UN panel of experts as well as what JIAT has reported following its investigations. The Ministry of Defence also monitors all alleged IHL violations using all available information from a great variety of sources.

Birmingham Commonwealth Games Bill

[HL]

Second Reading

3.10 pm

Moved by Lord Ashton of Hyde

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, I hope this Bill will be welcomed across the House. I am excited to be moving the Second Reading of it, not for the operational details outlined but because of the beneficial effect the Games will have on Birmingham and the West Midlands, and because of the enthusiasm that has already been shown by many in the region.

The 2022 Commonwealth Games in Birmingham will be the biggest sporting and cultural event ever held in the city and the region, featuring thousands of world-class athletes and over 1 million spectators. With an estimated TV audience of 1.5 billion watching 11 days of action-packed competition, the Games will showcase Birmingham, the West Midlands and the entire country to the rest of the world as a destination for sport, business, leisure and education.

Of course, the Games are about more than just two weeks of sport. They will unlock opportunities for people across the region and the UK, delivering benefits and leaving a lasting physical legacy in the form of three major capital projects as well as transport infrastructure upgrades. They will bring wider opportunities, including cultural engagement, trade and business, tourism, volunteering, physical activity, jobs and skills and education. That is why the bid for the Games was underpinned by cross-party support at national and regional level.

I remind the House of the circumstances under which Birmingham was awarded the Games. In March 2017, following its inability to meet a number of hosting requirements, the Commonwealth Games Federation removed hosting rights from Durban. In December 2017, following a bidding process, Birmingham was awarded the right to host. This means delivering the Games in a truncated timeline of four and a half years rather than the more typical seven. I am delighted that the recent co-ordination commission, which met to review progress on Games preparations, expressed its confidence that partners would deliver a fantastic Games.

Delivering the Games at speed relies on effective and collaborative relationships with Games partners. It was in this spirit that partners worked closely together to identify the small number of temporary legislative measures included in the Bill. Noble Lords may recall that similar measures were provided for the 2012 London Olympics and Paralympics and the 2014 Commonwealth Games in Glasgow. I take this opportunity to remember the work of Baroness Jowell in preparing London for the Olympics. Of course, this is not the Olympics; the requirements for hosting the Commonwealth Games are different, and the narrow scope of the Bill reflects that.

[LORD ASHTON OF HYDE]

I shall outline the main contents of the Bill. It provides a technical measure to ensure that financial assistance given to the organising committee continues to comply with spending rules set out by Her Majesty's Treasury. The organising committee has been established as a non-departmental public body. It is subject to standard public sector controls, including a full management agreement. The Government have also committed to provide regular budgetary and financial updates to Parliament over the life cycle of the Games.

I am also pleased to be able to set out the agreed 2022 budget. Birmingham and the West Midlands will receive a £778 million investment to stage the Games. The public funding will be split approximately 75:25 between investment from central government and from Birmingham City Council and partners, setting a significant investment in Birmingham and the region that will deliver benefits for years to come.

The Bill also introduces measures, similar to those for London and Glasgow, to protect against unauthorised association with the Games. Securing commercial sponsorship is critical to staging a world-class event and managing public investment in the Games. This can be achieved only when the rights of sponsors are protected. By way of comparison, the Glasgow Games raised over £100 million in commercial revenue.

The Bill introduces a new civil offence which will ensure that only those authorised to associate with the Games, such as those who have contributed to the costs, may do so. This offence will apply only to those acting in the course of business. Association will be permitted only where an organisation has made the financial or other commitments required of an authorised business.

Importantly, enforcement must be sensible and proportionate. We recognise that residents, schools, faith and community groups want to show their support, so the organising committee is developing a "community brand" for use by not-for-profit organisations that share the Games' vision and mission and want to proudly celebrate their community association. Information is key, which is why the Bill places a duty on the organising committee to produce guidance to ensure that people are clear about activity that may be an infringement.

We are determined to ensure that those who want to be a part of the Games can be, so the organising committee will put in place an accessible and affordable ticketing strategy. The Bill introduces a criminal offence for the unauthorised sale of Games tickets, ensuring that buying tickets will be clear, simple and affordable. This offence will apply to any unauthorised attempt to sell tickets, whether carried out in a public place, in the course of business, or for profit.

The Bill also creates offences for unauthorised advertising and trading. The restrictions on unauthorised trading will improve the spectator experience by ensuring that trading does not obstruct easy movement in the vicinity of Games locations, and the restrictions on unauthorised advertising will ensure that Games locations and their surrounding areas offer a consistent celebratory look and feel. These measures are proportionate and temporary. These restrictions can be in place for no more than 38 days; we will ensure that they take effect for the shortest possible time.

Regulations will be brought forward specifying when and where the advertising and trading provisions apply. This may differ by Games location to ensure that the restrictions are proportionate and apply only where necessary. We will also consult on whether further exceptions to the offences should apply.

There is a duty on the organising committee to produce guidance to support understanding of the provisions. Local authorities will be required to share this guidance with traders known to them who may be affected by the offence. Affected traders could also seek authorisation, free of charge, from the organising committee to continue trading or apply to the local authority for consent to trade on a street not specified in the regulations. Similarly, should an advertiser wish to carry out Games location advertising at a restricted time, it will be able to make an application, without cost, to the organising committee.

We provide a suite of powers to enable effective enforcement of these offences. These powers build on those already available to enforcement officers under the Consumer Rights Act 2015, ensuring that, where needed, swift and robust action can be taken. Work is already under way with the organising committee, police and local trading standards to ensure that any enforcement activity is proportionate. Experience demonstrates that the effect of these powers is mainly one of deterrence: we are not aware of any court cases for similar offences at Glasgow 2014 and only a small number of court cases in London for the ticketing offence.

Finally, key to a successful Games is ensuring that transport works efficiently for those living and working around Games locations, and those involved in the Games. The transport provisions in the Bill enable this. They set a statutory basis for the Games transport plan, which will be subject to public consultation later this year.

The measures also provide bespoke traffic regulatory powers, allowing short-term changes of road use—where needed—to ensure minimal disruption. Also included are powers for the Secretary of State to provide for concurrent regulation of road use by the person directed to prepare the transport plan, where they are not already a traffic authority, and provided there is agreement from the relevant local traffic authority. We believe that these powers facilitate co-ordination of Games transport planning. The Bill further provides a power of direction for the Secretary of State to safeguard the delivery of essential Games traffic-regulation measures. This would be used only if absolutely necessary.

I must make it clear that the organisers intend that any road regulation measures are kept to a minimum. Local residents and businesses will be kept closely informed of the proposals. Also, work is under way to deliver a clean and green Games supported by the delivery of new and accelerated infrastructure, additional services and effective use of the transport network.

I look forward to the comments and advice on improvements from noble Lords. I beg to move.

3.21 pm

Lord Hunt of Kings Heath (Lab): My Lords, I welcome the Bill and the Minister's opening statement. In view of the remarks I will make on health and well-being, I declare an interest as a member of the advisory board of Sweatcoin, a healthy walking app.

It was a great day when the Commonwealth Games Federation selected Birmingham as the host city in 2022. Congratulations are due to Ian Ward, the leader of the city council, to Birmingham as a whole, and to partners such as Andy Street, Mayor of the West Midlands, the West Midlands Combined Authority, the department the Minister speaks for and Commonwealth Games England. This is a fantastic opportunity for Birmingham and the West Midlands, which we need to grasp enthusiastically and with both hands, as the Minister said. The sports that will feature are in themselves very interesting, and the Commonwealth Games' track record of ensuring that the Paralympic Games have equity with the other Games is to be commended and will be continued in Birmingham. Living half a mile from Edgbaston cricket ground, I also know that women's cricket is being considered for a place in the final list of games. I hope that the Minister will use his best offices to encourage such a decision.

Lord Ashton of Hyde: It has been decided.

Lord Hunt of Kings Heath: My Lords, the Minister's powers of persuasion are remarkable.

My one item of concern is that noble Lords have found it very difficult to get any briefing from the city council, the mayor or the West Midlands Combined Authority. I suspect that they have been told by the Minister's department not to provide briefing. This is a great pity. We should ask for the leader of the city council and Andy Street to brief Members before we reach Committee. I have never known a Bill affecting a sector on which we have not had formal briefing from the people concerned. Frankly, it is very disappointing that we had to beg the organising committee for the paucity of information that we have received. If this is going to be the approach in the future, it worries me—because, goodness knows, we are here to help the Games be as successful as possible.

There are only two issues I wish to raise. The first is funding and the second is the question of legacy. In relation to funding, today the Minister announced what I understand to be the final budget figures for the Games, and confirmed the split as 75:25. Can the Minister explain where financial liability lies for ensuring that that resource is spent wisely, and who is responsible if there is a cost overrun? Since the organising committee is, as I think he said, a non-departmental public body, I assume that its responsibilities are covered by the department. But what happens to the money that is to be provided through the city council? I would be grateful if the Minister could provide some information.

It will strike those of us in particular who have observed Olympic Games that clearly, because Birmingham was a late entry after the failure of the original bid on financial grounds, the financial liabilities are pretty huge. Even a city the size of Birmingham is particularly vulnerable in relation to its current financial situation. It is a fact that only a few months ago it faced warnings that hosting the Commonwealth Games could bankrupt the city; an audit report by Grant Thornton revealed an £84 million hole in its budget, at a time when vast sums of its emergency reserves had

been spent. We know from newspaper cuttings that the West Midlands Combined Authority has said that the lack of a secure funding plan is:

“The most significant risk regarding the Commonwealth Games”.

I realise that that is partly in relation to the budgetary figure that the Minister has announced today, but it is in part based on the vulnerability of Birmingham City Council's finances. It is reasonable for us to ask the Minister to spell out what he considers to be the impact on Birmingham City Council's finances before your Lordships give the Bill their approval.

I turn to the legacy. Clearly, the Games are to be enjoyed in the moment—that is what they are all about—but legacy is important, too. It is not just the use of the stadia after the events but the environmental regeneration and, I hope to persuade the House, the health and well-being of the people of Birmingham and the West Midlands. We know that legacy was very important in relation to the London Olympics. They were a fantastic and very successful Games, and a lot of their legacy has been successfully undertaken. But, in relation to participation in sports and well-being, I do not think that the organisers have achieved what they set out to achieve. I really hope that we learn those lessons and translate them into a plan for Birmingham that will help us to make a real impact on people's health and well-being.

Lord Campbell of Pittenweem (LD): I am most grateful to the noble Lord for giving way. Unfortunately, I have a prior engagement so I could not fulfil all the obligations necessary were I to make a speech. But I most certainly wish to support not only the fact of the Games and the legislation but the point that the noble Lord has just made about participation. Using the exploits of those who are successful, there is every opportunity to encourage people to take up the myriad sports that will be encompassed. I would like to hear from the organising committee just how much effort will be put into participation, along with infrastructure and the other things mentioned by the noble Lord.

Lord Hunt of Kings Heath: My Lords, I do not think that the noble Lord was really allowed to do that—but it was a very helpful intervention none the less. I will come to that point in a moment. This is why it is a great pity that we were not offered a briefing with people from the city to see, from their eyes and faces, whether they really are committed to the kind of legacy that the noble Lord has just put forward.

In relation to legacy, I will ask the Minister questions on three areas. The first is in relation to housing. I understand that there are ambitious plans to redevelop the athletes' village in Perry Barr into 1,400 homes for local people, which will in turn encourage other housebuilding in the area as well. That is very welcome and much needed. However, the allegation has been made that only a very small percentage of those homes will be either affordable or for social housing. Given that this is a major infrastructure project, we are entitled to know exactly what the figures are. I would want to amend the Bill to make sure that the percentage of social and affordable housing was a decent proportion. That needs to be an important legacy.

[LORD HUNT OF KINGS HEATH]

I come to the noble Lord's question. Much though I love Birmingham, we are not the healthiest community in the country. The improvement in overall health has levelled off. There is a big gap between the richest and poorest in the city, and we have one of the highest levels of obesity in the country as a whole. NHS Digital figures show that more than one in four children who finished primary school in Birmingham in 2017-18 were obese—25%, a massive number—of whom 6.5% were severely obese. In addition, 15% of year 6 children were overweight. That means that 41% of Birmingham children are unhealthily overweight when they finish primary school, which is a frankly shocking figure. As someone concerned about health in the city, I know how difficult it will be to deal with the impact of that in 20 or 30 years' time.

If anything lasting is to come out of the Commonwealth Games, we must surely have a concerted programme to encourage healthier lifestyles, including participation not only in sport because of the relationship between what kids will see in the Commonwealth Games and what they can enjoy, but in activity more generally. I understand that work streams within the organising committee are looking at this, but it is not unreasonable to ask the Minister to ensure that, before we reach the end of the Bill in this House, we see a concerted plan for how we can use the Games to improve the health and well-being of young people, alongside a budget to make it happen.

These Games will be wonderful. It is a great opportunity for my city and the West Midlands. I know that we are going to really enjoy it, but I hope that, at the end of the day, we also see a lasting legacy for the people of Birmingham.

3.32 pm

Baroness Burt of Solihull (LD): My Lords, I do not as a rule speak on DCMS matters, but when I learned that there was to be a Second Reading of the Commonwealth Games Bill and the Games were being held in the young, vibrant and diverse city of Birmingham, where I just happen to have been born and brought up, I wanted to speak and express my delight. That delight is not just at the fact that the amazing city of Birmingham is to be the focus of attention for an estimated 1.5 billion viewers; it is not just because we anticipate that the Games will attract more than £1 billion of revenue to the area; it is not just because we will show the world just how to organise a successful set of Games—she said with confidence—despite having had only four and a half years to do so, instead of the normal seven; and it is not just because of the income that they will bring to the local area. It is also because the Games should leave a legacy that will remain long after the athletes have departed and the visitors have gone home.

It is on the legacy aspect that I want to focus. I look today for some assurances from the Minister, as far as he is able to give them, on what that legacy will look like. I understand that the village to be built will house 6,500 athletes and officials. This accommodation in Perry Barr has been described as “homes away from home”. What is rather more exciting for me is how many homes will be available after the Games for local

residents to live in. I understand that the 1,400 new homes for the athletes' village will constitute the first phase of a regeneration project to provide some 5,000 homes in the longer term. However, in his letter to noble Lords of 24 June, the Minister said that “a proportion” of properties across the site will be built to “lifetime homes” standards. That begs the question of what standards the rest will be built to. Will the Minister please elucidate? I also echo the comments of the noble Lord, Lord Hunt, about the proportion of affordable homes, which are desperately needed. Can the Minister give the House any further details on that?

Building homes is only part of the legacy that the Games will bring. On wider infrastructure improvements, we are having a remodelled Alexander Stadium, a world-class swimming pool—sorry, aquatics centre—two upgraded stations, local access improvements, an interchange and a Sprint rapid bus service along the A34. All are very welcome in areas that really need some regeneration. The council has secured a commitment from the lead contractor to sign up to the Birmingham Business Charter for Social Responsibility. This charter aims to help the community by supporting local businesses, creating jobs and making sure that workers are paid a fair wage. Four hundred new jobs will be created, including 50 apprenticeships, although at the peak of construction around 3,000 people will be working on the project. Those workers will be paid at least the voluntary living wage of £8.75, as opposed to the national living wage of £7.50. The charter covers training, including pre-employment training, apprenticeships and on-site training. Local people from marginalised communities in the area will get a look-in, and talent and skills will not just be shipped in from outside. Afterwards, construction trainees will have the qualifications to continue to other work. This should come in handy in tackling the huge construction skill shortage we have now—and will have even more as HS2 continues its development.

This is all great, but will the Minister press the organising committee to ensure that the supply chain is paid properly too? The Carillion affair has left a very bad taste in the mouths of subcontractors, many of which went to the wall because Carillion and others used their suppliers to fund their own cash flow. This can be avoided by using project bank accounts where the funding is held in one central account, untouchable by the lead contractor. Suppliers will be paid on time and in accordance with contract terms. Does the Minister think project bank accounts would be a good thing, and will he recommend their use to the organising committee? The Birmingham Business Charter for Social Responsibility expresses the sentiments and behaviour that all companies should express. All companies should have an implicit contract with the area—and its people—in which they operate.

In Birmingham we have talent of all kinds and diversity in spades. The Minister has today announced an investment of £778 million and a 75:25 split between the Government and Birmingham. I hope and trust that Birmingham City Council can meet its 25%, despite its cash-strapped situation, which has led it to sell off some of its key assets. The noble Lord, Lord Hunt, has already expressed his concerns about the vulnerability

of funding. Will the Minister bear this in mind and ensure that the Government will review that percentage if Birmingham struggles to meet it? No one wants to be left with the bitter taste of these Games being won only at the expense of the vulnerable.

It is incumbent on us to make every penny that we receive, from whatever source, work to create a legacy of infrastructure and skills for the future and to showcase some of the best talent in the world—not least our own.

3.40 pm

Lord Coe (Con): My Lords, I guess it is quintessentially the human condition to permanently ponder the passage of time, probably more so as the years roll by. It seems barely credible that it is now 14 years since London snuck across the line in Singapore and secured the right to host the Olympic and Paralympic Games of 2012. Only eight days after that momentous decision I witnessed First Reading of the Olympic Bill in the other place. Rather like today's Commonwealth Games Bill, it created the crucial framework, foundations, provisions and protections that provided for their seamless delivery. A modern multisports event or Games demands project management of inordinate complexity. No city or its agencies is ever so tested under normal circumstances. So today's Bill is not a "nice to have" or à la carte menu: it enshrines the essential safeguards needed to underpin the success of the event. If it is not successful, be under no illusion that it will severely dent local, national and international reputations in the aftermath. If I may digress momentarily, we seem to be doing that quite well enough of late without further fragilities.

A successful Games is the prerequisite platform for securing a lasting economic, social and cultural legacy once the athletes have left town. If the Games are a damp squib, there will be little or no appetite to leverage from the sporting celebration. As the Minister observed, the Commonwealth Games were not originally destined for Britain's second city: Durban was the original host. Two and a half years after winning that right, it concluded that it could not deliver the project, so Birmingham has the additional challenge of a curtailed timeline, which makes the need for bipartisan support across Parliament even more critical. This approach served us well in London and is a crucial ingredient: I am delighted that there are so many noble Lords in the Chamber today who contributed to that bipartisan approach.

The provisions of the Bill, as in that for London, bring forward a small number of temporary measures to ensure the successful delivery of Birmingham 2022. They are necessary and proportionate. For instance, no sporting event of such scale can be delivered without commercial partners. Those businesses that commit sizeable discretionary spend and risk their brand reputation need to know that neither will be put at risk by rogue advertising, rogue trading or ambush marketing. The Bill will also ensure that spectators are not ripped off by ticket touts and that there are adequate transport arrangements to fulfil the needs of the athletes—the most important client group in the delivery of any Games—and of course the fans, many of whom will have come from overseas. This particular provision

allows for the Secretary of State to prepare a transport plan that can be delivered locally and with relevant consultation before implementation Games time.

Measures such as these are essential in themselves, but not a prerequisite for a successful Games. You need to support and produce a conducive atmosphere for their delivery. My experience in London is clear. The most demanding stakeholder any organising committee has is not the Secretary of State or the mayor, the federation president or the member federations and associations. No, its most demanding stakeholder is, as it should be, the people for whom these Games are being delivered and in whose neighbourhoods they are being located. They will ask demanding questions, often far more penetrating and perceptive than those of the media and with far greater proprietorial interest: an emotional connection, if you like. That needs to be tapped into.

My humble advice to the Birmingham Organising Committee, again from the London years, is that it should be as assiduous about articulating why these Games will be such a powerful vehicle for change as it is on how they will come together. If they are seen by local people as only a discussion about ducting, tunnelling and construction timelines, they will at best zero out and at worst chip away from the sidelines. They need to see vision, purpose and shared values. They need to know how, through sport, the Games can change the lives of their children and grandchildren. This needs to be communicated liberally and often.

They themselves can become life changers by offering to volunteer. As we know from London, our Games makers, as they were known, made the difference between a good and a great Games. Their sheer competence and friendliness set the tone and style in London and other cities throughout the UK. Many of them continue to this day to volunteer for myriad events and good causes. I am sure that many will want to offer Birmingham that generosity of spirit.

For the organising committee—here I speak from seared experience—the herculean hard work of getting the Games across the line can sometimes feel a little life-shortening. Not long after London won the bid, I invited Sandy Hollway, the former chief executive of the Sydney Games, to share his insights with our newly formed organising committee when we took our first tentative steps. Hollway captured the challenge in five immutable phases. The first was the euphoria of winning a tough global battle. The second was blind panic at the realisation of the scale of the undertaking—and that is just the organising committee. Then came the "persecution of the innocent" phase; every calamity that befalls the nation will be blamed on the Games. Then you head into the Games before yours—in our case, Beijing—and, if the athletes underperform, the media concludes not only that they are costing too much but that you do not have any athletes capable of stealing the show at your own party in four years' time. That tends to be the low point in the delivery cycle. Then the volunteers and sponsors come on board, and the plans for the torch relay—or baton relay for the Commonwealth Games—and Cultural Olympiad that touch cities and hamlets alike are unveiled. Slowly but surely, the public begin to get behind the Games. The Games are then successful, as they will be in Birmingham.

[LORD COE]

After his scene setter, I thanked him. He then said, “No, there’s a final phase. It’s the one that always comes once the Games have left town”. I asked him to expand. “The final phase”, he explained, was the “glorification of the uninvolved”. I am sure that in Birmingham, in a little over three years’ time, the people of that great sporting city will want to do more than sit out the dance. I know they will want to be truly involved. That is why today’s Bill is so important.

3.48 pm

Lord Rooker (Lab): My Lords, I agree—and no doubt I will with future speakers—with every contribution that we have heard so far. I will not repeat them, but the sage advice we have just listened to from someone who has been at the coalface should be taken on board really seriously.

This will be a big event in the West Midlands—one of the biggest we have ever had—but 2022 will be a busy year: it is a general election year; there is a nine-month festival of Britain proposed for 2022, which the Government plan will transform the whole year; and so this is not just a one-off. Therefore, it is really important that we keep our eye on the ball so that we do not get deviation on to other issues.

The Games will be a good showcase of the West Midlands for millions. Although the Games will be centred on the city of Birmingham, it is a West Midlands enterprise—the great region of the country that has never really pulled its weight in the way that other regions have. In this case, more than one local authority is involved, and there has been a coming together, which is good news. However, time is short, as has been said, simply because of Durban pulling out.

The city council’s finances are not good. For several years now, there has been an oversight committee on the governance of Birmingham City Council, put in by the Ministry of Housing, Communities and Local Government. I understand from reading the press that it has just finished but that it has recommended that there be another oversight committee, simply because of the issues that have arisen in the past. As such, the delivery of this exercise needs watching very carefully indeed from the centre, because it is the Government who will get it in the neck.

Without going into detail, I reinforce the points my noble friend Lord Hunt of Kings Heath made. Trying to get some information has proven to be incredibly difficult. My bits have come from a couple of items in the *Birmingham Post* a few weeks ago. I do not live in Birmingham any more, but I have close connections there, including family. There is complete ignorance in the city council about your Lordships’ House. At least 20 Members of your Lordships’ House have detailed connections with Birmingham; the cream of them are here today, but not all are present. But the fact is that there has been no connection—no phone calls or emails over the last few days. Even the speakers list, which is publicly available—you can check who is putting their name down—seemed to be unknown. We want to help, as we told the Minister, but we need a good flow of information. That is my only negative point. It is meant to be positive, because things have to improve from now on if we are going to help. Members of the

Commons would not put up with this, because they represent people, but we represent ourselves. Some of them will have much more detailed questions than we would put.

I agree with what is in the Bill; the commercial rights have to be protected. There will be enough spivs and crooks in the West Midlands trying to exploit this, and therefore it is important that there are legal barriers to protect the sponsors. Sponsors, big and small, need protecting. The transport improvements, some of which might be controversial, are nevertheless much needed. The Bill also brings government funding. Like my noble friend Lord Hunt, I was not clear about what the legacy is, simply because we have not been told. What is the supreme legacy of this exercise that the city council and its partners want for their 25% share? That is not a small amount of money, and we are talking about a legacy that is to last for decades.

It has not been mentioned so far, but there will have to be a large and tightly run security envelope for this exercise. I trust that the resources will be made available to the brilliant West Midlands Police—I declare an interest as I have a close family member who is a serving officer there. That is important; it was a key element in the Olympic Games in London. I know that things were different then, but the fact is that there are nutcases galore out there, and therefore the security needs to be considered and tightly run.

The stadium—this is my local bit—is located in Perry Park, in my former constituency. In fact, it was my local park when I was growing up as a kid. Last Friday, I attended a meeting at the stadium, where the changes to the stadium, both permanent and temporary, were to be outlined. I went there purely to listen. The proposals for the stadium are awesome—there is no question about that; it will leave a fantastic sporting legacy, and the stadium can be used for things other than sport. That is the point about it—the upgrading of the stadium makes it really flexible. However, as I listened, I was a little disappointed to discover that the Friends of Perry Park had been utterly ignored over the past few months as they were trying to be helpful by finding out what was happening. From my point of view, it was no good to sit there, listening to the dozen bosses from Arup say, “Oh well, the consultation starts today”. To be honest, if you are on the ball, trying to bring local people and opinion-formers along with you, you do not wait until the last minute to bring them on board, even in an informal fashion. I hope that that has been taken on board after the meeting. It makes good sense to do that, as the noble Lord, Lord Coe, said.

It is an urban environment, but it is very outer city. It is about a mile and a half from the city boundary, most of it built in the 1920s and 1930s. Until then, it was farmland. It has mainly semi-detached houses and a very few tower blocks. A lot of industries disappeared from the area, but there is a community.

I was very pleased when the home of Birchfield Harriers moved from its previous stadium into the park, but not everybody was pleased. When I went for a tree-digging ceremony, I was lobbied by constituents—I will not name the road they were from, because that is not fair, but it is on the other side of the canal—

complaining against it. People who live around a park think it is their back garden. Well, it is not. That was a difficulty. I was really upset.

In the old stadium, I remember in the 1950s seeing E McDonald Bailey, the famous sprinter. I am that old that I can remember that. It was an important part of growing up in that northern part of Birmingham.

As I said, the city will get a maximum flexi-venue of very high grade, and I think it should be exploited. I know that people who live around stadiums, such as the football grounds in the city, get pressure on parking and noise, but this is a high-grade, futuristic enterprise which I think we should benefit from. My noble friend Lord Snape will probably talk about Sandwell, which should benefit similarly from the aquatic provision and diving centre.

The Bill is important. I support it. My noble friend Lord Hunt made the point about the legacy in housing. When I grew up, the site to be used was a small school, Birchfield school. In recent years, it was part of the University of Central England—a Birmingham Polytechnic site—which has been virtually flattened. It is a good location. It is right next to a suburban railway station as well as a main feeder road into the city and a motorway, so it will be premium-priced housing, but it should be a mixed community. You cannot enable that unless you ensure that there is enough social and affordable housing as part of the exercise. I wish the exercise and the Bill all the best.

3.57 pm

Baroness Berridge (Con): My Lords, I declare my interest as an executive member of CPA UK and thank my noble friend the Minister for his meeting with interested Peers, which was really useful.

Although the hosting of the Commonwealth Games by Birmingham in 2022 is undoubtedly great news for the West Midlands region, or what is now called the midlands engine—I am from the East Midlands, so I prefer that phrase—I am sure that noble Lords will share my regret that that is because Durban in South Africa was unable to do so. In its modern format since 1978, the Commonwealth Games has been held outside the ABC and Z countries of the Commonwealth only twice: in 1998 in Kuala Lumpur and in 2010 in Delhi, India. This is regrettable, as this is the Games of 53 nations, 94% of whose people live in Asia or Africa. I hope that the Games federation will look at how the Games, which are the part of the Commonwealth most known to many people, can go to every corner of the Commonwealth.

I hope that the Bill's framework for the protection of commercial rights, creating civil offences for a limited period to protect intellectual property rights, will be a template for other nations to use. This could then limit the legislative work for the creation of essential safeguards needed by the next host of the Games. I hope that Her Majesty's Government are already looking for the legacy of these Games to be an operational structure that is streamlined and will assist the Games moving to countries and continents of the Commonwealth which have yet to host them.

I lived in Manchester during the time of the Commonwealth Games there and I worked for three years at the University of Birmingham on a

Commonwealth project. Part of the reason we chose the university for such a project was the fact that, like the Commonwealth, where 60% of the population of 2.4 billion is under the age of 30, Birmingham is the youngest city in Europe, with 40% of the population aged under 25.

Also, much of the migration to the West Midlands is from the Commonwealth. The 2011 census stated that 13.5% of migrants in Birmingham were of Pakistani origin, 6% were Indian and 4.4% were Caribbean. Birmingham is more ethnically diverse than London. It is important to see such an international event outside London. Although I accept that it is not under the direct control of Her Majesty's Government, much of the budget will come from central government. I therefore hope that the employment opportunities that come with these Games will reflect the diverse nature of the West Midlands population; that is one area where the London Olympics and Paralympics struggled. Ensuring that local people are employed to deliver their Games is really important; it would be disappointing if people were predominantly relocating temporarily from London or elsewhere to take up jobs.

He cannot be here today but it was good to learn from the right reverend Prelate the Bishop of Birmingham at the Minister's meeting of the support of faith communities for the Games. In the Manchester Commonwealth Games, one of the key services offered by faith communities was the opportunity to host athletes' families in the homes of local residents, rather than them having to spend money on hotels. Many athletes struggle financially; if their family can afford the flight to the UK to watch them, the accommodation costs can often be one step too far. I hope that my noble friend the Minister will do what he can to nudge the right reverend Prelate to see whether this scheme could be of use in the Birmingham Games.

Often with these large events, what happens in the margins is also valuable. CPA UK is looking at whether to hold an event on the importance of regional governance across the Commonwealth. The Birmingham Games will, I hope, be a great model of both that and of different authorities controlled by different political parties working together. Often in Commonwealth nations, regional governance structures can also deliver changes, such as the state governors in Nigeria. I am grateful to my noble friend the Minister to hear about the transport plan in the Bill. As someone who lives in the West Midlands, I repeat my request: remember that people do not always travel north-south on trains—the east-west routes can often be problematic—and ensure that this is taken into account in the delivery of the Games.

I hope that looking outside London for such events will remain a focus for Her Majesty's Government. It was really encouraging that when we last hosted the NATO summit in 2014, it was in Newport, Wales. The year 2022 will be a time of great national celebration, with the 70th, platinum anniversary of Her Majesty's reign. What more fitting tribute to the Head of the Commonwealth than having the Commonwealth Games in Birmingham?

4.02 pm

Lord Snape (Lab): My Lords, I join noble Lords on both sides of the Chamber in welcoming the Bill and I congratulate the Minister on the comprehensive way in which he introduced it.

I have been a resident and ratepayer of the city of Birmingham for more than 40 years, although noble Lords will notice that I have not yet managed to acquire the correct accent. When I get off the train, either at Birmingham International or, in particular, at Birmingham New Street, I am always struck by the changes that have taken place in the city during that period. I first went to Birmingham as a railwayman in the 1960s. I have to say, I thought that it was a pretty depressing place. It was obviously built around the motor car, which was seen as king at that time. By and large, pedestrians in the city centre spent their time scurrying through underpasses in an attempt to get from A to B. As a stranger to city, it was a pretty baffling place. People tell me that it still is; motorists who drive to the city now tell me that it is difficult to find their way round. The transformation that has taken place in Birmingham over the 40 years I have lived there has been enormous.

I know that 40 million people visit Birmingham each year, more than a million of whom are international visitors. Again, 30 or 40 years ago, if someone had said that people would come from abroad to visit Birmingham, people would have regarded such a thing as laughable. Recently, I read in one of the *Sunday Times* colour supplements that the nightlife in Birmingham is considered among the best in Europe. Alas, that comes 30 or 40 years too late, but imagine what it could have been like in the 1970s and 1980s if the city had merited such a description back in those days. According to the 2011 census, the city has 187 nationalities and 6% of its residents are Commonwealth citizens. The fact that it is such a diverse city these days indicates the support behind the concept of the 2022 Commonwealth Games.

I was interested in the comments of the noble Lord, Lord Coe, about the press, cynicism and how newspapers habitually report these matters. He has been around in politics and the media for quite a while, so he knows how these things are done. Someone writes an article in praise of a project, and the editor tells some journalist to find somebody to write an article against it; that is how newspapers are sold. I always love the word “fury” in newspapers. One of the local newspapers in the West Midlands described “fury” at the projected cost of the Commonwealth Games. To a newspaper editor, “fury” means you ring up someone who falls in line with the story already written—and it is a nice, short word that always fits well across a column. These things are not really to be taken seriously, I am afraid. The fact is that this Bill has been widely welcomed in the city by all age groups and most residents.

I would like to strike just one discordant note. The Department for Digital, Culture, Media and Sport is responsible for nominating three non-executive directors to the Commonwealth Games board. It has appointed Ellie Simmonds and Lyndsey Jackson; I will come to the third in a minute. I have no criticism of the first two. Ellie Simmonds was rightly awarded an honour for her contribution to sport. I understand that Lyndsey

Jackson played a major role in the Edinburgh Fringe, so presumably has been nominated because of her expertise in these matters. But the third is none other than Mr Nick Timothy. I would like to know what the Minister thinks are the qualifications that merited the appointment of Nick Timothy as a non-executive director of the organising committee of the 2022 Games. I remind noble Lords that it was said that he and his partner at No. 10 Downing Street, Fiona Hill, were responsible for the 2017 election campaign. If he is going to repeat that example of expertise at the Commonwealth Games, no one will turn up at all.

This Government in particular are adept at what I call “jobs for the boys”. I have no doubt that someone said to Jeremy Wright, the Minister at the Department for Digital, Culture, Media and Sport, “We need a non-executive director with some tenuous connection to Birmingham”. He would know where Birmingham was, because he represents Rugby; I would not say that of all Ministers in the present Government. Presumably it was then said, “Well, Nick Timothy lives in Birmingham. What’s he doing since the Conservative Party insisted that he and his partner in crime were ejected from No. 10 Downing Street following the 2017 election? Oh, Minister, he’s writing for the *Telegraph* and the *Sun*”. Presumably that qualifies him to be inflicted on Birmingham and to be a non-executive director of the Commonwealth Games in 2022. I want to know seriously from the Minister what qualifications Mr Nick Timothy has in order to be inflicted on our city, and what expertise he thinks Mr Timothy will bring as a non-executive director.

I have to say, in closing on this subject, that it is not envy that makes me say this. During the first Blair Government, I was approached by a Cabinet Minister who asked if I would be interested in a non-executive public-sector position in the West Midlands. It was not an area in which I had taken much interest or had any expertise; I thanked him for the approach but declined it. As far as these matters are concerned, Mr Timothy obviously has more self-confidence than me.

The Games will take place from 27 July to 7 August 2022. Of course, it will be the biggest ever sporting event held in the city: thousands of world-class athletes, a million or so spectators, an estimated TV audience of 1.5 billion and a showcase not just of Birmingham and the West Midlands but of this country as a whole. We should be justifiably proud of such an event and I congratulate the city council on its expertly picking up the baton so sadly dropped by Durban for the 2022 Games.

My noble friend Lord Rooker mentioned the benefits to transport. I had the honour for 27 years to represent the West Bromwich East constituency, in the borough of Sandwell. The aquatic centre that is to be built in Smethwick will be a great addition to that borough’s facilities and I know it will be appreciated and well used.

Like every other speaker, I welcome the Bill. I hope the Games will be the success that is projected, and I honestly believe that will be the case. I again congratulate the city council and the Games organising committee for going ahead in the face of criticism, much of which was unjustified. I look forward to a successful Games—I hope to be around to see them—in 2022.

4.11 pm

Lord Moynihan (Con): My Lords, under the impressive leadership of president Thomas Bach, the International Olympic Committee has added human rights protections, anti-corruption and sustainable development standards to host city contracts, aligning the IOC with UN guiding principles on business and human rights. The French Government are collaborating with the trade unions and employer federations to introduce a charter for Paris 2024.

Through the work that the noble Baroness, Lady Benjamin, myself and others are undertaking through the All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights—for which I declare an interest as vice-chairman—I hope that together we can ensure that the Commonwealth Games in Birmingham can use the IOC guidelines as clear, practical steps necessary to document a mega sporting event charter which can have a lasting legacy for future Commonwealth and Olympic Games. I define a “mega sporting event” as one which requires primary legislative support.

CWG can set standards for not only 2022 but beyond and the organising committee, under the leadership of Ian Reid is already meeting the objectives set out by the IOC. Its contents should include the many rights which need to be protected throughout the life cycle of a mega sporting event and the key practices which should be embedded at each phase, from vision, concept and legacy through bidding, planning and design, income generation, sustainable sourcing, construction, delivery and operations, completion and legacy.

After all is said and done, the Bill is in fact a request to restrict these everyday rights for local communities, individuals and businesses for the duration of the Games in order to ensure their successful and smooth running. That request, enshrined in this legislation, is necessary and deserving of the support of your Lordships, but should be granted only after detailed scrutiny of the consequences. We saw in London how delicate this balance of rights and responsibilities can be. The Committee stage will allow us the opportunity to explore this further, to the benefit of the rights of all parties involved in Birmingham, not least the athletes, and the success of the Games.

My second observation is that there are a number of key issues regarding parliamentary scrutiny to be analysed in Committee. As we meet, I am drawing to the end of my time on the Delegated Powers and Regulatory Reform Committee—I declare my interest there—and so today I speak in a personal capacity and not as a member of the committee, which has yet to meet to deliberate on this Bill. However, I draw the attention of the House to four key parts of the Bill which I believe move away from best practice as set out in the London Olympics Acts.

The first relates to Clause 12, which covers regulations concerning advertising in Games locations. On occasions this was perceived to be a heavy weapon in the hands of the London organising committee. This Bill makes it an offence for a person to carry out Games location advertising. The expression “Games location advertising” is defined to meet the doing of something,

“in, or in the vicinity of, a specified Games location at any time during a specified period”.

The “specified” here is subject to the regulations made by the Secretary of State. “In the vicinity of” a Games location has no precise meaning. Here again it will be for the Secretary of State to clarify this in regulations for particular cases.

All the regulations in this clause are subject to the negative resolution procedure, yet these issues were considered of such importance during the London Games that the affirmative procedure applied in respect of the equivalent advertising regulations made under the London Olympic Games and Paralympic Games Act 2006. Given the width of the powers and the breadth of scope, and the significant impact that the exercise of the powers is liable to have—for example, prohibiting by means of a criminal offence a wide range of advertising in the affected areas; it covers all advertising, such as fliers for plumbers put through doors—I believe that it should be for this House to consider in greater detail any exercise of powers and therefore that they should be subject to the affirmative procedure. Regulations concerning trading in Games locations, set out in Clause 15, lead me to a similar conclusion.

Thirdly, Clause 24 confers a power on the Secretary of State to direct a person to prepare a Games transport plan. The provisions in Clauses 24 to 26 broadly replicate transport provisions contained in the London Olympics Act and the Glasgow Commonwealth Games Act. However, in London and Glasgow it was for named entities: the Olympic Delivery Authority and the organising committee of the 2008 Commonwealth Games. I await with interest to learn from the Minister why it is not possible for the name of the body responsible to be explicit on the face of the legislation for these Commonwealth Games, given the far-reaching impact that this legislation confers on the body responsible.

Finally, under paragraph 16 of Schedule 2 we reach the issue of compensation for damage to property—a particularly important matter for local communities. We have heard about the importance that should be attached to local communities. The Government justify the scope of the powers and, again, the use of the negative procedure on the basis that the regulations deal with matters of procedural detail. However, it is clear that the regulations go much further than procedural detail. They include the power to determine which body or person is to have the function of determining claims for compensation and whether there is to be a right of review or appeal. As with the London Games legislation, given the width of scope and the fact that they affect the determination of the rights of individuals in the vicinity of the Games, I believe that the affirmative procedure should be adopted.

I move to some brief reflections on what is not in the Bill. In so doing, I declare my interests as the chairman of the British Olympic Association during the London Olympic Games and as a member of the London organising committee under the excellent chairmanship of my noble friend Lord Coe.

The Games have the potential to shine a spotlight on the city of Birmingham and on the country at large. Just as the whole country effectively became an Olympic village during the Olympic and Paralympic Games in 2012, so the same must be the goal for

[LORD MOYNIHAN]

everyone involved with CG 2022 in Birmingham. However, these Games—as great a festival of sport as I am sure they will be—form only half the story. As the noble Lord, Lord Hunt, emphasised, the tougher assignment for all concerned is the legacy: sporting and in the form of urban regeneration; an economic boost, not a white elephant cost; and the importance of raising the bar for the communities that will volunteer, be enthused and live with the abiding memories of a great sporting event well beyond the Games.

That is all the more important when we pause to reflect that the level of participation in sport in this country is at an all-time low. This is the least active generation ever. Proactive measures are required by government—measures to promote active lifestyles, to tackle growing obesity and to respond to the growing incidence of mental health issues among the young. Too many young people are deprived of the opportunity to use the language and participation of sport as a means to communicate in society and to find a way to escape the escalator to crime. In the independent sector of education, prospectuses are frequently replete with quality sports facilities. At inner-city state schools, the costs of insurance, the challenges associated with travel to sports grounds and the low priority given to sport and recreation lead literally thousands of inner-city primary and secondary schools to be deprived of sporting opportunities for their pupils, to the detriment of the children and society together. Bringing the Games to Birmingham can be a catalyst to change this spiral of decline.

I will briefly mention the noble Lord, Lord Bilimoria. He deserves our thanks for all the work he has done with Yuvraj Raninder Singh of Patiala, president of the National Rifle Association of India and vice-president of the International Shooting Sport Federation. Both have worked hard to seek to ensure that shooting at Bisley was one of the sports on the 2020 CWG programme. Their ability to identify financial support to the value of nearly £800,000 left little financial contribution necessary for the Games committee. While I am very supportive of the decision to include women's cricket, beach volleyball and para table tennis, I hope, as a strong supporter of shooting, that my noble friend the Minister will give us his views on the decision not to include shooting in the programme.

A number of issues covered in the proposed legislation can be strengthened with the characteristic all-party support that exists on sport. I have long campaigned through the All-Party Parliamentary Group on Ticket Abuse, on which I declare an interest as co-chair. If we can legislate a blanket ban with criminal sanctions against modern-day touting and associated crime at CWG 2022, surely we can add a schedule covering other major events where the public deserve the same protection against unscrupulous abuse in the secondary ticket market.

Committee stage will provide us with this opportunity as it will allow us to focus on the governance of sport at the Commonwealth Games 2022. It will allow us to focus on the steps taken by the Government and the Games organisers together to: ensure access for disabled people to all the facilities; promote sport for the disabled; protect the facilities to ensure a lasting legacy

to the local communities; provide for the prevention of match-fixing, bribery and corruption; provide clear, unequivocal anti-doping provisions; ensure visa and immigration rules; allow for the ability of athletes under the age of 18 to enter legally binding contracts; introduce a sporting event betting licence, and a right for the Commonwealth Games as a precedent; and look at these critical governance issues in the context of a potential post-Brexit Britain.

I welcome this Bill, which will stimulate much-needed debate. I look forward to working in Committee to find ways to strengthen the Bill and, through it, send a signal not just to Birmingham but to the rest of the county and future holders of mega sporting events that we can build on the success of Birmingham 2022 and establish a modern framework for the role of Governments in mega sporting events around the world.

4.22 pm

Lord Grocott (Lab): My Lords, I am happy to add my support for the Bill. I imagine it must be quite pleasing to the organising committee and others to find that everyone who has contributed today in their different ways has expressed the same sentiment that has come from the city and region itself, across the political divide and across the region: support for this successful bid and a successful Games.

We have heard wise words from the noble Lord, Lord Coe, who described vividly the swing of emotions at the different stages in the development of the Games, which I dare say will be repeated, although perhaps we will learn from experience. We have heard from at least three natives of the city: the noble Baroness, Lady Burt, and my noble friends Lord Rooker and Lord Hunt. I cannot claim the same pedigree. I have been living and working in the West Midlands for only 54 years; they have a better claim to fame for the region than I have.

The success of the bid has been welcomed across the board, despite the daunting prospect of being four years hence rather than the normal seven. The Games will provide an opportunity to showcase the region and the city. Looking at the figures in bits of briefing that we have received, I noticed the figure of a global audience of 1.5 billion. How on earth they work these figures out I do not know but, even if they are a few million out either way, it is still a pretty staggering audience and something any commercial organisation would die for. Seventy-one countries and territories will take part and there will be 1 million spectators, which will presumably mean many visitors to the region. The Games will showcase our region, which is one of the pillars—one of those contemporary words we use these days—that the organising committee describes as important.

All this will encourage visitors to the city itself. As I said, I am not native to the city but I know it is a sporting city. The Games will be in July and August, which is at the height of the cricket season and the beginning of the football season. County cricket can be viewed, at Edgbaston, as can Premier League football. Thanks to Aston Villa, there might be others, although of course Aston Villa's success is not universally welcomed across the city. Still, it is a sporting city.

It is also a vibrant city, as my good noble friend Lord Snape spelled out, especially the area of Canalside, where, believe me, there is some life on a Saturday night. There is a wondrous symphony hall. I hope people will not just be watching sporting events but will see what else goes on in the region. I should declare my interest: the splendid, wonderful and magnificent conservatoire, the result of work at Birmingham City University, whose board I was on until recently, is terrific and I hope anyone visiting the city visits it.

Of course, we hope that it is not just investment in the city that we are attracting but wider investment across the region—not just Perry Barr, where a lot of the investment will take place. My noble friend Lord Snape has already mentioned the Sandwell Aquatics Centre. Investment will come to different sports in Coventry, Leamington and Cannock Chase, to mention just three, and others.

As the noble Lord, Lord Moynihan, said, the Bill is limited in coverage. I love the phrase he used: “I am now going to address those issues that are not in the Bill”. That gives us wondrous scope for the future. So I, too, will address a couple of issues not in the Bill, the main one being finance. The Bill is just 33 clauses long and only one refers to finance. I notice that in one of the briefing papers we got, the section on finance opens by saying:

“The funding of the Commonwealth Games overall is complex”.

I find finance complex at the best of times, but when the people promoting the Games say that it is complex I get a bit daunted.

Perhaps the Minister could let us know a bit more about that, as far as he is able. He has already said that the cost will be £778 million in total—a more specific figure than we have seen before; so far everything else has been guesstimates—with three-quarters coming from central government and the rest from the region itself, generated within the region. Could he explain to me how the balance works in specific cases? I am not at all clear about it, although maybe others are. Does the money go specifically to local authorities in the region from the centre? Does it go to the organising committee? How is it spread among them? Is it three-quarters in all respects? These issues may all sound like nuts and bolts but they are pretty important to the local areas concerned. How is the central funding disbursed?

My noble friend Lord Rooker mentioned security in particular. Like him, I have a close relative in the police force in the region. I hope that the cost for security will be borne by central government because, believe me, the police forces in the West Midlands really cannot take any more clobbering than they have had over the past few years. I will try to keep this as non-partisan as I can, but that is the truth.

The only slightly anxious word of warning that I bring into all this is to mention that we in the West Midlands, maybe with some justification, have a certain amount of paranoia about funding that comes to our region. I shall say a couple of sentences praying in aid the funding for HS2. It seems to us—stop me if I am wrong or being paranoid, neither of which would be the first time—that when Crossrail is built in London, which is a vastly expensive capital project, there are

objections but expenditure goes through far more simply than that for building a high-speed line from London to Birmingham. When it benefits Birmingham, there seem to be objections all along the way, mile by mile. In fact, I think at least one of the candidates to be our next Prime Minister is not too struck on the scheme. It would be lovely if we had HS2 now, by the way; it would be of help to the Games. I do not want to be paranoid about that, but I will be paranoid about one more item while I am at it. The West Midlands is represented in this House by 27 Members—my noble friend Lord Rooker mentioned this—whereas London and the south-east have 275 Members. I know that London and the south-east are bigger than the West Midlands but they are not that much bigger.

Now that I have got those grouses out of the way, I will finish on an upbeat note. Without repeating what has been said, I believe that the legacy of the Games is hugely important. I spoke on the phone to the people on the organising committee last week and they gave absolute assurance on this front, saying that the legacy sub-committee of the main board is chaired by the chairman of that board. What is the input of central government in ensuring a proper legacy from these Games? I very much welcome the Bill and its importance to our region. I hope that people who come to the West Midlands will not just stay in Birmingham and watch the Games; I hope they will come to the wider reaches of the West Midlands. Perhaps while they are there they will visit the world-famous Ironbridge Gorge Museums, which is a lovely day out, and take a little trip on the Telford Steam Railway. Regardless of what they do, this is of potentially huge benefit to our area, and I welcome it and the Bill.

4.31 pm

Lord Addington (LD): My Lords, this is one of those Bills of which everybody is broadly in favour. We all think that it is a good idea. We all know of similar examples that have worked incredibly well. That does not mean that we are going to let the Bill go through without having a decent look at it.

Birmingham and the UK came into this in a very positive way to make sure that the Commonwealth Games happened when various arrangements were failing and it was not going to happen in Africa for the first time. That probably would have been better for the Commonwealth Games and for world sport. However, keeping the Games going means that there is the opportunity for the Games to be held in Africa next time, so there is something to be thankful for.

However, this means that we are doing things quickly. With the London Olympics we had a long run-in period. Indeed, the process of getting ready for the bid was seen to be part of the Games’ legacy. That was how I felt at the time. We were getting our heads in the right place to go and do it. We must try to remember that as we go forward.

As the noble Lords, Lord Hunt and Lord Rooker, and my noble friend Lady Burt said, there seems to be a reluctance to engage with us. It will become more important, as has been pointed out, with the Commons that the Government engage with us and make sure that we are fully involved so we know that when somebody is being mildly inconvenienced it is not the

[LORD ADDINGTON]

end of the world. I think the noble Lord, Lord Snape, talked about fury in a headline. He caught it just about right there. The fact of the matter is that everybody will be slightly inconvenienced by this at some point if they are living in the area.

It is not just this city; the whole nation will get a benefit from this. Birmingham effectively becomes the standard bearer for the nation for a wonderful thing: a multi-sport event over several days that is a festival of sport that brings in people to look at sports they do not normally see, to appreciate them, to build up from. We must remember that as we go through.

That means we must cohere behind the idea and make sure it has weight to push it through. It will not help this if the Games organisers do not engage with us. I have a minor gripe about the Olympics. I was one of the people who said, “Do not send me hundreds of press releases; if something goes wrong or is not quite right, make sure we have somebody to contact”. This took a little bit of doing and there was resistance to it—one of the very few lessons to be taken about things that did not happen. As it turned out, very little went wrong, but if you have a line of communication back and forth, you will be able to engage. It will not be the headline you are listening to. “There is a headline, can I pick up a phone and speak to somebody who will let us know what is going on?”—that is what is required.

I have a few specific questions on the hard legacy of this event. The Olympics established that we could build a very good, very big housing development with wonderful disabled access. We proved it. It has become something of a standard. Indeed, I remember the planning that went into it. When the noble Lord, Lord Davies of Oldham, I think, took the Bill through, he ended up saying on Report, “Wait a minute, this isn’t a Bill about disability access; it’s a Bill about the Olympics”. They put just about everything they could think of in there. Will we match that level of commitment, there and in future developments on that site? It means that you have to do much less work later on and it will be much more accessible. Let us face it, if you can get a wheelchair in it is usually easier to get a fridge or something out of the building as well. Flat entry surfaces are more convenient. If you put your work in front you get something back.

On the stadiums and things we will actually use for sport, I hope we will get a definitive answer on the legacy and usage of the main stadium. I did the legacy report on the Olympics. I remember the great interaction between Leyton Orient and West Ham about who should have the stadium. It was quite good. With hindsight possibly the right decision was made, but still, what are we going to do? Birmingham is well placed in the country to have a major athletics centre, or one for other sports. I hope we will not find ourselves tied down to yet another Premiership football team moving in. We need smaller stadiums of good quality to take on major events that do not attract quite the same numbers. I hope we can get that out of this and that it is something we can get on with.

The new aquatics centre—or swimming pool—will be a good thing. We still do not have enough 50-metre pools. How are we going to work them in? How are

they connected to each other with the infrastructure? We have had some information; we need more, and a steady stream of it, because we cannot guarantee to help people and to be as helpful as we can and should be. That is not a blank cheque, but it is the degree of support that should be offered unless we know what is going on. We have to make sure it is all there and that there are those commitments.

We do not have to do much else because there are these examples of where it has worked. We are actually taking on and building on a legacy of soft power and delivering big events here. There is no way we would be taking on this thing at such short notice without the success we experienced with the Olympics. Let us face it: we would be terrified without that structure, and we know that we can do it. We do not want to lose that ability, because if we can run a big multi-games event, we can run a festival or anything else. It is about as big a challenge as we are going to get. We have done it successfully—great, are we not clever? Let us make sure we remind the rest of the world how good we are. I hope we are starting a dialogue that means we will know what is going on and that we are enforcing the lessons we have learned and building on what has gone before.

No matter what happens, enhancing our national pride through successful international events will be a good thing. Regardless of whatever happens with Brexit, we might need an example of organising a good thing. We have provided the comedy; let us do something serious. If we can make sure we are doing that and enhancing it, it will go beyond merely making sure something happens properly; it will add to the whole sum of human enjoyment. Multi-event games are wonderful things. They are one of the best expressions of international joy and co-operation going. If we can take on another one and do it well we will have got a great thing out of this, but we need to make sure that we are open and communicative about we are doing and that people know exactly what is going on; otherwise, we will end up remembering things that probably only people like me remember—rows about whether your allotment is going to be there or not—as opposed to the fact that this is a wonderful thing that can give you memories for the rest of your life and give us the legacy of expertise in delivering something good. Let us make sure that that is what we take out of this.

4.39 pm

Lord Griffiths of Burry Port (Lab): My Lords, people have sung the praises of Birmingham, and I add my voice to theirs in expressing delight that Birmingham will host the Commonwealth Games. A body of expertise has produced its own voices. The two old pros on the Benches over there, whose wisdom has been quite extraordinary, can challenge me at dawn whenever they wish. Behind me, a clutch of Brummies—and one almost-Brummie of 54 years—have added their feelings from a personal perspective about how this Bill and the Games will impact Birmingham.

I do not have those direct links, either with the sporting endeavour or the geography, except in one way. The little Welsh town that I come from, Burry Port, was turned into an industrial town because of its symbiotic relationship with Birmingham during the Industrial Revolution.

We produced the finest refined copper and smelted silver in the United Kingdom, which was sent to Birmingham, where electromagnetic plating had been invented. It produced a gobsmacking, wonderful new invention that was sold all around the world and publicised largely at the Great Exhibition of 1851. Therefore, Birmingham and Birmingham philanthropy have contributed hugely to many of the significant buildings in Burry Port. Since others have got their oar in, I felt it legitimate to get mine in too.

The hidden factor in any lauding of Birmingham that we care to make is its population. The noble Baroness, Lady Burt, reminded us of its enormous diversity. It is as if the Commonwealth Games are coming home. There will be populations that identify immediately with the players, and the old adage that you can tell a real British person by who they cheer for at sport will be challenged enormously in the Commonwealth Games, by parts of the crowd supporting all kinds of people who remind them of places that they have long associations with.

I am a little perplexed. It should be a cinch. We have had the Glasgow and Manchester Games in fairly recent history, and of course the Olympics. I cannot think of the London Olympics without thinking of Tessa Jowell, who played such an important part in the planning and organising. I wanted to introduce her name at this stage as a tribute.

As I have listened to the debate, I have asked myself about the very worthwhile suggestions made from across the House. How much will appear on the face of the Bill and modify it, and how much will be what we want to happen but would not be appropriate to put in the Bill? If there is a body of material we want that represents a corpus of thinking and concern that perhaps is not appropriate for the Bill, how do we ensure that the bodies to which we commit these aspirations wrestle with them, deal with them, come up with solutions to our problems and keep in touch with us as we move forward with these deliberations? As I understand it, there is an organising committee, the Commonwealth Games Federation, the DCMS, and, as we have heard, perhaps a less than open stance on the part of Birmingham City Council. Therefore it is important that lines of communication are open, a point that has been made. The people to whom we confide various aspects of the concerns that we express—some directly legislative, others in a body of supporting material—must interplay and support each other, and in the end produce a totality that works for the best in terms of the outcomes that we all desire.

I tried very hard to keep track of the noble Lord, Lord Moynihan, speaking of Clauses 12, 15 and 24, and paragraph 15 of Schedule 2. I will have to read *Hansard* for most of it, but of course we want to know what things such as “in the vicinity of” mean. Those things must be given attention; they will cause the Minister endless sleepless nights.

On all this business about “What’s not in the Bill can wait”, the one word that springs from so many of the contributions to this debate has been “legacy”. We really have to think through what kind of outcomes we want and learn from what has happened in recent times. My noble friend Lord Hunt mentioned that as far as the Olympics are concerned the legacy has been

tremendous but that the Games have not necessarily increased levels of sporting activity or, in housing, reached perhaps as broad a swathe of people as they should have. We want to learn from that; we want information about how the plans are evolving to ensure those sorts of outcomes.

Then there is the question of the well-being of the people. Will we be able to use this stimulus to the economy to generate the kind of interests and commitments on the part of trainers, mentors and people in the public sphere, as well as the population at large, so that we leave Birmingham after 2022 throbbing and thriving in the best way that we can imagine? Are there measures we can anticipate now that might be woven into the planning, so that these outcomes are maximised as we move forward? We will look for that.

I have heard in this debate for the first time the figure of £778 million; there are others, too. I would imagine that work has gone on until the last minute to provide these figures but there is a legitimate concern about how this money is organised. There was the suggestion of having one bank account. I am not sure about having one bank account—I am at Santander if anyone is interested—when it is really about how that money is spread across the various bodies that will spend it. How will they account for themselves and how do we plan those kind of overlaps of responsibility, so that people can get as clear a picture as is humanly possible at the end of it?

I say to the noble Lord, Lord Coe, that I remember reading a theology book about bereavement where somebody identified the stages of grief that people go through: there was denial, anger and bargaining before peace arrives. We have euphoria today because we are all happy; perhaps there will be panic when we get to Committee and persecution of the innocent on Report. When the Bill goes over to the Commons, there will be a comparison with the previous House and, at the end of the day, the glorification of the uninvolved. We will be able to absent ourselves from that category because we have all been very involved.

This is a great event for which we will have some sort of responsibility. There are questions about security and there is complexity in the financial considerations. The legacy thing keeps looming up. All these are to play for and if we get them right, because we have flagged up our concerns, then there is no reason why the Games in 2022 will not be the most successful yet.

4.47 pm

Lord Ashton of Hyde: My Lords, I am grateful for all the suggestions and points that have been made by an intimidating mix of former Olympians, Brummies and local residents, politicians and former politicians with a lot more local knowledge than I have. I have not matched the noble Lord, Lord Griffiths, in trying to link my home town with Birmingham; Stow-on-the-Wold is not immediately connected with Birmingham but it is only an hour away.

I realise that I mentioned bipartisanship in my opening remarks. We have form on that; we arranged the First World War commemorations, which had a very successful outcome with a lot of support from all quarters, so I do not see why we cannot do that. I also noted that a number of issues were raised by noble Lords about

[LORD ASHTON OF HYDE]

Birmingham City Council. It is a bit of a tough ask for a Conservative Minister to defend a Labour city council, but I will take those issues on board and ensure that the communication referred to by the noble Lord, Lord Addington, improves—particularly now that the main communication will be with the organising committee, which will be responsible for producing these Games and spending the money wisely. I will come on to that in a minute.

The noble Lords, Lord Griffiths and Lord Addington, talked about engagement. There are now plenty of opportunities for that. There is an APPG for the Commonwealth Games, at a meeting of which the organising committee has already been present. We in DCMS are certainly happy to engage with any noble Lords and answer questions—let alone official Questions in Parliament, which I cannot avoid. The Government have already said that the organising committee will report to the Public Accounts Committee and the DCMS Committee. As an arm's-length body, it will have to fulfil the normal annual reporting requirements on finances, ethnicity and diversity. So, there will be plenty of opportunities. The Minister for Sport is also available for noble Lords. Last and probably least, they can always ask me. We will be able to improve the level of information that all noble Lords receive. I know that the organising committee intends to have within it a parliamentary liaison organisation.

I agree with many noble Lords that a key theme is legacy. As I said in my opening remarks, that legacy is not just in sport; it is an economic legacy, a volunteering legacy and a cultural legacy—I am sure that there are others that I have forgotten. We understand that the legacy is critical. It is easy to talk just about the infrastructure legacy, which will be not insignificant, but we understand that there are more things to it.

Of course, we will have the Commonwealth Games village, a new aquatic centre—which is for diving as well as swimming—and a park that goes with it, all in an area which certainly needs them. There will be a quite a lot of transport upgrade, including upgrades to two railway stations and highway improvements in Perry Barr. I will make sure that those organising the transport bear in mind my noble friend Lady Berridge's comments about people travelling east to west as well as north to south.

The Games will also require upwards of 45,000 organising committee staff, contractors and volunteers. The organising committee has already engaged with local companies on the economic opportunities, with the Birmingham 2022 portal already established as a one-stop shop to bid for Games contracts. In Glasgow, 76% of organising committee contracts went to local or regional companies and the Games there contributed more than £750 million to the Scottish economy.

Getting people engaged in exercise is important. If sport helps with that, that is great. Sport England is investing up to £100 million in 12 pilots looking at using sport to engage underrepresented and traditionally inactive groups. In February 2019, Birmingham and Solihull received nearly £10 million from Sport England as one of those pilots. The Active Communities project is designed to tackle inequality among older adults, women, young families and BAME people. I agree

that that is a key legacy, albeit an extremely tough one to deliver—it has not necessarily been delivered in the past and certainly not in the last two cases.

The noble Lords, Lord Hunt and Lord Rooker, and others talked about briefing on the Bill. I can tell the noble Lord, Lord Hunt, that the organising committee will be able to call him this week and, as I have said, it will continue to do so.

So far as the budget and shortfalls are concerned, the Games partners, including DCMS, have oversight of the organising committee's spending via the governance structure for the Games, including the organising committee's own contracts committee and audit and risk committee, which includes DCMS-appointed board members. These provide an opportunity to influence spending decisions and obtain ongoing oversight of expenditure and value for money. The Government will also be able to scrutinise and, if necessary, block calls on contingency budgets. The noble Lords, Lord Hunt and Lord Rooker, also drew attention to difficulties with the financial position of Birmingham City Council. The council has said that its funding for the Games should not impact on day-to-day services and will not be met by increases in council tax. All the Games partners—including the council—are focused on ensuring that the Games deliver value for money. We will continue working very closely with the city council to look at how, with its partners, it can meet its commitment to financing the Games.

Birmingham City Council finally approved the budget in January. Since then, the overall budget has been passed by the major projects review board and the Treasury. The Minister or I will outline more detail about the budget in a Written Ministerial Statement. We may have to have a presentation or meeting with noble Lords to explain this in detail. Not only is the Games budget reasonably complicated but there is other government spending on infrastructure that will be used by the Games but is not part of the Games budget itself. It is not straightforward.

The athletes' village will be built in Perry Barr with 1,400 homes, part of a larger development of 5,000 homes in due course. The village is being developed by Birmingham City Council, as part of its commitment to the Games. It will be responsible for the strategy for the housing, as one would expect a council to be, including the percentage provided as social housing. In response to the noble Baroness, Lady Burt, and the noble Lord, Lord Rooker, the council has told us that all homes will be built to the relevant building regulations standards for accessibility. There will be a mix of affordable, private rent and market-sale tenures. About 24% will be affordable housing. The noble Baroness asked about construction jobs and apprenticeships. The construction will provide at least 2,000 jobs, including 400 new jobs in construction and 50 apprenticeships during the construction period. As part of the social value commitments confirmed by Lendlease, the main contractor, at least 10,000 students will be supported across Birmingham. This will include mentoring, career advice, curriculum support, employability support and business projects. I will be happy to write to the noble Baroness on her other detailed construction and supply questions when we have talked to the Games partners.

My noble friend Lady Berridge talked about the wider aspects of the Games around the Commonwealth and the chance to promote equality and diversity in the “youngest city in Europe”. The organising committee recognises that diversity and equality must be embedded in its organisational culture. This can be achieved only by ensuring that the best possible people are selected through a fair and transparent recruitment process. The organising committee encourages applications from a diverse range of backgrounds. In particular, work is progressing with the Department for Education and the Department for Work and Pensions to ensure that opportunities are targeted at underrepresented groups. As I said, as a non-departmental public body of DCMS, the organising committee is required to report annually on equality and diversity. The noble Baroness also asked me to nudge the right reverend Prelate the Bishop of Birmingham on a scheme. I will do my best to nudge the right reverend Prelate, assuming that that is within the rules of the House. He attended the meeting I had, so I will bear it in mind to keep in close touch with him.

The noble Lord, Lord Rooker, warned us that oversight and governance need close attention. I agree. It is a tight schedule and we are aware of the need to get value for the public money being spent. The Games delivery programme is overseen and managed through an integrated governance structure that involves all the Games partners, including DCMS, Birmingham City Council, the organising committee, the Commonwealth Games Federation, Commonwealth Games England, West Midlands Police and the West Midlands Combined Authority. As I say, we will pay close attention to that.

The noble Lord, Lord Snape, mentioned the appointment of Nick Timothy as one of the non-executives. I think he used the expression “jobs for the boys”. All the non-executive director appointments made by the Secretary of State complied with the Governance Code on Public Appointments and were therefore open and transparent. They were assessed by an advisory assessment panel, so it was not just the Secretary of State. They were subject to the same selection process and were assessed against criteria published in the role specification. Nick Timothy, as the noble Lord may know, is a true Brummie and has a great and deep interest in and love of the city. I am sure he will put a lot of work and effort into his role on the organising committee.

Lord Snape: I am sure that everything the Minister said about Mr Nick Timothy is correct. Does he agree, though, that although I am not a native Brummie, I have a great love of the city too, yet no one has asked me to be a non-executive director of this organisation? Does he think the fact that Mr Timothy, like the mayor, Mr Andy Street, and the mayor’s principal adviser, Mr Andrew Browning, went to King Edward’s School, which currently charges £13,320 per year, has anything to do with his appointment?

Lord Ashton of Hyde: It is a bit difficult for me, as an old Etonian, to comment on that. I really do not think it has anything to do with it, but I may be biased. All I can say is that it was a proper and sensible appointment process. I am sorry that the noble Lord was not asked to apply but, of course, he could have applied himself and I am sure his application would have been treated with all the seriousness it deserves.

Lord Snape: One of the reasons I do not get old Etonians, of course, is that I do not share their sense of humour.

Lord Ashton of Hyde: Not everyone does, I agree.

My noble friend Lord Moynihan talked about delegated powers and the report from the DPRRC. We look forward to receiving that report fairly shortly, I believe. We have learned from the experience of the London Olympics Act and have sought to ensure that the delegated powers in the Bill are as narrow as possible. We have included things in the Bill not included in the 2006 Act. There are no Henry VIII powers. Those that have been included are limited to matters that cannot be determined until the detailed operational planning for the Games is further advanced, or when further consultation is needed. For example, what it means to be,

“in, or in the vicinity of”,

a Games location will depend on the Games schedule, which will not be known until much closer to Games time. Regulations about time periods and Games locations may need to be quickly amended in the event of a change in a competition venue. I look forward to discussing the detail of the individual clauses with my noble friend and other noble Lords in Committee. I think it will be useful to wait until we get the DPRRC report to see what it advises on that, but I do not foresee any particularly serious problems.

The noble Lord also asked why we are not extending the offence of ticket touting to other major sporting and cultural events. We have had this debate over a number of years, and I have debated it personally with my noble friend Lord Moynihan. At the moment we think there is a role for a responsible secondary ticketing market which allows consumers to make informed choices. That is why we do not want to impose a blanket ban on the resale of tickets for all major sporting or cultural events, but I accept that there is a debate to be had on that. These provisions, however, are designed to protect the integrity of the Commonwealth Games and reflect the uniqueness of a multi-sport event which, unlike most sporting events, is underpinned by significant public investment. That is why we have decided to ban it for this event. That is also why similar provisions were enacted for the London Olympic and Paralympic Games and the Glasgow Commonwealth Games. As I say, I am sure that we can discuss that in Committee if necessary.

The noble Lord also mentioned shooting—I believe on behalf of the noble Lord, Lord Bilimoria—and its exclusion from the sports programme. That is not directly connected to the powers in this Bill, but is worth mentioning because it is important to those who are keen on it. The key criteria were set, written submissions invited and presentations made to the assessment panel for each sport. Those included financial considerations, the availability of suitable venues, the potential for additional revenue generation and alignment with the CGF constitution and the objectives of Games partners. Those submissions were evaluated and a report then presented to the Birmingham 2022 organising committee board. The decision it made now goes to the Commonwealth Games Federation’s membership, where the ultimate decision lies. It is worth pointing

[LORD ASHTON OF HYDE]

out that shooting was offered the opportunity to transfer, with a suggestion that some of those events could take place in the West Midlands area, but the offer was declined.

The noble Lord, Lord Grocott, talked about budget governance. As I said, the figure today is a headline figure; I will let your Lordships know more detail when it is available. Overall, the governance is broadly as follows: the police oversee security, with the chief constable of the West Midlands having overall operational control of that—he will liaise and use national security agencies as well, but has overall responsibility; the organising committee is responsible for delivering the Games; and Birmingham City Council is responsible for overseeing the capital projects.

There will be more detail to go through in Committee and later. I repeat my offer: my department is happy to answer specific questions in more detail if anyone wants. I hope that will enable noble Lords to support this operational Bill, which, as we approach three years to go next month, is an essential milestone in the preparation for the Games. I look forward to working closely with all noble Lords as the Bill progresses through this House and I commend the Bill.

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

Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019 *Motion to Approve*

5.09 pm

Moved by Lord Gardiner of Kimble

That the draft Regulations laid before the House on 13 May be approved.

Relevant document: 52nd Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, this statutory instrument establishes a ban on the commercial third-party sale of puppies and kittens under six months of age. After six months, the puppy or kitten is then legally classified as a dog or cat.

Under animal activity licensing regulations brought in last year, it is not permitted for anyone to sell a puppy or kitten under the age of eight weeks. During this time, the animal should be in the care of its mother. After eight weeks, it is safe for them to be brought to a new and caring home. However, commercial third-party sales often take puppies and kittens when they are far too young and raise them in inappropriate environments, which evidence shows is damaging to the animal's welfare. Third-party sellers drive unscrupulous breeding.

This legislation is the next crucial step in eradicating the abuses of unscrupulous breeding, puppy farming and illegal smuggling. This is a continuing part of the Government's agenda to increase animal welfare in this country. This ban will give puppies and kittens a better possible start in life.

This issue has been brought into higher profile by committed campaigners and has overwhelming public support. It is popularly known as Lucy's law as a result of the exceptional effort from the Lucy's law campaign group, to whom I express appreciation. Lucy was a Cavalier King Charles spaniel who died in 2016 after suffering terrible conditions on a puppy farm in Wales. Her plight inspired the Lucy's law campaign. Welfare organisations big and small, and members of the public, have supported Lucy's law. This legislation follows a call for evidence and a public consultation which received over 6,500 responses, of which 96% were supportive.

This ban builds on the new licensing regulations which came into force in October 2018, introducing a range of welfare improvements for dog breeding and pet sales. Defra is also updating the statutory guidance for the activity of selling animals as pets to take account of this ban on third-party sales. The changes to the guidance are intended to assist local authority inspectors and licence holders by outlining how they can determine whether a licence holder bred the puppies themselves and clarifying that non-commercial rehoming does not require a licence. The guidance will outline how to distinguish between legitimate rescue and rehoming operations and those that are a front for unscrupulous breeding. Local authorities will also be required to notify existing licence holders of the change so that they can prepare appropriately. The draft guidance has been shared with the sector and will be finalised before the ban comes into force in April 2020.

This statutory instrument implements the third-party sales ban by making an amendment to the parent regulations, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The commercial sale of pets is already a licensable activity, and the amendment means that licensed pet sellers, including pet shops and dealers, will no longer be able to sell puppies or kittens under the age of six months unless they themselves have bred the animals. The ban will enter into force on 6 April 2020. The additional time before the ban coming into force will allow the sector to prepare. We believe that, if the ban is rushed, it may encourage the abandonment of puppies and their mothers or other unscrupulous activity.

This statutory instrument applies to England only, because the parent regulations apply in England only. Animal welfare is a fully devolved issue, and the respective parts of the United Kingdom have slightly different approaches to the licensing of pet sellers and other animal activities. I understand that, in Wales, a three-month consultation has recently concluded on banning third-party sales. The Welsh Government are now considering the responses. In Northern Ireland, there is support for a similar ban to be introduced, and officials in DAERA are following developments in England closely. Scotland has committed to reform the licensing of sanctuaries, breeders and pet shops and is considering a ban on third-party sales.

Every year, hundreds of thousands of puppies and kittens are purchased or adopted. Unsuspecting families can often be tricked during this trade by unscrupulous dealers who conduct high-volume, low-welfare operations such as puppy farms and sell via commercial sellers.

5.15 pm

It is necessary to pass this important piece of legislation today, but we should not view it in isolation. Enforcement is fundamental. Defra is working closely with local authorities to ensure that the legislation is properly enforced. Every local authority that receives an application for a licence to sell pets is required to appoint a suitably qualified inspector and inspect the premises. To ensure that the inspections are high quality, inspectors now have to have a level 3 qualification in animal welfare inspection. They are legally obliged to do that and they have power to recover costs from the fees they charge, including costs covering the reasonable anticipated costs of enforcement of the controls, including against unlicensed operators.

To supplement the ban further and to help the public make responsible purchasing decisions, the Government will be launching a comprehensive communications campaign on responsible sourcing of puppies and kittens. This, we believe, will ensure that people know where to go to find a pet safely.

The ban on third-party sales will protect and enhance the welfare of puppies and kittens, so that they are not subject to such unscrupulous breeders. This statutory instrument further affirms the Government's position and desire to be world-leading in animal welfare. I beg to move.

Baroness Byford (Con): My Lords, I thank my noble friend for introducing the statutory instrument, which follows on from the many discussions we have had over recent years about the whole question of the pet trade. I am grateful to him for explaining the campaign for Lucy's law. We were all well aware of it, and the response was overwhelming.

I think that he said that there were 6,500 responses, the majority very supportive of the measure. Can he share with us the concerns expressed by others who were not so fully supportive?

The use, abuse, breeding and smuggling of puppies and kittens over the years has been a disgrace. I am really proud that the Government have decided to tackle it in a complete way, while giving the various people involved in the trade until April 2020 to make alternative arrangements.

I have two other questions, although I support the instrument. On the whole question of pet shops, licensing and local government's commitment to cover the costs, does local government already receive subsidy or some form of help for the inspection regime in place now? Will the charges that may be made by local authorities in future cover all inquiries or just specific issues that they are asked to consider?

My other question is on the whole issue of rescue and rehoming. Many people are tempted, because they want to help, to look to rescue and rehoming rather than buying a pet from a pet shop or a legitimate breeder. I was not sure from our brief where rescue and rehoming businesses—or charities—sat under the regulations.

Lastly, I turn again—we have talked about it before in Committee—to the individual who breeds but is not registered as someone who sells puppies or kittens. Previously, we have considered a breeder producing

perhaps two sets of puppies before they would fall under the law. I was not at all sure about kittens. A little clarification on that would be very helpful.

Again, I thoroughly welcome the instrument and wish it good speed through the House.

Lord Clark of Windermere (Lab): My Lords, I thank the noble Baroness, Lady Byford, for her contribution. I sympathise with her on two points; I especially want to come back to her point about rehoming pets. I intend to speak only about puppies because I know about dogs; I have always had them. If I may say so, I have never bought them from a pet shop; I have always got them either through rehoming or direct from local farms.

I take the view that pets are not a fashion statement. Pets, especially dogs, are there for what they give to humans. They give us so much in terms of loyalty, comfort and affection. I must say, I welcome both the Government's strategy on animal welfare and the regulations. I agree entirely with the BVA that they must be seen not as an isolated example but as part of a developing holistic approach. I was encouraged by the Minister's point that this is the next step in the process. We will not be satisfied with that; we look forward to the step after it. We very much welcome the regulations and I take the Minister's statement in the spirit in which it was made.

Of course, we live in a changing world. There are roughly 9 million dogs in this country—an increase of 400,000 since last year alone. I am afraid that the increase is partly due to fashion. We cannot affect it; people can do what they want and buy what they want with their money. However, importantly—the Government are aware of this—much more public communication is needed to get across to people what keeping a dog means and from where they can be bought. Again, I agree with the Government and am encouraged by the Minister talking about a comprehensive communication strategy. That is precisely what is needed because when most people, or at least a lot of them, acquire a dog, they are doing so for the first time and do not know what they are getting or what they want. On many occasions, they waste a lot of money through getting the wrong breed of dog. Of course, the regulations are here because unscrupulous people take advantage of that fact. It is very important that we try, gently, to educate the general public.

Coming back to rescuing and rehoming, the Government were encouraging, although they did not say a great deal about it. I have had rescue and rehomed dogs, and I have always been impressed by them. Now, the overwhelming majority of rescue establishments, whether they deal with specialised breeds such as collies or Labradors or are general establishments, maintain very high standards. That is what the regulations are partly about: high health standards. Most establishments have the animals microchipped and all of them allow the public to see the conditions in which the animals are kept. That is very important. It is not always available at a pet shop; you cannot see the conditions in which the dogs are kept 24 hours a day—that is probably a slight exaggeration, but basically all the time.

[LORD CLARK OF WINDERMERE]

The noble Baroness raised a point about these rescue establishments; most of them are charities. Can the Minister clarify the position? As I understand it, these charities are exempt under the parent Act, if I can call it that. If that is the case, it is important that we monitor the charities as well—I am sure they would support that—because we must be sure that no unscrupulous dealers see this as a loophole in the system.

The online sale of animals is a bigger challenge than I can comprehend, and with social media it is a real challenge—not only for the Government handling it at the centre but for the local authorities, which in a sense ensure that the regulations are enforced.

In conclusion, I really support these regulations and the Government's intent. I am encouraged by, and very much welcome, the Minister's approach, but it will need careful monitoring.

Lord Trees (CB): My Lords, I too very much welcome the Minister's introduction of this statutory instrument, and I declare my interests as set out in the register. This is a welcome step in the right direction. As the Minister has outlined, it extends measures in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 so that puppies and kittens cannot be sold at less than six months old except by the licensed breeder and seller. Presumably they would need a licence as a breeder and as a seller. Does that require two licences, or will they be combined?

This measure is well justified on sound welfare grounds that have been described in detail and for some time by various animal welfare charities, the BVA, the RSPCA and Battersea Dogs & Cats Home, as elucidated by the Minister, so I will not reiterate them. However, while most welcome, this measure in itself will address only partly the major issues of poor animal welfare and the illegal activities associated with the gross mismatch in the UK between demand for and supply of puppies in particular.

First, this measure will affect some 63 pet shops selling puppies and 129 licence-holders selling kittens. Their annual trade has been estimated at about 80,000 puppies per year. This compares with an estimated demand—this is Defra's own figure—of 700,000 dogs per year. Secondly, as the noble Baroness, Lady Byford, and others alluded to, not defining and regulating rescue and rehoming centres creates a loophole for the unscrupulous to exploit as third-party sellers. What plans do the Government have to regulate such centres? Thirdly, this measure does not address the vast scale of online sales—it is undoubtedly happening—of animals either illegally imported into or bred in the UK. Again, what measures are Her Majesty's Government planning to tackle this serious problem?

This measure also removes the prohibition on purchasing animals whose sale is prohibited under these regulations. Given the profound problems of enforcement in this whole trade in live animals, is it not a severe hindrance to remove a legal obligation on the purchaser to verify the legitimacy of the seller and the animal being sold? Following the acceptance of these regulations, a buyer will now presumably be able to purchase an animal knowing it is illegal without fear. Why should

they report such a seller to the authorities? I may be mistakenly interpreting the regulations but perhaps the Minister could clarify that point.

5.30 pm

Returning to the gross mismatch between demand and supply of puppies—indeed, of dogs of all ages—evidence from the Dogs Trust and others shows that this is encouraging a vast criminal smuggling industry, which is not only cruel to the animals involved but seriously imperils the biosecurity of our own pet populations. The current regulations, I fear, will have little, if any, effect on limiting that illegal trade—indeed, they might increase it.

Given the scale of the illegal activities around, particularly, puppy and dog sales, the difficulty of enforcement—especially regarding online activities—and the major animal welfare and biosecurity issues involved, is it not time to positively address legal solutions to the supply-side problems, in a way that is consistent with good animal welfare, in addition to legislating against harmful practices, which will inevitably flourish when demand exceeds supply and penalties for illegal activities are so low?

I realise that the words “puppy farm” have a negative connotation, but this need not be so. There is no inherent reason why high-standard, well-regulated establishments to breed and sell dogs in numbers cannot do so with good welfare outcomes. This is not of course a government responsibility, but the Government could encourage, and perhaps incentivise, working with all relevant parties to explore this possibility.

I welcome these regulations but, as others have said, they must be part of a larger suite of measures involving carrot as well as stick to enable an appropriate and legal supply of animals of high welfare and health status that will provide wonderful pets.

The Duke of Montrose (Con): My Lords, I declare my interests as an honorary associate of the British Veterinary Association and as someone who has been breeding animals—and every now and again a dog.

I take it that this legislation will prevent anyone other than a breeder from selling an animal under six months. That will tidy up many of the pet shop problems which we all regard as serious.

I hope my noble friend the Minister will be able to clear up a couple of matters. He and the Secondary Legislation Committee have said that local authorities will have to enforce these regulations, and my noble friend Lady Byford asked whether they would get any financial assistance to do so. The BVA is asking that anyone using a dog for breeding should be registered with the local authority. What is the Government's view of this proposal? Will it be left to local authorities to enforce?

The 2018 regulations are to do with animals as pets. Can my noble friend clarify whether this could also include working dogs? We have had to go through the question of the docking of dogs' tails, and in Scotland it has been allowed that working dogs do not have to have their tails docked. I am thinking particularly of working dogs—shepherding dogs, and possibly shooting dogs too, but I am more familiar with shepherding dogs.

They are often bred by a working shepherd who does not want the job of rearing them. Some people are well known as good-quality rearers and will take the young dogs and bring them on. The dogs will be outside the scope of the regulations because they will be over six months old, and at that stage they will go to somebody who will train them. It is possible that someone could be hired to do that job but at present there is a turnover of animals in this area. I would be interested to hear whether there is any possibility of the regulations covering working dogs.

The Countess of Mar (CB): My Lords, what is the position regarding inspectors? I ask that because I was approached by a young man in our local authority who has birds of prey and various wild animals that he takes to shows. He applied for a licence and was told that it would cost him nearly £1,000, but friends of his in neighbouring local authority areas are being charged between £150 and £400. I inquired of the chief executive of our local authority why this was and he told me that it was because it had no inspectors up to level 3 and that a veterinary inspection would be required. I then checked and was told that there were very few training facilities taking inspectors up to level 3—in fact, there is only one—and the courses are fully booked months ahead. In addition, they cost £900, according to the chief executive. Will the same thing apply to people who want a licence for puppies and kittens? Will they be charged for a veterinary inspection because there are no level 3 inspectors? If not, what will happen?

Lord Lexden (Con): My Lords, perhaps I may comment very briefly. First, I commend these regulations, along with the deep personal commitment that my noble friend has always shown to improving the welfare of our country's cats and dogs. Secondly, is progress being made towards the legislation that will raise the maximum penalty for animal cruelty from the present derisory six months to five years? Northern Ireland has already introduced five years as the maximum penalty, and I think that England needs to be brought into line as fast as possible with that other magnificent part of the United Kingdom. My noble friend is aware of the deep importance that the wonderful organisations that work for the welfare of our country's cats and dogs attach to the raising of the penalty. If he has some progress to report, I know that they will be very pleased to hear it.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I thank the Minister for his time and that of his officials in providing a briefing on this important statutory instrument. I declare my interest as a vice-president of the LGA.

When we last debated puppy farming and the important measures and safeguards put in place, we raised the issue of regulating the import of puppies. The Government have now conducted their consultation and brought forward this SI to close the circle to help protect puppies and kittens. Although this is not a catch-all, and it is unlikely that any legislation will stop illegal practices, it goes a long way towards protecting young vulnerable animals against third-party sales.

Following the previous SI in October 2018, as the Minister has said, no puppy under eight weeks of age can be sold and it has to be shown with its mother by a licensed breeder when potential buyers come to view. This SI prevents non-licensed breeders selling puppies and kittens before they are six months old. This restriction covers pet shops and commercial dealers that are licensed dealers but not licensed breeders. This provides significant safeguards for the welfare of puppies and kittens.

Enforcement is to be carried out by local authorities who, as the Minister has stated, have powers to charge fees to cover their costs. This is extremely important as local authorities have been cash-strapped for a number of years. I am pleased that he was able to reassure us that local authorities will carry out training and recruitment of the necessary inspectors prior to the enforcement date of April 2020—although I am alarmed by what the noble Countess, Lady Mar, told us. It is also reassuring to know that better breeders can apply for a three-year licence and so avoid yearly costs.

As the noble Lord, Lord Trees, indicated, animal smuggling is a lucrative business, and the inspectors will need to be aware of what to look for when they visit premises where small animals are on sale to the public. My colleague and noble friend Lady Parminter, who is unfortunately unable to be with us this afternoon, asked the Minister in 2017 to make a commitment to increase the sanctions for animal cruelty; this has been referred to already. Can the Minister say why the Government have not responded? It is important that sanctions are sufficient to act as a realistic deterrent to those who mistreat animals and cause unnecessary suffering.

I am concerned that this legislation will not come into force until 2020. I hear what the Minister has said about that but I would like to press him on why this cannot be done sooner. Christmas comes between now and April 2020, and many families may succumb to the pressure to provide a kitten or puppy as a gift. It would be much better if pet shops were not able to display kittens or puppies in the run-up to Christmas, thus avoiding unnecessary misery and suffering. A new pet for Christmas is often followed by abandonment in January.

Can the Minister provide reassurance—the noble Baroness, Lady Byford, hinted at this—that a family discovering that its pet dog is expecting an unplanned litter of puppies will not find itself outside the law if it subsequently advertises its puppies for sale in a local post office, shop or newspaper? It would be somewhat perverse if this resulted in a prosecution; I would be grateful for the Minister's comments on such a scenario.

Currently, Battersea takes in animals, rehomes them and charges a fee for rehoming, which helps to cover their costs. But there are others operating outside the law which set up unscrupulous charities, offering puppies to be rehomed and charging fees way above those charged by legitimate charities. These fraudulent charities bring in animals from abroad—including possibly Romania—for free. They are then able to charge as much as £200 for the so-called rehoming of the pet. For the SI to be effective, it is essential that this practice is stamped out.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

I support this SI, which should help to safeguard the welfare of both kittens and puppies and ensure they have a better start in life but, like others, I am concerned about the prevention of online sales and look forward to hearing what the Minister has to say.

Baroness Jones of Whitchurch (Lab): My Lords, I am grateful to the Minister for introducing these regulations today. As he explained, they form a continuum with the more comprehensive Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which we debated and agreed last year.

At the time, we made the case for including the ban on the third-party sale of puppies and kittens in those regulations; it was never clear to us why the Government found it necessary to postpone that decision. Like many other pieces of animal welfare legislation, promised but not yet delivered, the Government seem determined to proceed at a snail's pace despite the obvious cross-party support for many of these provisions. The Minister well knows our views on this; I am sure he will be pleased to hear that I shall not labour the point again today.

Nevertheless, we welcome these belated, catch-up regulations, which put one further nail in the coffin of exploitative and often illegal puppy farmers and unscrupulous third-party traders, who show no compassion or concern for the puppies they are marketing. That has resulted in puppies being taken from their mothers before they are weaned, not learning proper socialising skills and suffering a wide range of health and disease-related issues that can blight their health and limit their well-being.

5.45 pm

The only way to address these concerns is for the purchaser to see the puppy with its mother and the breeder so that they can be assured that the puppy has been bred in a quality environment. We hope that will mean the end of puppies being advertised and bought online or in pet shops, where poor breeding conditions can be disguised.

As a number of noble Lords have said, we do not think this will be the end of the matter. Selling puppies is a lucrative business for many third-party traders and overseas gangs; as the noble Lord, Lord Trees, said, it represents a wholesale criminal smuggling industry. They will try to find their way around this legislation and we will need to be alert and vigilant about how they may seek to undermine the controls we are trying to enforce. This is why, as many noble Lords, including my noble friend Lord Clark, have said, this is just one step in what needs to be an ongoing and holistic approach to tackling the issue.

That is why the licensing and inspection of breeders' premises is vital, and why local authority inspectors have to be properly trained and resourced to carry out their enforcement duties effectively. The noble Countess, Lady Mar, made an important point about the availability of trained inspectors. Will the Minister clarify whether he thinks there are enough inspectors in post across England to operate the licensing regime and to root out illegal third-party traders who might be masquerading

as legitimate breeders? How many licences have been issued to legitimate breeders under the 2018 regulations? Is he confident that there are stringent enough fines and custodial sentencing powers to dissuade illegal backstreet breeders from continuing their trade?

One of the potential loopholes suggested by the RSPCA is that rogue rescue organisations and sanctuaries might be set up as a front for illegal selling by third-party traders. As my noble friend Lord Clark says, we recognise that the vast majority of rehoming centres provide a high-quality service, but can the Minister reassure the House that inspectors will be trained to spot these fake animal rescue centres and close them down? Is he confident that we have the legal powers to distinguish between commercial rehoming centres, which might include puppies and kittens in their offer, and their more established charitable counterparts? Could he also update us on the progress being made by police and border staff to apprehend illegal dog importers from European puppy farms, where the greatest level of abuse occurs? What are the Government's plans to tackle abuse of the PETS passport travel scheme, through which puppies and kittens are still being smuggled into the UK?

I was pleased to hear the Minister describe the very welcome public awareness campaign that the Government are commissioning to make sure that potential puppy buyers realise that the law has changed and they need to buy direct from the breeders in future. As the Minister says, these proposals had huge public support in the Government's consultation so should be widely welcomed, but we need to spread the message wider and reach out specifically to those people beginning the process of finding a new puppy to live with them as a family pet. As the noble Baroness, Lady Bakewell, said, that is particularly urgent as Christmas approaches.

We still have a long way to go, otherwise people would no longer be buying dogs online or with unproven parentage despite the evidence surely being there for them all to see that they cannot be sure of the health implications of buying puppies and kittens in that way. I hope the Minister can reassure us that this will be a genuine mass-education initiative that reaches out and persuades buyers that the only way to guarantee the future welfare of their puppy or kitten is to check the circumstances of its birth and early nurturing, otherwise they will have additional costs and health problems from that puppy that they will not have anticipated.

Having said that, we of course welcome these regulations and the Minister's commitment to remain ever vigilant on these issues for the future. As noble Lords have all said, this issue will not be fully solved by the regulations; they are just one step in the process.

Lord Gardiner of Kimble: My Lords, we have had an important and absorbing debate on these matters. I think there is a shared recognition across your Lordships' House that these are valuable and important regulations. They are a crucial step in furthering the protection of puppies and kittens, but I would be the first to say, as I agree with noble Lords, that they must not be seen in isolation. They are part of a continuum and a continuing process.

I was very struck by the remarks of the noble Lord, Lord Clark of Windermere. They were a reminder for all of us who have had dogs and cats in our lives of what we owe them and the pleasure and companionship they provide to us. I have used every opportunity available to me to say that animals should not be fashion statements. They need loving, caring homes. One of the important issues arising from the parent regulations was raised by the noble Lord, Lord Trees, in a debate some days ago. We should not breed animals from those that have disabilities or disadvantages that mean they cannot have fulfilling lives. That goes particularly for some breeds of cats and dogs. I am very struck by what the noble Lord said.

I also agree with the noble Baroness, Lady Jones of Whitchurch, that all of us—and by that I mean the whole community—need to be alert and vigilant. Yes, the Government and the local authorities have a responsibility, but people seeking to bring animals into their homes also need to feel a sense of responsibility.

I will seek to answer, in no particular order, as many of the questions as possible. For those that are slightly more intricate, I will of course write.

The noble Lord, Lord Clark of Windermere, opened his contribution by talking about the responsible sourcing publicity campaign, and I particularly want to reassure the noble Baroness, Lady Bakewell of Hardington Mandeville, that this comprehensive campaign is designed to be a pre-Christmas communication. It is a vital time when families sometimes need to be much clearer that, as we all know, a puppy is for life and is not a statement for Christmas Day to amuse people. A puppy is a responsibility, and people should source their animals, whether puppies or kittens, from responsible breeders and be responsible themselves. The campaign we are launching is therefore aimed precisely at the public to encourage people to have a responsible sourcing mindset. This will ensure that people have no excuse for not knowing where to go to buy a pet. Currently, the best place to source a pet is through one of the nation's many legitimate rescue and rehoming organisations or, specifically, a licensed breeder.

This leads me on to an issue raised by my noble friend Lady Byford, the noble Lord, Lord Clark of Windermere, and the noble Baronesses, Lady Jones of Whitchurch and Lady Bakewell of Hardington Mandeville. I refer to the rescue and rehoming sector. As we all know, legitimate rescue homes do incredible work rescuing and rehoming thousands of sick, abandoned and stray animals each year. It has been my privilege to visit Mayhew rehoming centre, Battersea Dogs & Cats Home, Dogs Trust, and Cats Protection, to name a few. I have seen at first hand their commitment to rehoming. It is fundamental that the quality of welfare provided at these rescue organisations is consistent, and I underline “consistent.” Noble Lords and animal welfare groups have expressed concerns about unscrupulous breeders reinventing themselves as rescue centres. We need to be confident of the benefits and the impacts of any regulations placed on the sector, particularly on some of the smaller rescue and rehoming charities, which is why we are actively exploring these issues with all organisations involved. In the meantime—this point is for the noble Baroness,

Lady Bakewell, in particular—we have updated the statutory guidance to make clear that those who rehome in the course of running a business are subject to the ban.

My noble friend Lady Byford mentioned commercial sellers. In the guidance to local authorities, there is advice on how to differentiate between commercial breeders and one-off sales. As I said, the guidance is being updated following the statutory instrument.

My noble friend Lady Byford and other noble Lords raised the issue of enforcement. Local authorities lead on implementing and enforcing animal licensing controls and have the power to charge a licence fee that factors in the reasonable costs of enforcement associated with a licensable activity. Defra works closely with local authorities, and the City of London leads on training of local authorities and inspectors.

Perhaps I could have a conversation with the noble Countess, Lady Mar, outside the Chamber about the specific points she raised, but training is clearly essential. This is why we have ensured that the parent regulations reflect the importance of training courses for inspectors. As well as attendance at one of the specialist courses, “suitably qualified” also covers experienced inspectors with prior experience of working as local authority welfare inspectors. The cost of training inspectors can be recovered by the local authorities through the full cost recovery provisions in the parent statutory instrument. As I said, there is ongoing training. I do not have the figures, but I know that this is also work very much in hand. Clearly, we need to have sufficient suitably qualified inspectors. We are raising the bar because we do not resile from the fact that we need to ensure that, when people inspect premises, they know what to look for. That is imperative.

The noble Lord, Lord Trees, asked whether you need two licences to breed and sell puppies. No, the individual who breeds dogs and sells puppies will require only a dog breeding licence, which covers sales as well as breeding.

My noble friend the Duke of Montrose asked about working dogs. Under this legislation, working dogs would be allowed to be sold by licensed third parties if the animals are over six months old. This is precisely the point of the statutory instrument: puppies and kittens should no more be sold other than by licensed breeders, with the security of knowing about the mother and so forth. If the puppy is under six months old, the sale would be prohibited. The breeder themselves, of course, would be able to sell the puppies.

A number of noble Lords, including the noble Lords, Lord Clark and Lord Trees, and the noble Baronesses, Lady Bakewell and Lady Jones, raised the issue of online sales. Under the licensing arrangements brought in last year, online adverts now have to include a licence number and a picture of the animal in the environment in which it is reared. As I think we have discussed before, we are also continuing to work with the Pet Advertising Advisory Group to improve online advertising standards.

The noble Lord, Lord Trees, and the noble Baroness, Lady Jones of Whitchurch, referred in particular to puppy smuggling. This country has one of the toughest pet border regimes in the world. Every pet dog travelling

[LORD GARDINER OF KIMBLE]

to Great Britain on approved routes has its microchip and passport checked to confirm it is properly vaccinated and is old enough to travel. We clearly now have an opportunity to look at how we can further strengthen our controls to crack down on animal traffickers and put a stop to an abhorrent and illegal trade. We need to work to deter illegal puppy traders by buying puppies only from reputable breeders, seeing the young animal with its mother and checking its health history.

Defra wishes to tackle this matter comprehensively. For instance, we are working closely with the Dogs Trust to continue the work of the Dover puppy pilot. We regularly review our activities at the border to ensure our enforcement work aligns with the threat posed by what is, I am afraid, an evolving trade. Those involved in this trafficking are often involved in other criminal activity. I hate to say it, but we need to be much more in tune and understand that these criminals will move from one trade to another. We are increasing resources for detecting smuggled puppies, and have done so by one-third at major UK ports since 2017. We have also increased our intelligence capability by launching a new dog importation intelligence steering group, co-ordinated by the Animal and Plant Health Agency. It consists of national enforcement agencies such as HMRC, the police and the RSPCA, who form a collaborative partnership to disrupt puppy smuggling. We are also considering stricter penalties for those caught smuggling. Seeing the prosecutions, the fines and the imprisonments, I think that this is the direction of travel needed to ensure that animals are safeguarded from these unscrupulous people.

Responding to be a point raised by my noble friend Lord Lexden and the noble Baroness, Lady Bakewell, I fully accept that we committed to introducing the legislation necessary to increase the maximum penalty for animal cruelty from six months' to five years' imprisonment. We are working at the highest level to ensure that the legislation needed to make this change is introduced at the earliest opportunity. I know that I have not given a date or a time, but I assure noble Lords that my department is fully seized of the need for this. Sometimes one cannot get as much done as one would like, but we are stressing the importance of this.

My noble friend Lady Byford raised the point about a non-supportive sample; in fact, it was a very considerable supportive sample, probably much more than for most proposals. There may have been some concern not about the regulations themselves but, as we have discussed, about unscrupulous rescue centres and unintended consequences. We must be alive to that, be pro-active to ensure that we are constantly snuffing these matters out, and develop and evolve policy as required. Sometimes one would like to do these things sooner, but this needed the consultation because we needed to ensure that there were no unintended consequences. None of us would have done a good day's work if we had brought this in immediately and not got pet dealers well versed in the importance of this, to ensure that there were no adverse consequences to kittens, puppies and mothers in the interregnum.

I assure all noble Lords who have spoken in this debate that we will have a comprehensive communications strategy before Christmas. I am sure that my private

office team are listening. The campaign we are going to unfold will be put to your Lordships very clearly, so that our good faith in it is held mutually and not just within Defra. In the meantime, I commend the regulations to the House.

Motion agreed.

Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019

Motion to Approve

6.04 pm

Moved by Lord Henley

That the draft Order laid before the House on 13 May be approved.

Relevant document: 52nd Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, this order aims to strengthen the ability of the Office for Product Safety & Standards to carry out its role in leading the response to national product safety incidents and to ensure consistency across the product safety system.

The order has a threefold purpose. First, it will enable the Secretary of State, and the Office for Product Safety & Standards on his behalf, to investigate potential safety issues related to consumer products regulated by the General Product Safety Regulations 2005, using the investigatory powers listed in Schedule 5 to the Consumer Rights Act 2015. Secondly, it will enable enforcement authorities in the UK, including local authority trading standards, district councils in Northern Ireland and the Secretary of State, to use those same investigatory powers to investigate claims about gas appliances and personal protective equipment. Thirdly, it makes a minor amendment to the Measuring Instruments Regulations 2016, and to the related reference in paragraph 10 of Schedule 5, to correct a typographical error.

The majority of claims about unsafe consumer products that fall under the General Product Safety Regulations 2005 are investigated by local authority trading standards in Great Britain and by district councils in Northern Ireland. So why give these investigatory powers to the Secretary of State? Part of the remit of the Office for Product Safety & Standards, created last year, is to take the lead in a serious product safety incident that needs managing at a national level. The office published *Strengthening National Capacity for Product Safety: 2018-2020 Strategy*, setting out its approach to managing this sort of incident. This order continues the process of developing the office's national incident management capability. It allows the office to investigate claims of unsafe products in the context of a national incident, where a local trading standards authority or other relevant enforcement authority lacks the resources or expertise to do so. It does this by giving the office equivalent investigatory powers to those of local authority trading standards.

The order provides the full range of powers contained in Schedule 5 to the 2015 Act. This schedule includes powers to require the production and potential seizure

of documents and to inspect and purchase products, as well as to test equipment and seize and detain goods. These are essential aspects of undertaking effective checks and actions in relation to unsafe goods. It is vital that our new national regulator has these powers across the broad spectrum of consumer products. These will enable it to provide leadership in incidents of national importance. The Secretary of State, and the Office for Product Safety & Standards on his behalf, can already exercise these powers in relation to the enforcement of sector-specific regulations, such as those for electrical equipment and lifts. The Government want to ensure that the Secretary of State can lead across the wide range of consumer products, not just those that fall under sector-specific regulations. The order therefore allows the Secretary of State to investigate any type of product covered solely by the General Product Safety Regulations 2005, should the need arise. The office will thus have the authority to provide the leadership and action needed to deal with national incidents.

The second purpose of the order is to make sure that the Secretary of State, local authority trading standards in Great Britain and district councils in Northern Ireland can investigate safety issues concerning gas appliances and personal protective equipment. New regulations were introduced last year by the negative procedure and this order provides for the amendment of the Consumer Rights Act by affirmative procedure. It now enables enforcement authorities to use the investigatory powers in Schedule 5 in relation to these products covered by the 2018 regulations.

Finally, the intention underpinning the enforcement of the Measuring Instruments Regulations 2016 has always been that the enforcement authorities should have access to the investigatory powers in Schedule 5. This order corrects that typographical error in the relevant provision in both the regulations and Schedule 5.

In conclusion, the order improves the ability of the Secretary of State to investigate claims about unsafe consumer products, protecting consumers and preventing injury and loss of life. It ensures that the Office for Product Safety & Standards can fulfil its regulatory role in the area of product safety by leading and co-ordinating responses to national product safety incidents across the wide range of consumer products within its remit. It enables the Secretary of State, local trading standards and district councils to investigate the safety of gas appliances and personal protective equipment regulated by the 2018 regulations. It contributes to the Government's aim of promoting and protecting law-abiding businesses by preventing unfair competition through the placing of unsafe products on to the United Kingdom market. I commend the order to the House and beg to move.

Baroness Neville-Rolfe (Con): My Lords, I support this measure, which will improve the enforcement framework for unsafe consumer products—always a concern of mine because of my background in retail and at the business department. I want to raise two issues. The first is the adequacy of resourcing for trading standards in their important work on product safety. I welcome the new Office for Product Safety & Standards in Birmingham and hope that, through the Minister's

good offices, some of us might be able to visit it on some future occasion. Local authorities are squeezed. I fear that trading standards, which do such an excellent job across the country, do not have the funding they need to tackle product safety and product counterfeiting, which is often a cause of safety incidents in some local authority areas.

The second issue is Whirlpool. I would like an update on the recall of Whirlpool tumble dryers. I am not entirely clear on what this SI adds in the case of electrical white goods, which, as the Minister said, are already regulated, but Whirlpool is mentioned on page 3 of the Explanatory Memorandum and the 10 days of BEIS consultation on the recall are nearly up. What are the Government's plans in respect of this matter and, even more importantly, of future enforcement of product safety more broadly? What are the criteria for recalls and speed of response, which in the case of Whirlpool has sadly been very slow—I think nearly four years, although I must commend current Ministers for moving ahead on that. Can the Minister clarify the numbers involved? I understand from Which? that the recall will involve 300,000 to 500,000 dryers, which is a fall of about 500,000 in the department's estimate of the number of unmodified dryers since last year. Yet only some 50,000 have been modified since then, so I do not see how the numbers add up. Can the Minister also kindly advise—in writing if need be, because I appreciate that these are detailed questions—on the number of modified dryers that have caught fire, and on why the Government are comfortable, as stated in Parliament on 17 June, that they are low risk. I hope for all our sakes that this judgment is correct. We should give the owners of modified dryers further comfort if that is possible.

Baroness Burt of Solihull (LD): My Lords, I thank the Minister for his explanation of how the investigatory powers of consumer law enforcers will be consolidated and simplified through this statutory instrument. It seems that these measures are needed in the face of mounting consumer concerns over the safety of the products that we buy.

It seems eminently sensible for the Secretary of State, or the Office for Product Safety & Standards on his behalf, to be able to investigate claims about unsafe consumer products falling within the ambit of the General Product Safety Regulations.

6.15 pm

As I understand it, trading standards, or district councils in Northern Ireland, will be able to investigate claims about unsafe gas appliances or personal protective equipment, through the investigatory powers invested in Schedule 5 to the Consumer Rights Act 2015. I am not too worried about the details encompassed by the General Safety Product Regulations 2005, under which this responsibility fell previously, or the amendments to paragraph 10 of Schedule 5. What I, and consumers throughout the United Kingdom, want to know is that the products we buy and use are safe and, if for some reason there is a concern they are not safe, that swift investigatory action will be taken and the issue sorted.

We know that trading standards in this country is struggling to do its job. The noble Baroness, Lady Neville-Rolfe, expressed her concerns about this

[BARONESS BURT OF SOLIHULL] eloquently. The reason for this, primarily, is that it is underfunded, with budgets having more than halved in the last 10 years. Repercussions fall not only on the consumer, worrying though that is, but on companies trading fairly and safely, within the safety rules and regulations. Unless the activities of firms supplying cheap and potentially unsafe imports are properly regulated, they will suffer, as well as the consumer. A fair playing field is all British manufacturers ask for but, unless trading standards in the UK and district councils in Northern Ireland have the resources to do their jobs, everyone will suffer.

Will the Minister give the House his analysis of what difference the establishment of the Office for Product Safety & Standards will make to consumer protection in this country? Will he comment on resourcing for this body, and how funding cuts have affected the effectiveness of trading standards and district councils in Northern Ireland? Are the Government considering a review of their funding in the light of the volume of demand for potentially unsafe products to be investigated? Will he explain something that I must have missed in the introduction? The Explanatory Notes say that this order does not affect the activities of small businesses. Why are the activities of small manufacturers excluded? Is it a matter of scale? Can the Minister assure the House that a small business will be subject to the same rules on safety, and liable to the same investigatory action, as anyone else? Finally, will he report to the House on the progress of the national incident management capability in response to serious safety concerns over consumer products, as set out in the strategy for the Office for Product Safety & Standards, published in August 2018?

We need to know that incidents like those with Whirlpool tumble driers, and tragedies like Grenfell Tower—although we hope that nothing like that, on that scale, could ever happen again—can be dealt with rapidly and effectively.

Baroness Hayter of Kentish Town (Lab): My Lords, like others, we welcome the draft order, the objectives of which we support. Anything that prioritises and increases consumer protection and safety is naturally welcome. It is just a shame that the way the Government are seeking to take us out of the EU will have exactly the opposite effect and risks reducing consumer protection. Indeed, it is notable how little involvement consumer bodies have been offered in the whole exit process—an issue we have raised repeatedly in this House, though sadly to nil effect.

We support the SI, but our concern is about the environment in which it will land, about which I shall make four points. The first is about the OPSS itself, which is, rightly, the key target for these new powers. Our worry is that, on its effective first outing, it has failed to convince. The Minister is well aware of the serious criticisms that Which? and others have of the OPSS Whirlpool review, which judged, inexplicably, that the modified machines posed only a low risk, as noted by the noble Baroness, Lady Neville-Rolfe. Which? described this early test of the OPSS's intelligence and research abilities, and of its independence, or "bottle", as "fundamentally flawed". I do not know whether it

was its research that let it down—it is interesting that it failed to interview any consumers. Indeed, had the OPSS sought some consumer input, it might have heard from my noble and learned friend Lord Goldsmith, whose grandchildren played in the kitchen completely unaware that immediately below them the tumble dryer had caught fire. Luckily, no one was hurt, but the family was out of the house for some months while the damage was repaired.

Was it its research that let it down, or was it the OPSS's lack of bottle? It appeared, in the words of Which?,

"to favour business interests over people's safety".

It seems that the OPSS somehow had not grasped that it needed to look at Whirlpool's miserable failure to deal with fire risk in its products, and therefore the resultant lack of public awareness of the risks posed in their own homes. I hope that by the time the order is activated we might see a more robust OPSS. Meanwhile, perhaps the OPSS could publish the list of affected Whirlpool machines, which we know it has and which Whirlpool refuses to release. It expects consumers to know about the potential problem, to know that their unit might be at risk, to be able to locate the serial number on their machine and then be able to type it into a very poorly advertised website.

Secondly, of course, there is the issue raised by the noble Baronesses, Lady Neville-Rolfe and Lady Burt, of the dire condition of trading standards departments, thanks to the Government's cuts to local government funding. This reduction in funding has a direct influence on what trading standards can do. It is simply no good the Government boasting, quite rightly, that they have created powers, if they then starve the relevant authorities of the staff to employ those powers. Cuts in resources and staff of 50% mean that consumer protection that exists on paper simply cannot be effected in practice. Will the Minister assure the House that none of the powers in this order will lie dormant for lack of resources?

Thirdly, while we have strongly supported a number of the Government's initiatives in consumer protection—particularly, I say in the presence of the noble Baroness, Lady Neville-Rolfe, the 2015 Act itself, but also progress on legislation on letting agents and other things—the problem is that it has all been a bit scattergun and without a coherent framework. Of course, it was much undermined by the Government's abolition of the much-needed National Consumer Council, leaving a very patchy consumer representation landscape. As the Minister knows, we are delighted that the CMA seems to have picked up the cudgels on behalf of consumers, but we await a proper government response to this and across the patch. Will the Minister tell the House when we might expect the promised consumer White Paper? I offer him a range of responses—those pre-drafted ones that tend to come his way: "shortly", "in due course", "before long", "in the fullness of time", "very soon", "imminently" or "before the summer". We hope it might be the last of these, but it would be good to know.

Finally, my fourth point returns to Brexit. Which? warns that we could be flooded by a rising tide of unsafe toys, cars and white goods if the Government fail to reform consumer enforcement, because of our

potential exit from Safety Gate, the rapid warning system through which European countries alert each other to products with serious safety problems. It flagged more than 2,000 non-food products last year. Not only do the Government need to negotiate the UK's continuing participation in Safety Gate, they must ensure that the OPSS and other regulators have the tools to act on incoming alerts.

To repeat the thrust of our comments, we support this order. We need the powers, but also the intelligence and the enforcement if UK consumers are to be properly protected, so I hope the Minister will be able to offer some reassurance on that point.

Lord Henley: My Lords, I am grateful for the general support for the order from my noble friend and the noble Baronesses, Lady Hayter and Lady Burt, and for the questions they have asked.

I am also grateful, as always, to the noble Baroness, Lady Hayter, for offering me drafting advice, with a number of different options as to which word I could use for when a consumer White Paper might come out. I think I have used all those words at one time or another in the past; I even tried to tell the House many years ago that something would be published later that spring—I have to admit, in July it was quite difficult to argue that it was still spring. On this occasion I will try to be even more helpful to the noble Baroness. It will be published later this year; that gives her a final cut-off point. It will be there during 2019. If it is not there, she will have to come back to me and tell me that I have misled the House. If so, I will make the appropriate apology, but here is an assurance that it will be there.

I also assure my noble friend and the two noble Baronesses—I am grateful for everything that they have said—how important we think this is. This order is obviously essential as part of the process that the Government maintain as a priority to ensure that people across the United Kingdom continue to have confidence in the safety of all products that they buy and use every day. I assure the noble Baroness, Lady Burt, that without this order the Secretary of State would not be able to fulfil as effectively his lead role in managing national product safety incidents through the Office for Product Safety & Standards. He would not be able to assist the investigations of local authority trading standards in Great Britain, and district councils in Northern Ireland, that require the specialist expertise and capacity that the office can provide.

A number of questions have been raised, and I will deal with them in turn. I will start by giving an update on Whirlpool, which my noble friend Lady Neville-Rolfe asked about. As she knows, we made a Statement which was repeated in this House only a week or so ago. I assure her that the investigation into Whirlpool is ongoing. We will need to write further to her and others on the specifics of the case, but the statutory instrument adds to the enforcement regime of the OPSS and allows it to offer further support on that to local authorities.

However, as my noble friend will be aware, I can confirm that Whirlpool responded to the notification of intent from the Office for Product Safety & Standards to issue a recall notice on unmodified dryers. It is

currently reviewing the information provided in detail, and we continue to urge anyone with an unmodified machine to unplug it and contact Whirlpool. Again, as I made clear to the House when I repeated the Statement, those who have a modified machine can be assured that it, as far as possible, will be safe—in so far as anything can be safe. It would probably be better if I wrote in further detail to my noble friend on the process and copied it to others, because obviously that process is ongoing.

Baroness Hayter of Kentish Town: Before the Minister moves on, I asked a specific question about Whirlpool. The people who do not have modified machines still do not always know that they have a Whirlpool machine, because they were sold under a lot of different names—perhaps 14 of them. You, the Government, know the list of the machines that they were marketed under; some are Hotpoint—I cannot remember all the names. Not everyone knows them. The Government know them, as do Whirlpool, but neither of you will publish that list. You will not give them to the electrical safety consumer bodies so that they can get them out, or put them on a website, and you are expecting people to know that their machine is one of them. If the Minister cannot give me the undertaking now that the Government or the OPSS will publish that, will he explain to the House why that vital piece of information is not being put in the public domain?

6.30 pm

Lord Henley: My Lords, I think the noble Baroness is probably right that Whirlpool has absorbed something in the order of 14 different companies, so that what an individual will think of as an X machine is in fact a Whirlpool one. If it is possible to publish that list, I will certainly make it public; I do not think that there is any secret about it. The important thing is that we try to identify as many of those who still have unmodified machines so that they can be identified. My understanding is that Whirlpool—I do not speak for it—has already achieved considerable success in previous recalls in identifying quite a high percentage of potential owners of machines, certainly compared with other recalls that have happened. However, it will probably be better if I write in greater detail to my noble friend, copying it to the noble Baroness, on the names of the individual companies to deal with that point at greater length.

Baroness Neville-Rolfe: A letter from my noble friend would be extremely helpful. Regarding food safety, which I also know a lot about from my background, there was a practice whereby unsafe products would be listed in a newspaper or on a website almost as a routine matter. Even if for some reason it is not possible to do that on this occasion, that is one of the criteria that should be looked at for the future so that when there is publicity about a product safety problem, consumers can check easily whether there is an issue with their machine.

Lord Henley: Again, my noble friend is absolutely correct. I can remember seeing campaigns of exactly that sort. It is important for the consumer, or rather the original purchaser of a machine, to be able to

[LORD HENLEY]

identify what it is, which is why on occasion there have been such advertisements, as my noble friend points out. As I said, I would prefer to write in further detail to her on that issue.

I will now deal with the whole question of resourcing, not only of the new OPSS but of local authorities. As we have made clear, some £12 million has been made available to the OPSS, and we believe that that figure is an adequate sum. My noble friend asked whether she could visit its office, and I am sure that such a visit can be arranged through my department. If she would like to get in touch, we can send her up to Birmingham as soon as the Whips allow such visits to take place, and if other noble Lords wish to take part, that is obviously a matter for them. That money is for the OPSS; local authorities are funded through the general local authority grant, and there is no ring-fenced budget. However, we believe that, whatever difficulties local authorities might have, by giving the OPSS equivalency of investigatory powers, it can certainly support trading standards at a local level. The support of the OPSS, which employs some 300 staff, can be of extraordinary use to local authorities, providing training, for example.

I turn next to the question of EU exit, raised by the noble Baroness, Lady Hayter. Again, I make it clear that—although this issue is possibly beyond my pay grade—delivering the negotiated deal remains the priority and we continue to make appropriate arrangements in the event of no deal. We have created a new, UK-specific market surveillance database that will allow market surveillance authorities to record product safety and compliance incidents. That database will give the United Kingdom a rapid alert mechanism for dangerous products which will allow for product recall to protect consumers.

I turn now to the impact on small business. The noble Baroness, Lady Burt, was worried about the lack of an impact assessment. There is no impact assessment because the order gives powers to public bodies and does not place a burden on business itself. A full impact assessment was carried out in 2013, which I can make available to her. It concluded that there was a zero cost to business and a net benefit to

business of £5.3 million by consolidating and simplifying the process. There is no reason to assume that those underlying assumptions have changed.

Baroness Burt of Solihull: Before the Minister sits down, paragraph 13.1 of the Explanatory Memorandum states:

“This instrument does not directly apply to activities that are undertaken by small businesses”.

I am not sure that what the Minister is talking about is quite the same thing. Perhaps I am getting confused here, but would he have a look at this issue and write to me? I should be very grateful.

Lord Henley: I think it is probably best if I write to the noble Baroness about the meaning of paragraph 13. I think it makes it clear that the instrument governs the investigatory powers of the Secretary of State and others with enforcement processes, so there is no specific impact on small businesses. It does not suggest that small businesses are exempt from the effect of the order, should they be making electrical goods, but I had better write to her on that detail if there is more I can offer.

Without the order, we would not be maximising the potential of the new regulator, the Office for Product Safety & Standards, to take effective action against unsafe products. If we did not do that, ultimately, the British public would have less protection from unsafe products and non-compliant businesses. That is not what the Government want. We are committed to making the United Kingdom’s product safety system the best in the world and ensuring that our regulators have the right tools to protect our people. This is a further step towards achieving that goal, and I commend the order to the House.

Motion agreed.

6.39 pm

House adjourned.