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

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

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House of Lords

Friday 25 September 2020

The House met in a hybrid proceeding.

11 am

Prayers—read by the Lord Bishop of Worcester.

Arrangement of Business

Announcement

11.06 am

The Deputy Speaker (Lord Lexden) (Con): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber respecting social distancing, others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. We start with Questions on a Statement made in the House of Commons on Thursday 24 September.

Belarus: Presidential Elections

Statement

The following Statement was made in the House of Commons on Thursday 24 September.

“With permission, Madam Deputy Speaker, I would like to make a Statement on the situation in Belarus.

As the House will recall, on 9 August Belarus held presidential elections that were neither free nor fair. The election campaign was itself characterised by the imprisonment of opposition candidates and the arrests of hundreds of their supporters. On polling day on 9 August, witnesses reported extensive fraud and falsification of results, and local independent observers were barred from witnessing the count, including members of the British embassy, who were threatened and then removed from the polling station. The Belarusian authorities prevented independent international monitoring of the electoral process by refusing to co-operate with the Organisation for Security and Co-operation in Europe’s election monitors. As a result, thousands of Belarusians took to the streets in what can only be described as peaceful protest. They challenged Lukashenko’s claim to have won 80% of the vote and demanded fresh elections, and they have been peacefully protesting in huge numbers right across Belarus ever since.

The world has watched, frankly in horror, at the response of the Belarusian authorities. They launched a campaign of violence, intimidation and harassment against peaceful protesters. We have seen horrific scenes of militia attacking demonstrators and then dragging them away. UN human rights experts report that the authorities have beaten those that they held in detention and they have threatened female protesters with violence, including rape.

The Belarusian authorities have targeted journalists, including those of the BBC, and shut down the internet to hide their actions. Opposition leaders set up a

co-ordination council to organise peaceful protests. In response, the authorities abducted, imprisoned and expelled all but one of the co-ordination council’s board members. Svetlana Tikhanovskaya has been exiled to Lithuania, and prominent campaigner Maria Kolesnikova has been imprisoned and charged with destabilising the state. Only yesterday, Lukashenko was sworn in at a hastily organised and unannounced ceremony. Frankly, hiding his inauguration from the people of Belarus only serves to reinforce his wholesale lack of legitimacy.

The UK, the West and the world cannot sit idly by while the Belarusian people’s democratic and human rights are violated so brutally, in clear violation of Belarus’s responsibilities as a member of the OSCE. For our part, the UK has worked with our key international partners, first, to promote a peaceful resolution, but also to condemn the actions of the Belarusian authorities and to hold those responsible to account. I discussed the situation and our response with Foreign Ministers from France and Germany at Chevening on 10 September. I also discussed the issue and the situation with the Lithuanian Foreign Minister when he visited London last week. I have also just returned from Washington, where I agreed with Vice-President Pence and Secretary of State Pompeo to co-ordinate the UK and US response. The Minister for Europe has spoken to Svetlana Tikhanovskaya and also Svetlana Alexievich.

Let me be clear about the United Kingdom’s position and our approach. First of all, we do not accept the results of this rigged election. Secondly, we condemn the thuggery deployed against the Belarusian people. We have led the way, working with 16 of our international partners, so that on 17 September we triggered the Moscow mechanism in the OSCE, which initiates a full and independent investigation of both the electoral fraud and the human rights abuses carried out by the Belarusian authorities. It is absolutely critical that those responsible are held to account.

We are willing to join the EU in adopting targeted sanctions against those responsible for the violence, the oppression and the vote rigging, although the EU process has now been delayed in Brussels. Given that delay and given Lukashenko’s fraudulent inauguration, I have directed the Foreign, Commonwealth and Development Office’s sanction team to prepare Magnitsky sanctions for those responsible for the serious human rights violations, and we are co-ordinating with the United States and Canada to prepare appropriate listings as a matter of urgency.

Next, we must support and strengthen civil society and the brave media outlets struggling to shine a light on the repression that we are seeing inflicted by the Belarusian authorities on their people. The Government have already been working with our partners in Belarus to that effect, but we must do more. I have doubled our financial support to human rights groups, independent media organisations and community groups, providing an extra £1.5 million over the next two years. That includes £800,000 of support for journalists in particular in Belarus. That UK funding will help train journalists, provide support to those who have been detained by the authorities and also help replace equipment that

[LORD LEXDEN]

has been destroyed or confiscated. We will apply all the tools at our disposal to hold Lukashenko and his regime to account, and we call on him to engage in serious and credible dialogue with the opposition, via mediation if necessary, in order to facilitate a peaceful outcome to the current crisis, and one that reflects and respects the will of the Belarusian people.

If the authorities in Belarus fail to respond based on the outcome of the OSCE investigation which we have triggered, we will consider further actions with our international partners. Our vision for global Britain means standing up for democracy and human rights. That is what we are doing in Belarus, and I commend this Statement to the House."

11.07 am

Lord Collins of Highbury (Lab): My Lords, the Statement by the Foreign Secretary has the full support of Labour. The Government are right to sanction Lukashenko's regime; we should not stand idly by as he disregards the voice of his own people and continues with a brutal crackdown on their human rights. I am pleased that the Government has sought agreement with the US and Canada before implementation of these powers: international co-operation is the greatest tool we have to confront Lukashenko and the world must demonstrate a collective intolerance of his actions.

The Foreign Secretary yesterday referenced the issues which the EU is facing, preventing the implementation of its own sanctions. Has the UK spoken to the Government of Cyprus to encourage their support for the global efforts against Lukashenko? Of course, for sanctions to be most effective, they will require implementation by further allies beyond those already mentioned, so what steps is the Foreign Secretary taking to encourage our other democratic allies to sanction Lukashenko's regime also?

There should be no human rights abuser untouched by these sanctions if we are to best support the people of Belarus. While we await the list of targets referenced by the Foreign Secretary, we can be certain that there will be omissions, because of the scope of the Magnitsky powers. Specifically, in relation to the comments yesterday by the Foreign Secretary that the Government are looking very carefully at the prospect of including corruption, can the noble Baroness estimate when a decision may be reached on this important aspect?

In addition to the sanctions, the Government have also pledged further funding for civil society groups. In response to a question yesterday on whether any of this will support the persecuted trade unionists of Belarus, the Foreign Secretary said:

"I join ... in the spirit of solidarity with unions ... We certainly stand with them ... for the basic principles of freedom and liberty".—[*Official Report, Commons, 24/9/20; col. 1180.*]

What form will this expression of solidarity take? Have the Government and the Foreign Secretary engaged with the European TUC on this?

While we hope that the measures announced will achieve their intended goal, I am pleased that the Government are open to the possibility of further actions with our international partners. While I accept that the Minister cannot spell out exactly what these

steps may be, I would be grateful if she could offer clarification on a few points. On the prospect of mediation, the Foreign Secretary said:

"I know that the Germans and others in the EU have been reaching out on all sides".—[*Official Report, Commons, 24/9/20; col. 1175.*]

In his discussions at Chevening, did the Foreign Secretary offer UK support to Germany on such initiatives? As he was unable to give confirmation to the shadow Foreign Secretary yesterday, can the noble Baroness say whether the Government are exploring measures to help those blacklisted from their jobs in Belarus? Will the Government consider expanding the Chevening scholarships in response to the persecution of academics? How is the UK embassy supporting BBC journalists against attacks on them and their families? We support the Statement.

Baroness Northover (LD): My Lords, I thank the Minister and the Foreign Secretary for this very clear Statement. The Foreign Secretary is right to state unequivocally that the elections in Belarus were not free or fair. I am very glad that we are taking action as a result. These Benches also give the Government our full support.

It is appalling to see the violence, the imprisonment and expulsion of opposition candidates and the arbitrary arrests of their supporters. I also note what the Foreign Secretary said about the targeting of the press, including the BBC, and of our own embassy staff.

It is remarkable to see that, week after week, despite the crackdowns we have seen, the people in Belarus are marching to make their point despite the personal risks to them. The women in Belarus have been astonishingly brave, stepping into leadership roles despite the risks to their safety and that of their families.

I welcome the fact that we are preparing Magnitsky sanctions against those who are responsible for these serious human rights violations and that we are co-ordinating with the United States and Canada on this. I am also glad that we are working closely with our EU neighbours as well.

The noble Baroness will know that I regret the fact that we are outside the EU and that we and our able diplomats cannot engage on this from the inside, because this is precisely the kind of situation where the UK has in the past had a disproportionate effect as a member. Now we have to influence from the outside. We make it more difficult for like-minded countries in the EU to persuade Cyprus, for example, as mentioned by the noble Lord, Lord Collins, that what is required here is a laser focus on Belarus and not on other issues, however important they may be for regional stability in the Mediterranean.

Coming back to the sanctions, the Foreign Secretary refers to the appalling abuse of women and notes that UN human rights experts have reported that female protesters have been threatened with violence, including rape. As the Government draw up the sanctions, will they work with their allies to make sure that the abuse of women is fully recognised as the human rights violation that it is? It took a long time to recognise rape as a war crime, but it is, and we know how sexual abuse is deliberately used to undermine opposition.

Can the noble Baroness assure me that violence against women will be fully taken into account as these sanctions are drawn up?

Like the noble Lord, Lord Collins, I will ask about progress on extending the Magnitsky sanctions to cover corruption, as planned. I am very glad that they have this under active development. When does she think the Government will be ready to announce their plans?

In terms of financial wrongdoing, London and the banks here have negatively been in the news over recent days. It is clearly vital that fraud, corruption and money laundering are pursued. Even if this were not the right thing to do, it would be vital if London is to retain its key position as a leading financial market post Brexit. The sooner the Government explicitly back-track on their plan to break international law, the better it will be going forward. I am well aware that countries look to engage, for example, on the London Stock Exchange because this country is seen as a beacon for the rule of law. That needs to be strengthened, not weakened. What checks are being made on corrupt resources from Belarus going through London? Also, is there any equipment originating in the UK, for example for crowd control, that ends up in Belarus? Are we carefully scrutinising that?

The press has been under attack and the BBC has been targeted. I am very glad the Foreign Secretary is supporting the BBC. In this context, will the Minister's new department properly value the BBC World Service? It is vital for the free press as an unbiased source of news that helps to underpin human rights and liberal democracy around the world.

Lastly, we are all holding our breath as to what Putin may do and what the consequences of that might be for the people in Belarus and the region. I note that the Government are actively engaging with the Government of Lithuania. The Baltic states are particularly vulnerable not just to what is happening on their border with Belarus but to Russia's actions in terms of trade, for example, and how that might be throttled. I look forward to the Minister's response.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Baroness Sugg) (Con): My Lords, I am grateful for the full support of the noble Lord and the noble Baroness. It is a powerful statement of solidarity for the people of Belarus. Like both of them, I am appalled at the arbitrary detention and abuse of protesters that we have seen.

The noble Lord highlights the importance of international co-operation. The UK is working very closely in the OSCE and the UN Security Council and with our Five Eyes partners and our European allies to make sure that we have a common approach. He also asked about sanctions. As the Foreign Secretary said yesterday in the other place, we will join the EU in adopting targeted sanctions against those responsible for violence, repression and vote-rigging in Belarus—although, as the noble Lord highlighted, the EU process has been delayed. Given that delay and Lukashenko's fraudulent inauguration, the Foreign Secretary has directed the FCDO sanction team to prepare Magnitsky sanctions for those responsible, and we are co-ordinating very closely with the US and Canada to prepare appropriate listings as a matter of urgency.

The noble Lord and the noble Baroness asked about corruption. As they highlighted, corruption is not currently covered by the Magnitsky sanctions; they deal with a slew of the most serious human rights violations and cover those who profit from human rights abuses, but the Foreign Secretary is looking very carefully at how we can extend the next step of the Magnitsky sanctions to corruption and similar types of offences. He will say more on that in due course, but I am afraid I do not have a date at the moment.

The noble Lord highlighted our close working with the French and the Germans. The UK hosted an E3 meeting recently where we discussed this important matter and the imposition of sanctions. When the Foreign Secretary was in the US last week, he discussed the matter with Secretary of State Pompeo.

The noble Lord spoke about the trade unions and highlighted the Foreign Secretary's words about them yesterday in the other place. The trade union movement has been closely aligned with the human rights movement and the cause of liberty for many years. We have doubled our support for civil society organisations and are working closely in Belarus with people on the ground to decide exactly how best to distribute that money, including with academics, trade unions and civil society.

Like the noble Baroness, I pay tribute to the brave women who have played such a prominent role in the opposition to Lukashenko's fraudulent election. They have led an incredibly effective and unified opposition campaign in really trying circumstances. There have been first-hand accounts, witness reports and statements by the UN OHCHR stating that women have been detained and subject to beatings and the threat of rape. That is never acceptable. Of course we will recognise the abuse of women as we prepare our sanctions and will continue to lead the way with our work on preventing sexual violence in conflict. We are very pleased to be co-hosting the action coalition on gender-based violence for the following year, where we will do more work on this.

The noble Baroness also highlighted the importance of cracking down on illegal finance activities. Of course, criminals, from Belarus and elsewhere, should not be able to profit from their illegal activities in any circumstances. Banks should be, and have been, taking steps to ensure that this is not happening on their watch. The UK is internationally recognised as having one of the strongest systems to tackle money laundering and terrorist financing and to bring justice to those who seek to use or hide the proceeds of crime, as found by the Financial Action Task Force. We will continue to crack down hard on dirty money through our world-leading legislation, unexplained wealth orders and the measures in our economic crime and asset recovery plans.

The noble Baroness also asked about exports to Belarus. The UK currently implements EU sanctions on Belarus, which include an arms embargo and the ban on exporting equipment which might be used for internal repression. We will continue to observe those restrictions through our autonomous Belarus sanctions regime after the transition period has ended. The noble Baroness also highlighted the importance of

[BARONESS SUGG]

media freedom; as she will know, the FCDO supports the BBC World Service. I agree with her that it does incredibly important work, both to ensure fair reporting and to support other independent journalists who are having such a difficult time in Belarus at the moment.

The Deputy Speaker (Lord Lexden) (Con): My Lords, we now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

11.21 am

Baroness Anelay of St Johns (Con): My Lords, in welcoming this important Statement of support for the people of Belarus and help for those who have been targeted by their Government's attack on media freedom, I first ask my noble friend whether that help will also cover members of the arts and culture community who have been affected. Secondly, do the Government plan to appoint another UK special envoy on media freedom now that Amal Clooney has resigned?

Baroness Sugg (Con): I thank my noble friend for her question. On her second question, we are currently reviewing the position of the special envoy on media freedom. In the meantime, of course, the UK remains fully committed to supporting media freedom and standing up for the rights of journalists. On her first question, as I said, we are currently considering how best to support all members of society protesting in Belarus at the moment. I agree with her that we need to make sure that we continue to see free arts and culture, which is such an important part of society.

Lord Berkeley of Knighton (CB) [V]: My Lords, I commend the Government and the Foreign Secretary for finally further embracing the principles of the Magnitsky Act, and I support using them to the letter in the case of Belarus. These personal sanctions are surprisingly effective—witness the fury that they engender in Russia—and are really one of the few weapons we have when tyrannical regimes use nefarious means to gain and consolidate power. I would urge an even greater use of them. Having said that, I believe passionately in keeping open cultural corridors as a means of dialogue, and this is where the BBC World Service plays a vital role. However, I concede that a dreadful situation such as that in Belarus overwhelms and transcends soft politics, which is why we need to use hard means such as Magnitsky.

Baroness Sugg (Con): I thank the noble Lord for his support. The Magnitsky regime, as he will know, is relatively new. As I said, we are looking at what more we can do to strengthen it, and there will be further developments on that in due course. I also agree with the noble Lord on the importance of keeping up cultural relationships with countries all around the world, and we will continue to support the BBC World Service and other cultural organisations.

Baroness Goudie (Lab) [V]: My Lords, I very much welcome the Government's Statement. Belarus is the only country in Europe not to be part of the European

Convention on Human Rights. The United Kingdom would become the second if we were to move on to the second round of Brexit, and it would cease to be a full party to the convention, as many Conservatives wish. I do hope that this will be reconsidered.

As many colleagues have said, Belarus is the only country in the world where the President is inaugurated in secret, and he is very close to his ally, President Putin. I hope that we will consider the whole question of how women are being treated in Belarus, with sexual violence, imprisonment and having other rights taken away, because the women are leading this campaign, and it is vital that they are given support.

Belarus has had arrests on a huge scale. The United Kingdom must go beyond recognising the Belarusian regime—we must review our relationship at every level, and we must pursue sanctions; otherwise, our credibility will be at stake. We must demonstrate solidarity continually with everyone, including those in the trade union movement. I end where I began: human rights are the heart of this matter.

Baroness Sugg (Con): My Lords, the noble Baroness rightly highlights many of the reasons why the people of Belarus continue to protest for a better future. She mentioned the European Convention on Human Rights; we are committed to that and to protecting and championing human rights at home and abroad. I hope the noble Baroness is reassured that we are pursuing sanctions, and we will continue to demonstrate solidarity with the brave protesters. I spoke to our ambassador this morning, who talked me through all the different ways she is supporting the protesters: both laying wreaths and hosting some of the protesters at the embassy to give them a safe space to talk. Also, UK diplomats have attended the trials of political opponents and independent journalists to show solidarity. I agree with the noble Baroness that human rights are at the heart of this matter.

Lord Taylor of Goss Moor (LD) [V]: I welcome the Minister's support for the critical investment in the BBC World Service. That was good to hear. Will the Minister also comment on the intervention of President Putin in the affairs of Belarus—with the threat to introduce what are effectively forces into the equation, if requested—and make it clear that the UK would not leave such an intervention without response?

Baroness Sugg (Con): My Lords, we are clear that foreign intervention here would be unacceptable. The international community must come together and help support a dialogue between the authorities in Belarus and its people. Russia has a role in supporting that, and we urge Russia to engage constructively.

Lord Blencathra (Con): My Lords, last November I was privileged to lead the Council of Europe mission to Belarus to observe the parliamentary elections there. We found, as every previous mission had found, that there were fundamental deficiencies in election law which prevented free and fair elections. This Wednesday, I was appointed rapporteur for electoral law reform in Belarus. Does my noble friend the Minister agree with

me that while many people are understandably calling for new and fresh elections, these will still not be free and fair until we sort out the fundamental deficiencies and all the wrongs in election law in Belarus?

Baroness Sugg (Con): I very much welcome my noble friend's appointment as the Council of Europe's rapporteur, and thank him for his previous work observing parliamentary elections. My noble friend and the Council of Europe are doing incredibly important work in this area, and the Government support their efforts. I share his view that electoral reform is crucial for ensuring that the Belarusian people can exercise their voice through genuinely free and fair elections. Not only will our work with the OSCE investigation of vote-rigging and human rights abuses provide moral support, but its findings will provide practical support in making progress on this important work.

Viscount Waverley (CB) [V]: My Lords, this is a monstrous situation. The world must be rid of these thieves who rob citizens of their human rights. Our reputation, the reputation of democracy and what it stands for, and the effectiveness and future ability of official election monitoring are all dependent on it. Will the Minister, as a custodian of the rule of law and representing the UK as a Security Council member, commit to ensure that this despot stands aside?

Baroness Sugg (Con): My Lords, the UK has been consistent in its statements condemning the fraudulent elections and the violence by Belarusian authorities, and we called for a full investigation into the electoral human rights violations through the OSCE. The UK actually led the group which formally invoked the Moscow mechanism, which will trigger that independent investigation. I assure the noble Viscount that we will absolutely continue to stand up for the people of Belarus, in the Security Council, in the OSCE and at every opportunity we have.

Baroness Kennedy of The Shaws (Lab) [V]: My Lords, last night, I chaired a meeting of a number of people involved in a support committee for the Belarusian people. It was a group of lawyers and we were joined by leaders of the protest movement in Belarus and the leader of the human rights organisation there, Viasna. They strongly welcome the steps being taken by the United Kingdom. Our ambassador is a very important person in this, and has indicated that there should be support for civil society—that we in Britain should be supporting many of the organisations involved here: NGOs, independent journalists, trade unions and so on. Is resource being given to that end—to support civil society, because it is in difficulties? Will the sanctions regime that we have brought into being include sanctions against people close to the regime who have homes or resources in London, who are leading figures in the business community of Belarus, who are exporting, and so on? That is what the people of Belarus are calling for. Finally, children are being taken into state care as a way of punishing the women who are protesting. Something has to be said about the way that women are experiencing particular kinds of punishment, too.

Baroness Sugg (Con): It is really good to hear the noble Baroness's reflections from her meeting last night and her praise for our ambassador over there, who, as I said, is working incredibly hard to support political opponents and independent journalists. We are working in partnership to support civil society, including independent media and human rights organisations. We have announced the doubling of support for civil society organisations, providing an additional £1.5 million for human rights, independent media and community groups in Belarus over the next two years. The noble Baroness highlighted the appalling activity against minors. We know that some of the women involved in opposition have had to flee the country to protect their children. We are expanding our support for victims of gender-based violence to include support for women and children who have been exposed to violence through the protests, and co-ordinating with the Council of Europe, the International Red Cross and other organisations to make sure that they have the resources they need to respond to the medical, psychological and social needs resulting from those human rights abuses.

Lord Jones of Cheltenham (LD) [V]: Having been an observer of elections in a number of countries, I know how important a peaceful handover of power is when a Government loses an election. Will our Government do their best to ensure that all political leaders in Belarus understand this and, as we are working with our European partners and the USA on this difficult situation, will they make sure that Mr Trump understands that a peaceful handover applies to him too?

Baroness Sugg (Con): My Lords, of course we all want peace in Belarus, and we will continue in our efforts to bring that about. As I said, the Foreign Secretary was in Washington last week and discussed this with Mike Pompeo, and we will continue to support the calls for mediation and do everything we can to ensure that the people of Belarus are able to be represented in a free and fair way.

Lord Mackay of Clashfern (Con) [V]: My Lords, I very much support all that has been said on this matter by your Lordships. I was particularly interested in the account of the noble Baroness, Lady Kennedy, of her meeting last night. I wonder whether there is any possibility of court action in Belarus itself which could attack the nature of the election under which the present President seeks to hold on to his office.

Baroness Sugg (Con): My Lords, in addition to the civil society groups I mentioned, we are also speaking to lawyers in Belarus and ensuring that any measures we can take are followed through. We will continue those conversations with, and giving support to, that legal community.

Lord Browne of Ladyton (Lab) [V]: My Lords, I refer to my entry in the register of interests, specifically my role in the European Leadership Network. Since the crisis began, the ELN has twice convened a confidential dialogue on Belarus involving leading

[LORD BROWNE OF LADYTON] experts from 13 OSCE participating states, including Belarus itself, the United States, Russia and the Baltic states. Among diverse views, we found unanimous agreement on the importance of addressing the risks posed by the recent increase in the frequency, duration and proximity of military exercises undertaken by Russia, Belarus and NATO in the region, which could lead to an accident or miscalculation that proves the spark to a more serious confrontation. While I welcome the Statement, it is silent on regional security. Do the Government share that concern and agree that it is critical that we avoid that development at all costs?

Baroness Sugg (Con): My Lords, of course we want regional stability, and we are working closely with all our partners. The Foreign Secretary recently spoke to the Foreign Secretary of Lithuania, and we will continue to support both Belarus and its neighbours to see the regional peace we all want.

Lord Mann (Non-Affl): Forty years ago this month, the people of Poland were the first to break apart the Soviet communist empire, and Belarus remains one of the last vestiges remaining. When they did, the people of this country, the Government of this country and the TUC in this country led the way with practical and political support. Would it not be appropriate this time that the same organisations, and the Government backed by Parliament, led the way in the UN, the OSCE and elsewhere with practical, political and pragmatic support?

Baroness Sugg (Con): I completely agree with the noble Lord, and I would argue that we are leading the way with practical and political support. We led the way at the OSCE, bringing together countries to invoke the Moscow mechanism. We are supporting practically, with civil society organisations, and we will absolutely continue to do so.

Lord Pickles (Con) [V]: My Lords, I return to the point raised by the noble Baroness, Lady Kennedy, about our support for NGOs and civic society. Like many noble Lords, I have seen difficult issues in Belarus—sometimes difficult and controversial historical issues—addressed by those organisations. They play an enormously important part in ensuring that the truth is confronted and recognised. I urge my noble friend to keep under constant review the support, both financial and moral, that we give to those organisations.

Baroness Sugg (Con): I thank my noble friend for highlighting the importance of that support, both moral and financial, and reassure him that we will absolutely continue, both on the ground in Belarus and from here in the UK. We must make sure that the opposition and civil society organisations have that support and, importantly, the media organisations, which are doing so much excellent work to counter disinformation. UK funding is going to provide training and support for those journalists and other media workers detained by the authorities and to help replace destroyed and confiscated equipment so that people can see the truth of what is happening.

Lord Bowness (Con) [V]: I declare my interest as a vice-president of the OSCE Parliamentary Assembly. My noble friend says that the Moscow mechanism has been triggered, but can she indicate whether the experts appointed to investigate matters will be allowed entry into Belarus, or will they try to conduct the investigation from outside the country? On a happier note, this week, the parliamentary assembly held a virtual meeting with Svetlana Tikhanovskaya and the head of the Belarusian delegation, a supporter of President Lukashenko. After initial recriminations about the past, there was a hint of willingness to talk about the future. Will my noble friend confirm that the Government will support all OSCE efforts to secure an initial dialogue without conditions to seek a way forward to meaningful and binding negotiations between government and opposition parties?

Baroness Sugg (Con): My Lords, we do not yet know whether the OSCE investigation will be able to access Belarus. We very much hope that it will, in order to be able to fulfil its independent investigation. The UN rapporteur has not been allowed access to the country, but we hope that they will be allowed access and will report back soon. My noble friend highlights the importance of parliamentary support, and I pay tribute to his and others' work, which shows such good solidarity with the people of Belarus. I share his desire to see a binding and meaningful dialogue, and we will do all we can to help bring that about.

The Deputy Speaker (Lord Lexden) (Con): My Lords, all questions have now been asked and answered.

11.40 am

Sitting suspended.

Arrangement of Business

Announcement

11.46 am

The Deputy Speaker (Lord Lexden) (Con): My Lords, the Hybrid Sitting of the House will now resume. Ten minutes are available for questions on the following Answer to an Urgent Question.

Gender Recognition Act Consultation

Commons Urgent Question

The following Answer was given to an Urgent Question in the House of Commons on Thursday 24 September.

“We want transgender people to be free to live and prosper in modern Britain. We have looked carefully at the issues raised in the consultation, including potential changes to the Gender Recognition Act 2004. It is the Government's view that the balance struck in this legislation is correct, in that there are proper checks and balances in the system and also support for people who want to change their legal sex.

We will make the gender recognition certificate process kinder and more straightforward. We will cut bureaucracy by enabling applications via GOV.UK, and we will also reduce the fee from £140 to a nominal amount. We know from our research that improving

healthcare support is a priority for transgender people. That is why we are opening at least three new gender clinics this year, which will see waiting lists cut by 1,600 patients by 2022, and it is why the GEO is providing funding for Dr Michael Brady, the UK's national LGBT health adviser, and working with him and the NHS to improve transgender people's experience.

It is also important that we protect single-sex spaces in line with the Equality Act 2010. The law is clear that service providers are able to restrict access to single-sex spaces on the basis of biological sex. It is also important that under-18s are properly supported in line with their age and decision-making capabilities. That is why Dr Hilary Cass, former president of the Royal College of Paediatrics and Child Health, will lead an independent review into gender identity services for children and young people. The review will look to ensure that young people get the best possible support and expertise throughout their care, and it will report back next year. Together, this upholds the rights of transgender people and women, ensures that our system is kinder and more straightforward, and addresses the concerns of transgender people."

11.46 am

Lord Collins of Highbury (Lab): My Lords, the consultation lasted two years and received more than 100,000 responses, the vast majority of which backed reform. The result is the continuation of a lengthy process that the Women and Equalities Committee said

"runs contrary to the dignity and personal autonomy of applicants." What evidence does the Minister have that medicalisation remains necessary from the jurisdictions that do not medicalise the process?

In July, the APPG on Global Lesbian, Gay, Bisexual and Transgender Rights presented a report to Liz Truss in which we sought to deliver reassurance around trans people and deliver trans rights. Did the Minister see or consider that report? Can she explain why it was rejected, bearing in mind that it was also backed by the LGBT groups of the main political parties, including her own? This decision has caused huge hurt to the trans community, and Labour believes that it is simply wrong.

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, there has indeed been an extensive consultation on this matter. There were numerous contributions, including those outlined by the noble Lord. The matter of medical diagnosis is one for clinicians. After due consideration, the balance has been taken that the issues were to do with cost, bureaucracy and access to healthcare. The system as outlined in the Statement has been changed: the fee has been reduced to a nominal amount and the process has been digitalised.

Baroness Barker (LD): Digitalising a system that dehumanises our fellow citizens is not kindness; it is callous and cynical, as the repeated use of the phrase "trans people and women" shows. I have one question

for the Minister. Do this Government intend to amend the Equality Act or any of the guidance issued under it—yes or no?

Baroness Berridge (Con): My Lords, it is clear from the response to the consultation that there will be no need for legislative action on this matter, so any guidance that is followed is as stands.

Baroness Morgan of Cotes (Con) [V]: My Lords, I recognise that the Government want a kinder and more straightforward process. I understand that there are to be more gender clinics. Can the Minister shed any more light on when those clinics will become operational and whether they really will help those people waiting to go through gender reassignment surgery?

Baroness Berridge (Con): My Lords, the Government plan to open three further clinics, including one in Liverpool and a further one in London. I will have to write to the noble Baroness on specific timings, but it is hoped that those clinics will reduce waiting lists by about 1,600 people. Between 2015-16 and 2018-19, we doubled the funding spent on gender-specific medical services.

Lord Triesman (Lab) [V]: My Lords, the Statement plainly tries to strike a balance between a number of contentious issues, and I have no objection to the fact that it tries to do so. I speak as someone who, with the local branches of the TUC, helped to establish a number of women's refuges. Will the Minister join those of us who deplore the trolling and the vile threats to JK Rowling and to other women who have expressed their concerns, largely to try to protect single-sex services? Given the evidence of conflict of rights between two protected groups, what action will Her Majesty's Government take to ensure that accurate advice is given so that the Equality Act 2010 can be properly implemented with regards to single-sex services, including single-sex wards, prisons, rape crisis centres and refuges? I add that it will not be possible just to wish away the understandable fear of many of the people who are in those refuges because of their harsh experiences.

Baroness Berridge (Con): My Lords, on single-sex spaces, the overwhelming majority of occasions on which they are used—we can all bear testament to that—is on self-identification, and the Government do not intend to interfere with that. There are of course exemptions under the Equality Act where it is justified to do so, where, in the case of a refuge, it could be justified to recommend different services or refuse a service. However, one of the main things that the Government are hoping that the response to the consultation will achieve is time for feelings on both sides to be allayed and for people to speak to one another and exchange views on this matter with respect, compassion and dignity.

Lord Moynihan (Con): My Lords, having initiated and moved the sensitive policy affecting the trans community in competitive sport in the GRA 2004, I hope the Government continue to agree with me that,

[LORD MOYNIHAN]

while in all sport there should be a zero-tolerance policy towards transphobia, it is right that the case of the trans community is not breached where prohibition or restriction of their participation is necessary to secure fair competition or the safety of competitors, including that of transsexual people themselves. I thank the Government for retaining the status quo in this context and for ensuring that this very sensitive issue is a matter for the international federations of sport.

Baroness Berridge (Con): My Lords, indeed, the situation remains unchanged in relation to competitive sport. It is a matter for each of the governing bodies of the respective sports to make their own rules regarding the participation of trans people in that particular sport, and the Government support that position.

Lord Cashman (Non-Affl) [V]: My Lords, the Secretary of State's response is woefully inadequate and fails to take account of the Government's own consultation, so it is clear to me that the Secretary of State is not in command of this brief. Indeed, it took her four and a half months to respond to my letter on this issue—this is at a time when gross defamation and misrepresentation of trans people, particularly trans women, has been whipped up by the media and some Members of your Lordships' House. Therefore, will the Minister explain how the Government will address the real needs of trans people, as indicated overwhelmingly in the consultation, and will she clarify the statement by the Secretary of State that self-declaration would be abused by men? What evidence of widespread abuse does the Secretary of State have from other jurisdictions that have moved to self-ID, or does the Secretary of State believe that British men are uniquely abusive?

Baroness Berridge (Con): My Lords, self-identification is a legal process that we believe needs formality. It is not something that anyone considers without giving due attention to that, so we do not believe that we need to move away from the current system. On the information that has been received and the increase in the numbers of, for instance, transphobic or hate crimes, the Law Commission has been asked to look at all aspects of this, including misogyny, and as the noble Lord will be aware, the Government have appointed Dr Michael Brady to advise NHS England and others about healthcare for LGBT people.

Lord Young of Norwood Green (Lab) [V]: My Lords, as can be seen from today's debate, this is a controversial issue. I want to see a fair deal for transgender people and their ability to identify as trans. However, I believe that there is a balance to be struck, and the Statement issued by the Government is a balanced approach. I would welcome a comment from the Minister as to whether any further guidance needs to be issued on NHS wards, for example, which I think have proceeded on the basis of self-identification; there may be other examples. I welcome the reference to women's refuges, and I echo the Minister's final point: I hope that this debate can take place in an atmosphere where all views are respected.

Baroness Berridge (Con): My Lords, indeed, the Government want every individual to be respected and to be able to live their lives freely and prosper. I am grateful for the noble Lord's comments. We hope that there will be a balanced and sensitive debate after this response to the consultation. Indeed, on single-sex spaces, where it is justified, whether in an NHS ward or a refuge, there is the potential to exclude people on the basis of their biological gender, but only where it is justified.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I welcome the Statement and the aim of improving healthcare support for transgender people, but I would like to follow up my noble friend Lord Young's point. The fact is that a number of public bodies have made policies which make it almost impossible to provide the single-sex spaces that are allowed under the Equality Act. Will the Minister urgently look at guidance to those public bodies about ensuring that they act within the spirit and the law of that Act?

Baroness Berridge (Con): My Lords, as I have outlined, as there is no legislative change, there is not a case for renewing wholesale the guidance. The Statement makes clear the law around single-sex spaces, and I believe that most people who responded to the consultation felt that there will be no change to the use of those spaces in that regard. However, we keep the guidance under review.

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

11.57 am

Sitting suspended.

Arrangement of Business

Announcement

12.02 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the Hybrid Sitting of the House will now resume. There are six Motions in the name of the noble Lord, Lord Bethell, and the time limit is 1.5 hours.

Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020

Motion to Approve

12.03 pm

Moved by Lord Bethell

That the Regulations laid before the House on 4 August be approved.

Relevant document: 25th Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, we are here to debate the SIs putting restrictions on the north of England in August and September. Before we start the debate, I note that there was some confusion yesterday about a bundle of the regulations that we were debating. I express regret for this confusion and thank all noble Lords concerned for their patience. I also express reassurances the House that resources have been put in place to ensure that this does not happen again.

The regulations we are discussing today first came into force on 4 August to tackle the outbreak of coronavirus in parts of the north of England. They are therefore part of a suite of regulations that constitute a dynamic response to local outbreaks of coronavirus. They deliver on the ground a carefully targeted suite of interventions that have helped our partners in local government and in the health and care systems succeed in reducing the severity of this pandemic in each of the flare-up areas. Because of this, we developed legislative solutions as quickly as we could. A consequence of this is, of course, that the regulations are being debated long after they came into force, and it is true that they have been changed since. However, I hope that your Lordships will acknowledge that a system of local actions that is both clinically effective and sensitive to local circumstances will produce a series of regulations such as the ones we are debating today.

I apologise for taking up so much of the Order Paper with this business, but also reassure the House that I hope to mitigate this through transparency about our intentions, our actions and their results. However, I will not apologise for introducing the regulations at all because they have done so much good in supporting our colleagues in these areas in their efforts to tackle the epidemic.

I turn to a brief history of the local lockdowns in these areas. Actions had already taken place to protect the people living in the affected areas in the north of England in the weeks before these regulations came into force, such as increased testing and public health support. We also gave additional funding to all upper-tier local authorities. For example, Manchester City Council received £40,840,915 and Kirklees Metropolitan Council more than £28 million. This enabled them to enhance the various local interventions and support measures put into place.

We hoped that these interventions and the work of the local public health teams would get infection rates down without us having to take more drastic action. However, by the end of July it was clear that the rates of infection were continuing to increase to unacceptable levels. Epidemiological surveillance data had been showing high transmission rates across Greater Manchester and in areas of Lancashire and West Yorkshire. When the regulations came into force, the incidence rates in almost all these geographic areas were significantly above the national average. Pendle, for instance, had the highest incidence rate in England between 31 July and 6 August at 89.7 per 100,000 people. Oldham had the second highest rate of 82.3, and nine other local authorities in the north had rates exceeding 30 per 100,000.

The epidemiological data and local insights suggested that the most likely route for transmission of Covid-19 behind the increases was as a result of people living in different households in the areas meeting up with each other. This is a point that we discussed in the Chamber yesterday. Multi-generational households, overcrowding and social deprivation in many of those locations exacerbated the transmission risks. The Secretary of State for Health and Social Care was therefore persuaded that it would be necessary to impose restrictions to prevent further spread of the virus and keep the country safe. The cross-government Covid-19 operations committee, or Covid-O, chaired by the Prime Minister, decided on 30 July to take further measures to tackle the outbreak. The Secretary of State set out these measures in his Statement.

On 8 August, following concern about the significant increase in local incidence rates of the virus, and taking on board concerns raised by the local authority, the regulations were amended to extend their remit to include Preston. On Wednesday 15 August, a further amendment to the regulations meant that the national restrictions that were lifted across England as part of the Government's Covid-19 strategy would not be applied to those areas covered by these regulations due to the exceptionally high incidence rates remaining across these areas. That indicates the severity of the situation in these areas.

However, by Wednesday 26 Aug, after reviewing the up-to-date epidemiological data and information from the local authorities, the local directors of public health, PHE, JBC and the contain teams, as a result of this discussion the Secretary of State removed Wigan Metropolitan Borough Council and Rossendale Borough Council from the protected area, so that the restrictions remaining in those areas aligned with the rest of England. Again, on 2 September, we were able to remove certain wards of Calderdale Metropolitan Borough Council and Kirklees Metropolitan Council. This change of strategy, moving towards hyper-localised interventions, reflects our willingness to listen to local politicians.

We sought to mitigate the impact of these measures by imposing them only where the transmission risks were highest. Concerns about the outbreak of coronavirus in the north of England have been significant, and the engagement with local leaders has been extensive, repeated and productive. I therefore thank all the local authorities and local resilience forums, Public Health England and the Joint Biosecurity Centre, as well as the local directors of public health, the Mayor of Greater Manchester, Andy Burnham, and the council leaders for all of their ongoing support.

In general, these regulations prohibited households in the relevant areas of the north of England mixing with each other in their homes or gardens, apart from those with support bubbles or in other limited circumstances on compassionate grounds. The regulations also included provisions making it a criminal offence to breach any of the restrictions or requirements. As with the national regulations, those who breach these provisions can be issued with a fixed penalty notice. Due to the increasing incidence rate in Preston as the regulations came into force, Preston was added to the

[LORD BETHELL]

protected area covered by these regulations. Subsequent amendments removed local authorities or specific wards from the regulations.

In terms of next steps, as I said earlier, we will continue to make public the outcome of any reviews. I am grateful to your Lordships for your continued engagement in this challenging process and for the scrutiny of the regulations. In particular, I thank those people in parts of Lancashire, Greater Manchester and West Yorkshire who have, in general, responded well to the measures put in place. It is thanks to their continued efforts that there were changes to the boundaries, and we hope to ease measures further if improvements continue. I beg to move.

12.11 pm

Lord Blunkett (Lab): My Lords, in my two minutes, I want to make it clear that I support carefully targeted local action that is democratically agreed with local authorities and mayors where appropriate, ensuring that we evaluate and monitor how that is working and learn the lessons. Perhaps the Minister would indicate in his response what lessons have been learned from looking at areas that are very close to each other, such as Oldham and Bolton, and the different outcomes from very similar lockdown measures, so that we can target more clearly what needs to be done and learn when it is not working.

Can we also ensure not only that the democratic process works speedily, in the way described by the noble Lord since the beginning of August, but that we sometimes address the elephant in the room? Infection rates rose during August and by the end of the month hospital admissions had started to rise. Was there any correlation with Eat Out to Help Out, which economically was incredibly successful but might have contributed to where we are today?

Will the noble Lord use his power and that of the Government to try to damp down the hype, speculation and fear that keep on emerging? Today it is universities and the fear that students might not be able to go home for Christmas—as though semesters do not end in time for people, if necessary, to be properly tested and allowed to go home. We are seeing hype, including from responsible outlets such as the BBC which ought to know better, which can have an impact on postgraduate taught courses and research qualifications that people have not yet fully taken up as they come into the country, perhaps from across the world.

In other words, can the Minister say how we are learning the lessons since 24 March? I never thought that I would say this in the House, but I agree with Graham Brady, the chairman of the 1922 Committee, that we need to ensure that democracy works in advance of, and not just after, measures have been taken.

12.13 pm

Lord Greaves (LD): My Lords, yesterday I said quite a lot about a similar set of regulations which I will not repeat, but what I did do in the evening yesterday after our long discussions was attend a meeting of Pendle Borough Council. I was able to do that from my room in this building. I am obviously a

member and I shall give a flavour of two resolutions that the council passed, which might be helpful. The first was to express the council's thanks and gratitude to the staff of Pendle Council and all the other local agencies whose staff have "shown such fortitude in the face of unprecedented peacetime impacts on the daily lives of themselves and their citizens" and gone beyond the call of duty in what has been happening.

The council then passed a motion on test, trace and isolate, which in a sense was a little less positive. "The council notes with alarm that the chaos in the nation's test, trace and isolate systems for Covid-19 is contributing to the disease accelerating." The failures of the Government system have created a situation where they are locking us into lockdown in Pendle. These are things that I have said previously in the Chamber. The council believes that "oppressive" regulations—not all regulations, but oppressive regulations—are counter-productive to the fight against Covid-19 and are generating mental health issues and undermining social cohesion across the borough. I also talked about that to a degree yesterday.

The council requested that the Government should issue a simple set of principles setting out the steps that individuals should take. The Government think that they have got that, but we are asking that people understand it. The emphasis should be on supporting people to live their lives in accordance with the guidance, rather than a reliance on virtually unenforceable regulations and "Covid marshals" and—this is a point I have been making on behalf of all the councils in the hotspot areas—the Government should provide sufficient resources for Pendle Council and its partners to have an effective test, trace and isolate programme involving screening, targeting individual testing, a local end-to-end tracing programme and adequate support for individuals who are required to self-isolate, together with the monitoring of such isolation to ensure its effectiveness. The Government have been moving towards this, but I thought that this might be helpful.

Baroness Penn (Con): My Lords, I remind noble Lords of the two-minute time limit for Back-Bench speakers.

12.16 pm

Baroness Bull (CB): My Lords, the recent rash of debates on health protection regulations is indicative of the speed at which this situation is evolving, and it underlines the importance of effective communication strategies to help people understand the changes and distinguish rumour from truth. Technology and social media are clearly valuable in this effort, but this week the World Health Organization warned that they are also enabling an infodemic that undermines the public health response and jeopardises measures to control the pandemic.

Fake news spreads fast and it has real and life-threatening consequences. By promoting fake products, spreading misleading information and encouraging suspicion of official guidelines, it can increase anti-masks, anti-lockdown and anti-vaccination demonstrations and campaigns that can seriously compromise the attempts to fight Covid-19. Research from King's

College London, in which I declare my interest, has found a clear link between beliefs in conspiracy theories and mistrust of government, authority and science, and the likelihood of rejecting a Covid vaccination when it arrives.

So while clear messaging based on accurate, evidence-based information is vital, it is not in itself enough. We also need effective strategies to combat the spread of misinformation and disinformation. Can the Minister say what the Government's counter-disinformation unit is doing to tackle this infodemic and does he agree with the Democracy and Digital Technologies Select Committee of this House that the delay to the online harms legislation means that the UK currently lacks the appropriate laws to tackle the spread online of misleading and harmful content related to Covid-19?

As infection rates rise and regulations change, uncertainty and anxiety increase, so there is an urgent need for the Government, media platforms and civil society to work together to combat misinformation and disinformation and mitigate the risks they pose to the efficacy of regulations such as those we are debating today.

12.18 pm

Lord Forsyth of Drumlean (Con) [V]: My Lords, this time last week when we were debating other regulations under this legislation, I talked about the strange death of parliamentary democracy in our country, and nothing that has happened since has done anything but reinforce my view. I heard on the radio this morning that students in Glasgow are being told that they have to self-isolate in their rooms, that they are not allowed to go home and that they may be there until Christmas. These powers are being exercised by regulations which are being made using the Public Health (Control of Disease) Act. This Act gives the Government power only to restrict the movements of people who are believed to be infectious and to close infected premises. As far as I can see, it does not provide the power to control people who are not infected or to close uncontaminated premises. If the Government want to exercise controls of this kind over people who are not infected, they have the power to do so using the Civil Contingencies Act. But, quite properly, that legislation requires that the consent of Parliament is obtained within seven days of any regulation and is renewed every 30 days.

Last week, my noble friend talked about being in a war-type situation where urgent action was required. That is exactly what the Civil Contingencies Act provides for. Have the Government used the public health Act improperly in order to avoid parliamentary scrutiny and created today's farce where, as he has just indicated, we are debating regulations that were made seven weeks ago and which have already been superseded while being unable to control those that are in force now?

My noble friend apologised for cluttering up the Order Paper. Cluttering up the Order Paper is all that is happening here. There is no proper scrutiny. We cannot vote against these regulations and we have the farce of being asked to consider them after they have been superseded with only two minutes to do so.

12.20 pm

The Lord Bishop of Manchester [V]: My Lords, I declare my interest as set out in the register, as chair of Operation Talla, the independent ethics panel.

I speak in respect of those regulations imposed on Greater Manchester and other areas which came into effect in early August. I entirely support the practice of focusing restrictions on those geographical areas and types of gathering that are disproportionately driving levels of coronavirus infection. Furthermore, along with many other local leaders in my areas, I believe that the restrictions imposed in the Health Protection (Coronavirus, Restrictions on Gathering) (North of England) Regulations 2020 (No. 828) were proportionate to the risks identified at the time. I thank the Government for introducing them.

However, I have serious reservations about the process leading up to these regulations coming into effect. In a statement made just after 9 pm on Thursday 30 July, the Secretary of State gave a clear indication that the new measures would come into force at midnight. Specifically, he stated that the restrictions would come as a blow to those intending to mark the Muslim festival of Eid ul Adha the following day.

We can quibble about the distinctions between regulations, restrictions and rules, but the plain sense of the message and how it was received was that family gatherings planned with food already prepared would not be lawful the next day. However urgently action may be required, the laws of this realm cannot be altered simply by a government Minister declaring it so. Change must follow regulations being laid before this House under the affirmative procedure. Only then can the public know what they must obey, and only then can our police enforce it. Thankfully, subsequent announcements of forthcoming regulations have included start dates that offer a realistic chance of the necessary documents having been drafted and laid before us in time. Therefore, I ask for reassurances from the Minister to this House today that we will not see a repeat of the misleading messages given in the case of Health Protection (Coronavirus, Restrictions on Gathering) (North of England) Regulations 2020 (No. 828).

12.22 pm

Baroness Donaghy (Lab): My Lords, I have watched most of the coronavirus statutory instrument debates this week. I pay tribute to my noble friend Lady Thornton for her superhuman contribution, and to the noble Lord, an unpaid Minister who treats the House with courtesy and clear explanations. He must be the most exploited intern in the country.

These six SIs, some contradictory, some disapplying, tumbling over each other in timetabling, epitomise the dilemma in a fast-moving situation of needing legal cover and adopting fair policies. Contained in them are affirmatives from Labour councils to the restrictions and negatives from Conservative MPs. Both must be dealt with. By taking part in this crazy non-system, we could be accused of accepting responsibility for a rudderless ship, a very uncomfortable position to be in. How will the Minister explain to the House's satisfaction that, regarding the debate to be held on Monday, initiated by the noble Lord, Lord Robathan, discontinuing the use of temporary provisions is wrong?

12.24 pm

Lord Willis of Knaresborough (LD) [V]: My Lords, I support the words of the noble Baroness, Lady Donaghy, particularly those about the Minister.

Does the Minister agree that, while Section 3(a)(ii) specifically excludes care homes, the Vivaldi 1 report made it clear that they are incredibly vulnerable to Covid-19 outbreaks as a result of staff entering the building? The risk increases particularly in areas with rising levels of infection such as West Yorkshire and East Lancashire, to which these new measures apply.

In July, SAGE recommended regular testing for staff and residents of care homes. On 3 July the Minister, Helen Whately, announced that from 6 July all staff would be tested weekly and all residents monthly, in addition to any action for an outbreak. Has any regulation ever been passed by this House to make this a legal requirement? If not, why not, and is this still government policy? Is it being monitored and, if so, by whom? Will the very welcome new testing priority system announced on Wednesday include measures to guarantee access to local testing facilities for care home staff and residents and a guaranteed 24-hour return of results, to make that priority system effective? If protecting the most vulnerable in our society is the Government's priority, which I believe it is, surely guaranteeing the means to do so must be a priority too?

12.25 pm

Lord Alton of Liverpool (CB) [V]: My Lords, I declare an interest as I live in the north-west of England, as do members of my family, one of whom is an A&E doctor working with Covid patients.

Greater Manchester's mayor, Andy Burnham, has described the situation in the region as "chaotic". Across the political divide, Bolton's MP, Chris Green, laments a breakdown in the communication of decisions. Constantly changing messaging has been buttressed by muddle and confusion. Take my unanswered Written Questions about why grandparents are prohibited from helping frontline workers with their young grandchildren, while simultaneously, several separate adults have been able to go to a public house together. Others, urged to return to the office just weeks ago, are now told not to, unless it is essential.

We must be honest with the public about risks but let them judge for themselves. The priority must be to protect the vulnerable, remembering that there were nearly 30,000 extra care home deaths between 2 March and June 12 this year, compared with the same period in 2019. A new study in the *Lancet* of data from Salford found that between March and May, diagnoses of serious health conditions halved, with lethal consequences.

For the general population, clearer decisions should be decided more locally, as in Germany and South Korea, where decentralisation has been effective. An over-centralised "pushmi-pullyu", stop-start approach destroys jobs and drives up unemployment. That in turn will have catastrophic consequences across the north-west every bit as destructive of health and well-being as Covid-19. Chaos and confusion undermine confidence

in government, while an emasculated Parliament gives the illusion of accountability and scrutiny. Our loss of liberty under the cover of Covid-19, and the intolerable threat to use our Armed Forces to enforce decrees and edicts touching every aspect of our lives, is simply not acceptable, and Ministers need to understand that.

12.27 pm

Lord Moynihan (Con): My Lords, in these regulations it is young people, who are least affected by the virus, who are taking the lion's share of the burden in the north and throughout the UK. Young people, who are instinctively gregarious, are living with their school lives damaged. They are often the first to be quarantined and yet are expected to attend schools which have had to sacrifice school sport and activities on the altar of academia, necessarily prioritised under Covid. As my noble friend Lord Forsyth said, they have had to trade in a university experience for a remote online degree course, often in a closed single room, while having to pay the same costs charged by universities, which have closed the opportunities for sport, an active lifestyle and social and cultural engagement, which have been at the centre of the university experience for generations.

For those who started work coming out of school, college or university last autumn, it was the young who were victims of a furlough scheme, which was constructed on a year's employment contract, without which the employee had to pay everything to keep them. It was no surprise that young people were the casualties of a "last-in-first-out" policy, making them three times more likely than employees in general to lose their jobs. It was young people who woke to see apprenticeships and internships go up in smoke. It is young people who have no chance of a first step on the ladder when companies are making existing employees redundant—a generation of young people more obese and more prone to suicide, mental health issues, boredom and loneliness than any other in living memory.

When the Government come forward with their promised and overdue sports recovery programme, will the Minister recognise that a physically and mentally fit and active cohort of young people is critical and, in health terms, beneficial in the fight against Covid? Will he ensure that it is about not only the survival of clubs hammered by Covid, but also about the people served by the clubs, the young who have no team sport opportunities now or on the horizon? If not, we will have let down a generation of young people, not only those in the north or Glasgow, but a whole generation who should not have borne the brunt of a disease which least affects them.

12.30 pm

Baroness Andrews (Lab) [V]: My Lords, the commentary by the Secondary Legislation Scrutiny Committee on these regulations and the update which we have just heard from the Minister illustrate beyond doubt what an extraordinary challenge these local authorities are facing as they try to follow and implement government regulations which, as we have already heard, change on a daily or weekly basis and are causing great confusion. They often have not involved the local authorities in their making. Sometimes they

have been introduced without consultation or local advice. It is no wonder that communities are confused, but people on the front line are also confused.

I follow the noble Lord, Lord Willis of Knaresborough, in saying that care homes are in the front line. There is no more talk of a ring of steel, but the least they ought to be able to expect in these areas of high infection is priority for testing, speed of turnaround and the greatest possible protection against transmission from asymptomatic visitors and staff. It still seems that that is not the case, and across the region there are reports of scores of incidents where care homes are waiting up to a week for test results. What has to be changed in order to give care homes priority not just in terms of speed of testing and getting results? Is the problem a local shortage of lab equipment and materials or a shortage of skills? Have the Government looked at the possibility of using the capacity of local universities—their lab space and technical skills—to supplement testing? Can the Minister explain why care home inspectors are not being routinely tested when they visit homes? Perhaps the more fundamental question is: what is the argument for care homes remaining in pillar 2 rather than being treated the same as health workers in pillar 1? As my noble friend Lord Blunkett said, we all hope that the lessons from the fiasco this spring have been learned. I hope the Government can reassure us that that is the case.

12.32 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I want to return to the issue of linked childcare households that I mentioned in yesterday's Leicester debate and which appears in these regulations. I recognise that the Minister shares concern about childcare for working parents, especially women, who still bear the brunt of it both generally and during the pandemic. Therefore, the provision of linked childcare households is welcome, but I query the strictness of the provision, as, if the childcare linking arrangement is terminated, neither household may form another. I know from personal experience that childcare arrangements simply do not run as smoothly as you might hope, especially if you do not have the budget to buy in the amount of assistance that is needed.

Clearly, chopping and changing and involving lots of households is not wanted, but there are all kinds of reasons why individual arrangements may need changing, from illness to simply that they do not work any longer. Perhaps the regulations were not expected to be in place all that long, but opening up is no longer the national direction of travel, with warning of measures continuing for six months. Therefore, if this provision is going to be around, will consideration be given to how to allow for changes in linked households, maybe after an interval? With the regulations as presently drafted, households have only one chance to get it right, despite any of the disrupting life events that simply happen, including coronavirus. The Government have not managed to get their coronavirus plans right first time, yet parents are expected to. Can this be looked at again?

12.34 pm

The Earl of Erroll (CB) [V]: My Lords, like many others, I am very worried about the long-term wider effect of these regulations. I have been talking to friends in Northumberland. All their plans lie in tatters. Money has been spent that is now wasted. Hard-earned income has been destroyed. They are feeling rebellious. We must let our citizens know that they can plan ahead with certainty. People are asking whether Christmas will happen. For many people, quality of life is more important than pure safety, but it is the job of the public service to treat safety as paramount, and this leads to predictions of doom. This is why we must involve politicians who realise that these restrictions must be balanced against the long-term damage that the regulations cause. For instance, in the *Times* I read in early April said that the Covid daily death toll was 854. At the beginning of this week it said it was 17. On the same day 450 people died of cancer, but government regulations have, for cancer, halted or drastically delayed drug development. Where is the sense of proportion in the priorities? Are the Executive ordering us into a Pyrrhic victory?

12.36 pm

Lord Dobbs (Con) [V]: My Lords, these orders are not simply about the wretched virus. They are also about how we operate as a Parliament. We see profound damage on all sides, yet there is no proper chance to discuss it. Instinctively, I want to support my Government—of course I do—but the Government's path has been a rocky one, from lockdown to easing and back again to lockdown, with detours through empty testing centres and a particularly overcrowded car park at Barnard Castle. Conservative Peers, such as my noble friends Lord Forsyth and Lord Moynihan, have raised important issues today, and next Monday my noble friend Lord Robathan has a Motion demanding more parliamentary consideration. Those are signs of growing frustration.

It is a frustration that I understand and entirely share. My noble friend Lord Robathan's Motion, along with today's proceedings, are not simply about Covid but about fussy little things such as democratic accountability, that irritating grit in the oyster. I notice that my noble friend Lord Bethell is down to respond next week. As much as we all admire him, I would have thought it more appropriate for the Leader of the House to handle that business. I hope the Government will change their mind.

Already my time is up. There is no time for this House to speak, and not enough time for the Government to think, listen or clear up their own confusion. But in the long months that lie ahead, they will need to listen very much more carefully if they are to show the leadership we all want and allow us in this House to get on with our job.

12.38 pm

Baroness Lawrence of Clarendon (Lab): My Lords, one thing that has to be said about the statutory instruments being discussed today is that, whatever their good intentions, they are certainly complicated.

[BARONESS LAWRENCE OF CLARENDON]

Obviously the author felt a duty to be both precise and comprehensive, otherwise we would not have in Statutory Instrument No. 828 the laborious definition of an “elite sportsperson” or of all that the word “vessel” can mean—although the sub-paragraph does not refer to the old proverb about empty vessels.

As we look back over the months and survey the statutory instruments produced by the Government on restrictions on gatherings, we have concluded that the whole policy has become an unholy mess, a confusion of mixed messages and tentative, half-baked decisions. Any scan of media cuttings from the north of England in the past few days will expose just how much bewilderment there is among the local population about what is or is not permissible and what is or is not wise. The spate of legalisms contained in the statutory instruments is directly responsible for that state of affairs. We need more clarity for people, not more jobs for lawyers.

One has to wonder whether we would be in a happier situation if greater flexibility were to be embedded in the legislative process here. I think we might all agree that each statutory instrument before us today is a cumbersome and unwieldy tool—a perfect metaphor for the Government’s utterances on social gatherings since the very first version of lockdown.

12.39 pm

Lord Beith (LD) [V]: My Lords, two minutes is an impossible amount of time in which to analyse this stack of superseded orders, although noble Lords have made some very telling points. For example, the noble Lord, Lord Forsyth, spoke about the use of the Public Health (Control of Disease) Act 1984—a chillingly appropriate name for an Act giving very sweeping powers, which I think have been wrongly used in some instances in this matter.

These orders restrict civil liberties because of the seriousness of the emergency, but Parliament must have the ability to scrutinise and consent to each and every incursion into civil liberties. The Government have to act quickly, but Parliament can also act quickly if, and only if, the Government co-operate in enabling it to do so. However, the present way of doing things causes confusion in the public’s mind and a lack of understanding of what is law and what is merely guidance. Ministers use terms such as “rules”, which seem to fall somewhere between the two. There is no place between the two; there is law and there is guidance.

In this country, announcements on TV by Ministers are not the law. Parliament makes laws and is part of the process of securing public assent and co-operation, which are absolutely essential in dealing with the present crisis. This House has a major part to play in constructive scrutiny. Parliament as a whole really must get a stronger grip on this process, but the Government can facilitate or obstruct that. They should begin to recognise that public support and willingness to co-operate will steadily dissipate if there is a belief that Ministers are just making it up as they go along without any proper process of scrutiny or approval.

The Deputy Speaker (Baroness Garden of Frognal) (LD): The noble Lord, Lord Mann, has withdrawn, so I now call the noble Lord, Lord Singh of Wimbledon.

12.41 pm

Lord Singh of Wimbledon (CB) [V]: My Lords, first, it would be a little irresponsible for a doctor to stop giving medicine to a seriously ill patient at the slightest sign of improvement. Does the Minister agree that that is precisely what the Government did when, despite warnings from local leaders, they eased restrictions in Bolton and Trafford, only to reimpose them after a huge rise in numbers of those affected?

My second concern is the growth of difficult-to-understand language around prevention, with uncertainty over what constitutes a support bubble and whether immediate relatives can be considered part of the same household, et cetera. Does the Minister agree that a much sharper advertising campaign is needed on the dangers of this killer disease not only to the individual but to those they hold near and dear—a need that is even greater in close-knit, newer communities in our northern towns?

12.42 pm

Baroness Redfern (Con) [V]: My Lords, I shall speak to the health protection coronavirus restrictions on gatherings regulations, laid before the House on 4 August.

Any restriction on people’s freedom is regrettable, but we are facing an epidemic the likes of which we have not seen before, with epidemiological data showing growing high transmission rates of Covid-19. Therefore, it follows that it is necessary to impose restrictions which prevent the spread of the virus and reduce public health issues but which are proportionate to what they seek to achieve at the time. I welcome the areas where easements are made, but everything remains very fluid.

As my noble friend the Minister alluded to earlier, the Government are working with local authorities to develop dedicated local outbreak plans to help manage Covid spikes, with all authorities having to submit their procedures. There is an urgent need for good data, and of course clarity is essential in order to be able to take people with you. I stress the importance of having local volunteers and using council employees to fill the role of Covid marshals and help deter people gathering in larger numbers. Local knowledge is invaluable.

The restrictions on gatherings are eminently sensible and appropriate, as is lifting the regulations as soon as conditions are safe. Those conditions are changing on a nearly weekly or—dare I say?—daily basis. I support the regulations.

12.44 pm

Baroness Massey of Darwen (Lab) [V]: My Lords, I was born and brought up in Darwen long before its amalgamation with the neighbouring town of Blackburn. I am sorry that I could not be involved in yesterday’s debate.

The Minister talked about targeted interventions on the ground. That is good. He might be aware that local political leaders in Blackburn with Darwen, including

MPs and local councillors across the political parties, wrote to the Prime Minister very recently saying that they are facing a series of challenges that can be resolved only by the Government. They asked for funding and resources for local testing and tracing, and more financial help for affected councils. I know from the local press and from friends in Darwen that many businesses are in serious trouble—for example, six local pubs are closing due to bankruptcy. Juggling lockdowns in adjacent wards must be a nightmare when action is suddenly needed. Darwen is very different from Blackburn in many ways—for example, in ethnic diversity. Is funding available from the Government to take account of diversity?

I want to say a word about testing and tracing. Some reports predict that approximately only 10% of people will use the NHS app. Can the Minister comment on this and say how this percentage could be increased, especially in diverse communities? Can he also say, if possible, why only those above the age of 16 can take part in this initiative? Surely, it is important to involve all generations in the fight against this pandemic.

12.46 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Massey of Darwen, and to hear her speaking up for her community.

I thank the Minister for bringing forward these regulations, which I strongly support. Like others, I recognise the incredible workload that he is carrying at the moment. He really should be protected by a Geneva convention.

I very much approve of the partnership between localities and central government but, as I said yesterday, I wonder whether we have the balance right. Experience in other countries tends to suggest that more local action within a national framework is likely to be more successful than the experience we have seen to date.

I strongly support these regulations but I regret the retrospective nature of these debates, some seven weeks after the regulations have been made. I regret it not just because of the lack of parliamentary scrutiny that there should of course be, but because I want to give support to my Government, which is what I, with many others, would be doing across the party. That is to be regretted.

Yesterday, I raised the issue of BAME communities in Leicester, and I do so again in relation to many of the areas that we are protecting today. Because this disease has a disproportionate effect on those communities, I ask whether lessons have been learned from what has been happening.

Perhaps I may ask the Minister about the experience of test and trace locally. Is there spare capacity? What is the situation on the ground in these communities? Perhaps he could extend that to the national picture. Do we publish the daily figure for testing throughout the country and at different centres? If not, why are we not doing it? I think that we should, so that people can see what the spare capacity is and take heart from the fact that more people are being tested day by day.

12.48 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, I declare my interest as a vice-president of the Local Government Association.

The Minister, in introducing these six statutory instruments, said that they had “Done so much good”. I certainly would not deny the level of effort from the public right through to Westminster, but what is inescapable is a sense of a Government flailing around, laying down statutory instruments, changing them shortly afterwards and acting as though Westminster knows what is best—from Leicester to Lakeside and Newcastle to Newquay. In the meantime, the virus keeps advancing.

I note that what I am about to say reflects the thoughts of Pendle council, as shared with us by the noble Lord, Lord Greaves, and that it also reflects what the noble Lord, Lord Beith, said about clearly dividing laws and guidance. We need a set of alert levels, with enforceable laws that operate for businesses and groups, and a practical guide for action for the police and officials—to act on, for example, an illegal rave or a pub failing to collect contact-tracing evidence. That should be combined with guidance for the public.

As we said in this House on Wednesday, the rule of six means that many households could legally mix in one day, which would obviously be unwise. This is not useful guidance for action, let alone a practical rule. People are making up their own rules, sometimes for want of clarity and useful rebuttal from the Government based on the infodemic that the noble Baroness, Lady Bull, outlined.

Deciding on local alert levels and communicating them should be in the hands of local government, as should contact tracing and support for self-isolation, with appropriate resourcing from the centre. General, practical guidance to all on how and why to minimise risk can be distributed both nationally and locally, while acknowledging the practical difficulties in childcare, for example, as noted by the noble Baroness, Lady Bowles. Will the Government now consider—after stepping back, drawing breath and taking time to think, as the noble Lord, Lord Dobbs, said—a COBRA meeting to help them divide laws from guidance, stop focusing simply on testing numbers and look at testing effectiveness, and give back control to local authorities, which understand the demography and geography of how to control the virus in their area?

12.50 pm

Lord Loomba (CB): My Lords, there is no doubt that we have already entered a phase of increased coronavirus infections and deaths. I am pleased that the Government have lost no time in bringing in a variety of new rules, regulations, guidance and laws for us to follow and adhere to so that the second wave of this terrible disease does not get out of control. However, there appear to be differing views among experts in their analysis of future projections for the anticipated growth in the number of infections, subsequent hospital admissions, and then, sadly, deaths, without measures such as these in place. Can the Minister say how we can reconcile these issues to give the public more confidence in restrictive measures?

12.52 pm

Baroness Wheatcroft (Non-Afl) [V]: My Lords, as other noble Lords have indicated, to be debating the statutory instruments now puts us in an Alice in Wonderland situation. However, for those who have been subjected to the swathes of new regulations, it is the illogicality of the Government's messaging—their policies and policy changes—which generates confusion. For instance, in areas where households are not allowed to mix, they are still able to go to the pub or a restaurant as long as they leave by 10 pm.

This morning, I listened to the Deputy Chief Medical Officer, Professor Van-Tam, who made it very clear that the hospitality industry did help fuel the spread of the disease. At the beginning of this debate, the noble Lord, Lord Blunkett, raised the question of whether Eat Out to Help Out had played a part in pushing up infection rates. Then there is the confusion over test and trace; not just the availability of the test—although that remains a huge issue—but the purpose. On Tuesday, in the other place, the Prime Minister said:

“Testing and tracing has very little or nothing to do with the spread or the transmission of the disease. The spread and the transmission of the disease is caused by contact between human beings and all the things that we are trying to minimise.”—[*Official Report, Commons, 22/9/20; col. 822.*]

If testing and tracing has very little or nothing to do with the spread or transmission of the disease, why are we putting such an effort and so much stress on it? I would much appreciate it if the Minister could explain that.

Finally, we are being told to work from home “if we can”. But what is the Government's own interpretation of that? What are they saying to civil servants? Earlier this year, we demonstrated in this House that we could work remotely very effectively—certainly as effectively as we are doing now with the hybrid House. So, can the Minister explain why there are noble Lords who are in the Chamber today instead of working from home?

12.54 pm

Lord Flight (Con): My Lords, I support the common sense of lockdown measures being managed on a local and regional basis. As we are all aware, new rules on social gatherings are required in certain areas of the north; that is what we are engaged in today. Regulation 5 of 2020/828

“prohibits gatherings of two or more people from different households (apart from linked households) in private dwellings in the protected area and prohibits people living in the protected area from participating in a gathering in a private dwelling outside the protected area, unless those meeting are from linked households.”

Regulation 7(4) prohibits indoor gatherings of more than 30 people but permits more than 30 people in a public outdoor space under defined specific conditions. I have just read all this. Can things not be drafted in a more straightforward and understandable way? No wonder there has been confusion. I call upon the Government to explain why there is this unnecessary complexity to the organisation of regulations.

12.55 pm

Lord Bilimoria (CB) [V]: My Lords, great progress is being made on the vaccine. For example, Oxford and AstraZeneca, together with the Serum Institute of

India, are making great inroads with their trials. We are keeping fingers crossed and hoping that they will get approval soon after the phase 3 trials so that this vaccine will be available. I believe that AstraZeneca and the Serum Institute are producing hundreds of millions of vaccines in anticipation, at risk, for the benefit of all of us around the world.

However, this will take time to come through. In the meantime, does the Minister agree that the solution to our situation is mass testing? I have asked many times why the Government are not updating us more on the progress being made—whether you call it Moonshot, or the Prime Minister announcing that he wants 10 million tests a day by the beginning of next year, or Matt Hancock, the Secretary of State for Health, saying that we have £500 million now allocated for mass testing. Professor Alan McNally at the University of Birmingham, where I am chancellor, said that, if we could use that £500 million, we could have 30 million of the existing type of PCR tests being conducted in this country.

I have also mentioned time and again that, in the United States of America, Abbott Laboratories have brought out the BinaxNOW test, which is the size of a credit card. From a swab sample, you can get an answer in 15 minutes as to whether or not you have coronavirus. This antigen test is 97% to 98% accurate and costs \$5. They are producing 10 million of them this month and 50 million next month. Why are we not able to produce such a test, which would be a game changer? What progress have we made in developing an affordable test like this, where, in theory, the whole population could test themselves twice a week? Anyone testing positive could have a confirmatory PCR test and isolate, while the rest of the economy could carry on. People coming into the country, universities, schools, factories and workplaces could all be tested regularly and people who have the disease identified. Why can we not do that? Can the Minister update us on mass testing in detail, please?

12.58 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, I congratulate my noble friend the Minister on his boundless stamina. I repeat my general concern about the lack of flu vaccines. It is now impossible to make an appointment, even in the first few days of appointments being open. I know that the Minister will address this issue.

It would appear from what the noble Lord, Lord Blunkett, said that these regulations have been democratically approved by the local authorities in question. Can the Minister tell us whether that is the case for all local restrictions—including, in particular, the one relating to the north-east? I declare an interest as I have a residence in County Durham.

In relation to the restrictions in the regulations before us today, can my noble friend explain why rural areas are being lumped together with urban areas, when the incidence and spread of the virus is lower in rural areas? I would be particularly interested to know—although it is not before us today—why an urban area such as Tees Valley has been excluded. Why was that

agreed but not for rural areas, as I raised previously? Overall, I support the thrust of these regulations and I welcome the opportunity to debate them today.

1 pm

Baroness Uddin (Non-Aff): My Lords, there have been a staggering 6,634 cases. Will the Minister write to me with some information on the breakdown by age and ethnicity of those numbers?

The hospitality sector will once again take a massive hit, just as many, including the British curry industry, felt some hope of survival.

While I agree that we face extreme choices of balance between living safely and ensuring that families and communities do not face economic collapse, I continue to object in the strongest possible manner to the rising amount of fines. I ask the Government to review the amount of that imposition.

What strategies and action are the Government taking to protect women of minority heritage from the disproportionate disparities identified by the Public Health England report three months ago? Three months on from the publication of *Beyond the Data*, what progress have the Government made in implementing the seven recommendations? The review confirmed significant health inequalities and highlighted staff experiencing discrimination, although noble Lords and I have differing views on that. The review is substantiated by the many public pronouncements and statements made by professionals.

Men of Bangladeshi heritage are four times more likely to work in a sector facing restrictions and have fallen to this disease at twice the rate of others, while other minority groups are 50% more vulnerable. As pressures mount on services, can the Minister assure BAME staff and the House that doctors and nurses of minority heritage are not being “pushed” disproportionately to work on the front line of Covid management without sufficient PPE—more so than their white counterparts?

As the Minister said, overcrowding and multi-generational housing are causes of concern. Does he agree that long-term poverty and a lack of clarity and coherence in messaging may also be significant factors?

1.02 pm

Baroness Altmann (Con): My Lords, I too thank my noble friend for all his dedicated work.

I recognise that information about this virus is incomplete. I sympathise with the Government, who cannot be expected to get the responses right all the time. However, sitting here today, do we have sufficient evidence to justify these extraordinary ongoing—seemingly never-ending—repressive restrictions on basic freedoms, family life and our parliamentary democracy? Parliament is expected to rubber-stamp measures with comprehensive evidence and impact assessments not having been presented even weeks after the regulations have already been imposed.

My noble friend talks of a crisis level of infection. What does that mean? When will Parliament be presented with a balanced, comprehensive analysis and data to identify, for example, the most recent correlations

between infection with Covid, admission to hospital due to Covid and deaths from Covid-19 relative to deaths due to the effects of lockdowns and ongoing Covid restrictions?

The Government say they hope to ease the measures when infection or transmission falls. What constitutes success here? What is the endgame? Will we continue to lock people down, rejoice at reducing infections, relax draconian restrictions and, though I can hardly believe I am saying this, allow people to see their friends and loved ones again without risking arrest? Then what? The virus will not have disappeared. Does this whack-a-mole strategy just start again?

Parliament should be able to judge the data. What is the risk to life of a Covid infection relative to the risk to life of missed cancer treatments, mental breakdown, stroke and heart failure, all of which lockdown worsens? Indeed, do we know to what extent the increased testing rates in the areas of the restrictions that we are debating today, which my noble friend mentioned, contributed to the rise in reported infection rates that led to these measures?

1.04 pm

Baroness Walmsley (LD) [V]: My Lords, with coronavirus cases doubling every week in a rapidly changing situation, there is sometimes a need to take urgent action but, despite assurances, the Government are still ignoring opportunities to bring new regulations to Parliament in a timely way. For example, all this morning's regulations have been overtaken by the so-called rule of six, yet, despite having yesterday's planned business cancelled because the Agriculture Bill was finished on Tuesday, the Government failed to put the new regulations before the House yesterday so we now find ourselves discussing old regulations that have been superseded. Little wonder that noble Lords have taken the opportunity today to ask the Minister questions about the new rules and other matters related to the virus.

Before I come to those, I want to say something about the new app. All these ever-changing local lockdowns have created such confusion among the population about the rules that now apply to them that many people have given up trying to follow them. That is dangerous. I downloaded the app yesterday and at long last, as well as being able to learn if I have been near someone who has tested positive, which is crucial, I am now able to find out the rules that apply in my area at a click. I hope this will help the residents of Pendle, Bolton and all the areas affected by local lockdowns. This is what we have needed for many months, especially since the national lockdown was lifted and local lockdowns imposed. I very much welcome the app, but I regret that it has taken so long to be available following the withdrawal of the first abortive attempt. Other countries have had a working app for months. Why not England and Wales?

Before I leave the subject of the app, will it help local authorities to track back to the source of new clusters of infection? Do they have the powers to enforce closures or whatever else is needed? I echo the noble Lord, Lord Blunkett, in asking how lessons have been learned from whether or not the local lockdowns

[BARONESS WALMSLEY]

have worked in reducing the incidence of the virus. As my noble friend Lord Greaves pointed out, local lockdowns have been very stressful for local government.

I turn to related matters. The noble Lord, Lord Alton, and others asked about clarifying the rule of six. It seems that people could have several sets of contact with five others during a single day, as my noble friend Lord Newby pointed out yesterday. Would it not be better to advise people about a maximum total number of contacts that they could have in any one day other than their own family?

Many noble Lords have asked about the test and trace system. As my noble friend Lord Greaves pointed out, unless the system is working properly, Pendle and other areas will be stuck in local lockdowns for ever. Are the local lockdown areas now getting appropriate access to tests?

Vulnerable groups have particular needs. I welcome the £500 payments for quarantine, but how do the Government determine low income? Is someone monitoring how quickly people are getting the money? They need it right away if they cannot go to work. Are local authorities getting the resources needed to support people who feel they need to shield in areas of high incidence of the virus? Is any extra work being done in the local lockdown areas to ensure the safety of children in households where social services are aware that their home circumstances may be either neglectful or violent?

Several noble Lords have raised the plight of care homes. My noble friend Lord Willis asked about the availability of tests for staff in care homes. I echo his demand for a guarantee of timely tests for staff in care homes. I also echo the question of the noble Baroness, Lady Andrews, about why inspectors are visiting care homes without being tested. If family members cannot visit their loved ones, why allow inspectors in without being sure that they are not importing infection?

The noble Lord, Lord Moynihan, asked about students and young people. They have been hit hard. My noble friend Lady Bowles asked questions about childcare that I hope the Minister can answer.

This week the Science and Technology Select Committee heard about the increase in mental health issues during lockdown, especially among the young, where incidence was rising anyway. Witnesses were concerned about the lack of research into the extent and effects of this. Are the Government doing any additional research? Are any additional resources for mental health support being provided in areas of local lockdown, where not only have they had many months of national lockdown but they now have extra restrictions on their freedom to socialise? Many have lost access to their usual therapies. This is bound to have had an effect on people's mental health problems, especially those who had existing problems.

As we have heard, there are many questions to ask about these regulations but I share the view of many noble Lords, such as my noble friend Lord Beith, that it would have been much better if Parliament could have asked them before they were six weeks old and had been overtaken by others.

1.10 pm

Baroness Thornton (Lab): My Lords, I first thank my noble friend Lady Donaghy for her very kind remarks to me, and indeed to the Minister. I also thank the Minister for the regrets he expressed at the beginning of his remarks when he introduced these regulations.

While we are all too familiar with the unfortunate practice of debating regulations that have already been in place for some time, and even amended by subsequent regulations, we charted new territory yesterday, it has to be said, when the House debated and approved regulations that have already been revoked. I look forward to seeing what comes in front of the Chamber in those circumstances. I felt that it was mitigated for me personally, because I am always happy to have the opportunity to talk about my beloved Bradford and discuss the steps that we have been taking in relation to the spike in infections. I am pleased to learn that we will not see redundant debates timetabled in this manner in future.

Similarly, today, we are tasked with debating and approving regulations that amend and refer to revoked instruments. Thirteen instruments have been revoked since 1 July—"convoluted" is the word that I think we can all agree on here. If the department is struggling to make sense of this system, what hope is there for the rest of us—the public health authorities, the police and the public? The Government need to take a step back and think about how to simplify this process and how to make these regulations more accessible. This is an appropriate time to do that.

My noble friend Lord Blunkett and the noble Lords, Lord Forsyth and Lord Beith, made some interesting remarks that we will probably need to address on Monday when we look at how the future will unfold in terms of regulations and so on. I thank my noble friend Lady Andrews, who was absolutely correct about the issues she raised regarding care homes and testing.

The Government first imposed lockdown measures on parts of northern England in July. All regulations in this group were laid under the affirmative procedure, so while we broadly support these measures and understand the urgency, the Minister is well aware of the concern expressed by the House on many occasions that what we are discussing now comes long after the fact, when the situation has changed considerably. Other regulations have come into force before being revoked and Parliament has therefore never had the opportunity to discuss their merits. Regulation 4 of the first set of regulations requires a review at least once every 14 days, so there must have been three since they came into effect. Can the Minister commit to routinely publishing these reviews in future for accountability and transparency? That would help us to evaluate their effectiveness.

The Minister said that the decision to act on each occasion was not driven by numbers alone, it was a judgment about the overall situation—as indeed it should be—taking into consideration not only the epidemiological evidence but local insights and views. This is perhaps a generous spin, given the well-publicised tensions between the Government and local leaders in

many of these areas. For example, council leaders and the Mayor of Greater Manchester, Andy Burnham, were dismayed by the decision to lift Bolton and Trafford out of local lockdown restrictions against their and the borough councils' wishes. They warned the Government that it was too early and urged them to wait for more evidence of a sustained downward trend in positive cases, but were overruled. My understanding is that Conservative MPs in the area were consulted on the lockdown decisions by the Health Secretary and many pushed for the restrictions to be lifted. At the time, I asked the Minister about that and expressed my concern that the process seemed to have been politicised. It was only at the 11th hour that the Government finally began to listen and made yet another U-turn—the right U-turn, as it happened.

This brings to mind what my noble friend Lady Lawrence said; she was quite correct about the need for clarity. If urgent decisions need to be taken quickly, people need to understand why and what motivates them. I hope the Minister can assure the House that the Government will now listen to local leaders and local expertise from the start. While the onus is on the Government to take these decisions, they should not be seen to be overruling councils. Does the Minister believe that the decision-making process and pandemic response would definitely be improved if there were greater regional representation at COBRA and other meetings where these decisions are being taken? It would improve dialogue with government and speed up decision-making.

I underline what a noble Lord said about these decisions not being politically driven, so let us show that they are not politically driven. Regardless of the political control of the councils involved in this, let them be involved in these decisions and bring to bear their local knowledge. It is clear to me—I agree with the Mayor of Greater Manchester, Andy Burnham—that we cannot carry on like this. He said:

“There has to be a reset moment here in the way the government is making these announcements, because the government is losing the public. We can't afford to lose the public going into such a challenging autumn and winter.”

He is absolutely right.

The local leaders in the north of England have also called for more resource to support contact tracing, which clearly is not properly. What consideration have the Government given to utilising the police and fire services, which have indicated their willingness to put forward front-line staff to help get in touch with local people who need to isolate? We clearly need to bring to bear all the resources of these local communities where they are willing.

1.17 pm

Lord Bethell (Con): My Lords, I too thank the noble Baroness, Lady Donaghy, for her very kind words. Let me please make it plain to the Chamber: it is an absolute honour to stand here—to have some time to consider these SIs and to do our best, as a Government, under difficult circumstances, to bring in complex regulations and laws that have a huge impact on people's everyday lives and to try to bring the best possible parliamentary scrutiny that we can under the current rules.

I am completely aware of the concerns of my noble friends Lord Forsyth and Lord Dobbs, the noble Lord, Lord Beith, and the noble Baronesses, Lady Donaghy and Lady Thornton. They all rightly express concerns about how this could be done better. We are committed to the process that we have: we listen to these debates as they happen and I take back to the department the comments made in this Chamber.

I say to my noble friend Lord Forsyth, on the Civil Contingencies Act, the issue is that the Act is expressly concerned with threats that we could not have expected. Unfortunately, we are at a stage with this epidemic—indeed, even at the very beginning of the epidemic—where the lawyers have judged that this kind of regulation does not fit under that definition. That is why we work through the public health Act of 1984. If he has any further questions on that, I would be glad to answer them through correspondence.

The noble Lord, Lord Blunkett, asked a very important question: what have we learned? I will try to tackle people's points through that lens as quickly as I can. In terms of the north, we learned many things but three stand out. First, this virus moves incredibly quickly through social mobility. My noble friend Lady McIntosh asked why rural areas are tied in with town areas. The truth is that people move between different areas to a much greater extent than would normally be visible. That is one of the challenges we have had to deal with. Secondly, the mixing of households has a profound effect on transmission of the disease. That is why that is a focus of these regulations. Thirdly, getting testing and tracing into hard-to-reach communities can be extremely difficult. My noble friend Lord Bourne asked what we had learned in terms of getting testing into key areas—we have learned that it is very difficult. We have put new resources into it and gathered new expertise and have sought advice from people who understand these things well.

A number of noble Lords, including the noble Lord, Lord Blunkett, asked about hospitality. If a hospitality venue, such as a pub, has good contact tracing on arrival, socially distanced seating, table service and booking, there is no reason why it should present a threat. However, not all pubs abide by those disciplines, with mass crowding either inside or outside, late-night intimacy and mixed groups. That is where the disease spreads, which is why we have cracked down—including through the 10 pm curfew, which sends a clear signal to hospitality venues that they must abide by the regulations. I make these points in answer to my noble friend Lady Wheatcroft and the noble Baroness, Lady Uddin.

We have learned four key things on the macro basis. The first and most important of them was alluded to by a number of noble Lords, including my noble friends Lady McIntosh and Lord Bourne, and the noble Baronesses, Lady Thornton, Lady Bennett and Lady Andrews: the importance of local collaboration. I was asked a large number of detailed questions about the nature of local collaboration. I assure noble Lords that it is happening on an incredibly energetic basis. New systems that completely redefine the wiring of government in this country are being put in place in response to this epidemic. People who did not have

[LORD BETHELL]

each other's telephone number before now speak every day and collaborations are happening across party grounds. There is the occasional grinding of gears—of that I have no doubt—but the spirit of collaboration is extremely strong. I assure my noble friend Lady McIntosh that local leaders in the north-east met the CMO today and made their representations to the top of government very clearly.

A second learning has been on the sharing of granular data, which we have discussed in other debates. The third learning, in response to the right reverend Prelate the Bishop of Manchester, has been on the use of local languages and cultural sensitivity. I completely recognise his points about the impact of bringing in some of these measures around Eid. I have held round tables with community groups in the north; I heard people's concerns loud and clear. We thought that we were leaving the time of lockdowns; it was only when the data showing that infection rates were rising emerged that we had to apply the handbrake and do a sudden turn. We learned a lot about the bruising impact of that sudden decision and its impact on trust, and we have moved on.

Fourthly, a number of noble Lords, including the noble Baroness, Lady Lawrence, and my noble friend Lord Flight, mentioned simplicity. It is key. The public's understanding of the regulations is absolutely essential to changing their behaviours. If people do not understand it, there is no point in regulating. That has been seen through recent regulations, such as on the rule of six and the curfew, where the impact of the regulations has been well thought through.

The noble Lord, Lord Greaves, and the noble Baroness, Lady Massey, asked about money for businesses and quick money. I completely agree with their points. The money that has gone to Pendle included £1.8 million to the council and £21.8 million to Pendle businesses. That indicates both the impact and the level of money that we are distributing to make these regulations effective.

The noble Baroness, Lady Bull, my noble friend Lady Redfern and the noble Lord, Lord Loomba, all mentioned communications. I completely recognise the threat of an “infodemic”—we have one in this very Chamber—and we are working extremely hard to make interventions clearer, as the noble Baroness, Lady Walmsley, called for. The app is a really good example of that and I am extremely encouraged that the noble Baroness, Lady Massey, is able to see the status of her community and the regulations in that community through the app: that is exactly why we designed the app and I am incredibly excited that she cites that as an example. I am completely live to the threat of conspiracy theorists and those who seek to undermine the validity of our vaccine. We have a substantial rebuttal unit that crosses many departments of government. It is probably not wise for me to go into detail, but I reassure the noble Baroness, Lady Bull, that we have put the full weight of government behind that.

The noble Lord, Lord Willis, and the noble Baronesses, Lady Walmsley and Lady Andrews, raised social care. I am extremely proud of our commitment, at a time

when pressure on testing capacity is extremely intense, to have 100,000 tests a day for social care. It is making an impact. A lot of people are frustrated, and I wish those testing levels were higher, but we believe that we are winning and we have capacity to bring in more.

On childcare, the noble Lords, Lord Alton and Lord Singh, and the noble Baronesses, Lady Bowles and Lady Walmsley, all gave extremely good examples of why childcare is so important. We have listened, those regulations have been changed and new statutory instruments were brought in on Tuesday that made some of those changes. I reassure the noble Lord, Lord Bilimoria, that we are looking at the Abbott test. I can tell my noble friend Lord Flight that Section 7 has been revoked.

Finally my noble friend Lord Moynihan, the noble Earl, Lord Erroll, and the noble Baroness, Lady Walmsley, and others talked about the long-term impact on young people and the country as a whole. We recognise the impact of these regulations, but it is the virus that is the cause of this; it is not the Government's fault that we have to bring in these regulations to slow the spread of the virus. In response to my noble friend Lady Altmann, our objective is to get our lives back, and we will know we have succeeded when we get our lives back. I beg to move.

Motion agreed.

Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) Regulations 2020

Motion to Approve

1.27 pm

Moved by Lord Bethell

That the Regulations laid before the House on 10 August be approved.

Relevant document: 25th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020

Motion to Approve

1.27 pm

Moved by Lord Bethell

That the Regulations laid before the House on 14 August be approved.

Relevant document: 25th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Health Protection (Coronavirus, Restrictions) (North of England) (Amendment) Regulations 2020

Motion to Approve

1.27 pm

Moved by Lord Bethell

That the Regulations laid before the House on 25 August be approved.

Relevant document: 25th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Health Protection (Coronavirus, Restrictions) (North of England) (Amendment) (No. 2) Regulations 2020

Motion to Approve

1.27 pm

Moved by Lord Bethell

That the Regulations laid before the House on 2 September be approved.

Relevant document: 26th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford, Leicester, and North of England) (Amendment) Regulations 2020

Motion to Approve

1.28 pm

Moved by Lord Bethell

That the Regulations laid before the House on 7 September be approved.

Relevant document: 27th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

1.28 pm

Sitting suspended.

Arrangement of Business

Announcement

1.34 pm

The Deputy Speaker (Baroness McIntosh of Hudnall) (Lab): My Lords, the Hybrid Sitting of the House will now resume. We now come to the Motion in the name of the noble Baroness, Lady Penn. The time limit is one hour.

Health Protection (Coronavirus, Restrictions) (Greencore) Regulations 2020

Motion to Approve

1.34 pm

Moved by Baroness Penn

That the Regulations laid before the House on 1 September be approved.

Relevant document: 26th Report from the Secondary Legislation Scrutiny Committee

Baroness Penn (Con): My Lords, the regulations we are discussing today came into force on 29 August. On 21 August, my right honourable friend the Secretary of State for Health and Social Care announced that, due to a significant Covid-19 outbreak at Greencore Food to Go Ltd, regulations would be laid requiring the workforce and their households to self-isolate for 14 days to contain the outbreak and avoid the need to impose restrictions on the wider community.

The concern about the risk of transmission across the workforce at Greencore and out into the wider community of Northampton was significant, and engagement with local leaders and company directors was extensive, repeated and productive. I thank Greencore, Public Health England, the joint biosecurity centre, Defra, DHSC, Northampton Borough Council, Northamptonshire County Council and Lucy Wightman, the council's director of public health, for their constructive engagement with each other.

The decision to act was not driven by numbers only. It was a judgment about the overall situation. It was necessary to make this change as quickly as practicable, in recognition of the immediate risk of a continued increase in the incidence of Covid-19 among the workforce at Greencore as the main cause of wider community transmission. Action had already been taken to protect Greencore employees. The whole workforce was tested, the factory layout was amended to make it more Covid-secure and deep cleaning was carried out. We hoped that these interventions and the work of the local public health teams would get the infection rate down without us having to take more drastic action.

However, a large percentage of the workforce continued to test positive for the virus. It was likely that this was due to their socialising together outside work; for example, sharing accommodation and car sharing to get to and from work.

At the local action committee meeting on 20 August a decision was taken to require Greencore to close its food manufacturing site in Northampton and to require the workforce and their direct household contacts to self-isolate for 14 days. Those actions were supported by Greencore's leaders, who told their workforce. As many of the workers do not speak English as a first language, they provided guidance on what was required in the relevant languages.

Current government guidance advises that anyone who tests positive for the virus should self-isolate for 10 days from the date of the test. Anyone who has been in close contact with them is advised to self-isolate for 14 days. Requiring household members of Greencore

[BARONESS PENN]

workers to self-isolate went further than current government guidance. However, this measure was necessary due to the scale of the outbreak and the risk it posed to the wider community if further transmission was not contained and stopped.

I recognise and commend the local authority's response to this outbreak. It worked closely with Greencore throughout and engaged in following up with workers and their households to ensure compliance.

NHS Test and Trace organised additional test sites which were set up at local centres, and mobile testing units, and the military provided a team of four people to support the incident management team.

I turn now to the data provided that informed those decisions. Mass testing at Greencore started on 10 August 2020. Following that first round of testing, nearly 300 members of staff tested positive for coronavirus. Greencore commenced retesting all staff who previously tested negative on 19 August, detecting further positive cases. In total, 317 staff who worked in different units tested positive. The final positivity rate was over 20%. The weekly incidence rate for Northampton peaked at 125 per 100,000 people and positivity rose to 9.2%. The background incidence rate for Northampton, by comparison, excluding positive tests in the Greencore workforce, was 38 per 100,000 for the same period.

These regulations required Greencore staff who had worked at the company's designated production sites since 7 August, and members of their households, to self-isolate for 14 days from 21 August or for a shorter period in certain specified circumstances. Those dates were calculated to reflect the incubation period of Covid-19. Given that this was the first time we had imposed a legal requirement to self-isolate, it took time to develop the regulations. Although they came into force only on 29 August, the workforce and their households were able to start self-isolating from 21 August, when the site temporarily closed.

The regulations specified exactly who was required to self-isolate and for how long, recognising that some workers had already started to self-isolate following earlier positive test results. They also made provision to exclude members of households if the Greencore worker chose to isolate separately. Provisions were included to enable those self-isolating to access or provide emergency care and support or obtain basic necessities such as food or medical supplies.

Given the urgency of the situation at Greencore, we used the emergency procedure provided for by the Public Health (Control of Disease) Act 1984 to make the present set of regulations as soon as we could. The regulations will expire 28 days after they came into force, on 25 September—today.

Regulations 7 to 11 set out how the provisions will be enforced. It is a criminal offence to breach the requirement to self-isolate. As with the national regulations, there is the possibility of fixed penalty notices or a fine following conviction. We also published guidance on GOV.UK for Greencore workers and their households to help them understand what they could and could not do under the regulations.

We always knew that the path out of the lockdown would not be smooth. It was always likely that infections would rise in particular areas or workplaces and that we would need to be able to respond quickly and flexibly to those outbreaks. Greencore should be commended for acting so promptly, closing voluntarily and going above and beyond its role as an employer, to support the wider community. Rates in Northampton have reduced to a weekly incidence rate of 38 per 100,000 of the population during the period of 7-13 September. We will, of course, use the experience of the Greencore restrictions to inform and help us develop our responses to any future local outbreaks.

I am grateful to noble Lords for their continued engagement in this challenging process, and in the scrutiny of the regulations. We will, of course, reflect on this debate as we consider the response to any future local outbreaks. Lastly, I thank those employees and members of their households who completed the required periods of self-isolation and who have responded well to the measures put in place. It is thanks to their continued efforts that we were able to contain the outbreak and avoid the need to impose restrictions on the wider community. I beg to move.

1.41 pm

Baroness Donaghy (Lab): My Lords, I thank the Minister for her explanation. The irony is that the case has happened; the case is closed. I would be interested to know how many, if any, were fined for non-compliance with the statutory instrument. What research is taking place to identify the most vulnerable workplaces, such as food preparation or meat processing? What conclusions can be drawn, whether they are just about car sharing or socialising after work? Is it the food or the processing or the fact that so many people work closely together? These outbreaks have taken place in other countries, including Germany, and in several parts of the UK. It is important that research is conducted in this area.

Does the Minister think it is right that managers at Greencore were paid full sick pay during self-isolation, but the workers were not? The 2,100 workers who were sent home did not receive a sick pay top-up, and those furloughed received only 80% of their wage. It is Europe's leading sandwich-maker and a supplier to Marks & Spencer, posting £56.4 million in pre-tax profits last year. The Government are paying 80% of the salary bill and the workers are carrying the burden of Covid-19. The Bakers, Food and Allied Workers Union estimates that 60% of the workforce will be left below the minimum wage. Greencore is only a microcosm of the unfair effects of Covid-19 on the working population. It makes a mockery of the oft-repeated statement that we are all in this together.

Greencore provides another example: the failings of the test and trace system. It was the private testing programme, introduced by the company, that revealed a further 250 cases of Covid-19; 79 had already been tested before that in July and August. Data from the Department of Health and Social Care reveals that just 62% of those in Northamptonshire who were reached by contact tracers over the period acknowledged that they should self-isolate. This left 1,834 people in respect of whom contact attempts were made, but who did not acknowledge that they needed to self-isolate.

Until the public have confidence in the test and trace system, I doubt that that percentage will increase in any significant way.

There is a good ending to the story, as the Minister has said: the workers are back at work. The Northamptonshire Director of Public Health, Lucy Wightman—I am grateful to the noble Baroness for mentioning her and to the noble Lord, Lord Bethell, for praising all the public health directors in the previous debate—said that she was confident of no second wave of Covid-19 because Greencore

“have had much more thorough testing there than from most employers.”

I mention the public health directors again because they are the unsung heroes of our system. Let us hope that the chaotic masters at No. 10 do not spot a system which is working.

Although I have criticised Greencore for its unfair treatment of workers, I should balance that by repeating what the noble Baroness has said, that the factory closed voluntarily on 21 August and undertook a full deep clean. The Government stated that the measures that we are debating today in retrospect were taken to prevent wider lockdown restrictions in the area. Is that strategy working? Can the Minister indicate what lessons have been learned from the Greencore experience? Are factories of this kind more vulnerable, should workers be treated less fairly, and can the test and trace system be improved at least to the level of the Greencore testing? I look forward to the Minister’s reply.

1.46 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, I thank the Minister for her detailed explanation of the regulations. Yet again, we are faced with regulations which we are being asked to approve in retrospect. We are all aware of the demands from some MPs and Peers for greater levels of parliamentary scrutiny for such regulations. In fact, on Monday, during a take-note debate on a Motion from the noble Lord, Lord Bethell, the noble Lord, Lord Robathan, will move to discontinue the use of these types of regulations.

We are living in extraordinary times, which require difficult answers and measures as regards the economy, finance and health. However, all of us have a civic responsibility to protect ourselves, our colleagues and our neighbours to ensure that the NHS is not overburdened. Hence there is a need for such legislation and for the SIs, even though they place limitations on our freedoms, but we need more parliamentary scrutiny and greater levels of accountability.

On Greencore, which is an Irish-based company, there is a balance between protecting the health of staff and local communities and underpinning jobs and the economy, in particular when many of the employees come from other countries. I notice that these regulations in relation to Greencore were made on 29 August and were due to expire in 28 days. As the Minister has said, they expire today. Therefore, we are giving these regulations retrospective approval, which was a point of considerable objection in your Lordships’ House last Friday, when we discussed many coronavirus regulations. It simply points to the changing nature of this pandemic and that the virus is very much still with

us. Can the Minister say how the machinery of government will address that deficit in scrutiny levels while ensuring the protection of the public?

This is notwithstanding the fact that the parent legislation, which is meant to be temporary in nature, is to be reviewed every six months. In fact, it is my understanding that it is due to be reviewed on Monday in the other place. Further to that question, can the Minister indicate what detailed measures have been put in place by the management and owners of all food processing factories in England to protect staff and food products from this virus? I also noticed in the information on the regulations that reference is made to tests by Randox Testing Services. I thought the Government had indicated that there were problems earlier this year with the testing regime undertaken by that company, so I would simply ask the Minister: is Randox still being used for testing purposes?

Perhaps the Minister could also clarify the following points. The noble Baroness, Lady Donaghy, talked about staff rights in relation to Greencore. In addition to her request, perhaps the Minister would provide some answers in relation to the following. Were the staff at Greencore compensated for loss of earnings while they were self-isolating? Did they receive hardship moneys from their employer? Were they forced to turn to food banks? Did the Government attempt to intervene to ask Greencore to pay its staff 100% of their pay during periods of self-isolation, as required by these regulations?

Further and finally, because this circumvents all of these regulations, will the Minister, along with her ministerial colleagues in the Department of Health, source a solution to dealing with regulations such as these so we do not have to deal with them by affirming them retrospectively? Is there any update or clarity on the test and trace regime, and are we any nearer to having a global vaccine for this virus? People will be content and have a greater degree of freedom of movement only when a successful vaccine is available.

1.52 pm

Lord Bhatia (Non-Aff) [V]: My Lords, between 9 and 15 August, Northampton saw an 8% increase in the number of positive test results for Covid-19. Data from the NHS shows that most of the transmissions appeared to have occurred within households and in community settings that could be traced back to staff working in the Greencore factory in Northampton. Greencore arranged for mass testing of its workforce. I applaud the NHS and Greencore for taking immediate action by allowing the relevant staff and their families to self-isolate. Did the Government approve the proper regulations to deal with this? Infections among staff in the food industry have to be taken seriously as this can be one of the most dangerous sources of mass infection.

I hardly need to remind anyone about the Covid-19 pandemic which started in the Wuhan food market in China. Food factories distribute their products to cities around the country from wherever they are located. There are regular inspections of the factories, and inspectors have the authority to shut them down immediately. It is also the practice to regularly inspect restaurants and butcheries to check whether proper precautions have been taken to prevent infection.

[LORD BHATIA]

In recent years, more and more people are ordering takeaway food to be delivered to their homes, while families regularly eat in restaurants because there is no time to cook at home. I fully agree with the action which has been taken by the Government to introduce regulations immediately to deal with the outbreak in Northampton.

Yesterday, we debated the actions being taken in Leicester. Public health must take priority over business every time. The political parties should work together to promote citizenship in this difficult era of corona. Can the Minister say whether special payments were made to the owners of Greencore and its workers because of the shutdown?

1.54 pm

Baroness Barker (LD): My Lords, I, too, thank the noble Baroness, Lady Penn, for the clear way in which she introduced this statutory instrument. It is rather strange to be debating an instrument that applies to just one company.

The noble Baroness, Lady Donaghy, mentioned that there have been other similar outbreaks, such as at the 2 Sisters food processing plants in Llangefni and Coupar Angus. I imagine that they were dealt with by the devolved Administrations. When she comes to answer, can the Minister talk about how similar outbreaks are being handled by the devolved Administrations and what is being done to co-ordinate the intelligence and learning that comes from them?

The noble Baroness, Lady Donaghy, is also correct that there have been a number of international examples; I think in particular of a meat processing plant in St Cloud, Minnesota, that was in the news over the summer. Are the Government, working with directors of public health—and, crucially, environmental health professionals—now in a position to say what the risk factors are? The Minister mentioned car-sharing and socialising. Okay, but are there also particular risk factors relating to large-scale food processing? Or is it just that these are buildings in which people work in high temperatures and intensively together?

I mention the role of environmental health officers because I spent some time looking at the Chartered Institute of Environmental Health website in preparation for today's debate. It is interesting that, on 12 August, the CIEH said:

“CIEH has welcomed the Government's decision to move the NHS Test and Trace system for combatting the spread of COVID-19 in England away from a centralised model and towards focussing on local knowledge and expertise.”

One of its former environmental health officers said:

“We saw very early on that EH were key to the effective delivery of the service, because obviously we do a lot of contact tracing through our day to day involvement in food poisoning investigations and zoonotic infections.”

So, CIEH has an existing level of expertise.

Interestingly, an article on its website talks about what CIEH has done in different local authorities. In effect, it has had to set up its own 24-hour teams—with, for example, librarians setting up information systems and so on—so that they can supplement the cuts made to environmental health budgets over the years. Does

the Minister realise that local authorities have had to come up with a lot of make-do-and-mend solutions because of the urgency here, but that those solutions will not be sustainable in the longer term? Does she realise that, for the foreseeable future, we will require strong environmental and public health resources in a way that we have not before?

I want to ask the Minister about the role of local health authorities. They did not figure much in her list of people—presumably because they were still focusing largely on what was happening in hospitals at the time—so I wonder whether she can say something about the local role of the NHS in horizon-scanning work and epidemiological research. Also, what has happened since? What research has been done into, for example, levels of non-compliance and the overall effect, as well as the economic effect on the company? Will these regulations be a template for future ones?

In advance of our debate on Monday, I want to ask why these regulations were necessary. What powers did the Government or local authorities not have that required them to have these particular powers to deal with what they could all see was a rapidly emerging health problem? We have already given people so many powers. I wanted to clarify that.

Finally, since these regulations were laid, the Government have announced that people who have to self-isolate will now be eligible for a payment of £500 on loss of earnings. Will the people who were affected by this regulation now have a retrospective right to that, because I gather from what the Minister says that a lot of them were low-paid workers? She mentioned the production of information in different languages, because a lot of people from BAME communities were involved. What has been done to make sure that that expertise is collected and replicated in future?

Finally, we now have an app. All that app does—if it works properly—is tell you that you have been in close proximity to somebody who has been diagnosed. It does not do anything more than that. Are the Government now going to talk to employers about how that might work—or not—with their workforces, as good employers seek to put in place preventive measures that will protect their staff, because good employers will?

2.01 pm

Baroness Thornton (Lab): I welcome the noble Baroness to the wonderful world of statutory instruments: this is new to her. Noble Lords may forgive me for putting them through yet another Groundhog Day, but it would be remiss of me not to highlight that these regulations came into force on 29 August, yet we are able to debate their merits only today. The Greencore workers have self-isolated, as per the regulations—or some of them may not have done—and have returned to work and, although the regulations remain on the statute book, they are no longer relevant and are due to expire shortly.

The delay in laying these regulations is concerning, given that they were introduced in response to a significant Covid-19 outbreak at Greencore that was confirmed by the Health Secretary over a week earlier, on 21 August.

So can the Minister explain why there was a delay, and does she share my concern that it appears that opportunities might have been missed in that week?

The Minister said that, following the initial identification of cases, the factory layout was amended to make it more Covid-secure than before, which seems an odd turn of phrase. Surely workplaces should have been Covid-secure, and are either Covid-secure or they are not. Perhaps she could elaborate on the point made on Tuesday, when the PM announced that there would be a legal obligation for businesses in retail, tourism and leisure to follow Covid-secure guidelines.

As far back as March, Greencore workers were challenging the adequacy of Covid-19 protections, including concerns about staff, access to risk assessment, social distancing and the availability of PPE and temperature checks. In May, they also raised concerns about the effectiveness of the company's contact tracing process after it had taken 48 hours following a member of staff notifying the company that they had tested positive to inform six other staff members that they needed to self-isolate. This is completely inadequate.

Then, when 287 cases of Covid-19 were identified between 10 August and 12 August, those who tested positive and their households were told to self-isolate and did so, but the factory remained open. It was not until 21 August, following pressure from the Bakers, Food and Allied Workers' Union, which I congratulate for its role in this, that Greencore announced that it would immediately cease production at its Northampton site in order to allow staff to self-isolate for 14 days.

With hindsight, does the Minister believe that the delay impacted on the spread of the virus? Does she share my concern that the Government may not have learned lessons from the decision to delay the lockdown? They delayed it in March and they seem to have delayed it here. I understand that requiring household members of Greencore workers to self-isolate actually went further than the government guidance, so can the Minister explain why and how? I echo my noble friend Lady Donagh's questions about the conduct of Greencore's management and the inequalities that this episode has revealed. However, it did close and clean, and that means the factory has now reopened.

As with national regulations, these regulations provide powers for an authorised person such as a police officer to enforce compliance with self-isolation and create summary-only criminal offences for contravening requirements to self-isolate or, without reasonable excuse, a fixed penalty notice or fine following conviction. Can the Minister advise the House whether there were any confirmed breaches and whether any fixed penalty notices or fines were issued in this case?

The key point seems to be: what are the lessons learned here? Will the Government move more quickly in future with outbreaks in factories and other larger workplaces?

2.05 pm

Baroness Penn (Con): My Lords, I thank noble Lords for this important debate. The restrictions we have debated today are necessary and important for three reasons, which I hope I set out in my opening speech.

First, and most importantly, they protect the Greencore workforce and people of Northampton and the surrounding area from this terrible virus. The restrictions we had to impose were difficult for those affected, but I think Greencore employees and their households recognise that letting the virus spread unchecked would have been worse.

Secondly, the restrictions are important because they protect those of us who do not live in Northampton. As a result of the restrictions, the risk of transmission beyond Northampton was reduced and the high infection rates in the city did not spread elsewhere. We should recognise that the restrictions and difficulties faced by the Greencore employees and their households will have benefited the whole country.

Thirdly, these restrictions show our absolute determination to respond to outbreaks of the virus in a focused and effective way. We are learning from what has happened in Greencore as we work with local authorities and other businesses to respond to localised outbreaks. I am pleased that Greencore was able to restart food production on 25 August and that those affected were able to return to work once they completed their period of self-isolation.

I am grateful to noble Lords for their contributions today; I will address some of the specific points raised. Several noble Baronesses, including the noble Baronesses, Lady Donagh and Lady Thornton, raised the question of fines and enforcement. I do not have the breakdown of fines for the local area, but that work is ongoing so that we can learn about how measures are enforced. Between 27 March and 17 August, 16,000 fixed penalty notices relating to enforcement of Covid-19 public health regulations were issued by police forces in England, but there is more work to do to get local breakdowns of some of that information and learn about how enforcement is working.

The noble Baronesses, Lady Donagh, Lady Ritchie, Lady Barker and Lady Thornton, and the noble Lord, Lord Bhatia, all raised the question of vulnerable workplaces. As I said, our understanding is that in this instance it was not the workplace specifically that led to the spread of the virus but workers there socialising outside work and sharing accommodation. But noble Lords are right to raise this matter; that is why we have issued Covid-secure guidance to workplaces in all sorts of different sectors. Several noble Lords asked about enforcement of that. If workers have concerns that their workplace is not Covid-secure, they should discuss those with their employer and perhaps a trade union; the role of trade unions has been highlighted in this debate.

If concerns remain, they can contact the Health and Safety Executive. We have put more resources into the Health and Safety Executive to help it with that role. Using the additional funding provided by government, the Health and Safety Executive has created a spot-check team to call businesses to check that they are Covid-secure. It now contacts up to 5,000 businesses each week. Thousands of businesses have also been visited face to face by Health and Safety Executive inspectors.

Noble Baronesses also raised the specific threat that might be in place in food-processing plants and associated with this type of workplace. The guidance I

[BARONESS PENN]

have is that it remains unlikely that you can catch coronavirus from food. Covid-19 is not known to be transmitted by exposure to food or food packaging. The chief operating officer of the Food Standards Agency has said:

“Whilst the picture keeps evolving, the level of Covid-19 outbreaks in food processing plants that have been reported in this country remains very low and we continue to work with colleagues leading on these public health and health and safety issues.”

To give some context to that, across England, Wales and Northern Ireland, there are more than 20,000 food processing plants, and as of 25 August, less than 45 processing plants in England have been impacted. Some have been, but it does not seem disproportionate to the activity in that sector of the economy.

Several noble Lords raised the question of support to workers. I am not aware of the issue that the noble Baroness, Lady Donaghy, raised, concerning managers getting sick pay and other workers getting furloughed. As I said in my opening speech, workers who were not eligible had their statutory sick pay rates topped up to furlough rates by Greencore. The noble Baroness, Lady Barker, is right that we are introducing a new payment for low-income households on 28 September. It will not be retrospectively applied to these workers, who were furloughed or had their payments topped up by the company. However, local authorities will be putting in place the systems for making these payments, and anyone who qualifies but does not get a payment on 28 September will have those payments backdated if they are delayed.

Noble Lords asked about NHS Test and Trace. The noble Baroness, Lady Donaghy, cited a figure of only 62% of people contacted by NHS Test and Trace acknowledging the need to self-isolate. Alongside the new payment to incentivise people to comply with the requirement to self-isolate should they be contacted by NHS Test and Trace, the move on 28 September is making isolation a requirement, not guidance. We have learned from these guidelines. This statutory instrument is the first time that we have put in place

the legal requirement to self-isolate if you are asked to by NHS Test and Trace. This is being implemented nationally from 28 September, not only with fixed penalty notices and fines, but also with the incentive put in place to help those on low incomes.

Noble Lords also raised other outbreaks that may have happened in similar settings. Another example was Banham Poultry Limited. The local authorities in Norfolk were able to learn the lessons from how that outbreak was managed in terms of their approach. They did not need to put in place regulations that enforced the isolation; they were able to work with the employer to get the job done.

The noble Baroness, Lady Barker, asked me about lessons learned from the devolved Administrations. I do not have specific examples of outbreaks in the devolved Administrations, but she is right that they will be managed by those Administrations. However, there is ongoing communication between the NHS in England, Wales, Scotland and Northern Ireland in order to continue to share, and take forward, lessons learned from all outbreaks in different settings and circumstances.

The noble Baroness also asked why these regulations were necessary. As I explained, we did not previously have the ability in law to require self-isolation. As the noble Baroness, Lady Thornton, pointed out, these regulations go further than the existing guidance in one specific respect—the requirement on family members of workers at the plants who had not tested positive also to self-isolate.

I hope that I have addressed most of the points raised by noble Lords. I conclude by recording, on behalf of the Government, my thanks to the people of Greencore and Northampton, and particularly the NHS and care workers there—indeed, all key workers in the city—for their ongoing hard work to keep our vital services running and save lives throughout this crisis.

Motion agreed.

House adjourned at 2.15 pm.