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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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

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# House of Lords

Wednesday 14 October 2020

*The House met in a hybrid proceeding.*

Noon

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

## Arrangement of Business

*Announcement*

12.06 pm

**The Lord Speaker (Lord Fowler):** 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. Oral Questions will now commence. Please will those asking supplementary questions keep them short and confined to two points, and I ask that Ministers' answers should also be brief.

## Rolls-Royce

*Question*

12.07 pm

*Asked by Lord Greaves*

To ask Her Majesty's Government what discussions they (1) have had, and (2) propose to have, with Rolls-Royce about that company's plans to transfer the manufacture of wide-chord fan blades to Singapore; and what steps they are taking to ensure that that company maintains advanced manufacturing jobs in the United Kingdom.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** My Lords, the Government are in regular dialogue with Rolls-Royce and will continue to engage to understand what more can be done to save jobs and capabilities across the United Kingdom. The Government are supporting the aviation and aerospace sectors with around £9.5 billion in grants, loans and export guarantees over the next three years, which will help to create new, well-paid jobs for decades to come.

**Lord Greaves (LD) [V]:** Do the Government understand that this is a catastrophe for high-tech manufacturing in the UK; for the retention of a skilled workforce—some of whom went to Singapore to help set up there on the promise that it would not affect their own jobs; for the critical mass of the aerospace industry of east Lancashire, with some 22,000-plus workers and four to five times as many ancillary workers; and for the future of the small north-of-England town of Barnoldswick, which locals call Barlick, which was the birthplace of the jet engine and is a genuine centre of engineering excellence? Is it not time for the Government to take more action and to take back control?

**Lord Callanan (Con):** I totally understand and sympathise with the points that the noble Lord is making, but Rolls-Royce is a global company and it is having to make some very difficult decisions about its footprint everywhere as demand for its products and services has fallen significantly in the current pandemic. As I said, we are offering significant support to it and other aerospace companies.

**Viscount Hanworth (Lab):** My Lords, as has already been said, the closure of the plant at Barnoldswick and the assignment of its activities to a factory in Singapore would devastate a highly skilled workforce. I fear that it would also pose a threat to the intellectual property of the company and the nation. Will the Government take steps to ensure that that does not happen? Will they also seek to sustain the company in the face of its financial difficulties by commissioning high-tech projects that will assist the process of decarbonisation?

**Lord Callanan (Con):** The noble Viscount makes a very good point. We are working closely with the company to ensure that the UK remains at the heart of its operations, and we are currently supporting the development of the next generation of engine through the ATI programme, as well as discussing longer-term possibilities around new, clean aviation technologies.

**Lord Fox (LD):** My Lords, in moving this vital skill to Singapore, Rolls-Royce was obviously responding to financial inducements. In his Answer to my noble friend, the Minister threw up his arms metaphorically and said "There's nothing we can do. It's the global market". The Government had leverage and are giving support to the company. Why did the Government not tie that support to the retention of these jobs and skills in this country?

**Lord Callanan (Con):** The noble Lord needs to understand the difficult environment in which Rolls-Royce is operating. Its revenues have fallen off a cliff, and we all know what has happened to the passenger jet market. It has to consolidate its operations across two sites, and that was the commercial decision it took. As I said, we are offering it extensive support and we are in regular and ongoing dialogue.

**Lord Balfre (Con) [V]:** Will the Minister include trade union representation in any discussions and acknowledge the hard work put in by the two trade unions at Rolls-Royce to maintain in the UK jobs which are vital to keeping a skilled workforce and helping us to build back better?

**Lord Callanan (Con):** I know my noble friend feels strongly about these matters. The unions are involved in the aerospace growth partnership, which is our main method of engaging with the UK aerospace industry, and we continue to have regular dialogues with Unite and other unions.

**Lord Houghton of Richmond (CB):** In the aggregated context of the retention of advanced manufacturing jobs, the pursuit of clean energy, sustainability targets,

[LORD HOUGHTON OF RICHMOND]  
the Government's future energy White Paper and the expertise of Rolls-Royce in small modular nuclear reactors, what plans do the Government have to help Rolls-Royce realise its potential as a key contributor to our future national energy requirements?

**Lord Callanan (Con):** The noble Lord has correctly predicted that the energy White Paper will be out shortly to provide more details on these schemes. We are extensively supporting Rolls-Royce. It has received £300 million from the Covid corporate financing facility, it has made extensive use of the job retention scheme for almost 5,000 employees, and we are providing it with large amounts in R&D support from the £26.8 million in grant funding for research activities. We think Rolls-Royce is a key company for the future of the UK, and we are supporting it extensively.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, Rolls-Royce is one of the world's premier engineering companies. Despite substantial government support, the Barnoldswick site's workforce has been slashed from nearly 1,000 two years ago to half that today. Now, 350 more jobs are on the line, threatening the future of not just the site itself but local communities, given the impact it will have. Once highly skilled jobs are gone, they are gone. What is the Minister doing to protect those important jobs, not just for the current workforce but as an investment for the workers of the future?

**Lord Callanan (Con):** As I said in previous answers, we are supporting Rolls-Royce extensively, but Covid-19 has had a devastating impact on the aerospace industry globally—Airbus and Boeing, the two largest companies, have reduced production by around 40%. We are doing all that we can to help companies such as Rolls-Royce at this difficult time—as its chief executive, to be fair, made clear when making this announcement.

**Lord German (LD):** My Lords, this pre-Covid decision by Rolls-Royce has an appalling effect upon the skilled workers in that company and, at the same time, on those workers who are to follow. Advanced manufacturing technology is an important part of the apprenticeship programme and apprenticeship numbers are tumbling. How are the Government going to rectify that matter and put back into place the sort of advanced manufacturing skills which the apprenticeship scheme should provide but is failing to do?

**Lord Callanan (Con):** We are providing extensive support for training opportunities. I have already outlined the enormous support that we are giving to Rolls-Royce and other high-tech manufacturing facilities. I agree with the noble Lord that we need to do more in this field; we need to get more people online and more jobs in these sectors.

**Baroness Kennedy of Cradley (Non-Afl) [V]:** My Lords, the loss of these jobs to Singapore is short-sighted and a disaster for that town, the local region and the UK economy. This decision reflects the crisis facing Britain: a pandemic and an economic collapse, made

worse by uncertainty over a trade deal with the European Union. Can the Minister explain further to the House what the Government's strategy is for getting such decisions reversed, and outline how they will stop further jobs in manufacturing being lost to companies moving their operations abroad?

**Lord Callanan (Con):** My Lords, when companies announce these decisions it is, of course, a difficult time for all concerned. We are in extensive dialogue with Rolls-Royce and other high-technology companies to do whatever we can, within the limits of what is possible, to retain those jobs in the United Kingdom. I have already outlined the massive and enormous support that we are giving to Rolls-Royce at this difficult time.

**Lord West of Spithead (Lab):** My Lords, in August, Rolls-Royce reported a first-quarter underlying operating loss of £1.7 billion, £1.2 billion of which was to do with civil aerospace and is Covid related. That is presumably why it has broken an agreement it had with the UK Government and moved work promised to UK workers to Singapore. Rolls-Royce is well placed, looking ahead, to provide low-carbon power solutions with the support of the UK Government—and that government support should depend on its benefit to highly-skilled UK workers. Will the Minister confirm that the Government will prioritise the work by the UK small reactor consortium—building on Rolls-Royce's long history of providing nuclear reactors to the Royal Navy—thereby ensuring affordable nuclear power operations, and that this work will take place in the United Kingdom?

**Lord Callanan (Con):** I congratulate the noble Lord on getting the Royal Navy, a matter close to his heart, into his question again. But to be serious, I agree that we need to develop the next generation of small modular reactors, and we are providing support to enable that to happen.

**Lord Ravensdale (CB) [V]:** My Lords, I declare my interest as in the register. The East Midlands, where Rolls-Royce has its headquarters, has the lowest public sector research and development spend in the UK, at £83 per head. R&D and the skilled jobs that it generates are essential to the levelling-up agenda. What plans do the Government have to increase R&D spend in the Midlands, making the most of its strengths in the rail, aerospace, nuclear and other vital sectors?

**Lord Callanan (Con):** We are happy to support good R&D projects. Rolls-Royce is a major beneficiary of our R&D support operations through the £1.95 billion Aerospace Technology Institute programme. It is also one of our largest UK investors in R&D.

**Lord Liddle (Lab) [V]:** My Lords, I was working for my noble friend Lord Mandelson in 2009 during a similar economic crisis when, as Secretary of State for Business, he secured assurances from Rolls-Royce that the establishment of the plant in Singapore would not lead to closure of the UK plant at Barlick or severe job losses. Given the crucial importance of Rolls-Royce to the British economy and the financial links between

the Government and the company, why has the Secretary of State not made a personal intervention to save the Barlick plant?

**Lord Callanan (Con):** The plant is not closing. Rolls-Royce has made it clear that it sees it having a long-term future and will continue to invest in it. However, we have to understand the context: the Covid-19 pandemic has dealt it a devastating blow. In its first half-yearly results, Rolls-Royce announced that the company's revenue fell by 24% to £5.6 billion, while for civil aerospace, the area in which it operates, revenue fell by 37%. This is a devastating time for many companies, including Rolls-Royce. We are doing all that we can to ensure that it survives the pandemic and can go on to generate secure, well-paid jobs in the future.

**The Lord Speaker (Lord Fowler):** My Lords, all supplementary questions have been asked and we now move to the second Oral Question.

### Pension Scams Question

12.18 pm

Asked by **Baroness Warwick of Undercliffe**

To ask Her Majesty's Government, further to the report by the Police Foundation and The People's Pension *Protecting People's Pensions: Understanding and Preventing Scams*, published on 7 September, what action they are taking to protect people from pension scams.

**The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con):** The Government are committed to safeguarding consumer savings. We have introduced measures that assist all pension savers to understand their choices and alert them to possible risks through advice and guidance. To help protect people from scams, the Government have banned cold calling and tightened the tax registration procedures, and, via the Pension Schemes Bill, are limiting the statutory right to transfer. We also continue to raise awareness of scams through ongoing communications directly from the DWP and through other organisations.

**Baroness Warwick of Undercliffe (Lab):** That reply was encouraging—I thank the Minister. However, I hope that we can persuade the Government of how vital it is that even more specific actions are taken. Tragically, some scams make the victim complicit in the crime, so they lose all their money to the scammer and are pursued by HMRC for tax payments for pension liberation which they cannot meet. The police described HMRC's approach as “unrelenting and uncompromising”. What action will the Government take to give some relief to these victims?

**Baroness Stedman-Scott (Con):** I am sure that everybody feels sympathy for an individual placed in this position. HMRC collects the taxes that Parliament decides are due and seeks to treat each case sympathetically and on its own facts. I have talked to the Minister for Pensions about this issue and he is quite happy to meet the noble Baroness to talk further about it.

**Baroness Altmann (Con):** My Lords, I declare my interests as listed in the register. I know that my noble friend is sympathetic on this issue. Will the Government consider establishing a central intelligence database to offer providers an early warning system for scams and help potential scam victims? Can my noble friend comment on any plans to centralise the confusing array of bodies for protecting consumers, including ScamSmart, Action Fraud, the police, regulators and Project Bloom?

**Baroness Stedman-Scott (Con):** I assure my noble friend, and indeed the whole House, that this issue is very high on the Government's agenda. It is what we would call work in progress. We have established Project Bloom, which brings together all finance organisations, the regulator and pension providers to see what can be done and to work collaboratively. The Minister for Pensions met representatives to hear their thoughts on what the industry and Government can do. I would say, “Watch this space”.

**Lord Loomba (CB) [V]:** My Lords, I welcome this timely report by the Police Foundation and The People's Pension. The scale of loss is staggering, as bogus companies can set up to instigate the frauds and are often closed quickly to avoid detection. What are the Government doing to strengthen checks on company registration so that only genuine companies are able to trade?

**Baroness Stedman-Scott (Con):** The noble Lord makes a very good point. I think that I will need to write to him with the detail of those checks.

**The Lord Speaker (Lord Fowler):** I call the next speaker, the noble Baroness, Lady Drake.

**The Earl of Courtown (Con):** My Lords, there seems to be a sound issue for those attending virtually. I suggest that the House adjourns for five minutes.

12.23 pm

*Sitting suspended.*

12.28 pm

**Baroness Drake (Lab) [V]:** My Lords, even where a key risk to their savings is identified and information and red-flag warnings are given to the individual, they can still transfer their pension, and too many do, regardless. Pension providers and trustees have few, if any, powers to stop this. Will the Government extend the powers of the regulator to allow an override of the individual's statutory right to transfer in the event of a suspected scam, thereby safeguarding their savings and future well-being?

**Baroness Stedman-Scott (Con):** I am happy to confirm to the noble Baroness that the Minister for Pensions has written to the chair of the Work and Pensions Select Committee about this—I will place a copy of his letter in the House of Lords Library—and I can confirm that the Government are already taking further legislative action through the Pension Schemes Bill. I say again that the Minister for Pensions is quite prepared to meet noble Lords to discuss this issue.

**Baroness Janke (LD) [V]:** What plans do the Government have to improve support for victims of pension scams? The measures outlined in the report are criticised as inadequate. Can the Minister say what the Government plan to do about it?

**Baroness Stedman-Scott (Con):** I apologise to the noble Baroness; I had trouble hearing her question. Perhaps I may read *Hansard* and write to her directly with a reply.

**Lord Kirkhope of Harrogate (Con) [V]:** My Lords, I refer to my entry in the Members' register. Having heard my noble friend's answer a moment ago to the noble Baroness, Lady Drake, I would nevertheless like to pursue the matter of the responsibilities of trustees and pension administrators. We are very sympathetic to beneficiaries who are subject to scams, but would it not be a good idea to oblige beneficiaries who wish to transfer pension pots to be in interpersonal contact with their administrators before that is permitted? Much of the paperwork at the moment is part of the scam itself, and trustees and administrators need some further protection from their liabilities.

**Baroness Stedman-Scott (Con):** I take my noble friend's point. The contribution that he has made just heightens the need for us to have more dialogue on this with the Minister for Pensions. However, as I have already said, the Government are taking further legislative action through the Pension Schemes Bill to enable regulations to be made prescribing conditions that, if not met, will limit an individual's statutory right to transfer.

**Baroness Sherlock (Lab) [V]:** My Lords, the FCA acknowledges the increasing role of online platforms, including social media, in promoting harmful information to consumers, including from pension scammers. However, the cold-calling ban that came into effect last year does not cover online activity, and scammers can get around the ban by first building relationships with consumers so that they then consent to a cold call. How will the Government update the law to keep pace with this very fast-moving digital environment, since it is clearly increasing consumer vulnerability to scams?

**Baroness Stedman-Scott (Con):** I can confirm that the Government are well aware of this issue. I referred earlier to Project Bloom, which brings together government departments, regulators, enforcement agencies and industry representatives to share information and co-ordinate actions that will deal with situations such as this. I can confirm that we, particularly the Department for Digital, Culture, Media and Sport, are already engaging with technology companies.

**Lord Taylor of Warwick (Non-Aff) [V]:** My Lords, this study report is most welcome but there is an area that needs looking at for the future. Ethnic minority pensioners are said to be 24% worse off than white pensioners; indeed, the average total pension of BAME women is 51% less than that of white men. This pension inequality will become starker as the growing BAME population reaches retirement age, which may make BAME pensioners even more vulnerable to scams.

Does the Minister agree that the Government also need to look into these related and relevant BAME pension issues?

**Baroness Stedman-Scott (Con):** I say to the noble Lord that the Government must look into these matters. It is a great concern that people from BAME communities should be disadvantaged in such a way, and we will certainly do that.

**Baroness Gardner of Parkes (Con) [V]:** My Lords, most of the people who I meet who have suffered badly from these scams are, surprisingly, older people who have always been efficient and capable at dealing with their own affairs. Is there any way that the Government can keep these people up to date so that they know to avoid the scams that are currently around?

**Baroness Stedman-Scott (Con):** It is a great tragedy that these scammers are so clever and such ruthless people. The Government passed legislation in 2015 making it a requirement that all people take advice, and we have banned cold calling, but there is a recognised need for more action to address this issue. It is important that people take advice from the Money and Pensions Service but I am sure that in the Project Bloom activity more communication will come out to people. I hope that this will help.

**Baroness Bowles of Berkhamsted (LD) [V]:** One recommendation in the report is to ensure that victims of fraud are not liable for tax penalties. Will the DWP take that up with HMRC? If HMRC also suffered from the fraud, would greater protections be more forthcoming?

**Baroness Stedman-Scott (Con):** I referred earlier to tax and the issues that people face as a result of scams. As I said to the noble Baroness, Lady Warwick, the Minister for Pensions is quite prepared to meet on this and other issues, and I will extend that invitation to the noble Baroness so she may raise her point.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed.

## Burning of Peat Moorlands *Question*

12.35 pm

*Asked by Lord Randall of Uxbridge*

To ask Her Majesty's Government, further to the report by the Committee on Climate Change *Land use: Policies for a Net Zero UK*, published on 23 January, what plans they have to end rotational burning of peat moorlands.

**The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con):** My Lords, the Government have always been clear on the need to phase out the rotational burning of protected blanket bog to conserve these

vulnerable habitats, and we are looking at how legislation could achieve that. However, real progress is being made in promoting sustainable alternatives. We have urged landowners to adopt those alternatives and to continue to work with us constructively.

**Lord Randall of Uxbridge (Con) [V]:** I thank my noble friend for his Answer and draw attention to my environmental entries in the register. I recognise that there is no consensus about this issue, so can my noble friend tell us what the scientific advice from his department is about this matter?

**Lord Goldsmith of Richmond Park (Con):** My noble friend is right that there is much debate around the issue. That debate has prompted a great deal of research, particularly over the last decade. The Government have kept abreast of all the latest scientific evidence to inform our policy approach. However, overall, the evidence shows that the burning on blanket bog is detrimental as it moves the bog away from its original wet state and risks vulnerable peat bogs being converted to drier heathland habitat. Defra's view is therefore that ending burning on protected deep peat is the best approach for achieving habitat restoration and maximising the full suite of ecosystem benefits that would arise.

**Baroness Young of Old Scone (Lab) [V]:** I draw attention to my interests in the register. The Government hoped for a voluntary surrender of burning consents but no one volunteered and burning has increased. The heather and moorland burning regulations are 13 years out of date and do not meet the Government's commitments to net zero, to biodiversity or to air and water quality. I understand that a draft of proposed new legislation has been prepared, so what conceivable legitimate excuse can the Minister give us for delaying any further the legislation that the Government promised to end the rotational burning of blanket bog by October 2019?

**Lord Goldsmith of Richmond Park (Con):** We are currently engaging with stakeholders on the content of the England peat strategy and we expect it to be published later this year, but, as I said earlier, the Government are committed to phasing out rotational burning. We are considering all the evidence to ensure that any legislation actually works. It is undoubtedly a complex issue and it is important that we take the right steps to restore and protect this valuable habitat.

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, I refer the Minister to page 95 of the report, where the independent committee says:

"Burning ... is highly damaging to the peat, and to the range of environmental benefits that well-functioning peat can deliver". It goes on to say:

"A voluntary cessation of this activity ... has not produced the desired outcome so the practice should be banned across the UK with immediate effect."

Does the Minister fully accept and endorse those words? If so, why in his initial Answer did he use the words "phase out" and refer to "real progress" from voluntary efforts, which contradicts what the report says?

**Lord Goldsmith of Richmond Park (Con):** As I have said, the Government are committed to ending this practice. We are looking actively at what the best legislative solution would be. We recognise, as does the noble Baroness, that the voluntary approach has not worked, so in that regard, yes, I agree with the statement that she made.

**Baroness Redfern (Con) [V]:** My Lords, we have debated our tree-planting strategy in reducing our carbon footprint many times in the House. Today's Question brings to the fore just how important our peatlands are. Does my noble friend the Minister have the latest figures on how many managed estates have agreed to give up their consent to burn and, in turn, are managing alternatives?

**Lord Goldsmith of Richmond Park (Con):** The answer is that a significant number have made that decision voluntarily. I am afraid I cannot provide the precise number so I will have to write to my noble friend after this session.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, this is an issue that polarises opinion. Considerable damage was caused by the peat fires on Saddleworth Moor, the result of arson, and the wildfire on Scotland's Flow Country. These fires were not the result of rotational heather burning, which has many benefits. Before we throw the metaphorical baby out with the bathwater, it is important to note that, despite what the Minister says about the scientific evidence, that evidence is out of date. Does the Minister agree that it would be better to update the scientific evidence before we decide about rotational heather burning on peat moorlands?

**Lord Goldsmith of Richmond Park (Con):** The science continues to evolve; it is not a matter of it being out of date. The Government are well aware of the wildfire risk presented by dry conditions on moorlands. Natural England has carried out a review of the causes, the severity and the management practices best placed to mitigate that risk, and we are considering that alongside other evidence. Some of the clearest evidence that we have is that ensuring that peatlands are wet and in a natural state is the best way to minimise wildfire risk. It also tells us that managed burning results in an increase in vegetation types, such as heather, which have a higher fuel load as compared with natural blanket bog vegetation.

**Lord McColl of Dulwich (Con) [V]:** My Lords, what are the implications for air quality in habitations following burning of nearby moorlands, and what has been the effect of such burning on the bird population?

**Lord Goldsmith of Richmond Park (Con):** The noble Lord raises an important point. There is no doubt that burning has an impact. If the department has precise data as to the extent of that effect, I am afraid I have not seen it. Again, I will have to get back to the noble Lord with that answer.

**Lord Cameron of Dillington (CB) [V]:** Does the Minister think it wise to allow heather to grow tall and become an unbroken fire hazard in dry summers? Summer hill fires can burn for months and destroy millions of tonnes of our peat. Does he also think it wise to curtail the rotational management of heather, which provides seeds and green shoots for our highly threatened curlews, lapwings, merlin, plover and dunlin et cetera? While burning heather in March, when the peat is sodden from winter rains and therefore completely safe from harm, may not be perfect, would it not be wise to find an alternative form of heather management before doing away with the tried-and-tested system we have?

**Lord Goldsmith of Richmond Park (Con):** I refer the noble Lord to an earlier answer I gave on wildfire risk, which he has raised again. I do not think anyone is proposing simply allowing the heather to continue growing uncontrolled. The alternative to burning is obviously cutting. The department has been looking closely at what the additional burden would be on business were cutting to be generalised. The total figure that the department has come up with is £500,000 per year for the sector. That is based on information provided to us by landowners and managers.

**Baroness Jones of Whitchurch (Lab):** If the Government have not found a way to table their own legislation to ban the burning of peat by the end of the year, will the Minister agree to work with us on a cross-party basis to deliver a ban in the Environment Bill, which comes to the Lords in the new year?

**Lord Goldsmith of Richmond Park (Con):** I would be very happy to commit to discussing and sharing the evidence we have with the noble Baroness, and to hear whatever ideas she has on this issue, but we are determined as a Government to achieve a solution through legislation and other means. I would be very happy to have those discussions with her at any time.

**Lord Teverson (LD) [V]:** My Lords, as the Minister will know, peatlands are one of the most important terrestrial carbon sinks that we have. Apart from burning, peat extraction is a major issue for the health of those peatlands. Will the Government, in their consideration of future peat management, also ban the use of peat for horticultural purposes and its import, as the climate change committee has recommended?

**Lord Goldsmith of Richmond Park (Con):** It is an extremely important point and an issue I have followed closely for some time. The noble Lord makes a compelling case. I shall take his remarks back to the department and share them with the Secretary of State.

On a related note, the main argument of the upland partnership, which does not favour a burning ban, is that burning sequesters carbon in the form of charcoal. That is an area of disputed science and there are strong opinions on both sides, but it does not alter our opinion that burning damages the blanket bog habitat. We think that the best way to meet our nature recovery and climate targets is through healthy habitats and well-functioning ecosystems.

**Lord Krebs (CB):** My Lords, blanket bog, to which the Minister has referred on a number of occasions, is of course a great method of storing water and holding it back so that it does not go down into the valleys and flood towns and villages below. One consequence of draining sphagnum bog and turning it into heather moor or short grass is that people in the valleys suffer increased flood risk. Does the Minister have any figures to hand on the cost to this country of flood damage in the valleys to people and properties, as compared with the financial benefit of managing moorland by draining and having it as heather moor and short grass?

**Lord Goldsmith of Richmond Park (Con):** It is extremely difficult to attach a particular flooding event to a particular cause, because there are so many causes, but the noble Lord is absolutely right that damage to the natural environment exacerbates flood risk. That is why as part of our flood strategy, which is being developed, there is a significantly increased emphasis on nature-based solutions to flooding. Part of that is planting trees in the appropriate areas; part of it also is restoring peatlands.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed. We now come to the fourth Oral Question. Calling him in time today, Lord Faulkner of Worcester.

## English Football: Project Big Picture Question

12.45 pm

Asked by **Lord Faulkner of Worcester**

To ask Her Majesty's Government what assessment they have made of the "Project Big Picture" proposals for reforming the governance of English football.

**Lord Faulkner of Worcester (Lab) [V]:** My Lords, I beg leave to ask the Question in my name on the Order Paper and refer to my interests declared in the register.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, it is clear that this proposal has not been cleared with all those affected. We strongly urge the Premier League and the EFL to continue to work constructively to come up with a deal that provides a comprehensive package of support for the whole football family. The Government promised a fan-led review of football governance in their manifesto. Events of the past few weeks have made this look more essential than ever.

**Lord Faulkner of Worcester (Lab) [V]:** My Lords, I congratulate the Minister on that reply, with the contents of which I completely agree. The overriding priority is to agree a rescue package for members of the English Football League, especially those in the lower level, which can generally be regarded as community clubs and are in the deepest trouble. I am sure that she agrees that it makes no sense to use the present emergency

as cover for a power and money grab by the wealthiest, mostly foreign-owned, clubs in the Premier League. Can she say a bit more about the fan-led review of football governance to which she referred? Will that consider proposals for a national football board, charged with distributing the wealth in the game more fairly and evenly?

**Baroness Barran (Con):** The noble Lord is right that this proposal risks conflating some of the governance issues with the immediate financial pressures that many in the football family are facing. The fan-led review that we have committed to will include consideration of the owners and directors tests but, more broadly, we are currently deciding on the scope and structure of the review and will liaise with football authorities while we do this.

**Lord Clark of Windermere (Lab):** I declare my interest as a director of Carlisle United Football Club. Prior to the pandemic, on a typical weekend, more spectators attended Football League matches than Premier League matches. How therefore can the hard-pressed lower-league clubs make up for that loss of income?

**Baroness Barran (Con):** The Government absolutely recognise the financial pressure that the decision to delay the reopening of football has placed on lower-league clubs. The English Football League has reassured my right honourable friend the Secretary of State that no club will go bust, and we look forward to seeing the Premier League and the English Football League come up with a solution.

**Lord St John of Bletso (CB):** Would the Minister agree that, with the major financial challenges facing many teams as a result of the Covid restrictions and the need to fund grass-roots football, the game clearly needs restructuring from top to bottom? But this should not be driven by foreign owners who march to the drum of private equity and profit. Leadership should come from the Premier League itself, which has the national game at heart. Who is going to be that leader?

**Baroness Barran (Con):** The noble Lord asks a very good question. As I am sure he knows, the structure of the Premier League requires a two-thirds majority for any decision. We have been clear about the importance of the fan-led review of the governance and structural issues that football faces, and we have provided reassurance recently to the national league that support from the Government will be forthcoming.

**Lord Bassam of Brighton (Lab) [V]:** My Lords, it has long been clear that there is a problem with the financing and governance of English football, which Covid has exacerbated and the absence of fans has really highlighted. When will the Government bring forward their much-promised fan-led review, so that we can meaningfully address the structural challenges ahead? What plans do the Government have to ensure that there is a fair distribution of funding throughout the entire football pyramid—otherwise clubs such as

Macclesfield will go bust, and the guarantees that the league has given that other clubs will not go bust will count for very little?

**Baroness Barran (Con):** I am not sure whether the noble Lord heard my right honourable friend the Secretary of State before the Select Committee this morning, but he was clear about the priority that he places on the fan-led review. We are clear that there is a short-term financial issue facing the football family, which the Premier League and the English Football League need to get together to sort out. Longer term, the fan-led review will be a crucial part of addressing some of the other structural issues to which the noble Lord referred.

**Lord Addington (LD):** My Lords, would the Minister agree that one important factor in the current structure of English football is the possibility of promotion to the top table—or rather the “vague possibility”, in certain cases? Will the Government preserve that at all costs, because the ultimate capitalistic model of the sport is of a closed league, where you have guaranteed fixtures and a guaranteed income from television revenue, and I do not think that we want that?

**Baroness Barran (Con):** I would guess that the prospects for promotion depend a little on who you support—but I leave it to each noble Lord individually to decide on that. We are clear that the principles of fair competition must prevail as we move forward with the review.

**Lord Knight of Weymouth (Lab) [V]:** My Lords, the way in which the owners of the big six clubs are behaving is, frankly, a disgrace. They are exploiting the catastrophic impact of the pandemic on the Football League clubs to make a massive power grab. At no point have they consulted fans during this shocking episode, despite these proposals being three years in the making. The Government’s proposed supporter-led review of football governance is now urgently needed, as others have said. The Minister did not answer my noble friend Lord Bassam’s question as to when the Government will commence the review. Will she consult supporters’ groups now on the terms of reference and scope and structure that she mentioned earlier?

**Baroness Barran (Con):** The noble Lord is right about the lack of inclusion of supporters’ groups in the proposal that has been discussed widely in the media. On timing, we do not have a firm date, but we are committed to consulting all stakeholders as we prepare that review and, clearly, fans are an important part of that.

**Lord Mackenzie of Framwellgate (Non-Aff) [V]:** My Lords, the Minister rightly described football clubs as being akin to a large family. The Premier League is awash with cash, and the wages of the top players are eye-watering, while those at the bottom are often living hand to mouth and relying on the turnstile each week to keep the club afloat. Any family worth its salt lends a helping hand to those family members falling on hard times. Does the Minister accept that, if no

[LORD MACKENZIE OF FRAMWELLGATE]  
equitable agreement is reached, the Government have a duty on behalf of the fans to intervene to protect the seed corn of the beautiful game as we go forward?

**Baroness Barran (Con):** Well, the noble Lord is right. So many football clubs do a huge amount within their communities beyond the game itself, but the Government's role is to bring the two sides together. My right honourable friend the Secretary of State and the Minister for Sport have met both sides and are clear that this needs to happen—and happen quickly. On the support we are providing, I have already said that the Government have provided reassurance for the national league clubs.

**Lord Grocott (Lab):** Does the Minister agree that one unfortunate characteristic of football in our country for many years has been the inexorable concentration of wealth and power among a small number of elite clubs? Is it not inevitable that the current plan will make a smaller Premier League harder to get into and, unless you are one of the privileged six, much easier to fall out of? Will not that further damage the game by increasing even more the gulf between the elite and everyone else?

**Baroness Barran (Con):** The Government have been very clear about their scepticism and concern about the proposed deal, and have described it, I think, as a distraction at best.

**Baroness Bull (CB):** Does the Minister agree with the view of the combined fan groups of the big six that, while reform may be needed, it must be done in consultation with fans, power must not be concentrated in the hands of six billionaire owners, and there should be no departure from the one-club, one-vote and collective ethos of the Premier League?

**Baroness Barran (Con):** We are very struck by the fact that those fan groups have come out so strongly, and we welcome their remarks.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed, which brings Question Time to an end.

12.56 pm

*Sitting suspended.*

## Covid-19 Update Statement

*The following Statement was made in the House of Commons on Monday 12 October.*

“With permission, Mr Speaker, I will make a Statement on our continuing fight against coronavirus and how we intend to fulfil our simultaneous objectives of saving lives and protecting the NHS while keeping our children in school and our economy running, thus protecting jobs and livelihoods.

This morning, the Deputy Chief Medical Officer set out the stark reality of the second wave of the virus. The number of cases has quadrupled in the last

three weeks. There are now more people in hospital with Covid than when we went into lockdown on 23 March, and deaths are already rising. Of course, there are those who say that on that logic, we should go back into a full national lockdown of indefinite duration, closing schools and businesses, telling people again to stay at home as we did in March, and once again shattering our lives and our society. I do not believe that would be the right course. We would not only deprive our children of their education but we would do such damage to our economy as to erode our long-time ability to fund the NHS and other crucial public services.

On the other side of the argument, there are those who think that the patience of the public is now exhausted, that we should abandon the fight against Covid, stand aside, let nature take her course and call a halt to these repressions of liberty. Of course, I understand those emotions. I understand the frustration of those who have been chafing under the restrictions and the sacrifices they have made. But if we were to follow that course and let the virus rip, the bleak mathematics dictate that we would suffer not only an intolerable death toll but put such a huge strain on our NHS, with an uncontrolled second spike, that our doctors and nurses would be simply unable to devote themselves to other treatments for cancer, heart disease and hundreds more illnesses that have already been delayed and would be delayed again, with serious long-term damage to the health of the nation.

I am afraid that it is no answer to say that we could let the virus take hold among the young and fit while shielding the elderly and vulnerable, because the virus would then spread with such velocity in the general population that there would be no way of stopping it spreading among the elderly. Even if the virus is less lethal for the under-60s, there will still be many younger people for whom, alas, it remains lethal.

We do not want to go back to another national lockdown; we cannot let the virus rip, so since June, we have followed a balanced approach, with the support of many Members across the House, to keep the R rate down while keeping schools and the economy going, and controlling the virus by changing our behaviour to restrict its spread. That is why we have the rule of six and restrictions such as the 10 pm closing time on our hospitality sector.

I take no pleasure whatever in imposing restrictions on those businesses, many of which have gone to great lengths to reopen as safely as possible. Nor do I want to stop people enjoying themselves. But we must act to save lives and the evidence shows that in changing our behaviour to restrict transmission between us, our actions are saving lives. Left unchecked, each person with the virus will infect an average of between 2.7 and three others, but the Scientific Advisory Group for Emergencies assesses that the current R nationally is between 1.2 and 1.5. So we are already suppressing that R to well below its natural level, which is why the virus is not spreading as quickly as it did in March, but we need to go further. In recent months we have worked with local leaders to counter local spikes with targeted restrictions. This local approach has inevitably produced different sets of rules in different parts of the country, which are now complex to understand

and to enforce. So just as we simplified our national rules with the rule of six, we will now simplify and standardise our local rules by introducing a three-tiered system of local Covid alert levels in England, set at medium, high and very high.

The medium alert level, which will cover most of the country, will consist of the current national measures. This includes the rule of six and the closure of hospitality at 10 pm.

The high alert level reflects the interventions in many local areas at the moment. This primarily aims to reduce household-to-household transmission, by preventing all mixing between different households or support bubbles indoors. In these areas, the rule of six will continue to apply outdoors, where it is harder for the virus to spread, in public spaces as well as private gardens. Most areas which are already subject to local restrictions will automatically move into the high alert level. As a result of rising infection rates, Nottinghamshire, east and west Cheshire and a small area of High Peak will also move into the high alert level.

The very high alert level will apply where transmission rates are rising most rapidly and where the NHS could soon be under unbearable pressure without further restrictions. In these areas the Government will set a baseline of prohibiting social mixing indoors and in private gardens, and, I am sorry to say, closing pubs and bars. We want to create the maximum possible local consensus behind this more severe local action, so in each area we will work with local government leaders on the additional measures which should be taken. This could lead to further restrictions on the hospitality, leisure, entertainment or personal care sectors, but retail, schools and universities will remain open.

As my right honourable friend the Chancellor has set out, the Government will expand their unprecedented economic support to assist those affected by these decisions, extending our Job Support Scheme to cover two-thirds of the wages of those in any business that is required to close, and providing those businesses with a cash grant of up to £3,000 a month, instead of £1,500 every three weeks. We will also provide local authorities across England with around £1 billion of new financial support, on top of our £3.6 billion towns fund. And for 'very high' areas, we will give further financial support for local test and trace and local enforcement, and assistance from the Armed Forces—not for enforcement, but rather to support local services, if desired in the local area.

I can report that we have been able to reach agreement with leaders in Merseyside. Local authorities in the Liverpool city region will move into the very high alert level from Wednesday. In addition to the baseline I have outlined—this is as well as pubs and bars—in Merseyside gyms and leisure centres, betting shops, adult gaming centres and casinos will also close. I would like to put on record my thanks to Steve Rotherham and his colleagues for their co-operation in very difficult circumstances.

Engagement with other leaders in the north-west, the north-east and Yorkshire and the Humber is continuing. I know how difficult this is—they, like us, like everyone in this House, are grappling with very real dilemmas—but we cannot let the NHS fall over when lives are at stake. Let me repeat the offer that we

are making to those local authorities: work with us on these difficult but necessary measures in the areas that are rated very high, in return for more support for local test and trace, more funding for local enforcement, the offer of help from the armed services, and the Job Support Scheme, as announced by the Chancellor.

I believe not to act would be unforgivable, so I hope that rapid progress can be made in the coming days. Regulations for all three Covid local alert levels are being laid today. They will be debated and voted on tomorrow, before coming into force on Wednesday.

We will also keep these measures under constant review, including a four-week sunset clause for interventions in very high areas. A postcode search on GOV.UK, as well as the NHS Covid-19 app, will show which local alert level applies in each area. We are also publishing updated guidance to explain what the Covid alert levels mean for those who are clinically extremely vulnerable. While these levels specifically apply to England, we continue to work closely with the devolved Administrations to tackle this virus across the whole United Kingdom.

This is not how we want to live our lives, but this is the narrow path we have to tread between the social and economic trauma of a full lockdown and the massive human and, indeed, economic cost of an uncontained epidemic. With local, regional and national government coming together in a shared responsibility and a shared effort to deliver ever-better testing and tracing and ever-more efficient enforcement of rules; with ever-improving therapies and the mountains of personal protective equipment and the ventilators that we have stockpiled; and with all the lessons we have learned in the last few months, we are becoming better and better at fighting this virus.

Though I must warn the House again that the weeks and months ahead will continue to be difficult and will test the mettle of this country, I have no doubt at all that, together, we will succeed, and I commend this Statement to the House."

*1.05 pm*

**Baroness Smith of Basildon (Lab):** My Lords, I doubt that the Prime Minister, Boris Johnson, shares my admiration for Harold Wilson, but even he will recognise that his oft-quoted comment that a week is a long time in politics is very relevant today. With the pace of events over the last couple of days they must have felt like at least a week. I expect that the noble Baroness the Lord Privy Seal might be relieved not to be repeating the Statement made by the Prime Minister in the Chamber today.

The Statement on Monday, announcing a three-tier system of restrictions, is already wilting under close examination and the publication of the scientific advice received by the Prime Minister. In the Statement, the Prime Minister said that we needed to "go further" than the existing restrictions. He is right to consider and announce further actions, but the scale and rate of infections is increasing. There are now more people in hospital, including ICU, than there were in March when we went into lockdown. On the positive side, our knowledge and ability to treat have improved, but we have a clearer understanding of how devastating this illness is for so many.

[BARONESS SMITH OF BASILDON]

The Prime Minister referenced the Government's advisory body SAGE in his announcement, but if you go back and read it again there is a very serious omission. This was clearly no accident; it was calculated and deliberate. Unlike earlier Statements from the Prime Minister and members of his Government, this one makes no reference to following the scientific evidence or to evidence-based policy-making. We now know why. The minutes of the SAGE meeting of 21 September, published after the Prime Minister's Statement on Monday, are very clear about the scale of the challenge and the action needed—not suggested—to tackle it. Its warnings are stark:

"not acting now ... will result in ... catastrophic consequences in terms of direct COVID related deaths and the ability of the health service to meet needs."

The report then lists a range of short-term measures to be considered for "immediate introduction". That was on 21 September, three weeks ago, and it said "immediate": not next week or next month.

Since then, the Prime Minister has made two announcements of new restrictions but has failed to act on, or share with Parliament or the public, the advice that his Government have received. Let us be clear: any restrictions are difficult; none is pain free. But surely the worst kind of restrictive measures are those that are piecemeal. They fall short of what is required and, therefore, go on longer without the level of impact that is needed. The Prime Minister has, therefore, twice announced measures knowing that they fall short of what the scientific advice says is essential.

The seriousness of this cannot be overestimated. He knows that his measures are inadequate, as evidenced in an article in today's *Telegraph* that says that the Government are now considering the circuit breaker that was recommended by SAGE three weeks ago and called for by my colleague and Leader of the Opposition yesterday. At the same time, the world-beating test, trace and isolate system that the nation was promised has failed to materialise. After the Government have spent £12 billion, SAGE has concluded that that is having "marginal impact".

For those who are suffering lockdowns, desperately missing and worrying about loved ones, worried about their own and their families' health; for the self-employed, the now unemployed and struggling businesses, to go through that pain without the gain, with the Government ignoring the scientific advice, is deeply shocking and unacceptable.

It has to change. The stop-start approach has failed; we have to break that cycle. It is so much harder to deal with the economic consequences unless there is public confidence in the Government's ability to protect the nation's health. I get upset and quite angry when it is suggested that this is a binary choice between our health and the economy. That is plain wrong. It is so evident that they are two sides of the same coin and totally interlinked.

Last night, having considered the scientific evidence and consulted widely, Keir Starmer called on the Government to reset their approach—to introduce that circuit breaker alongside the other measures deemed necessary by the scientific experts, along with the essential economic support, and to get a grip of the

test, trace and isolate system. That is not a single measure; it is a complete package of health protection, economic support and future planning.

I have a couple of questions for the noble Baroness, who is a member of the Cabinet and of Cabinet committees. I appreciate that the details of Cabinet discussions are not published, but can she confirm that members of the Cabinet were informed of the SAGE advice of 21 September? Following that, can she explain the rationale, which must surely have been discussed in Cabinet, in ignoring that advice?

Too often, the Government's approach has been very centralised, and effectiveness has been lost through a failure to properly engage, consult and support local authorities. What action is being taken now to ensure local capacity, knowledge and experience is being effectively utilised, particularly in test, trace and isolate, with the necessary resources being provided for that? I refer to all local authorities, not just those in tiers 2 and 3, because this has to be a nationwide engagement.

The costs of tackling the crisis and preparing for the post-Covid future are huge. Obviously, we need to ensure such large amounts of money are used to the greatest effect. Many in your Lordships' House have been in government or in positions of authority where difficult decisions have to be taken. No one is pretending this is easy, but it is even harder when members of your own party are pulling in different directions. There is only one thing to do in those circumstances; it is not possible to steer a middle course and try to placate different views. You just have to do what is right, because that is what true leadership is really about.

**Lord Newby (LD):** My Lords, I thank the noble Baroness the Leader of the House for responding to questions on the Prime Minister's Statement. Although we are discussing a Statement barely 48 hours after it was made, things on the ground, as the noble Baroness, Lady Smith, has said, have moved on apace since Monday. Infections have risen, deaths have risen rapidly, and people have become more confused and more worried.

In the Statement, the Prime Minister said the Government are seeking to balance the

"objectives of saving lives and protecting the NHS while keeping our children in school and ... protecting jobs and livelihoods."—*[Official Report, Commons, 12/10/20; col. 23.]*

What he did not do was level with the British people about what his scientific advisers have been proposing. We now know that last month, SAGE urged an immediate circuit breaker of more restrictive measures, because, as the noble Baroness said, and in its words,

"not acting now ... will result in a very large epidemic with catastrophic consequences."

That was several weeks ago. No action was taken, and we do now have a "very large epidemic" on our hands. That is why my colleagues in the other place and those on these Benches support the leader of the Opposition's proposal for a short circuit breaker, to give time to get firmly in place some measures to get the virus under control, in the hope that we might have some relaxation—albeit possibly temporarily—at Christmas. I have never seen the Prime Minister as one of nature's Roundheads but as things stand, he looks set to succeed and follow Oliver Cromwell by cancelling Christmas as we know it.

The one welcome change in the Government's position over recent days is that they have been willing, for the first time since March, to have a serious dialogue with civic leaders in those areas most heavily affected by the virus. This is extremely welcome but long overdue. However, it needs to go much further. The national test, track and trace system is failing, and failing badly. A large proportion of people who have been in contact with someone who has tested positive are still not being contacted. Some 27% of those asked to isolate do not do so. Will the Government now effect a step change in the role they give to all local directors of public health to implement the track, trace and isolate system in their areas? Will they do so across the country and not only, as currently envisaged, in very high-alert areas; and will they give them the resources they need to do the job properly? If they do not, I fear we are simply going to see a large increase in the number of areas requiring the highest level of restrictions.

The Prime Minister's Statement seems to bring clarity to an extremely confused picture, but it simply does not. It is completely unclear, for example, on the criteria the Government will use to decide which areas fall into the "very high", "high" and "medium" categories. Can the noble Baroness tell the House what those criteria are?

The Prime Minister said the measures announced on Monday could lead to additional measures if local government leaders agreed. What measures do the Government have in mind? What happens if the Government think additional measures are needed and local leaders do not? Equally, if local authority leaders think that more restrictive measures should be imposed in advance of any government initiative—as is now the case with Essex County Council, and which is, I believe, the policy of the Mayor London—what will the Government's response be?

The Government have briefed that they are preparing to open some of the Nightingale hospitals. It is widely believed in Yorkshire that, as far as the Nightingale hospital in Harrogate is concerned, this will not happen, because the hospital simply does not have the staff available to allow it to operate safely. Can the noble Baroness assure the House that this is not the case?

The country is now at a very dangerous point. The Government are at odds with their own scientific advisers, many council leaders and many of their own Back-Benchers. Their rules are complex and, in some cases, perverse. Track and trace is a shambles: it has lost the confidence of the majority of the population. It is time for a reset.

**The Lord Privy Seal (Baroness Evans of Bowes Park)**  
**(Con):** I thank the noble Baroness and the noble Lord for their comments and questions. First, they are right to point out some of the statistics to highlight the situation we are in. As the noble Baroness rightly said, there are now more people in hospital with Covid than when we went into lockdown on 23 March, and the number of people testing positive for Covid has quadrupled in the last three weeks, so we are very cognisant, as I know we all are in this House, of the issues that face us.

The noble Lord and the noble Baroness referenced the need for action in September. We did take robust and proportionate action when introducing measures

in England, including the rule of six and the 10 pm curfew, which we discussed in this House, as well as advising people to work from home when they can. Each of those was carefully judged to protect lives and reduce transmission, while minimising the impact on people's livelihoods.

So, we did take robust action, but with the step change in cases, more action is needed, which is why we made the decision to move to the tiered approach. The reason we have gone for the tiered approach rather than the circuit breaker is that, as the Prime Minister said to the leader of the Opposition at Prime Minister's Question Time today, the disease is appearing more strongly in some areas and regions than others, which is a different situation from March. That is why we are introducing this approach, which can be tailored more effectively to local situations. However, having said that, we regularly, and will regularly, keep measures under review to ensure that we are always taking the best action we can.

The noble Lord and the noble Baroness mentioned evidence. Evidence is considered by SAGE and its advice is published regularly online when it is no longer under live consideration for policy decisions. That is exactly what happened in this case. I hope I can reassure noble Lords that we will continue to take advice from a wide range of scientific and medical experts, as we have done throughout the pandemic, to inform our decisions. We are, as the noble Baroness rightly said, constantly having to evaluate the balance between protecting the NHS, saving lives, keeping our economy moving and keeping our children in school. These are very difficult issues to balance and I think the tone of the noble Lord's and the noble Baroness's questions, which I very much welcome, expresses the gravity of the situation and the difficult decisions that are being made.

I can assure the noble Baroness that as a member of Cabinet I have regular briefings, along with my Cabinet colleagues, from the Chief Medical Officer and the Chief Scientific Adviser about the latest data. As I have said, the Prime Minister and the Cabinet have to take decisions based on the best available science, along with considerations of the economic, operational, social and policy implications that follow, and that is what we do.

The noble Lord and the noble Baroness both reiterated criticisms of the test and trace system. I remind noble Lords that our daily capacity for testing is now around 340,000, with the aim of reaching more than 500,000 by the end of October. We increased capacity by around 30% in September alone. We are testing at a higher rate than other European countries and we have assembled the largest testing network in our history, including 96 NHS labs, 151 walk-in sites, 258 mobile testing sites and 77 regional sites. We are also looking to combine, as effectively as possible, the national framework and local expertise, which is why, since August, NHS test and trace has provided local authorities with dedicated teams of contact tracers to work alongside local public health officials to provide a more specialist service. We have provided more than £300 million to local authorities to help with this and, across the country now, we have 95 local authority contact tracing teams that are live, and more are coming online in the coming weeks.

[BARONESS EVANS OF BOWES PARK]

We have been very cognisant of some of the criticisms and are improving the situation on the ground. More than 700,000 people have been contacted and advised to isolate through the system and the latest figures show that more than 82% of contacts were reached and asked to self-isolate where contact details were provided.

The noble Lord, Lord Newby, asked about moving between tiers. Decisions on which areas are in which tier are made on a number of factors, including the rate of transmission, how quickly it is increasing and the effectiveness of current interventions, as well as hospitalisations and hospital capacity. Of course, all is also done in line with work and conversations with local leaders to discuss all their evidence and what they are seeing on the ground. It is a collaborative effort, but a range of factors is taken into account.

The noble Lord also asked about the Harrogate Nightingale Hospital. I am not sure whether he is aware, but it is currently being used. CT scanners have been made available to provide people with safer and faster access for a range of conditions, including cancer. As he will be aware, there are two hospitals providing that kind of support, Harrogate and Exeter, and another three Nightingale hospitals in some of the areas with the highest rates have been put on standby in order that they can play their part, along with the rest of our fantastic NHS, as we deal with this crisis.

**The Lord Speaker (Lord Fowler):** We now come to the 30 minutes allocated for Back-Bench questions. I ask that questions and answers be brief, so that I can call the maximum number of speakers.

1.23 pm

**Baroness Newlove (Con) [V]:** My Lords, I welcome the Statement made on Monday in the other place by the Prime Minister. However, I have received lots of correspondence from people who are confused, very angry and very concerned. This means that their mental health is actually off the scale. My concern, therefore, is that the area that I live in, in Liverpool, is in a high tier and everything has been shut down. One place that a lot of people like to go to is gyms, and while they appreciate that there has been recent overcrowding, these businesses have invested a lot of money to be Covid-friendly. This morning, the Northern Ireland Assembly has said that from Friday they will be in a four-week lockdown, but gyms are allowed to be open on a one-to-one basis. What conversations has the Prime Minister had with the mayors of Liverpool to discuss how we can keep certain businesses open, so that people have safe spaces for their anxiety and their mental health?

**Baroness Evans of Bowes Park (Con):** I thank my noble friend. Certainly, the Prime Minister, the Secretary of State for Health and Social Care and the Communities Minister have all had regular dialogues with the leaders of the Liverpool City Region over the last few days. She is absolutely right that within the very high tier there are certain baseline restrictions and then others that can be decided at a local level. She is right that in Liverpool, decisions have been made to close casinos, betting shops, indoor gyms, fitness and dance studios

and sports facilities, although there are going to be exemptions for organised indoor team sports for disabled people and activities for under-18s, understanding some of the issues she raised. Obviously, she is absolutely right about mental health, which is why we have provided £9.2 million of additional funding for mental health charities.

**Lord Patel (CB) [V]:** My Lords, it is generally accepted that the test, track and isolation policy is important for suppression of the virus. Despite the large volume of tests that we carry out, as the noble Baroness stated, plus the increase in capacity, we have not seen any significant effect in suppression of the virus through this policy, so what more needs to be done to make our test, track and isolation policy more effective? Furthermore, does the Minister agree that any policy, suggested by some, of abandoning suppression of the virus and adopting a policy of herd immunity is morally, ethically and scientifically flawed?

**Baroness Evans of Bowes Park (Con):** On test and trace, I hope I outlined in my earlier answers the work that is going on to further improve national and local link-up. As I said, across the country there are now 95 local authority contact tracing teams—21 local teams in the east of England, for instance, 23 in the east Midlands and 21 in the north-west. Combined with the national system, they are helping to ensure that we have good data on the ground so that we are able more effectively to track what is happening and then, with the tiered approach, make sure that the interventions work on a regional or even more local level.

**The Lord Bishop of Durham [V]:** In welcoming the fact that places of worship have been allowed to continue to open—that is partly a recognition of their important place in the life of the nation—I note that the Prime Minister spoke still in the binaries of economic health and medical health that we have heard throughout the course of the pandemic. However, the nation's health is more than this binary. The Government must surely no longer overlook the need to protect the nation's social and spiritual health too. The Christian faith is clear that well-being is far more than being medically healthy or simply alive; rather, it involves social engagement, emotional nourishment, spiritual rest and love from good community. Will the Government acknowledge the nation's need for social and spiritual health by including experts on social well-being in all future conversations around lockdown measures?

**Baroness Evans of Bowes Park (Con):** I agree with the right reverend Prelate that that is the dilemma being faced. As he rightly says, harm to health is harm to the economy and harm to the economy is harm to health: these things are all interlinked, which is why this is a very difficult situation and why difficult decisions are having to be made about how to balance them. I can assure him that that is at the forefront of our thoughts. As part of the ongoing discussions around decisions being made about national and local levels, I know that Cabinet colleagues and the Prime Minister are talking to a huge range of people with different backgrounds to make sure that we get that right and get the country moving in the right direction.

**Baroness Clark of Kilwinning (Lab):** Now that the Government are finally consulting metro mayors and local authorities, will they consider calling a jobs summit to discuss what can be done in the here and now to protect jobs, given the further restrictions that are coming in, and to create the kind of green future that we talk about so often?

**Baroness Evans of Bowes Park (Con):** I can certainly assure the noble Baroness that discussions are ongoing across government, including through the Treasury and the Business Secretary, with local leaders, local business leaders, unions and workers' representatives. Of course, she will be aware that, as part of the announcements we have made, we have extended the job support scheme. She will also be aware that, since the beginning of the crisis, we have provided more than £200 billion of support to business. We completely understand, and by using these figures I am not trying to diminish the issues that people are facing in their daily lives, but I can reassure her that this is top of our agenda. I hope she will recognise that the Chancellor has been working fleet of foot so that he is able to bring forward support packages to help individuals and businesses through this difficult time.

**Lord Greaves (LD):** My Lords, I spent quite a lot of time yesterday afternoon looking at the detailed infection figures for Covid for each Lancashire district on a daily basis over the last 10 weeks. It is absolutely clear that the first main surge of infections occurred during September, particularly around the middle of September. On 1 September the schools went back, and this seems to be the topic that we are not allowed to talk about. The Government have said they are not going to close schools under any circumstances. I am not saying that the statistical correlation—which is clearly there—is a causal one; I am saying it needs to be looked at hard and investigated. I notice that Northern Ireland is closing its schools for a fortnight. Will the Minister forecast how long it will be before schools in the most affected areas in England are closed?

**Baroness Evans of Bowes Park (Con):** Within the very high tier—the top level of the new interventions—non-essential retail, schools and universities will remain open. They remain open at all levels. As the noble Lord rightly said, we have prioritised keeping schools open as one of the key things we wish to do because, as we have heard in previous debates in your Lordships' House, the disadvantage to young people when schools close is something that we really do not want to repeat, having seen what happened earlier in the year. I am afraid I will not make any apology for the fact that we have put that at the top of our priority list.

**Lord Naseby (Con):** If saving lives is a key criteria, will my noble friend commit Her Majesty's Government to ensuring that no hospital patients will be discharged to care and nursing homes unless they have had a negative Covid test? Furthermore, will she commit that no persons may enter those homes, including inspectors, unless they have had a recent Covid test? Finally, if any of these homes should be in considerable financial difficulty, will she commit that Her Majesty's Treasury will support them until the pandemic is over?

**Baroness Evans of Bowes Park (Con):** My noble friend is absolutely right to talk about care homes, and I can certainly reassure him that no care homes should be forced to admit residents they do not feel they can provide appropriate care for. Also, all individuals must be tested before discharge from hospital into a care home. I hope I can reassure him by letting him know that we have provided over 208 million items of PPE and are giving every care home free PPE until at least the end of March. We are also piloting weekly testing for professionals who visit care homes regularly and come within one metre of residents when carrying out their roles, so that we can do everything we can to ensure that infection rates do not rise exponentially within that sector.

**Lord Kakkar (CB):** My Lords, I draw attention to my registered interests. The noble Baroness the Leader of the House made reference to Nightingale hospitals. Is she in a position to advise your Lordships on what measures were taken and how the Nightingale hospitals have been prepared during the summer months, with specific reference to the provision of protective equipment, clinical equipment, advanced therapeutics and, most importantly, human resource staff, so that they are now immediately able to make a contribution to the management of this second wave of Covid-19? In particular, I ask if, and how, a clinical protocol has been established to ensure that the Nightingale hospitals can be deployed for the management of not only Covid-19 but other diseases, in such a way that the NHS can continue to deliver?

**Baroness Evans of Bowes Park (Con):** As I mentioned in reference to a comment by the noble Lord, Lord Newby, CT scanners have been made available—for instance, in Harrogate and Exeter—to provide safer, faster access for people with a range of conditions, including cancer, so that we can continue to try to ensure that routine appointments and operations can still take place. As I also mentioned, three other hospitals are now on alert in areas of high prevalence in order that they can come on stream. Obviously work is going on between the Department of Health and NHS England, but they will be staffed from the local area. We will of course keep all of this under review because we know that capacity is important, and the Nightingale hospitals will, I am sure, once again play an important part in our response as we go forward.

**Baroness Blackstone (Ind Lab):** My Lords, given the threat to jobs from measures set out in the Statement, can the Leader of the House say what the Government intend to do to prevent higher levels of unemployment? In replying, can she tell the House what proportion of jobs will be supported by the Job Support Scheme, and who will still miss out in the extension of the Self-employment Income Support Scheme?

**Baroness Evans of Bowes Park (Con):** First of all, our Job Support Scheme is in line with those of other major European countries, including France, Germany, Ireland and Italy, in its proportion of wage support. We very much believe that this scheme can help the lowest paid in particular, who can benefit from the responsiveness of our welfare system. The dovetailing

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of those two things should actually mean that some of the poorest workers—or those on the lowest pay, I should say—could end up on around 88% of their original income, and so more than the two-thirds on which the scheme itself is based. Obviously, businesses are able to top up the two-thirds as they wish, as they did for the furlough scheme.

However, I think the Chancellor has been quite clear: unfortunately, we are not going to be able to save every job. We will do all we can to support businesses and individuals. That is why we are trying to look to the future with, for instance, the £2 billion Kickstart scheme, which will create thousands of subsidised jobs for young people; paying employers to hire apprentices; and doubling the number of work coaches. We are very cognisant of the issues in this area, and have a range of things—both trying to protect jobs at the moment and looking to the future—to make sure that everyone has an opportunity for employment going forward.

**Baroness Neville-Rolfe (Con):** My Lords, it is now clear that lockdowns do not solve the problems posed by the virus. They merely delay them, at enormous cost in money, running into tens of billions; unhappiness, brought on by loneliness; and, indeed, lives lost, due to the consequent neglect of other medical conditions. We need to avoid another national lockdown at all costs. Instead, we need to deal with the virus regionally, as the Government are now doing. Will the Government ensure that any local controls are adapted very quickly to take account of developments? Speed is of the essence—I think everyone agrees about that—and we are not yet as quick as we need to be.

**Baroness Evans of Bowes Park (Con):** I entirely agree with my noble friend. That is the basis of the thinking behind the very high tier in particular, where restrictions can be dovetailed to the specific circumstances of the individual region. I can assure her that PHE, the Joint Biosecurity Centre and NHS Test and Trace are constantly monitoring levels of infection and data across different areas of the country, so we can do exactly as she suggests.

**Lord Bilimoria (CB) [V]:** My Lords, a second national lockdown would be devastating for our economy, so it is right to prioritise bringing infections under control. As president of the CBI, I know that business supports the simplification of the Covid rules with three tiers of restrictions. But does the noble Baroness the Leader of the House agree that the Government must show more of their evidence base for the new restrictions? This includes the 10 pm closing for restaurants, bars and pubs, where, I am led to believe, less than 5% of new infections come from. Why do we still need the 10 pm rule? Will they also keep financial support under review, in lock-step with the severity of the restrictions? The noble Baroness the Leader of the House mentioned testing. It is admirable that the testing has gone up from 2,000 to 350,000, and soon to 500,000, but she has not mentioned mass testing. Could she talk about mass testing—

**Lord Ashton of Hyde (Con):** My Lords, could the noble Lord put his question please?

**Lord Bilimoria (CB) [V]:** I have asked two questions.

**Baroness Evans of Bowes Park (Con):** Very quickly, analysis from PHE and NHS Test and Trace suggests that pubs, bars, restaurants and cafes account for the highest rates of common exposure for Covid, especially in those under-30. We will of course continue to keep an eye on financial support, which we have continued to do. I am afraid I did not hear the third part of the question.

**Baroness Symons of Vernham Dean (Lab):** My Lords, the House will have noted that the Leader of the House, in answering the questions put by my noble friend Lady Smith, did not answer the specific question of whether or not the Cabinet was aware of, or saw, the SAGE advice for 21 September before the decision was taken to have a lockdown. Perhaps the noble Baroness could answer that now. Perhaps she could also say why the Prime Minister, having relied so heavily on scientific advice, chose on this occasion to ignore it and to ignore the warnings about the catastrophic position if it were ignored.

**Baroness Evans of Bowes Park (Con):** I have never and will never comment on Cabinet meetings, so I have said as much as I can in answer to the noble Baroness. I also said, with regard to the decisions being made, that we will continue to take advice from a wide range of scientific and medical experts, but we will also have to look at the wide economic policy implications of decisions. That is why we believe that the tiered approach, which comes into effect only today, is correct at this time.

**Viscount Trenchard (Con):** My Lords, the Prime Minister is right to have resisted the call by some for a return to a full lockdown, and I congratulate him on insisting on retaining a balanced approach. However, it is important to note that the death toll, while rising, is nowhere near the same percentage of known infections that it was in late March. That suggests that the mortality rate attributable to Covid alone is lower than we thought at that time. If the mortality rate remains at a relatively low level compared to infections, can my noble friend confirm that the Government will take early steps to lift restrictions on the hospitality and other affected sectors, providing a platform for economic recovery?

**Baroness Evans of Bowes Park (Con):** I can certainly assure my noble friend that our priority is to ensure that we bear down on this. As I said, the number of people testing positive for Covid has quadrupled in the last three weeks, there are more people in hospital with Covid now than there were when we went into lockdown and, worryingly, infections among older people are rising. However, of course, part of this tiered approach is very much also to ensure that businesses such as hospitality can function in areas where the disease is perhaps not as prevalent in the community.

**Lord Singh of Wimbledon (CB) [V]:** My Lords, the Government's overriding objective must be to reduce both the direct threat to life from Covid-19 and the

indirect threat of an overwhelmed health service being unable to help those with other serious conditions. It is an affront to many that the risk to life and the hardship caused by pubs closing at 10 pm is talked about in the same breath. A short, sharp shock approach is clearly needed to reduce a rapidly rising reinfection rate to less than R1. Will the Government now urgently consider something like a two-week national lockdown to coincide with the half-term break?

**Baroness Evans of Bowes Park (Con):** The noble Lord will be aware that these new measures came into effect only today, and we believe that they will have an impact. As I said in my initial answer to the noble Baroness, Lady Smith, we have taken this approach because the disease is appearing at the moment more strongly in some areas and regions than others, which is a different situation from that we were in in March. That is why we have introduced this regional, tiered approach.

**Baroness Andrews (Lab) [V]:** My Lords, the noble Baroness in her responses has not addressed the fact that, as SAGE put it so starkly, the centralised track and trace system is bringing only marginal benefit in stemming the pandemic in the regions. Despite all the statistics she has offered, is it not absolutely clear that local leaders are still therefore not getting what they have been asking for for months: full access, full support and all the resources they need to put them in the driving seat? When will that happen?

**Baroness Evans of Bowes Park (Con):** I am afraid that I do not agree with that assessment from the noble Baroness. As I said, local and national government are working together with resources and expertise, and 95 local authority contact tracing teams are now live, with more to come, and we will continue to increase that capacity. However, we are working together, because the only way we can combat this is by national and local government and local leaders working together.

**Viscount Ridley (Con) [V]:** Does my noble friend accept that conceding that a vaccine is a long way off changes the calculation? Mathematically, treating old and young by the same rules ensures that they have an equal probability of catching the disease, other things being equal, whereas a policy of voluntary focused protection would ensure that the elderly and vulnerable are less likely to catch it. Given that young people are very unlikely to die from this virus, does she agree that focused protection may now be the safest route to slowing the spread the virus through community immunity while not destroying young people's livelihoods and mental health?

**Baroness Evans of Bowes Park (Con):** Unfortunately, as we have seen in the UK and other populations, a high infection rate among the young population is almost always followed by delayed infection rates in the older and vulnerable population, leading to more deaths. That is why we are not pursuing that approach.

**Lord Wigley (PC) [V]:** My Lords, is the noble Baroness aware that in Wales large areas are closed down for all but essential travel, so that, for example,

people along the north Wales coast between Wrexham, Rhyl and Bangor are banned from travelling to Anglesey for recreational purposes? Yet people from the areas of highest Covid incidence in England, such as Liverpool and Manchester, can travel with impunity to Anglesey as tourists. When will the UK Government start working in co-operation with the Welsh Government in this regard, instead of systematically undermining them?

**Baroness Evans of Bowes Park (Con):** Obviously, it is for each devolved Administration to make its decisions, although I know there has been a lot of discussion in this area. However, I reassure the noble Lord that, among the restrictions in areas of high incidence, it is very clear that people should avoid travelling in and out of such areas apart from for work, education, youth services and caring responsibilities, and that overnight stays in other areas of the UK as a whole should be avoided. That is quite clear guidance.

**Lord Cormack (Con):** My Lords, I have lost count of the number of taxi drivers who have told me that the 10 pm curfew produces too many people on the streets at the same time. Could that be looked at? Will my noble friend also bear in mind that political acrimony does not help to create national unity? Would it not be a good idea if Sir Keir Starmer were invited to No. 10 to sit down with the Prime Minister and discuss all these complex matters?

**Baroness Evans of Bowes Park (Con):** I agree that we all want to work together to fight this terrible disease. Your Lordships' House provides a very good model for how constructive discussions can happen. On my noble friend's point about the 10 pm curfew, public health directors have reported that compliance with social distancing and enforcement of regulations becomes more challenging later in the evening, after people have been drinking. That is part of the reasoning behind the 10 pm curfew, so that drinking does not continue through the evening.

**Viscount Waverley (CB) [V]:** My Lords, the complexities of getting the balance right are immense. While I sympathise with a circuit-breaker strategy that pulls the nation together in regional endeavour and would resolve confusion, why not thereafter reduce risk by restricting or shutting down hospitality but funding it, keeping manufacturing and construction running as normal, and encouraging or even insisting on working from home?

**Baroness Evans of Bowes Park (Con):** Each tier—medium, high and very high—has a range of restrictions around all the things the noble Viscount rightly says.

**Baroness Donaghy (Lab):** My Lords, we have the highest rate of deaths in Europe and the third-highest in the world. The Government did not take the risks to people in care homes seriously until it was almost too late; they dithered for a couple of months about wearing masks. My question is on test and trace. There are too many examples of delays in getting test results and failure to collect samples from care homes until those samples have to be destroyed. The noble

[BARONESS DONAGHY]

Baroness said that the largest number of people are now being tested. Can she say something about the poor quality control?

**Baroness Evans of Bowes Park (Con):** I can say to the noble Baroness that, in total, one in eight people in England have now been tested at least once. The average distance travelled for in-person tests is now 3.7 miles, and we continue to return the majority of in-person tests the following day.

**Baroness Noakes (Con):** My Lords, government Ministers, including the Prime Minister, like to characterise alternatives to their liberty and economy-destroying actions as “letting the virus rip”. Will my noble friend the Leader accept that that is a mischaracterisation of a sincerely held belief that there is a different way to arrive at a difficult balance between dealing with the virus while minimising the wider health, societal and economic impacts? That way has worked in Sweden without any letting rip. Why do the Government refuse to contemplate changing course?

**Baroness Evans of Bowes Park (Con):** I am happy to acknowledge that there are differing views on how to approach this issue. In fact, today’s discussion has shown that. I believe that everyone is taking their position for the right reasons and because they truly think that that is the best way. As I have said to all noble Lords, we are looking at the advice and are having to make very difficult judgments. The Prime Minister has that weight on his shoulders and it is a very difficult situation to have to manage.

**Lord Berkeley of Knighton (CB) [V]:** My Lords, the Government have, quite rightly, encouraged the uptake of the flu jab to help to minimise the severity of Covid, but in this area—and in many others—it is impossible to get a flu jab. I realise that she may need to write to me but can the Leader tell me how the sourcing of flu jabs is going, because it is almost impossible to get one in many areas?

**Baroness Evans of Bowes Park (Con):** The issue is that the flu jab is released in batches so certain amounts are available per month. It is more about flow-through than the availability of the flu jab; that is because it is delivered in batches up to and past December.

**Lord Dubs (Lab) [V]:** My Lords, does the Leader agree that it is important to keep public opinion onside and that, if the public have lost faith in the Government’s policies, they will not respond in the way we want them to? Specifically, why has local government been virtually ignored over the whole period of the pandemic, as have the Governments of Northern Ireland, Scotland and Wales? Surely we must ensure that all local bodies, Governments and Administrations pull together so that the people of this country can have confidence that the Government are doing the right thing.

**Baroness Evans of Bowes Park (Con):** I assure the noble Lord that dialogue with local leaders at the local government level and between the devolved

Administrations is ongoing. There is a lot of working together. Obviously, it is for the devolved Administrations to make judgments on their areas. The Chief Medical Officers also talk regularly, so we are working together closely.

I can also assure the noble Lord that there will be a significant communications campaign about the new tiers. Actually, if noble Lords go on to GOV.UK, there is a postcode checker and some very good, accessible information; we need to make sure that that is getting out to everyone because we need people to follow the rules so that we can hope to turn the tide on the virus.

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** The noble Baroness, Lady Gardner of Parkes, has withdrawn so I call the noble Lord, Lord Hunt of Kings Heath.

**Lord Hunt of Kings Heath (Lab) [V]:** My Lords, this was the most telling comment from the SAGE meeting on 21 September:

“The more rapidly interventions are put in place, and the more stringent they are, the faster the reduction in incidence and prevalence, and the greater the reduction in COVID-related deaths”.

Do the Government not owe it to the public to spell out for them the consequences for health and deaths of the decision to reject the advice from SAGE?

**Baroness Evans of Bowes Park (Con):** As I have already said, we took a robust and proportionate approach in September, introducing the rule of six and the curfew. We have done the same again. As I said, our new tiered approach came into effect only today. We believe that it will be effective and we look forward to working with leaders across local government and the devolved Administrations to make sure that we get a grip on the virus and bring it down and ensure that we all follow the rules so that we go into winter in the best possible situation.

## Arrangement of Business

### *Announcement*

1.53 pm

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** The following proceedings will be conducted in accordance with the new guidance issued by the Procedure and Privileges Committee on Monday. When there are no counterpropositions, the only speakers are those listed—they may be in the Chamber or remote—and the Minister’s Motion may not be opposed. When there are counterpropositions, their movers—who may be in the Chamber or remote—may also speak as listed.

Any other Member in the Chamber may also speak, subject to the usual seating arrangements and the capacity of the Chamber. Anyone intending to do so should catch my eye or email the clerk. Members not intending to speak on a group should make room for Members who do. All speakers will be called by the Chair. Interventions during speeches or “before the noble Lord sits down” are not permitted and uncalled speakers will not be heard.

Other than the mover of a counterproposition or the Minister, Members may speak only once on the group. Short questions of elucidation after the Minister's response are permitted but discouraged; a Member wishing to ask such a question, including Members in the Chamber, must email the clerk. The groupings are binding and it will not be possible to de-group an amendment for separate debate. Leave should be given to withdraw.

When putting the Question, I will collect voices in the Chamber only. If a Member speaking remotely intends to trigger a Division, they should make this clear when speaking on the group. Noble Lords following proceedings remotely but not speaking may submit their voice—Content or Not Content—to the collection of voices by emailing the clerk from a parliamentary address during the debate. Members cannot vote by email; the way to vote will be via the remote voting system.

## Extradition (Provisional Arrest) Bill [HL] *Commons Amendments*

1.56 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, before I turn to the Commons amendments, I will take a moment to remind us all what the Bill does. It gives our law enforcement officers the power to arrest individuals wanted by particular countries for serious crimes when they come across them at the border or on the streets of the United Kingdom. So, when the police come across an individual who they understand, on performing a simple database check, is wanted for a serious offence overseas, they can arrest them immediately without first applying to a judge for a UK arrest warrant. I know that noble Lords already agree that this is a sensible and necessary piece of legislation. I hope that we are now at the final stage of its passage.

### *Motion on Amendments 1 and 2*

*Moved by Baroness Williams of Trafford*

That this House do agree with the Commons in their Amendments 1 and 2.

**1:** Clause 2, page 1, line 16, at end insert “, but paragraph 3A of the Schedule may not be commenced so as to come into force in relation to a territory before that territory is a category 2 territory for the purposes of the Extradition Act 2003.”

**2:** Schedule, page 3, line 22, leave out from beginning to end of line 24 and insert—“(3A)

The “designated authority” is the National Crime Agency.

(4) The Secretary of State may by regulations amend this section so as to change the meaning of “designated authority.”

**Baroness Williams of Trafford (Con):** My Lords, if noble Lords are amenable, I will address Amendments 1, 2 and 5.

First, I reiterate that the Bill is designed to bring a wanted person into their extradition proceedings as soon as the police come across them without changing in any way the likelihood of their successful extradition to any country. Ongoing extradition proceedings remain

the preserve of the UK's independent courts and all the safeguards that currently exist will continue to apply. The judicial oversight afforded to every person who goes through extradition proceedings remains unchanged.

I wrote to noble Lords on 21 September. I repeat what I said then:

“a UK court has no obligation to extradite a suspect who has been arrested using this or any power and the protections for every person who faces extradition in the UK remain in place within the Extradition Act 2003. This Bill does not make any individual extradition any more or less likely. The Bill allows UK law enforcement officers to better protect the British public and get potentially dangerous offenders off UK streets. It does not provide any advantage for the countries that are listed in the Bill and, as now, it is a UK court who will determine whether the fugitive should be extradited, not a court overseas.”

Amendments 1 and 5 are a contingency to keep an important protection for the UK public in place after the end of the transition period, whatever the outcome of the current negotiations. As noble Lords are aware, the negotiated outcome that we seek with the EU would create a warrant-based system based on the EU's surrender agreement with Norway and Iceland.

The purpose of amending the Bill in this way and at this time is to ensure the continuation of relevant arrest powers should it prove necessary; it will be commenced only if it is needed. If an agreement is reached, it will not need to come into effect. It is a contingency. Similarly, it provides a contingency in the event that we do not agree new extradition arrangements with Norway and Iceland to maintain the arrest power currently available by virtue of the EU's Norway-Iceland surrender agreement.

Our current warrant-based extradition arrangements, in the form of the European arrest warrant, and the ones we seek to negotiate based on the agreement with Norway and Iceland, both allow for the immediate arrest of a fugitive wanted by a party to the agreement to take place. We are of course seeking to agree arrangements to keep our power of immediate arrest and retain an end-to-end extradition system with EU countries, Norway and Iceland. The Bill cannot and does not provide an end-to-end system, as is being discussed in the negotiations, but it would none the less maintain an important existing law-enforcement capability in respect of persons wanted by EU countries, Norway and Iceland. There is no alternative in UK law or within the European Convention on Extradition.

So, in the absence of the power being available, this important protection for UK citizens from potentially dangerous criminals wanted across Europe would be lost. Last year, nearly 1,100 wanted persons were arrested in the UK based on a European arrest warrant. Between 60% and 70% of these were as a result of chance encounters. It is these arrests that this amendment provides the contingency for. The Bill is about ensuring that UK law-enforcement officers can continue to arrest dangerous criminals in the UK as they do now. It has nothing to do with whether any UK extradition requests from other countries are successful.

If we fail to legislate in this way and do not secure new extradition arrangements with the EU, Norway and Iceland, if a UK police officer were to encounter a dangerous criminal that they knew to be wanted by

[BARONESS WILLIAMS OF TRAFFORD]

the police in an EU member state, they would not have the power to arrest them then and there. The police officer would need to let the individual go, secure a UK arrest warrant from the courts and then attempt to track down the fugitive, possibly days later and of course leaving open the possibility that they might reoffend.

I repeat: the amendment will be commenced only if no warrant-based system is in place at the end of the transition period. It will not be commenced if an agreement is reached with the EU or, in respect of Norway and Iceland, with those territories. The drafting allows for commencement only in relation to EU member states and not Norway/Iceland or vice versa to accommodate the different possible negotiation outcomes. Noble Lords will note that the provision also contains a sunset clause, such that it expires at the end of 2021 to the extent that it has not been commenced. I ask noble Lords to support the Government in this responsible and necessary contingency planning and to support Amendments 1 and 5.

Amendment 2 specifies that the National Crime Agency is to be the designated authority for this legislation and provides a power to change the designated authority by regulations in the future. The designated authority is the agency that will have the task of “certifying” the international arrest alerts that conform to the criteria for carrying out the new power of provisional arrest. We have taken this approach as a direct alternative to using secondary legislation on this occasion. The amendment therefore represents a change of process, not policy, and noble Lords will recognise that it is being made in response to pressures on parliamentary time.

Throughout the passage of this Bill, the NCA, as the UK’s National Central Bureau for Interpol, has been identified as the designated authority and has the need for a regulation-making power to change that, if necessary, in the future. This ensures flexibility for changing circumstances or alterations to the functions or titles of law-enforcement bodies in the UK, such as the NCA in this context.

I thank the noble Lord, Lord Kennedy of Southwark, who laid a very similar amendment to this in Committee, for his contribution to the scrutiny of this Bill. I hope that noble Lords will agree that this ensures the best use of parliamentary time, and the future-proofing of this legislation. I ask noble Lords to support the Motion on Amendments 1 and 2, and the Motion on Amendment 5.

2.04 pm

**Lord Anderson of Ipswich (CB) [V]:** My Lord, I welcome Commons Amendment 2, designating the NCA in statute for essentially the reasons that the Minister has just given. On Commons Amendments 1 and 5, as a practitioner with a particular interest in terrorism, I know how slow and imperfect the old extradition arrangements were within Europe and how much better things became with the advent of the European arrest warrant, not least by taking the sting out of our sometimes politically fraught extradition relationship with Ireland. That ship has sailed, so it seems that the best we can hope for now is an arrangement modelled on the Norway/Iceland relationship with

the EU. These amendments acknowledge that even this modest goal may not be achievable. Their purpose, as I understand it from the Minister, is to offer a marginal improvement to the third-best solution with which we would then be left. So it is depressing that these amendments have been thought necessary, but prudent in the circumstances that they have been put forward. For that reason, not without sadness, I support them.

2.05 pm

**Lord Paddick (LD):** My Lords, I shall first acknowledge that the noble Baroness the Minister has a script that she is obliged to follow. As the Minister has said in her introduction, this Bill gives the police the power to arrest somebody who is wanted in another country, without the need to apply to a court for a domestic warrant before the arrest can be made, provided that it is a trusted country and the National Crime Agency has verified that the foreign request to make the arrest is necessary and proportionate.

Throughout the passage of this Bill, the Minister has maintained that it is not a replacement for the European arrest warrant, and I agree—but only to the extent that the Bill does not change the extradition process once the accused is before a court. This power to arrest those wanted by a foreign country without a domestic warrant is, of course, part of the European arrest warrant regime. If someone is wanted under an EAW, they could be arrested by the police in the UK without a domestic warrant. Despite what the Minister has said, there is every indication that the UK will no longer be part of the European arrest warrant at the end of the transition period, not least because the constitutions of some countries, such as Germany, do not allow their own nationals to be extradited to a non-EU country. The noble Baroness prayed in aid the EU agreement with Norway and Iceland, but that agreement took more than a decade to agree and implement, and it excludes the extradition of a country’s own nationals.

We were suspicious that this Bill was a replacement, or at least a partial replacement, for the European arrest warrant—and, indeed, we were at a loss if it was not. At Second Reading, the noble Lord, Lord Anderson of Ipswich, asked:

“Could the Minister explain why the existing powers of urgent arrest under Sections 73 and 74 of the Extradition Act 2003, before an extradition request has been submitted or certified, are not considered sufficient? ... My understanding is that a request from the issuing state for the accused’s provisional arrest can already be the subject of a provisional warrant application by the CPS to the court—an application which, in urgent cases, can be made out of hours to the relevant duty judge, if necessary by email.”—[*Official Report*, 4/2/20; col. 1735.]

This sounds to me like a process that could be quicker than the one proposed by this Bill, where the NCA has to certify the request to make an arrest.

Also at Second Reading the Minister said:

“Several noble Lords have voiced concerns that this Bill is an attempt by the Government to replicate the capability of the EAW. As I hope I have explained, this is not the case.”—[*Official Report*, 4/2/20; col. 1757.]

This prompted the noble Baroness, Lady Jones of Moulsecoomb, to ask:

“If it is not a replacement for the European arrest warrant, can the Minister confirm that the Government will not add the list of EU countries to the list we have already?”

The Minister replied:

“I said that it is not a replacement for the EAW, but of course the Government can make that request of Parliament.”—[*Official Report*, 4/2/20; col. 1760.]

And lo and behold, government Amendment 5 adds the list of EU countries, plus Norway and Iceland, which have their own versions of the European arrest warrant, to the list we already have.

Perhaps the noble Minister will now accept that, if the Bill is not a complete replacement for the EAW, it is at least a partial replacement for the EAW, in that it restores arrests without warrant in the UK for those wanted by EU countries—a power that will be lost, along with the rest of the European arrest warrant regime, at the end of the transition period.

As the noble Lord, Lord Anderson of Ipswich, just said, in effect, the fact remains that, even with the Bill, extradition of EU nationals will take longer and be more complex than under the European arrest warrant regime. There is no obligation on EU countries to reciprocate—that is, to immediately arrest and quickly extradite those wanted by the UK who are in EU countries—because the Bill is a partial but wholly inadequate replacement for the European arrest warrant. Perhaps this explains the Government’s sheepishness in trying to put distance between it and the EAW.

It is clear that we will all be less safe in the UK at the end of the transition period, when we lose access to the European arrest warrant, as a consequence of leaving the European Union. We do not oppose the government amendments in this group, but it would have been better if the Government had been more transparent from the outset.

2.11 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, like the noble Lord, Lord Paddick, we do not oppose government Amendments 1, 2 and 5, as spoken to by the noble Baroness, Lady Williams of Trafford. I am particularly pleased to see Amendment 2. I very much agree with the comments of both the noble Lords who have spoken so far.

It is regrettable that we had a whole debate on the Bill and, consequently, were assured or told that it was not a replacement for the European arrest warrant. At the last possible moment, Amendment 5 goes down, adding all the European Union countries, plus Norway and Iceland. The Government should be more transparent about these things. I find it quite frustrating; I just do not know why the Government act like this.

When the history books are written and people look at this period, I have no doubt they will see what has gone on here as absolute nonsense. As the noble Lord, Lord Paddick, says, we will be less safe. The only beneficiaries of this will be criminals, and that is a great regret. It is a bad place for us to be in. We had the Brexit referendum, fine, but I do not understand why the Government are pursuing this extreme version, so we end up with a situation like this. All we can do now is to agree these amendments, because they are the best we will get in the circumstances. As I said, we will support them, but with great regret. The only beneficiaries and the people laughing today are criminals.

2.13 pm

**Baroness Williams of Trafford (Con):** I thank the noble Lords who spoke to this. I start with the analogy between this and the European arrest warrant, and the suggestion that this was our intention all along. The Bill is similar to the EAW only in so far as it provides an immediate power of arrest of those wanted by countries listed in the Bill. It does not change anything about the subsequent extradition hearing in court or consideration by the Home Secretary.

In the negotiations going forward, I reiterate that we will remain fully committed to reaching a balanced and reciprocal agreement with the EU on law enforcement and criminal justice. The safety and security of our citizens is our top priority, which is why we have said that the agreement with the EU should provide for a fast-track extradition arrangement, based on the EU’s arrangements with Norway and Iceland. An agreement with the EU that reflected either the UK or EU text would keep EU member states in Part 1 of the Act, where the power of immediate arrest already exists. The Bill is for specified Part 2 countries only, for which there is currently no power of immediate arrest.

I thank the noble Lord, Lord Anderson, for his use of the word “prudent”. I know he is not entirely satisfied with this outcome and would have preferred the EAW, for all its shortcomings, but I hope that that explanation is reasonable to noble Lords, for now.

*Motion agreed.*

#### *Motion on Amendment 3*

*Moved by Baroness Williams of Trafford*

That this House do agree with the Commons in their Amendment 3.

3: Schedule, page 3, line 37, leave out from beginning to end of line 2 on page 4

2.15 pm

**Baroness Williams of Trafford (Con):** My Lords, I now address Amendments 3 and 4, made in the other place, to remove amendments made here at Third Reading. Amendment 3 commits to Parliament having the same opportunities to scrutinise this issue as it does now in the specification of territories under the Extradition Act 2003. The addition or removal of any territory is by the affirmative procedure and, as I have emphasised throughout the passage of the Bill, any statutory instruments laid before Parliament are accompanied by Explanatory Memorandums, which set out both the legislative context and policy rationale.

Throughout this process, relevant officials are engaged in regular discussions with their counterparts in the devolved Administrations and law enforcement agencies, which operate across the UK to ensure the effectiveness of our extradition system. This system, which gives Parliament the opportunity to scrutinise such proposals and accept or reject them, has been in place for over 15 years and has proved effective and fit for purpose. The amendment ensures legislative consistency between the Bill and its parent Act, the Extradition Act 2003. There is no need for alternative provisions, and I hope

[BARONESS WILLIAMS OF TRAFFORD]

noble Lords will support the amendment, which the other place considered in detail and decided, on balance, to comprehensively support.

I will now address Amendment 4, made in the other place, to remove the amendment made here. This provides that the removal or addition of a country will take place under the existing process in the Extradition Act 2003, where multiple countries may be added or removed at once. The Bill is consistent with that legislation and any Government seeking to add countries in the future can do so only with the consent of Parliament.

Unnecessarily burdensome legislation is an inappropriate use of parliamentary time and resources, and the Government are under a duty to use proportionate systems to legislate. Any additions are dictated by the will of Parliament and, if Parliament does not agree that a country should be specified, the relevant regulations will be voted down in the normal way.

The Government are well aware of the importance of parliamentary support to continue or commence any extradition arrangements with new countries. Our arrangements with Hong Kong are a good recent example, and amendments tabled to the Bill in the other place demonstrated the strength of parliamentary feeling on the matter. Our extradition arrangements with Hong Kong have been suspended indefinitely and these events exemplify that this kind of parliamentary scrutiny is already highly effective. As with the previous amendment, we do not think there is any need for this provision in the Bill. I therefore ask noble Lords to support these amendments and I beg to move.

2.18 pm

**Baroness Hamwee (LD):** My Lords, I add my regret about the position on the European arrest warrant. Our post-Brexit arrangements in the realm of security and policing seem precarious or, at best, a poor substitute for what we have now.

When noble Lords debated what went to the Commons as new Section 74B(8)—the subject of Amendment 3—the noble Lord, Lord Kennedy, said that the conditions were a “reasonable and proportionate” process. I say they are more important than a process; they are about consultation, assessing the abuse of the Interpol Red Notices system, and trust in the system. The Government gave assurances then that they would not include countries likely to abuse the system and that the amendment would not conflict with how the Government plan to deal with the regulations.

I will focus on what was our amendment, which is currently the new Section 74B(9), which the Government seek to remove by Amendment 4. That provides for regulations to Schedule A1 that can add specified category 2 territories. That is jargon for something quite important.

The amendment has an impeccable pedigree. The noble and learned Lord, Lord Judge, and the noble Lords, Lord Anderson of Ipswich and Lord Kennedy, supported it at previous stages—I am glad that the noble Lord, Lord Anderson, will be speaking on it shortly. I can think of no reason for the Government resisting this provision other than “It is not how we do

things”, or possibly “It was not invented here”. I took comfort that I was not on the wrong track by the support that I received from Cross-Benchers, eminent lawyers whose perspective could not be thought to be distorted by party-political considerations, although I do not think that this issue is party-political.

The provision that the Government seek to remove allows regulations to designate only one country at a time. There is a simple reason for that: to enable Parliament to play its proper part. We all know that such instruments cannot be amended, so if we are presented with a list of countries including one bad apple, in human rights terms, could we expect Parliament to agree to the bad apple to avoid losing the arrangements with all the others, or to reject them all when only one is an issue? I used the examples of an order applying to both the Netherlands and Turkey, or to Sweden and Venezuela. No two countries are quite alike. I could extend the first pairing to a trio, as someone said to me yesterday: France is quite different from Turkey, and Turkey is quite different from Syria.

At previous stages, noble Lords explained their concern that the Government’s judgment could be swayed by factors unconnected with the assessment of a country’s human rights record. Favours for trade concessions were mentioned. That has happened. The noble and learned Lord, Lord Judge, put it neatly, saying that the time may come when another Government seek a favour from this country or we seek a favour from them. He gave an example: “Do you really want our safety equipment? Do you really want our artificial intelligence? Let’s have a mutual extradition arrangement.” He could also envision the possibility—not immediately, but not remotely either—of the Government of the day wishing to associate themselves with a country that shared their political views but was nevertheless not a desirable country with which to have these arrangements. The noble Lord, Lord Anderson, described the provision as meeting the problem of a non-amendable instrument without insuperable difficulties for the Government.

The Government have argued that countries can be added in multiples under the parent Act and so there is no need to make a change, but should we not always be on the lookout for better ways of doing our job of scrutiny? They also said that the courts would throw it out if a country did not respect rule of law. However, the courts can only consider applications from individuals, case by case. They can only consider what the Government put in the regulations when those regulations are applied and the individual affected challenges the action.

The Minister has told the House that she would not present an SI that she knew would run into trouble. I say this so often that the Minister must think that I have got it in for her—I really have not, not personally—but we must depersonalise these things. She may be the Minister for longer than I am here, but she will not always be the Minister. There may be a Government whose judgment she questions. She says that the House could vote down an instrument. The House is responsible and would not want to because of one bad apple.

At Second Reading in the Commons, the Minister said that the Bill was not concerned with the UK’s extradition relationship with other countries, but it is. He said that when a fugitive is wanted for a serious

offence by a trusted country, he is brought before a UK court, but that is not the issue. The Commons were told that the amendment is not required and is unnecessarily burdensome. It had not occurred to me but, as a Member put it, considering the Government's vocal support for the Magnitsky Act to deter human rights abuses, it would be hypocritical to oppose an amendment that has the same purpose.

In Committee in the other place, the Minister, James Brokenshire, said:

"Any additions will be dictated by the will of Parliament"—that is what this provision would put in place—

"not by an unusual process such that this would impose. If a country is proposed that Parliament does not agree should be specified, then the regulations will be voted down in the normal way. We judge that that remains the rightful process."—[*Official Report*, Commons, 8/9/20; col. 567.]

It may be an unusual process, but why is the process invariable? Voting down regulations listing 10 or 20 countries would cause a lot more nuisance for the Government than voting down regulations relating to a single country and there would be very little pressure on parliamentary time.

We are not challenging the premise of the Bill, but we are defending the sovereignty of Parliament, as distinct from the Executive. I still do not understand the technical, practical or political arguments. We would deal with a bundle of instruments, one after the other, which is a bit tedious, but does that matter? There is no delay, just a sensible opportunity for each House properly to give or withhold approval. I fail to see why the Government feel threatened by such a common-sense proposal. When the moment comes, I will seek the opinion of the House.

**The Deputy Speaker (Lord Duncan of Springbank)**

**(Con):** My Lords, the following Member in the Chamber has indicated their desire to speak, so I call the noble Baroness, Lady Ludford.

**Baroness Ludford (LD):** My Lords, I add my regrets to those expressed by other noble Lords on the loss to this country of the European arrest warrant. I was in the European Parliament when it was born, nearly two decades ago, and my last initiative as an MEP was to write a report on reform of the European arrest warrant, in which the former Home Secretary, Theresa May, expressed great interest before making some unilateral UK amendments about its implementation. It is not a perfect instrument, but it is a lot better than the alternatives, particularly the 1957 extradition convention.

I am focusing on Amendments 4 and 4A. In Committee, the Minister told us:

"The Government have no intention of specifying countries likely to abuse the system to political ends."—[*Official Report*, 5/3/20; col. GC 364.]

First, Governments can, and sometimes do, change. Secondly, intentions, however sincere when made, do not always survive unscathed. Presumably the Government intended to act in good faith in respecting the EU withdrawal agreement that they negotiated, signed and recommended to Parliament and the country, but now they want to give themselves the power to override a key part of it. They no doubt intended to keep their promise to uphold high standards of food safety and

animal welfare. If they reach a trade agreement with the United States, imports from there will not comply with those standards and our own farmers will become uncompetitive, putting pressure for deregulation here.

As my noble friend Lady Hamwee mentioned, there is also apprehension about what pressure might be exerted by potential trade partners. Outside the EU, the UK is more vulnerable because it is only one country. As part of a bloc of 28, we could say: "Sorry, we're bound by EU law, we can't give you an individual concession, so there is nothing we can do, chaps." We are much more exposed to that pressure if trying to reach a bilateral trade agreement with a single country.

Those are the reasons of principle why we need individual statutory instruments, country by country. There are also practical reasons. By insisting that this House takes an all-or-nothing approach, the risk is that the House feels compelled to vote down an SI that contains some perfectly respectable countries and one dodgy one—my noble friend gave some examples. This would waste more time than if the Government had the good sense to take them one by one. It is quite puzzling why they are being obstinate in refusing to see the good sense of that. It would be far more efficient, effective and respectful of human rights and the transparency of parliamentary scrutiny to allow Parliament to focus on one country at a time. That need not slow down the process at all; it could possibly streamline it.

**The Deputy Speaker (Lord Duncan of Springbank)**

**(Con):** Are there any other Members present who would like to contribute at this point? If not, we can move on. The next speaker is the noble Lord, Lord Anderson of Ipswich.

2.30 pm

**Lord Anderson of Ipswich (CB) [V]:** I supported both the amendments to which the response of the Commons is considered in this grouping. Indeed, along with the noble and learned Lord, Lord Judge, and the noble Lord, Lord Kennedy of Southwark, I put my name to the "one at a time" amendment in the name of the noble Baroness, Lady Hamwee, which Commons Amendment 4 would remove.

I described that amendment at Report as a sensible and practical safety valve. Given the unamendable nature of statutory instruments, it would have made it possible, at least in theory, for your Lordships to vote down the proposed addition to Schedule A1 of an unacceptable country without jeopardising the desirable inclusion of other countries proposed at the same time. As such, it would have been a contribution—a tiny contribution, I acknowledge—to the solution of a much larger and increasingly pressing problem: the need for some sort of practical and meaningful parliamentary control over the content of statutory instruments laid before us.

The Minister is right to say that the issue raised by the amendment has been properly debated in the Commons; the noble Baroness, Lady Hamwee, has, I am sure, borne that in mind, together with whatever prospect her amendment may have of succeeding today, in deciding to put it to the vote. If she persists in that course I shall, because I still support the principle of her amendment, vote for it.

2.32 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, it is disappointing that the Government are not moving on either of the two issues on which this House agreed some time ago.

Looking first at Amendment 3, I hope the noble Baroness is right to say that the previous amendment, which is subsection (8) of the Bill at present, is unnecessary because the Government will consult widely with devolved institutions and other organisations before regulations come before Parliament. I know it is a different issue, but when we consider the Covid pandemic, we often hear representations from devolved institutions and the metro mayors about the lack of consultation, so there is concern more widely across government that the Government do not consult as much as they should. I hope we can accept what the noble Baroness is saying: that the Government would consult. Of course, no matter what the good intentions of the noble Baroness—I have a lot of respect for her—she will not always be the Home Office Minister in charge and this Government will not always be in place. People come and go over time, and we are setting down something that may be here for much longer. That is important to note.

There is also the issue of Interpol red notices, which certain countries abuse. I hope the Government will be firm on that and clear that they will not accept abuse of those notices.

The other issue we discussed was whether we should deal with a number of territories together or just singly. I put my name to and supported the decision to deal with them one by one, for very good reasons. There could be a number of countries with which everyone is very happy, but one that raises some concerns. Again, the noble Baroness has said, “We would never do that”. I am sure she would not but, as I said on the previous amendment, people change, Governments change and at a later date, a particular Government may want us to agree to a particular proposal. In that sense, it is disappointing to find ourselves in this position today.

I note that the noble Baroness, Lady Hamwee, whom I respect very much, says that she is going to divide the House. We on these Benches take the view that we have pursued these issues as far as we can, so if she does divide the House, although I have great sympathy with what she is saying, we will not be supporting her.

2.35 pm

**Baroness Williams of Trafford (Con):** My Lords, I start with the issue that has been mentioned by all noble Lords who have spoken: the specification of non-trusted countries. Speaking as a Minister, when we look at secondary legislation we always look to see where the risks are and where the opposition might lie. For a Minister to bring forward a statutory instrument that might contain a country to which the whole of Parliament would be opposed would be to absolutely guarantee that that instrument would be voted against. The addition of any country must be approved by both Houses of Parliament, and I trust that neither House would be content to approve the addition of a country about which it had any concerns.

The noble Baroness, Lady Hamwee, talked about politically motivated extradition requests. I certainly have sympathy with her point, but the power is not being afforded to countries known to issue politically motivated extradition requests, nor does it alter the ability of a UK judge to discharge such requests in the normal way. The independent courts are the proper forums for deciding which extradition requests should fail, so it would not be appropriate to make provision relating to politically motivated extradition requests through this Bill, which is about a power of arrest. The immediate power of arrest proposed by the Bill will apply only to requests from specific countries: currently, the USA, Canada, Australia, New Zealand, Liechtenstein, Switzerland and, if necessary, the EU member states. These countries are specified as we already have effective extradition relationships with them, and we have confidence in their use of Interpol and the international arrest alerts that they issue. The Government have no intention of specifying countries which are likely to abuse the system to political ends.

The noble Lord, Lord Kennedy, talked about the abuse of Interpol channels. International organisations such as Interpol are critical to international law enforcement and provide a secure channel through which we exchange information on a police-to-police basis for action. The UK continues to work with Interpol to ensure that its rules are robust, effective and complied with. The former chief constable of Essex was recently made the Executive Director of Police Services for Interpol, which is the most senior operational role in that organisation. A UK Government lawyer has also been seconded to Interpol’s Notices and Diffusions Task Force to work with it to ensure that Interpol rules are properly robust and adhered to by Interpol member states.

The noble Baroness, Lady Hamwee, and the noble Lord, Lord Kennedy, made a sensible point about consultation. Of course, extradition is a reserved matter, but we have worked very closely with the devolved Administrations regarding the contents of the Bill and will of course engage with them as a matter of good practice where any secondary legislation is to be introduced in relation to it.

*Motion on Amendment 3 agreed.*

*Motion on Amendment 4*

*Moved by Baroness Williams of Trafford*

That this House do agree with the Commons in their Amendment 4.

4: Schedule, page 4, leave out lines 3 and 4

*Motion 4A (as an amendment to the Motion on Amendment 4)*

*Moved by Baroness Hamwee*

Leave out “agree” and insert “disagree”.

2.40 pm

*Division conducted remotely on Motion 4A*

*Contents 136; Not-Contents 259.*

*Motion 4A disagreed.*

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“3A In Schedule A1 (as inserted by paragraph 3), at the appropriate places, insert—

“Austria”;  
 “Belgium”;  
 “Bulgaria”;  
 “Croatia”;  
 “Cyprus”;  
 “Czech Republic”;  
 “Denmark”;  
 “Estonia”;  
 “Finland”;  
 “France”;  
 “Germany”;  
 “Greece”;  
 “Hungary”;  
 “Iceland”;  
 “Ireland”;  
 “Italy”;  
 “Latvia”;  
 “Lithuania”;  
 “Luxembourg”;  
 “Malta”;  
 “The Netherlands”;  
 “Norway”;  
 “Poland”;  
 “Portugal”;  
 “Romania”;  
 “Slovakia”;  
 “Slovenia”;  
 “Spain”;  
 “Sweden”.

3B Paragraph 3A is repealed at the end of 2021 if, or to the extent that, it has not been brought into force before the end of that year.”

*Motion agreed.*

## Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020

*Motion to Approve*

2.54 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 12 October be approved.

*Instrument not yet reported by the Joint Committee on Statutory Instruments*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, these regulations, which were made on 12 October and came into force today are necessary owing to the continued rise in the national transmission rates of coronavirus in England. They form a critical part of the government response to the ongoing threat to public health posed by the coronavirus epidemic.

The new local alert level approach, announced by the Prime Minister on Monday, will rationalise the important programme of local interventions that have

2.53 pm

### *Motion on Amendment 4*

*Moved by Baroness Williams of Trafford*

That this House do agree with the Commons in their Amendment 4.

4: Schedule, page 4, leave out lines 3 and 4

*Motion agreed.*

### *Motion on Amendment 5*

*Moved by Baroness Williams of Trafford*

That this House do agree with the Commons in their Amendment 5.

5: Schedule, page 7, line 2, at end insert—

been applied across the country. It will enable a coherent set of interventions across England, making it easier to communicate to the public which restrictions apply in their area. This will increase the likelihood of compliance and the effectiveness of social distancing measures.

Today we are debating three sets of regulations: very high, high and medium. The regulations in this debate set out the restrictions that will apply when the local alert level category is set at very high. These will apply when the local alert level category high measures cannot contain the virus or where there has been a dramatic rise in the transmission rates. There is no automatic trigger for an area to move into higher restrictions. Government, working with local authorities and directors of public health, will consider several factors, including the number of cases in the area, the rate of transmission, the effectiveness of current interventions, hospitalisations, the national picture and an assessment of the capacity of local health services.

Regarding restrictions on gatherings, in areas subject to local alert level very high restrictions, social contact will be reduced to break potential chains of transmission. For that reason, meetings in indoor venues and private gardens is limited to a single household. Meetings in outdoor venues are limited to a single household unless exemptions apply. The intention is to dramatically reduce social contact while balancing the social and well-being benefits of meeting family or friends. We recognise the risk of isolation, and have taken targeted policy interventions to mitigate this. For instance, a single-adult household and one other household of any size may link together to form a support bubble. A gathering that is made up of people from the same bubble is not subject to the six-person outdoor limit or the one-household gathering limit that applies indoors and in private outdoor settings.

The Government recognise that both weddings and funerals are significant life events. As such, the following higher limits apply to balance the need for people to recognise these significant events, while minimising the spread of the virus: weddings and civil partnerships are subject to a 15-person limit; funerals are subject to a 30-person limit; and wakes are limited to 15 people.

The restrictions placed on business seek to balance reducing social contact and enabling businesses to continue operating to minimise disruption to the economy. We know that hospitality poses a high transmission risk. PHE data shows that, between 3 August and 27 September, 148 known outbreaks occurred in restaurants and food outlets. PHE's weekly surveillance report also highlighted that, from 21 to 27 September, 13% of those who tested positive for Covid-19 reported eating out in the time before symptom onset, when there is a high risk of asymptomatic transmission. The Scientific Advisory Group for Emergencies has also highlighted that alcohol consumption may increase risk of non-compliance with social distancing and that hospitality settings are associated with increased risk of transmission.

At alert level very high, businesses and venues must follow the restrictions imposed at local alert level medium and high. This requires the closure of all hospitality and leisure venues from 10 pm to 6 am. In keeping with the restrictions on businesses and venues

at alert level medium and high, hospitality settings in alert level very high must only use table service for the consumption of food on their premises. This is to reduce the potential for social mixing of customers from different households.

The regulations require the closure of services that pose a higher transmission risk and cannot currently be opened safely. These include nightclubs, dance halls, discos, sexual entertainment venues and hostess bars. The Government are conscious of the impact that this will have on these sectors and we continue to work with representatives from these industries to develop options to facilitate a safe way for them to reopen.

We know that alcohol consumption results in reduced compliance with social distancing rules. These regulations mandate that hospitality venues can only serve alcohol for consumption on the premises alongside a main course meal. Those venues that do not serve main meals must close.

Key to our approach is financial support. Businesses that are required to close will be eligible for support from the Local Restrictions Support Grant. Eligible businesses will receive a grant for each two-week period they are required to close, payable after the first two-week closure period.

In addition, the Job Support Scheme will provide a safety net for businesses across the UK required to close temporarily. The Government will support eligible businesses by paying two-thirds of each employee's salary up to a maximum of £2,100 a month.

Given the likely impact of the new measures introduced in very high alert level areas, it is important that local areas shape the restrictions introduced and that the restrictions reflect the local, economic, social and public health situation. The Government will work with the respective local authorities to achieve this.

The regulations create offences punishable by fines and provide for fixed penalty notices. I pay tribute to the vast majority of the general public who are doing the right thing and diligently following the rules, but it is vital that the police have appropriate powers to deal with those who do not.

I appreciate that these changes have caused real disruption to people's lives. However, the evidence continues to indicate that the infection rate is rising across the country. It remains vital that the Government take decisive action to limit further spread. For that reason, I beg to move.

#### *Amendment to the Motion*

*Moved by Lord Robathan*

At end to insert "but that this House regrets the failure of Her Majesty's Government to provide the scientific evidence used to inform these Regulations and other restrictions put in place to address the COVID-19 pandemic, including the imposition of a 10.00pm curfew on businesses."

3.01 pm

**Lord Robathan (Con):** Some noble Lords may have noticed that I have my reservations about the government policy regarding this pandemic. Of course, there are

[LORD ROBATHAN]

many different views. Yesterday, we had the somewhat surprising and unlikely juxtaposition of both the leader of the Labour Party and the Conservative leader of Essex County Council calling for tougher restrictions. They may be right.

I have great sympathy for the Government because they are in a very difficult position. They have the hugely difficult task of balancing public health needs against the needs of society and the economy in their policy. They may be right, as we wait with bated breath for the vaccine cavalry to come over the hill. Apparently, though—according to Kate Bingham, the chairman of the Vaccine Taskforce, today—the likelihood is that the vaccine will be only 50% effective.

There are different and opposing views on how to deal with this public health crisis. Of course, I may be wrong. It may not surprise your Lordships to know that I have occasionally—perhaps on many occasions—been wrong in the past. However, this amendment is not concerned with my views or the opposite views.

First, let me ask: what is the purpose of Parliament and this House? Are they just talking shops? The tribunes of the people in the other place should hold the Government to account but we, too, have a role to play, primarily as a revising Chamber. Frankly, we often do rather a good job of that. Also, as I recall from my days at school studying for the British constitution alternative O-level, we act as a check on an unaccountable or overly powerful Government—especially one with a big majority in the Commons—and the arbitrary abuse of power. We should not overstate that role but we can point out the wrongs of untested government decisions.

My amendment concerns the 10 pm curfew in particular. Surely Members of the House of Lords and the House of Commons can legitimately ask about it, because the curfew will do grave damage to an already fragile hospitality industry. Restaurants will struggle without two sittings per evening. Pubs are seeing a slump in sales while, incidentally, supermarkets are seeing an increase in the sale of alcohol to be consumed at home after 10 pm. Crowds are being ejected on to the streets at 10 pm, which rather ruins the idea of preventing large gatherings. There will be a reckoning in terms of closed pubs, bankrupt restaurants and, of course, unemployed staff.

So why 10 pm? Why not 11 pm or 9 pm? There is a sense that the figure was possibly plucked out of the air. What is the reasoning behind it? I doubt that any of your Lordships would disagree that the Government should tell us—more especially, the Commons and, indeed, the British people—the answer, yet I have seen no evidence or real response. There are a lot of assertions but little concrete evidence or informed debate. I want to see the opinions of economists, scientists and others, not just of those urging circuit-breakers and the like. I want to hear a balanced discussion on the merits of the case, including the social, economic and behavioural advice. I want to hear a discussion about whether the current policy, which I understand SAGE urged, is working because, as my noble friend just said, infections are increasing yet we have, and have had for some time, lots of local lockdowns.

By nature, I am a rather boring loyalist. I have a fond, perhaps naive, belief that a Conservative Government usually make the right decisions, and I support them even when I have reservations. Can the Minister tell the House what evidence and reasoning the Government have, and can he please share it with us? If the House receives a satisfactory explanation, I will see no reason to press my amendment to a Division.

3.06 pm

**Baroness Thornton (Lab):** My Lords, my amendment says that

“that this House regrets that Her Majesty’s Government have failed to implement an effective test, trace and isolate regime for COVID-19 and calls upon Her Majesty’s Government to give all local authorities the resources they need to operate an effective contact tracing system in their areas; furthermore notes that these measures may not be sufficient to address the impact of the COVID-19 virus; and calls upon Her Majesty’s Government to provide the support local businesses and communities need to have confidence in responding to the COVID-19 pandemic.”

I speak to my amendment with a sense of real regret and sadness because, as the Minister tells us from time to time—and I believe him—he and his colleagues are working hard to deliver test and trace and fight the disease on our behalf. I recognise what a huge job the Government have. I wish to make it clear to the Minister that we will not vote against the regulations, but we will see whether we test the opinion of the House on this amendment. However, it is time to come clean. What follows is a sad account that justifies the House expressing an opinion of regret.

I hope that the Government have a plan to make test and trace, as well as investment in local communities, work. When NHS Test and Trace was launched in late May, the Prime Minister promised that it would help “move the country forward”—that we would be able to see our families, go to work and stop the economy crumbling. In the absence of a vaccine, the Prime Minister’s “world-beating” system would be worth every penny of the £10 billion-plus that the Chancellor announced in July would be spent.

This week, we learn that the Government’s SAGE scientific advisers have concluded that the current test and trace system is not working. They say that too few people are getting tested, results are coming back too slowly and not enough people are sticking to the instructions to isolate. They say that the system is having a “marginal impact” on transmission as a result and that, unless it grows as fast as the epidemic, the impact will only wane.

Tasked this spring with rolling out millions of coronavirus tests, the Health Secretary, Mr Hancock, opted for a centralised system using private firms. The business consultancy, Deloitte, was handed a contract to run testing through local drive-in and walk-in test centres, with swabs being sent for analysis at a network of national laboratories, many of which were also outsourced. Serco was also handed a deal to run contact tracing, subcontracting work to other firms as well. I am not making an argument for public versus private; it is a case of the Government not taking cognisance of the assets they already had to carry out this function.

At the same time as this was happening, local efforts were forbidden, not funded or sidelined and ignored. Local directors of public health knew much

from their experience of tackling sexually transmitted diseases and food poisoning outbreaks, but their role was being limited, leaving many of them exasperated. The stakes are very high. The Imperial College study found that if test and trace worked quickly and effectively, the R number could be reduced by up to 26%.

As the system got up and running over the summer, ONS surveys of the virus's prevalence suggested that NHS Test and Trace might be picking up only a quarter of actual cases. In July, one of the system's senior civil servants, Alex Cooper, admitted privately that the system was identifying only 37% of the people "we really should be finding".

The clamour from mayors and local public health officials for a bigger role was growing. Finally, this week the Government admitted that cities and regions should be given help to do more—something that some of us have been advocating literally since February and March.

In the last week of September, the percentage of close contacts reached fell to 68.6%, the lowest level yet. Dido Harding—the noble Baroness, Lady Harding, who is the system's head—said last month that the number of people wanting tests was three to four times the number available, while the national Lighthouse Labs in Milton Keynes, Cheshire, Glasgow and Cambridge had hit capacity. There were website warnings that no tests were available, exposing the British public on an almost daily basis this summer, especially in September when the schools went back and we saw people being sent all over the country to get tests. The scale of the task was shown when the noble Baroness told MPs that around half the available tests were actually being used by NHS patients and social care and NHS staff.

The need for testing will only increase as the virus grows and winter comes upon us. Of those transferred to the contact-tracing system in the week ending 30 September, 74% were reached. We are already a long way off the target and the system will come under greater pressure in the coming weeks. On Tuesday, the Government finally said that visitors to care homes could be tested regularly to try to end the isolation caused by their visits to loved ones being banned. There are 400,000 care home residents, so the new laboratories in Newcastle, Bracknell, Newport and Charnwood cannot come too soon.

As far back as May, SAGE experts said the speed of the results had a significant impact on the reproduction rate of the virus. The Prime Minister pledged on 3 June "to get all" non-postal

"tests turned around in 24 hours",—[*Official Report, Commons, 3/6/20; col. 839.*]

but this has not been happening. The percentage of returns is too low, and the data blunder that caused nearly 16,000 tested coronavirus cases to go unreported in England last month is only exacerbated by this IT problem.

We have heard embarrassing stories about contact tracers making no calls for days on end. By contrast, local public health officials have been setting up their own call centres and deploying environmental health officers and sexual health experts with local knowledge. Being properly trained to do the job, they reckon that they are tracing up to 100% of the contacts. If they want to back a winner, it seems that that is the winner the Government really need to back.

All of this leads to the Motion I have tabled. The Government have to move quicker; that is clear and has been since March. They have to stop overpromising, share information and data more openly, trust local leaders to know their patch, and support local businesses and communities more readily when they face restrictions. The question of who gets the extra resources to be able to test, trace and isolate, and support local communities, should not depend on their alert level—that is a perverse incentive if ever I heard one. Everyone in all these communities needs to have a level of local support; then, we might see the R number reduce.

3.14 pm

**Lord Hain (Lab) [V]:** My Lords, I agree with what my noble friend Lady Thornton said, as these regulations need to be seen in the context of a failed and still failing government policy. There is still no coherent government strategy. "Where is the plan?", the Labour leader Keir Starmer rightly asked. The introduction of a mass-testing programme, checking everybody for the virus on a regular basis, would be one way to endure the crisis while minimising the damage to the economy and the risk to life, but there is still absolutely no sign of such a programme. When people are tested they have to wait ages to get their results, often making the tests out of date. In September, nine in 10 care home tests in England got back late.

The Government are pinning all their hopes on a vaccine but cannot say when there will be one. Nobody can; the answer cannot just be locking down continually, given the large economic and social cost this involves. A recent *Lancet* peer-reviewed paper identified three key elements essential for bringing the virus under control; none of them is really happening. As Professor Devi Sridhar, chair of global public health at the University of Edinburgh, has written:

"Most important is a robust system for testing, tracing and isolating, where test results are returned within 24 hours, at least 80% of people's contacts are reached and there is high adherence to a rule of 14 days' isolation for those exposed to the virus."

We will otherwise be locking down, lifting and locking down continually, with massive economic and social costs. I fear that these regulations do not address that key question.

3.16 pm

**Lord Storey (LD) [V]:** My Lords, I speak on this statutory instrument as a Liverpool city resident and, for eight years, the leader of its city council. Liverpool's people have a strong sense of community and justice, and what is fair and right. If there is a wrong against the city and its people, they will always join together to fight that wrong—as our Prime Minister has found, to his cost. The agreement hammered out by Boris Johnson and the city's regional mayor to put Liverpool in tier 3 was tough and has major consequences for the economy of the city region and the jobs of its people. Liverpool has seen cases of Covid-19 rise and rise, although not to the highest in the country. Intensive care units at Liverpool's main hospitals are now at 95% capacity.

The deal hammered out by the Prime Minister and Labour's mayor Rotherham is certainly tough; it has put Liverpool City Region as the only region in tier 3, with all the restrictions that entails. This puts a real

[LORD STOREY]

strain on the whole community and its cohesion, with families separated, people's jobs and livelihoods lost or put at risk and the city's economy in danger of going back to the 1980s. Given the severity of the situation, the people of Liverpool are entitled to ask questions and expect straight, honest replies.

Why was Liverpool put in tier 3 when areas of the country with a higher rate of infection were not? What does the Chief Medical Officer mean when he says that these tough restrictions will not be sufficient without tougher local action? Will we get the resources to have a proper test and trace system in place, as the current system has badly let us down? Does the Minister not agree that it would be sensible for all the schools to have a two-week half-term now? Liverpool has 70,000 university students, the majority living in residential communities. Does the Minister consider there is a case for students to study online from home? How many so-called Covid marshals have been recruited in the region? Finally, travel restrictions are tough: they advise not travelling out of the city region and certainly not staying overnight. Are the Government making arrangements so that the city region's MPs can work and vote from home?

3.18 pm

**Baroness Finlay of Llandaff (CB) [V]:** My Lords, government gets harder by the day, but the released SAGE report is shattering because all that it predicted is being seen. Will the Government use half-term as a circuit break and stress, over and over again, the two-metre rule for all places, avoiding indoor shared workplaces?

How many complaints have been received about test and trace? With local lockdowns happening, is all testing and tracing now being handed over to local public health with a transfer of funds from the current outsourced system? Is accompanying the seriously ill and dying still allowed, especially if the relatives have either had Covid clinically or want to take the risk? The guidance seems silent on this. The mental health harm of banned visits will haunt us for years. I declare that I chair the Commission on Alcohol Harm; we have heard how pushing alcohol consumption into homes with cheap supermarket booze pushes up domestic violence.

What of the app? Some 79% of adults are thought to own smartphones, but the figure falls to 40% for the over-65s, and not all smartphones are compatible with the Test and Trace app. In tier 3 areas, what proportion of the population have a smartphone that is compatible with the Test and Trace app versus the old NHSX app? Of the 1.5 million QR codes registered with the Test and Trace app, why has only one notification to isolate been sent? Is the app failing? How much money has been spent on trying to get this Google/Apple app to work?

Two-metre distancing, proper mask wearing, soap to wash hands and a circuit break will be far cheaper in the long run and could cost fewer jobs and fewer lives.

3.20 pm

**Lord Moylan (Con) (Maiden Speech):** My Lords, since being introduced to your Lordships' House last week I have been treated with generosity and kindness

by noble Lords on all sides of the House. I am particularly indebted to my two supporters, the noble Lord, Lord St John of Bletso, and my noble friend Lord Borwick, and to all the staff who have been so helpful since I appeared here—not least, and in fact especially, the doorkeepers.

Many people can point to a career that is a sort of linear progression, whereas mine has been more a series of happy stumbles. At the core of it is 28 years spent in local government—something that I stumbled into in 1990, becoming a councillor at that stage. That gave me the opportunity to have an insight into much of the hidden infrastructure, the amenities that make our civilised life possible—everything from waste disposal and parks management to roads, railways and aviation, all of them important to us and all fascinating operating businesses in their own right.

In 2008 the Conservative candidate was elected Mayor of London and he asked me to be the deputy chairman of Transport for London. There was a great deal to learn there as well, not only about the operation of railways but about tunnelling, construction and, most painful of all, automatic signalling. Meanwhile, back at my local authority I was writing a local plan and promoting development and new housing.

Now I have stumbled into your Lordships' House, and I hope while I am here to be able to draw on my experience to give support to the Government as they pursue an ambitious and very necessary infrastructure strategy for the country. I will also be very keen to support them as they manage our exit from the European Union in such a way as to make us a properly self-governing country.

I turn to the matter in hand. Many noble Lords have spoken wisely. It is a matter of immense difficulty and delicacy for the Government at this stage to deal with this pandemic. At some point they will need to stand back and tell us that we can make our own decisions again. That moment is not now, but we must hope that it is not delayed for too long, or beyond the point that is good for us. For now, however, I am content to support this measure.

3.23 pm

**Lord Moynihan (Con):** My Lords, I am delighted to have this opportunity to congratulate my noble friend Lord Moylan on his maiden speech in your Lordships' House. It was delivered in record time, so he was unable to do justice to his considerable achievements.

I had the pleasure of knowing my noble friend when up at Oxford. His presidency of the Oxford Union provided a platform for him to display outstanding intellect and considerable debating skills, which he has put to good use in the City and local government for many decades. Despite his modesty, he has never stumbled but has moved seamlessly from challenge to challenge as a natural leader of people, with strength of purpose, a deep knowledge of the local government challenges to be faced and, above all, an instinctive ability to understand how local government impacts the lives of local people—a subject very relevant to today's business before the House. I am certain that the House will be the beneficiary of his experience and insights for many years to come. He is warmly welcome.

I turn to the SI before us. The Minister will not be surprised if I make one comment about active lifestyles. It is well known that one of the strongest measures that we can take to tackle Covid is to reduce obesity, increase opportunities for sport, recreation and an active lifestyle, and ensure that we are as fit as possible. An active and well-balanced campaign to be physically and mentally strong is the best way of dealing with Covid. The campaign led by ukactive to keep gyms and leisure facilities open should have the total support of the Government. While it is critical to seek improvements in the way that we treat patients suffering from Covid-19, it is equally important that, where gyms and leisure facilities can be safely opened, they should be. I call on the Government to recognise that and not to close them during this pandemic.

3.25 pm

**Baroness Massey of Darwen (Lab) [V]:** My Lords, it is also a pleasure for me to welcome the noble Lord, Lord Moylan.

This debate concerns a proud northern city that has pulled itself up from the high unemployment of the 1980s to be a vibrant, multicultural city with a reputation for hospitality and culture. It is refreshing to hear its mayor, the Metro Mayor of the Liverpool City Region and the leaders of the city region's five authorities speaking inspiringly about their city and about how the problem of Covid needs to be addressed by balancing the well-being of the residents and that of the economy, recognising that Liverpool needs restrictions to save lives, but not without compensation to save livelihoods.

A note of exasperation is coming in at the lack of organisation in the Government's approach. It has been clear for some time that locally controlled test-and-trace systems are more effective than a national one. I fully support my noble friend's amendment. Will the Minister confirm how much this national system has cost so far, including the salaries of those in charge of it? Could that money have been better spent on direct needs?

I have huge reservations about how enforcement will work and the danger of overwhelming already stretched police forces. Can this be made clearer?

Leaders in Liverpool point out that austerity measures in Liverpool over the past 11 years, with cuts to public health, the NHS and local government, have left a high correlation between the highest Covid infections and the areas of disadvantage. It is estimated that by Christmas there could be 20,000 unemployed. Three hundred leisure and hospitality venues have closed since March. They insist that, if more closures are to happen, there must be appropriate support for staff.

Liverpool politicians ask the Government for acceptable solutions, with a clearer final settlement that enables forward planning and the ability to set budgets. If this funding crisis is not resolved, there will be no economy to come back to. Mayor Anderson said recently:

"At a time of crisis, people need hope",  
and,

"lockdown, yes; on the cheap, no."

Liverpool has been practical and imaginative. Will the Government give it the financial and practical support to help it solve this grave problem?

3.28 pm

**Lord Rennard (LD):** My Lords, there is possibly nowhere else in the country more lacking in confidence and trust in Boris Johnson's Government than Liverpool. Previous Conservative Governments spoke about "managing Liverpool's decline"—but Liverpool fought back, and what the city needs now is a managed recovery from the Covid pandemic. Almost everyone in Liverpool recognises that, with intensive care units at 95% capacity in the main hospitals, saving lives is paramount. The question is how best to do this, and people know that saving livelihoods is vital for the long term, too. As the *Echo* said yesterday:

"Many of us will feel frightened, isolated and lost amidst the tangle of seemingly contradictory rules and support packages—barely providing a sticking plaster to cover the deep wounds to our region's economy."

The problem is that there is simply no confidence that Boris Johnson's policies are soundly based on science or that there is a proper plan for making sure that lockdown measures do more than just postpone the spread of the virus and ensure that people's livelihoods are protected. The Government expect to be trusted but they have not trusted local authority leaders or local public health services, which could have done a much better job with test and trace.

People see Boris Johnson's Government as incompetent and uncaring. They sense a whiff of corruption as contracts are inexplicably awarded to friends of those in government without normal transparency rules. They hear from journalists about briefings from a "senior government source" and assume that this must mean the man who goes to Barnard Castle for an eye test. There should be an end to such anonymous briefings.

People in Liverpool feel singled out. They feel that they are being told to walk alone, but the people in Liverpool never will.

3.30 pm

**Baroness Watkins of Tavistock (CB) [V]:** My Lords, it is a pleasure to welcome the noble Lord, Lord Moylan. I draw attention to my interests as listed in the register.

I support the principles informing this statutory instrument, yet citizens need to be aware of how compliance will enable restrictions to be downgraded from very high to high and medium, and vice versa. The public need to understand the criteria which are used, and will be used in the future, to inform a change in tier levels. Knowledge is vital to gain buy-in to the measures to protect lives and livelihoods. For example, will indicators be considered in addition to those that we have just been informed of, including rising levels of local unemployment and mental health crisis referrals, to inform local and national discussions regarding the application of tier-level restrictions by area? The SI's associated guidance for visitor access to residential care homes is far from transparent. It simply states:

"Closed to external visitors other than in exceptional circumstances."

I welcome the announcement of testing healthcare students on clinical placements, particularly as they often work with vulnerable, frail residents in care homes. The test and trace system has limited resources,

[BARONESS WATKINS OF TAVISTOCK]

yet surely it is time to include essential visitors for each care home resident. In evidence to the Health and Social Care Committee, Helen Whately, Minister for Care, acknowledged the challenges associated with the restriction of visitors to care homes. Can the Minister assure the House that testing of at least two regular visitors per resident will be organised this winter? It is a basic human right to see, touch and reassure a loved one. We must learn to live with Covid and promote the health and happiness not only of care residents but of their families and loved ones if we are to remain a compassionate society during this pandemic.

3.32 pm

**Baroness Noakes (Con):** My Lords, I congratulate my noble friend Lord Moylan on his maiden speech, and I particularly welcome a fellow Brexiteer to our ranks.

I have my name down to speak on all three sets of regulations this afternoon. I would have preferred to take all three together, as was done in the other place, so that we could make more considered interventions, but the horrible hybrid House rules prevent this.

I support the amendment put forward by my noble friend Lord Robathan. The Government have said that they base their decisions on scientific evidence, but it is not clear that they are doing this. The advice from SAGE on 21 September was a shopping list of immediate interventions that included a circuit-breaking lockdown and the immediate closure of all pubs, restaurants and hairdressers. The Government very wisely ignored that advice.

The most interesting thing in the record of the SAGE meeting was as follows:

“Overall, the evidence base on which to judge the effectiveness and harms associated with different interventions is weak”.

There we have it. There is no real evidence for the biggest infringements of civil liberties in peacetime, no real evidence for a harsh penalties and enforcement regime, no real evidence for the biggest act of self-inflicted economic harm, and no real evidence for the actions which have caused so much collateral damage for the mental and physical health of non-Covid patients. I shall be saying more about that in the next debate.

3.34 pm

**Lord Liddle (Lab) [V]:** My Lords, I have a certain sympathy for the Minister. These are very difficult judgments. Within a global pandemic, there are no silver bullets, and I do not doubt that Ministers have done their best. However, in my view they have made a very grave misjudgment—here, I disagree totally with the noble Baroness, Lady Noakes—in ignoring the SAGE advice of 21 September. They did not just ignore it; they failed to explain at the time why they were ignoring it, and this is bound to further undermine trust.

In the chaos of crisis, stuff happens and things go wrong, but a wilful decision to ignore the best available scientific advice without explanation at the time is a very serious criticism. That is a pity, because I think that the three-tier system is in principle a good idea. A differentiated approach with an emphasis on local action is right. I welcome the noble Lord, Lord Moylan, to the House as a fellow enthusiast for local government, if not a fellow enthusiast for our membership of the EU. The Government should have put more emphasis

on remedying the obvious failings in their track, test and trace system; they should have pursued stronger integration of the national and local systems; and they need to give decent resources to councils, as well as proper compensation to businesses and employees.

We have lost a lot of ground in the last month, and I believe that Keir Starmer’s proposal for a circuit break is all that we have left in the present situation.

3.36 pm

**Baroness Smith of Newnham (LD):** My Lords, I very much regret the statutory instrument that we are debating this afternoon. Like other Members of your Lordships’ House, I am acutely aware of the need to be able to deal effectively with Covid-19.

I declare my interest. I might go by the title of Baroness Smith of Newnham, which is in Cambridge, but I am of Crosby in the county of Merseyside, which I believe Her Majesty’s Government have now renamed Liverpool City Region. I am from Sefton. On Friday, I was planning to travel to visit my father, as well as my optician. That might of course be seen as simply “doing a Dominic Cummings” but I had anticipated doing so. I have talked to my family and asked what they think about the tier system and, in particular, the question of visits by members of the family who no longer live in the city region. Officially, we can visit but we cannot stay—or maybe we can, although it is advised not to.

I have looked at the three statutory instruments that we are dealing with today—unlike the noble Baroness, Lady Noakes, I propose to speak to only one of them—but it is not clear how people are expected to engage between the three tiers. It is not necessarily clear to people in Sefton and others parts of Merseyside why they should be in the “very high” tier, when infection rates are lower than in Manchester, Nottingham or Newcastle-upon-Tyne. If it is because of the capacity of the local hospitals being reached, that needs to be made much clearer.

Given that I am from Crosby, I should be most grateful to be told whether outdoor locations where people are permitted to meet include a beach. To me, that is outdoors and possibly a place where I am allowed to meet my father. However, in terms of trust and understanding the Government, can the Minister explain why this approach is being taken now rather than their having proposed something clearer and more self-explanatory three weeks ago, when SAGE put forward its suggestion for a circuit break?

3.39 pm

**Baroness Altmann (Con):** My Lords, we have heard that these restrictions are necessary to save lives, but which lives? Lockdown is assessed to have caused thousands of deaths from non-Covid causes. As hospitals in an area fill up, can our National Health Service not accommodate patients elsewhere, including in the Nightingales? Imposing these further, very high restrictions will undoubtedly damage family life and overall quality of life, yet Parliament has not been offered evidence to demonstrate the effectiveness of these measures. It is not clear how they defeat the virus, nor how many lives will be saved by ongoing lockdown.

In addition, I share the concerns of the noble Lord, Lord Robathan, about the dangers of the 10 pm curfew and the ineffectiveness with regard to crowds coming out at the same time. I also share his sympathy for my noble friend the Minister. None of this is easy, and I know that my noble friend is dedicated to his brief. But balancing public health needs with the needs of society, albeit a horrendous challenge, surely needs to be based on sound data. How does a draconian lockdown, or indeed a circuit-breaker, defeat Covid? Will locking down and opening up, followed by new Covid transmissions, perhaps cause more deaths than lives saved from coronavirus? Estimates suggest that the number of people dying from non-Covid causes due to staying away from A&E, and inadequate social care, is, so far, 42,000. I hear that imposing these further restrictions will increase fatalities and, without effective test and trace or a vaccine, they do not offer a remedy.

Since March, 350,000 people have not been referred for urgent cancer checks. Many of those people will die. This is not just about saving lives from Covid—it is about saving lives overall, and our way of life.

3.41 pm

**Lord Berkeley (Lab) [V]:** My Lords, the system of testing that is the basis for these three SIs has failed completely, as many noble Lords have said. It is in total disarray: the data comes late, is unreliable and does not, in my view, support any kind of three-tier lockdown. My noble friend Lady Thornton has called for local delivery, properly financed, and that is absolutely essential. It is time to get that implemented, and the two weeks that people are talking about now is much too short.

Let us take a step back. Covid-19 is going to be here for months, if not years. Many people will catch it next week or next year, until there is a vaccine that everyone can have. These restrictions are there to ensure that there are enough hospital beds, but they should also allow business and leisure to continue, on a restricted basis. We are not going to beat the virus, as such, unless or until we get a vaccine, so we have to learn to live with it.

Where is the data to support the 10 pm closure of pubs, as the noble Lord, Lord Robathan, asked? Communities will survive only if there is credible local delivery, with local finance, and it is about time that the Government responded to this and acted on it, because the essential work has to be done locally. In the meantime, it might actually reduce the costs—so far, I believe, £12 billion, which the Government have given to their friends on a national basis to take things forward, without any competitive tendering.

3.43 pm

**Viscount Eccles (Con):** My Lords, I fully support the local approach to this very difficult situation. We have learned a lot since the virus came and hit us. We could do with being told more about what has been learned, particularly by the front line.

We need to remember that we live in a democratic society governed by consent, and we are facing unprecedented circumstances. In these circumstances, how do we assess the Government's response? This regulation makes some claims—that it will simplify matters for the public, contribute to controlling the

virus and stopping its spread, and prevent the NHS being overwhelmed. It is quite difficult to be too confident about any of those statements, and much else. Cases lead by arithmetical progression from hospital admissions to death.

In all of this, where is the statement about the balance being struck between all the competing economic and social issues, along with the virus? We keep being told that there is a balance being struck, but we do not know what it is. Can we confidently expect to be told about this assessment, certainly in time for the four-week review of this regulation, so that we can all see how the balance is being reached and all do our own assessment of our responses to it?

3.46 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, I welcome the maiden speech of the noble Lord, Lord Moylan, delivered under difficult, compressed circumstances.

As with the other SIs with regional impact, I have consulted with Green Party councillors in Liverpool, currently the only place where “very high” is applied, and heard from them, unsurprisingly, about the huge personal strain that they see so many individuals suffering, and the great worry for businesses and staff, as the noble Lord, Lord Storey, testified. Before we get to the technical debate, we need to rest our thoughts with their suffering and acknowledge the need for sufficient support to help them to keep going. Understandably, Liverpool feels unfairly singled out, and has a basis for this conclusion, as the noble Baroness, Lady Smith of Newnham, explained. Of course, this is something that Liverpool has experienced before, as we learned in retrospect that there was a current in the Thatcher Government that wanted the city in managed decline, as the noble Lord, Lord Rennard, noted.

This is part of a national plan and package, and it needs to be acknowledged that, although this SI has reached us more quickly than previous ones, it is already being overtaken by events. The last position from the Prime Minister that I have seen—and I do not know whether this flailing Government have already been overtaken by events—is that there is an 80% chance of an English lockdown soon. We need to reflect on that. While we are seeing general and scientific support for that position, it is also crucial to highlight the need for measures to make sure that the lockdown works and that we get somewhere close to catching up with Covid-19. That means fully funded local track, trace, isolate and support, with money freely supplied, without blackmail, from the Government to local authorities, plus proper financial support for all individuals who need it and consistent, evidence-based, sober communication with the public. Please let us have no more promises of moonshots, which turn out to be pie in the sky. In the meantime, I express the Green group's support for the amendment in the name of the noble Baroness, Lady Thornton. I am making it a public versus private argument.

3.48 pm

**Lord Dubs (Lab) [V]:** My Lords, I support my noble friend's amendment. Just before this debate began, I was downstairs at home, switched on my television,

[LORD DUBS]

and Andy Burnham was on, the Mayor of Manchester. His concern was that Manchester might shortly be put in the “very high” category, and he made the plea that local government should be properly involved and consulted in those decisions, as opposed to being bypassed, which seems to have been the plea of local authority leaders for several months now. It is time that the Government trusted local authorities of whatever political complexion. They should also trust scientific advice. I have listened to earlier discussions today and other discussions in the Commons, too, and I have yet to hear one argument why the SAGE advice was not accepted at the time, on 21 September.

Somebody asked what the advantage would be of a circuit-breaker. I think that the advantage is that it would buy time to properly implement a trace and test system, which we do not have at the moment.

I want to make two other points. One is about smartphones. I have one, but it is too old or not of the right type to be part of this track and trace system. So apart from the many people in this country who do not have a smartphone at all, there are also many of us who have smartphones that are too old, and that will cause a problem.

My other point is that there is a real uncertainty about what travel is appropriate or being advised against. The Welsh Government are concerned about people moving into Wales from higher-risk areas. What is the Government’s advice about travel, not just within very high category areas but from one to another?

I finish by saying that we should trust local authorities and scientific advice, and trust the people of this country to do the right thing.

**The Deputy Speaker (Lord Faulkner of Worcester)**

**(Lab):** The noble Baroness, Lady Wheatcroft, is apparently not taking part in this debate. I call the noble Lord, Lord Desai.

3.50 pm

**Lord Desai (Lab) [V]:** My Lords, the Government have alternately claimed to follow science and to want to save the economy. They have managed to do neither efficiently, because they have not followed science faithfully ever since this crisis started. They delayed the first lockdown and then did not implement it properly. They want to release the economy but they know that, in some cases such as the hospitality sector, relaxing rules is harmful. When they try to implement a lockdown, they do not do it efficiently; they have failed to do the testing and tracing properly. The IT performance has been abysmal, almost shameful. I have seen nothing as badly incompetent since the Heath Government of 1970 to 1974.

As the amendment in the name of the noble Lord, Lord Robathan, says, what is the magic about 10 pm that makes it so sacrosanct? Indeed, if you say 10 pm you increase the chance of overcrowding and of too much contact between too many people. You need to find way to manage these closures in a staggered way. That would be a more sensible way of controlling Covid and encouraging the economy than what has been done.

I strongly support the amendment in the name of my noble friend. The country deserves better than the performance of this Government, who are probably the worst in all developed countries.

3.53 pm

**Lord Birt (CB) [V]:** My Lords, the Government’s enormously challenging task is to balance competing public goods: our health, our wealth, our future and our happiness, which comes from social interaction with friends, colleagues and loved ones. In a pandemic, though, if you focus hard on any one you risk all the rest. The least damaging, and most beneficial, action would surely be for us all to take heed of the rules on intermingling, and of the “hands, face, space” mantra, in every aspect of our lives. However, many do not. Every speaker in this debate could cite multiple examples from their day-to-day lives of the widespread and flagrant disregarding of Covid guidance. Are we doing enough to persuade, not with earnest homilies from the Dispatch Box but with a drive on mass media, using the best creative minds and targeting every part of the community? We succeeded with seat belts and smoking; why not with masks?

Secondly, are we doing enough to dissuade? Do we not now need to focus on tighter enforcement, underpinned by sanctions? We press down on speeding and unlawful parking; why not on oversized groups, social distancing and the wearing of masks? Attacking the root behavioural causes of the spread of the virus is surely the most painless way of halting the drift towards more and more areas of the country joining my home city in tier 3.

3.55 pm

**Baroness Barker (LD):** My Lords, I welcome the noble Lord, Lord Moylan, to your Lordships’ House. For someone who has extensive experience in railways, he was pleasingly on time, something this House greatly appreciates. He is most welcome.

On these Benches, we have said for several months that assessments of the proportionality of measures must be up to date, based on the latest scientific evidence, and formulated as a result of a precautionary approach to minimising overall loss of life. The Government must be transparent in justifying their decision-making, including in explaining how they have balanced the competing interests and the evidence on which the balancing decision has been made. Today, yet again, they have not done so.

Six months ago, the Secretary of State said that test and trace was the “single most important thing” that we could do to conquer the virus. Then, on 22 September, the Prime Minister made a statement which was, at times, very odd. He said that test and trace had “little or nothing” to do with transmission of the virus. I wondered then what was going on. We now know that on 21 September the SAGE group had advised the Prime Minister that he needed to introduce harsher national restrictions on the spread of the virus. Instead, the Government, or Mr Johnson, decided to ignore that and opt for much lighter measures, such as the rule of six and the 10 pm closure of pubs. And here we are: infection rates are going up, lives are at stake and businesses are in trouble.

It is telling that the scientists who have been advising the Government have been damning about this “world-beating” test and trace system, which is having only a “marginal impact”. We said from the very beginning that the fundamental basis of the Government’s actions was wrong. They believed that they did not have to take into account the expertise in local government, public health and public services such as the police. They could build and introduce their own world-beating tech system. We now have more evidence than we will ever need of how wrong that is. They have just been winging it.

On top of that, we have had confused messaging for six months. Even today, noble Lords could go on to GOV.UK and read an explanation of the three different tiers that is utterly confusing. When will the Government publish the contracts given to companies run by friends of Dominic Cummings and Michael Gove to advise on messaging? Taxpayers appear to be paying a lot of money for old rope.

When the Government are in a corner, they always pray in aid the Joint Biosecurity Centre as the source of the intelligence on which their actions are based. We have now got to a point where they can no longer shield themselves behind that organisation. It is now time for them to release more of that intelligence, so that local directors of public health and environmental health—people who have detailed knowledge of their populations, who know what is about to happen in their areas that could have an impact on the transmission of the virus—have it to work with. Examples are the presence of students in Liverpool and the knowledge that the next three months are the run-up to a holiday season in which people will want to celebrate Christmas and Hanukkah and mark other religions. That is the sort of thing that people on the ground are used to doing and have a great deal of expertise in.

People want a break from gimmicks such as marshals, world-beating bluster, blunt instruments and lockdowns being inflicted on wider and wider areas and impacting on greater numbers of people. When will the Government build on the expertise of local civic leaders and public service professionals, and build resilient public health test, trace and isolate systems that can maintain people in isolation safely for the weeks that will be needed? Only then can we get to a point where we are not merely in another short lockdown, to contain a curve and prevent admission to hospitals, but can begin to build a level of community containment with which we can all live safely live.

It will be no surprise whatever to the noble Lord, Lord Robathan, that we will not be supporting his amendment. We sometimes end up in the same place, but for entirely different reasons. We do believe that there is a role for evidence-based, proportionate restrictions on businesses and individual movement in these dangerous times. If the noble Baroness, Lady Thornton, chooses to test the opinion the House, we will on this occasion support her.

However, all this is immaterial. We need to take some of the money away from this track and trace system which is not working and put those resources into the hands of local professionals, where they can make a real and lasting difference and where we really can begin to beat this virus on a sustainable basis.

4.01 pm

**Lord Bethell (Con):** My Lords, I am enormously grateful to noble Lords for an incredibly thoughtful debate about measures that were laid only recently and have come into force today.

I start by addressing the two big, chunky issues that were raised by noble Lords. The first is the connection between Test and Trace and local efforts on the ground. I want to take a moment to reassure noble Lords about our commitment to a really strong connection between the national efforts of our test, trace and isolate programme and the work that goes on on the ground. Test and Trace and Public Health England work incredibly closely with the Association of Directors of Public Health, the Society of Local Authority Chief Executives and Senior Managers, the Local Government Association and UK chief environmental health officers as part of this programme. Those conversations happen daily on an institutional and personal basis.

The challenge was put to me that the contact tracing does not include public health experts. That is not quite right. There are 1,000 tier 1 contact tracers working within the core contact tracing service and in health protection teams and field services right across the country. More recruitment is under way. In fact, we have more than doubled the size of local health protection teams since the pandemic began, precisely because of our commitment to the partnership between the national and local efforts.

It was suggested that we should do more to work with local clinicians. We do an enormous amount of work with local clinicians. Thousands of NHS clinicians have signed up as contact people. They are in touch with those who have tested positive and talk them through the process to find out where they have been and who they have been in contact with. They do an incredible job every day and are the expert bedrock of the contact tracing process.

We absolutely depend on and mobilise local know-how, which we do through data sharing. Local public health officials can use the data provided by NHS Test and Trace to follow up cases that the national service has been unable to reach. Together, we can increase the numbers who are reached. More than 90 local authority partnerships across the country have gone live with locally assisted contact tracing, and more are coming on every week. The results are enormous. In England, we have reached more than 650,000 people and advised them to self-isolate. Everyone who tests positive is contacted by Test and Trace.

On the testing service, we are doing 310,000 swabs a day—22 million tests in all. There are five Lighthouse labs, 96 NHS labs and a total of 500—I repeat, 500—local testing sites. As a result of the tracing numbers, last week, 51,000 people tested positive, 34,000 of whom went into the contact system—and we should bear in mind that many would have been in the care service and therefore do not need to be transferred. Of those, 25,000 were reached and it was suggested to 21,000 that they isolate. Without that system, the epidemic that we have today would be worse than it is, and we owe enormous thanks to those involved.

[LORD BETHELL]

A number of noble Lords asked about the app. There have been some 16.9 million downloads. That is 29% of the over-16 population, and the costs up to 31 July were £13.8 million. We are completely live to the challenge that some people have phones that do not work with the app, but I reassure noble Lords that it works with Apple iOS 13.5, Marshmallow 6.0 and the Huawei OS 8 or anything above.

My noble friend Lord Robathan challenged me about the evidence base for the curfew at 10 pm. My noble friend Lady Noakes quite rightly cited the SAGE notes that make the clear point that I made here yesterday when discussing masks: it is very difficult to put together the precise clinical trials and detailed modelling for individual measures that are brought to bear on the epidemic. But my noble friend Lady Noakes misrepresented SAGE when she implied that there was no evidence for the restrictions overall. The huge growth in the epidemic in recent weeks demonstrates the urgent need for these restrictions. The impact of the epidemic is not just on those who have Covid; it is also on those who find that the hospital beds they need are filled and on those who are put off going to hospital and therefore incur either delays or an impact on their current illness. There is also an impact on those who suffer as a result of any kind of avoidance of medical practice. The impact of Covid is not just on those who get it; it is on all those who seek medical attention. That is why, with the disease growing exponentially, we have to lean into it extremely heavily.

The noble Lord, Lord Birt, asked about the mass media campaign. I reassure him that we have invested massively and applied the best behavioural science to convey the restrictions as clearly as we can, and that that is backed up with quite severe sanctions, fines and police action.

The noble Baroness, Lady Watkins, raised, quite rightly, the challenge of getting visitors to social care settings, many of whom perform really important care duties for those in social care. We are completely live to the challenge of getting a regime of testing for those very important visitors. There are challenges in identifying exactly which visitors should qualify for such a scheme. We are building up our testing capacity to have enough tests available to them, and I shall be glad to update the noble Baroness when we have made progress.

My noble friend Lord Moynihan mentioned gyms. I completely endorse his commitment to fitness regimes, whether inside or on a beach. But it is true that local authorities in Liverpool suggested that closing the gyms would be a helpful way of restricting the epidemic.

We have been asked about balance. The Government's strategy is one of balance. It is to contain the virus in any way we can while protecting the NHS, our economy and our schools. We are working extremely hard on the vaccine, on therapeutic drugs and on mass testing, which we believe will provide a route out of this horrible disease.

4.09 pm

**Lord Robathan (Con):** My Lords, I thank particularly the noble Baroness, Lady Noakes, and my noble friend Lady Altmann for their support. They will not be surprised to know that I agreed with every word they

said. I regret to tell the Minister that I have not heard a satisfactory explanation of the 10 pm curfew, and I understand—I heard this only in the last 10 minutes—that the SAGE minutes from 21 September specifically say that a 10 pm curfew would have a “marginal” effect on transmission. However, we can say that it is a delight to be discussing this on Wednesday, when these regulations were announced, I think, only on Monday.

I want to see courageous political leadership in these difficult times, and I do not want to make the Government's very difficult task any worse. So I am sorry to disappoint those who have offered to support me in a Division. I should state, for the avoidance of doubt, that I have not been put under any pressure, and I would hate to be thought pusillanimous or, indeed, wet in these things. It is not in my nature. But I will not, on this occasion, seek to test the opinion of the House, and I beg leave to withdraw my amendment.

*Lord Robathan's amendment to the Motion withdrawn.*

4.10 pm

#### *Amendment to the Motion*

*Moved by Baroness Thornton*

At end to insert “but that this House regrets that Her Majesty's Government have failed to implement an effective test, trace and isolate regime for COVID-19 and calls upon Her Majesty's Government to give all local authorities the resources they need to operate an effective contact tracing system in their areas; furthermore notes that these measures may not be sufficient to address the impact of the COVID-19 virus; and calls upon Her Majesty's Government to provide the support local businesses and communities need to have confidence in responding to the COVID-19 pandemic.”

**Baroness Thornton (Lab):** I start by congratulating our new arrival, the noble Lord, Lord Moylan. I did get confused by all the “Moy”s and so on, but I now identify the noble Lord. Frankly, that was a very disciplined maiden speech, and the noble Lord will be very popular in this House, particularly with his own Whips, if he continues to exercise such discipline in his remarks to the House.

We will not be voting against this or any statutory instrument today. We on these Benches would not actually support the noble Lord, Lord Robathan, in his amendment. I am clear to the noble Lord that I do not regard him as being the least bit wet. I thank my noble friends Lord Hain, Lady Massey, Lord Dubs and Lord Desai—my noble friend Lord Desai being my former economics tutor at the LSE many years ago. I always listen to his remarks with interest and respect.

We are grappling with a virus that spreads with speed and severity. Worldwide, in nine months, we have seen well over 1 million deaths. Here, in the United Kingdom, more than 42,000 people have died. Throughout this crisis, we on these Benches have urged the Government to adopt an approach with a strategic aim, suppressing the virus and bringing the R rate below one in order to save lives, minimise harm

and keep our children safe. That has been our priority, and that is the right approach. We have supported the Government throughout on the restrictions they have brought forward. In the case of this statutory instrument, these are very heavy restrictions, but we accept that restrictions are needed. Nobody in any of the areas where the infection rates are going up is calling for no restrictions. It is in the national interest that we have a circuit break now, and we will not be voting against restrictions in the meantime.

I note that the Prime Minister chaired COBRA yesterday or the day before, and that was attended by the Liverpool City Region Metro Mayor, Steve Rotheram. COBRA confirmed the new restrictions and the ones the Prime Minister announced and were discussed in the Commons yesterday. I was encouraged that the metro mayor was at the COBRA meeting, and I wonder if the Minister could tell us how many of our mayors and leaders have been invited to COBRA, because that seems very important indeed.

That meeting followed a briefing earlier in the day from Deputy Chief Medical Officer Jonathan Van-Tam; the medical director of NHS England, Stephen Powis; and Dr Jane Eddleston, the medical lead for the north-west. They set out the latest data on the rising infection rates across the country. The latest infection rates show that the north-west has 40% of all Covid-19 cases, with an eightfold increase in patients being admitted to hospital. Currently, 30% of the north-west's intensive care capacity is taken up with Covid-19 patients. They warned that in four weeks' time, the north-west could see more patients in intensive care than at the peak of the first wave unless action is taken. That is one of the reasons my honourable friend Sir Keir Starmer made the statement last night about the need for a circuit-breaker. I listened carefully to what the Minister said in answer to this debate and to the issue about the nationwide local programme.

In March, I asked the Minister what would happen if I had a positive Covid test. This was right at the beginning. I asked: who would be notified? Would it be the GP? Would it be the local public health people? Would they contact my contacts? I did not get a very satisfactory answer. It emerged, within a few days, that testing regimes stopped completely in the UK, and six months later, we are crawling slowly towards an effective local testing, contact tracing and supporting system—six months later. Given that this House cannot make a meaningful intervention in these statutory instruments except by expressing an opinion—and I am glad it is the day after and the day they are coming into force, not three weeks later—after much thought, I am going to move this amendment. I think we need to regret that we do not have a satisfactory system of testing, tracing, isolating and support for our businesses and local communities. So I beg to move and to test the opinion of the House.

4.16 pm

*Division conducted remotely on Baroness Thornton's amendment to the Motion*

*Contents 256; Not-Contents 250.*

*Baroness Thornton's amendment to the Motion agreed.*

## Division No. 2

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effort, but that we would also need to work closely with local authorities to control the transmission and spread of the virus. For their ongoing and substantial contributions to these regulations, I would like to thank local council leaders and other participants who have engaged intensively and constructively with the Government.

I have already outlined the strategy for the local Covid alert levels approach in the debate earlier this afternoon. The important objective is to enable easy-to-understand consistency in the application of restrictions across the country, rather than the localised variations which may have created confusion in the minds of some of the public. This should also allow the public to plan and prepare for stricter measures and understand the consequences of non-adherence.

This is necessary because the numbers tell a worrying story. The doubling time for the UK is currently between eight and 16 days, although this differs considerably across regions. As set out in the minutes from the SAGE meeting on 24 September, positivity is increasing, which similarly indicates that incidence is likely to be increasing, even when operational constraints mean that the number of confirmed cases may not be increasing quite as quickly.

The second wave is starting in the home. Recent statistics indicate that a total of 65,829 new Covid-19 cases were identified in the week to 6 October. Of these cases, 51,661—or 78.5%—occurred in private residential settings. The statistics demonstrate that once the virus is in a household, there is a strong chance that others in the household will catch the disease. There is very little we can do about this. The restrictions we are debating today primarily aim to reduce or stop the virus getting into the household in the first place. They reduce household-to-household transmission by seeking to prevent any indoor meeting of two or more households, which we know to be a key source of transmission.

The differences between local alert level medium, which we will debate next, and local alert level high, are focused on the need for reductions in the number and frequency of social contacts. At local Covid alert level high, people will no longer be allowed to meet with anyone from outside their household in an indoor setting; nor will support or childcare bubbles be permitted to meet indoors, except where exemptions apply. This measure includes private homes and Covid-secure hospitality, leisure and retail venues.

The rule of six will apply in all settings outdoors, including private gardens, pub gardens and recreational parklands. Everyone within the affected areas can continue to travel to venues and amenities that are open, for work or education, but they should look to reduce the number of journeys if possible. People are advised to walk or cycle whenever possible, or to plan their journeys to avoid busy times and routes if using public transport.

Additional support will be made available to local authorities to enable access to national systems in order to establish effective local tracing teams. A dedicated team of national tracers will be ring-fenced for their local area.

We want to see local enforcement teams using the full weight of the new rules and regulations. Environmental health officers and trading standards officers should

*Motion, as amended, agreed.*

## Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

*Motion to Approve*

4.29 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 12 October be approved.

*Instrument not yet reported by the Joint Committee on Statutory Instruments*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we are here to debate the middle, or “high”, tier of the new three-level system of local restrictions that we believe will be simpler for the public to understand, and therefore adherence will be higher.

Before I move on to that, I take a moment to pay tribute to my noble friend Lord Moylan, whom many of us know already. I really should have given the kind of testimony that a fantastic maiden speech in the earlier debate deserves. He did a very rare and precious thing: in just two minutes he established his credentials as “Mr Infrastructure” or, should I say, “Lord Infrastructure”. He got across the sense of wisdom, expertise and his phenomenal network, which he will undoubtedly bring to bear in the House and will be hugely valued for it. We give him enormous thanks for his pithy and effective speech.

This pandemic is the most important public health emergency that we have faced in a generation. We knew that our response would require a phenomenal national

[LORD BETHELL]

be using their powers to ensure that businesses that are breaking the rules feel the full force of the law, working with the police when necessary. But more generally, enforcement of the rules will continue just as it does now, so businesses should ensure that they are complying with the rules. It is for them to ask their customers to do so in the first instance, and they can ask people to leave. But of course, as now, they can also escalate to the police if necessary.

Areas subject to local Covid alert level high are to be reviewed every 14 days to consider whether they are still at the correct alert level. In addition, the relevant regulations will be reviewed every 28 days, and will expire automatically after six months. In reviewing alert levels, the Government will make proper consideration of the best available data and the details pertaining to the local situation, including the incidence and test positivity, as well as the growth rate in infections, hospitalisation rates, the effectiveness of local measures, the weather, and other factors.

Fundamentally, this change is about putting in place the right balance of measures to reduce the spread of the virus. As the Prime Minister made clear in Monday's press conference, our strategy is clear: to save life and protect the NHS while keeping in mind other priorities, including keeping our children in school and protecting people's jobs and livelihoods. We are taking a balanced approach to tackling the virus where it is most prevalent by working closely with local leaders to take stronger action in order to save lives.

I take this opportunity to reassure the House that every day, week in, week out, we are in constant dialogue with local areas to make sure that there is local support on the ground for any extra measures and that the local perspective is combined with the wealth of data we now have, and share, on the spread of the disease.

The people of this country have been asked to make significant sacrifices in the Government's efforts to combat this virus and its effects. The additional protections afforded by these changes deserve the support of this Chamber. I look forward to hearing your Lordships' contributions in the course of this debate, and I hope that I will be able to respond to any concerns raised. I beg to move.

4.36 pm

**Lord Hunt of Kings Heath (Lab) [V]:** My Lords, I am grateful to the Minister but I am afraid that, just as in the spring, it is a case of action taken by the Government being too little, too late.

I will return to the SAGE meeting of 21 September and the comment that the more rapidly interventions are put in place and the more stringent they are, the faster the reduction in incidence and prevalence and "the greater the reduction in Covid-related deaths."

Clearly, the Government have decided that they will not go down that course. I am afraid that the outcome will be more ill health and more deaths.

Why is the Minister so confident that this approach will work? We know that in 19 of the 20 areas that have been under local restrictions for over two months, infection rates have gone up, not down. It looks as if,

caught between opposing forces in government, the Prime Minister has dithered once again and gone for this unsatisfactory compromise.

I would like again to ask the Minister about the Government's relationship with local authorities. The Prime Minister said that he wants to reset it. Yet last night, the Government were again briefing the media that parts of the north-west are to be moved into the very high priority tier—again, without discussion with local leaders. How on earth is that a recasting of the relationship?

Given the Government's decision to go down this route, there are inevitable inconsistencies regarding where local authorities are placed in the system and the financial support they receive. Is the Minister aware of the criticism made by Andy Street, the Conservative West Midlands Mayor, and Ian Ward, the Labour Birmingham City Council leader, of the impact of closing down the hospitality sector in the West Midlands? This decision has been made for the greater good, but the impact is devastating on that sector, which supports more than 135,000 jobs across the West Midlands. Surely, adequate financial support needs to be provided to protect jobs and livelihoods.

We need a combination of tough restrictions in the light of the SAGE discussions and decisions of 21 September, but we also have to support our businesses to ensure that they survive for the long term.

4.40 pm

**Baroness Walmsley (LD) [V]:** My Lords, I am not one of those who want zero restrictions, but I want scientifically based timely restrictions with transparency. I am sure that Mr Johnson hoped that his three-tier system would bring clarity for people to follow; indeed, public compliance depends on it. I, too, hoped that replacing the multiple sets of rules would bring that about. Unfortunately, that is not the case and the complexity of these regulations proves it.

The Liberal Democrats believe that we should follow the science. The big question asked by many noble Lords is: why did the Government implement this week only one of the five recommendations made by the chief scientist three weeks ago? How on earth can the Government claim that they are following the science when the minutes of meetings make it clear that they are not? What is the science behind the 10 pm curfew? We have never been told and it has rapidly become clear that it may be having the opposite effect to that intended, as people stream out of socially distanced pubs and mingle out on crowded streets without appropriate space or masks.

As usual the Government made an announcement before they had all their ducks in a row. We hear that discussions with local leaders are ongoing about which tier their areas should be in. One cannot blame them for holding out for more financial support. If the Government had passed on to local authorities even half the money that they have been bunging into profitable contracts with their friends, councils could have used the money to do what they do best—tracing cases and supporting them to isolate, which is best done locally. Yet, the Government insist on allowing

the national system to fail before sending many of the cases to local teams, thereby losing a valuable 24 hours. When time is of the essence, this is crazy.

You cannot blame local leaders for seeking to protect their local economy by resisting going into too high a tier. What percentage of cases or growth rates divides one tier from another? We and the local leaders are not told. We now know that many positive student cases are being wrongly assigned to their home area, because that is where they are registered with a GP, instead of at their university. That is skewing the figures. Will the Minister ensure that that factor, like many others, is taken into account when assigning a tier? It is that kind of issue that makes local government highly suspicious of the criteria being used. Councils and their residents also want to know what they have to achieve to have restrictions loosened.

We support the scientists' alternative proposal of a circuit-breaker.

4.43 pm

**Baroness Noakes (Con):** My Lords, in the previous debate I supported my noble friend Lord Robathan's amendment because of the lack of scientific underpinning for the Government's Covid restrictions. I should like to say a little more about that in the context of the hospitality sector.

Many businesses have been hard hit by the lockdown but the hospitality sector has been particularly badly affected. In my village in Kent, we used to have four pub-restaurants and two cafés. Half have closed for good since March. Those of us who spend time in London are well aware of the number of venues that are boarded up.

At some stage, an inquiry will reveal whether the decision to lock the whole economy down was right and whether the harms it caused were justified by the gains in dealing with the virus, but I am not concerned with that today. What concerns me is that the hospitality industry remains a target for government interventions and that those interventions are evidence-free.

We know that the Government's aim is to reduce the rate of transmission of the virus. Public Health England issues a weekly coronavirus report. In its latest update, to the end of September, contact tracing shows that households and household visitors are by a country mile the biggest source of exposure to the virus, as the Minister said. Leisure and community are the next largest source of exposure but the sector accounts for only around 5% or 6% of the total—a massive category that covers everything from restaurants to playgroups. The data in the report on where acute respiratory infection incidents take place shows that food outlets and restaurants represent only around 5% of the total and pubs do not show up at all. It is much more dangerous to go to work than to go out to socialise.

Yet, the Government have piled restrictions onto this sector. Social distancing means that it is hard to make money. There are fierce rules on record-keeping, which we should have considered today, but for some reason that debate was cancelled. More importantly, the 10 pm curfew was announced last month with no evidence to support it. It was not even supported by SAGE. The puritans are having a field day with prissy

remarks about alcohol and social distancing not mixing, but whoever dreamed up the 10 pm rule clearly had no understanding of human behaviour. It simply created a perfect storm for social distancing, with huge numbers exiting pubs and restaurants at the same time.

The best that can be said for these regulations is that they are less punitive on the hospitality sector than those applied to “very high” alert areas—but that is not saying much.

4.45 pm

**Lord Craig of Radley (CB) [V]:** My Lords, people in tier 2 must know how they might move into tier 1 or tier 3, but what warnings of that should they expect to receive? I welcome the three-tier approach but it will lack acceptance if the guidance and rules on how any switch between tiers will be decided are not known. It is time to be open about how decisions on tiers or changing tiers will be reached, forewarned and kept under review.

This is a national emergency of unprecedented impact on everyone, young or old, rich or poor, and of every ethnic group. It is tragic that political parties and regional administrations are not working united on a national basis. Is it too late to press anew for such an approach? Faced with a long winter of stress and worry, and restrictive lockdowns for many in all parts of the UK, has not the time come to tackle this pandemic nationally and put aside the practices and instincts of partisanship and regional autonomy?

The pandemic has been likened to an enemy of the whole country that has to be fought and conquered. That calls for a united, national response. Common sense and a nationally agreed strategy, backed by the vast majority of citizens, whatever their political persuasion, are required. Will the Government seek such a solution? Will all parties and regional administrations, just for once, agree to work together in harmony? Such a lead and response would go far in reassuring the public and give them hope and optimism that the country will successfully see off this pandemic. Without such a strategy, the danger of increasing frustration, and deep worries about health and livelihoods through the dark winter months ahead, and maybe through much of 2021, may lead to growing public disquiet and unrest.

4.48 pm

**Baroness Crawley (Lab) [V]:** My Lords, I thank the Minister. While I will support the measure, as I supported my noble friend Lady Thornton, I want to ask the noble Lord a few questions about why we are where we are.

Will the Minister update us on the 25 used test kits mistakenly handed out last night in Selly Oak, Birmingham? More generally, why is test and trace still not running at all effectively, having been launched way back in May? These lockdown restrictions will be of benefit to people only if test results come back quickly, enough people are tested and, if positive, they properly isolate. There needs to be a complete reset on a system that is only marginally useful at best and throws up mistakes such as the possibility of cross-contamination in Selly Oak at worst.

[BARONESS CRAWLEY]

Why is it also, as several noble Lords have said, that financial support for areas in the new high-alert level, especially for the hospitality sector, is still not generous enough to cover people's needs over the coming months? As my noble friend Lord Hunt said, if we take a city such as Birmingham, the leader of the council, Ian Ward, has said that 135,000 hospitality jobs and livelihoods are now at risk. Without even going into the argument about whether pubs are safer than people's homes, as far as transmission is concerned, the fact remains that in high-alert level areas, some businesses—indeed, many businesses—and jobs will be lost in the coming months. Can the Minister give some comfort to those people whose jobs, especially in hospitality, are now at risk?

Unless national and local government morph into some 21st-century version of the old East German Stasi, there is no way that people can be continually spied on in their own homes, but the Government can regulate public venues such as pubs and restaurants, which is why, I suspect, hospitality is being targeted. It is a decision to tackle transmission where it can be enforced, but it will still leave many people jobless.

4.51 pm

**Lord Beith (LD) [V]:** My Lords, I am addressing the House from Berwick-upon-Tweed. Here, local businesses and families are subject to the high level of restriction chosen for the needs of Newcastle and Tyneside, but that is 65 miles away. Berwick is not part of the Tyneside travel-to-work area. People who travel to or from work in Berwick do so mostly from the nearby towns in the Scottish Borders. There is no university or college bringing students into the area.

We have the data on the issue to which I want to draw the Minister's attention. The Government publish figures for every area of the country in population units of 7,200. The number of new cases in the last week per 7,200 people in Newcastle Central was 335, a horrifying figure. In Berwick, the equivalent figure per 7,200 people was between zero and two—so small that it is not specified whether it was nought, one or two. In the area around Berwick, there were a further five cases. No logical system would treat these two areas in exactly the same way; it is the result of relying on the boundary of the huge Northumberland unitary authority, which we were pushed into against our will, and the North of Tyne Combined Authority. It is challenging enough for local businesses being in the "high" category; it would be grossly unfair if, with so few cases, we were put into the "very high" tier or subjected to other restrictions designed to fit areas showing the very highest increase in cases.

The Minister used the words "local dialogue" in his remarks. I would like an assurance from him that, if Berwick remains so very far below Tyneside in the incidence of new cases and if consideration is given to raising Northumberland into the "very high" category, careful consideration will be given to excluding the relevant local government boards in and around Berwick. Public confidence in dealing with this crisis requires a system that is sensitive to such huge differences. Clearly, if a decision is made that there should be a short circuit-breaker lockdown, which has been the subject of much discussion in the media today, we will accept it.

However, as long as there is a tiered system designed to fit the situation in particular areas, that system should operate logically and I ask the Minister to ensure that it does.

4.53 pm

**Lord Rooker (Lab) [V]:** My Lords, the three-tier system is very seductive and most people could support the general principle; it is the operation that is the problem. As my noble friend Lord Hunt said, Birmingham being in tier 2 will have a devastating impact on local businesses already on their knees following the 10 pm curfew, which is unexplained and has been imposed despite the lack of any scientific evidence to justify it. We have scientific evidence that most of the transmission in Birmingham is due to socialising in private and home settings, not in other areas. The city council and the Greater Birmingham Chambers of Commerce have written again to the Chancellor seeking an informed approach to the implementation of restrictions and for restrictions to be tailored accordingly.

There is a very small rate of infection emanating from bars and restaurants in the city of Birmingham—we have already been given figures for the numbers of jobs involved. Such a move could, of course, save businesses and jobs: the opportunity was missed with these regulations. The city council and the chambers of commerce were supported by the mostly invisible Mayor of the West Midlands, who does not seem to have much clout with the Government. It is his party and we want him to have clout with the Government. I certainly hope that, in this case, the chambers of commerce have more clout.

What we need, above all, is to know what the criteria are for exit from tier 2, either to tier 1 or to tier 3. It looks as though, and the Minister carefully explained this, it is a make-it-up-as-you-go system by central government and Ministers, and that is not good enough. People need to know what is to be done. Where is the package of support? Many businesses, according to Birmingham City Council and the Chambers of Commerce, will not see 2021.

I have a question for the Minister, and if he cannot answer it now, perhaps he can answer it in the next debate. In the previous debate—or in this one, I forget now—he said that there were 310,000 swabs a day. My question is: how many people were swabbed to get the 310,000 swabs? The number of people being tested in England per day is 84,000—that figure is from his own department. He needs to explain the difference between these two figures and how it arises. I would be grateful to hear from him, either now or in the next debate.

4.56 pm

**Lord Greaves (LD):** My Lords, on Monday our local MP—I declare my local interests—told us all that we were in tier 2, so I signed up for this debate. Yesterday afternoon, we discovered that we might be going into tier 3 and everybody is arguing about it. What a shambles.

Whichever it is, the testing, tracing, tracking and isolating system is crucial. What do I mean? I mean maximum testing, whether people are symptomatic or not, and then rapid, quick contact of the positives. In many cases, local knowledge is needed to find these

people and track them down. It has to be local people doing it, giving others advice on what to do and collecting information on their recent close contacts. That is the forward tracing, where the existing system is attempting to do it. You have to get to those contacts quickly. There is no point going to them a week later, which is often what happens. You have to give them the advice and follow up leads. Some of the contacts have leads to take you to more contacts. That, too, can only be done efficiently by local organisations and people.

The second sort of contact tracing that you have to do is backward tracing. The forward tracing is vital, but the backward tracing—investigating the source of infection—is, by and large, not being done. The amount of data that we have on it is entirely inadequate. The Minister said that 73% are household contacts. I am not sure what he means by that and I dispute what he said from the statistics that I have seen, but it depends what you mean, I suppose. It is necessary to find out where the primary contact in a household got it and to follow up workplaces, schools, streets, family leisure facilities, hospitality, shops and all the rest. Only local people with local knowledge can possibly begin to do this vital work and, unless you do that, you do not find out the primary sources of infection and you are not going to be able to stamp it out.

I think that schools are a time bomb waiting to explode. My view is that staff in schools should be tested weekly. Secondary school and sixth-form students should be tested in the same way, and the parents of children at primary school should all be offered tests. It is my belief, looking at the Lancashire statistics in great detail, that schools are an important source of the recent huge increases.

I do not think that the Government understand the systems of local government in two-tier areas. I have asked these questions before but have not had proper answers. The districts as well as the counties need the money and the powers to work with the counties to tackle this problem.

5 pm

**Lord Lilley (Con):** My Lords, I congratulate the Prime Minister on resisting the pressure for a renewed lockdown. Fewer than 1% of those dying from Covid have been of working age with no comorbidities, so our main aim is to protect the elderly and the frail.

There are two possible strategies. One is to help the elderly and frail avoid succumbing to the infection and the second is to limit the spread of the infection, primarily among those of working age who are unlikely to succumb themselves, but who may infect the elderly and frail. These strategies are not mutually exclusive. Unfortunately, in the regulations we are debating, the Government have put the bulk of their effort into the second strategy. But focusing on the economically and socially active all too often reduces economic activity, destroying livelihoods. I urge Ministers to try to avoid measures that disproportionately harm economic activity, with little likely effect on the rate of infection. The most obvious example of this is the 10 o'clock rule.

At the same time, the Government should put more emphasis on enabling the elderly and frail to avoid infection. In Germany, elderly people in multigenerational

households are enabled to live separately in otherwise unused hotel space. Why not also give much more prominent advice to everyone, especially the elderly, to take vitamin C and zinc supplements and to lose weight, all of which will help them be less vulnerable to not only Covid but other ailments?

Testing should be the best the best way to help to protect the elderly and to minimise the adverse impacts of these regulations on the economy. On 14 September, I tabled a Question for Written Answer to try to clarify the Government's position on this. I referred to the claim by the Secretary of State for Transport that testing could not be used to minimise quarantine for travellers because

“even using highly accurate tests, the capture rate of those carrying Covid-19 may actually be as low as 7%.”—[*Official Report*, 9/9/20; col. 775.]

What scientific evidence is there for this capture rate? What period after infection did it refer to, and if tests were not identifying infectious visitors to this country, why are we relying on the same tests for the staff and visitors to old people's homes?

The Question was due to be answered on 28 September, but officials are clearly struggling to find one. I would be grateful if the Minister could either give the answer himself or tell me when I will receive an answer. Whatever it is, it may well have a bearing on the sort of regulations and strategy that we should be following.

5 03 pm

**Baroness Warsi (Con):** My Lords, I broadly support the Government in trying to find a coherent way to communicate the plethora of measures now in place across different parts of the country. As a staunch civil libertarian, the current situation and approach go against my instinct and a lifetime of campaigning, but despite this, I am convinced that the Government's approach has been necessary.

I am not of the “No masks, no lockdown” ilk, but I am increasingly concerned about what appear to be illogical measures. I raised this last week in the House when speaking about businesses that operate both as restaurants and wedding venues. Wedding ceremonies are rarely conducted on the premises, but they provide simply a large and convenient space for a meal to be served after a formal ceremony. Can my noble friend explain why restaurant seating 40, 50 or even a 100-plus can serve 100 people a meal, providing that it follows social distancing guidelines on, say, a Monday evening, but not do the same on a Tuesday evening if it is as part of an organised meal? This simply does not make sense. These premises are hosting large numbers for dinners in a safe and socially distanced way on a daily basis, but are not being allowed to do so for a specific purpose.

I urge my noble friend to ask his colleagues to think again about the detail in the dashboards and find ways in which business and industry, as set out by many noble Lords today, specifically my noble friends Lady Noakes and Lord Lilley, can continue to operate within parameters based on safety and science and, above all, common sense.

5 05 pm

**Baroness Jones of Moulsecoomb (GP):** My Lords, the classic comedy, “Yes Minister” has a running joke. When the Minister stands up to give a speech, he

[BARONESS JONES OF MOULSECOOMB]

starts by saying, “We live in a time of change”. That could not be more true now because we are definitely living in a time of change. That, I think, is part of the Government’s problem. They are not actually tackling the mess they have made before they make another one. We now have what appears to be a fairly simple three-tier system, on which one could congratulate the Government, but there is a backlog of complex and convoluted regulations, advice and law that ought to be tidied up. I have raised this issue with the Minister before.

The three tiers are meant to be clear, but I argue that that there are all sorts of complexities in them. There is also the fact that I do not understand exactly how all of this will involve local authorities. Perhaps the Minister can explain that. It seems that we are giving local authorities the opportunity to be the butt of the Government, who can say, “You have messed up again”. What are local authorities going to do and when will we have a locally led test, track, trace, isolate and support system? Local authorities need the money, and they need it fast.

I want to ask a few direct questions. The Minister seems to have a real grasp of the three-tier system, so what kind of pub and restaurant closures will allow most of them to stay open? What kind of gatherings ban will have 17 complex exceptions? What does it mean when you can participate in a gathering of any size, inside or outside, of a tier 2 area, if it is “reasonably necessary for work purposes”? Finally, why is grouse shooting still allowed?

5.08 pm

**Lord Lucas (Con) [V]:** My Lords, I am grateful to the Government for their efforts to reduce the spread of coronavirus and I am pleased to have avoided it myself so far. It has had a pretty severe effect on some of my friends and relations.

Picking up on a point made by the noble Lord, Lord Greaves. I would be interested to know what the Government make of the Japanese approach to the pandemic. It focuses on cluster-busting, which is a conviction that the disease runs in clusters so that many people who get the disease do not spread it, but some will spread it excessively. The way to find the most cases most quickly is by backward tracing. In that way, a cluster can be found quickly, which is where most of the spreading takes place. I understand that there may be some reluctance to apply this technique in areas where there is a high incidence of the disease, but I would have thought that, in those areas which are mercifully relatively free of it, it should be the principal technique employed in order to keep us free of it. I ask this because it has worked so signally well in Japan.

There has to be quite aggressive backward tracing and a need to go at it hard. But it is possible to use cheap, low-sensitivity tests to uncover the cluster. You do not need the slower but more accurate tests that we seem to be using at the moment. I hope very much that the Government are picking up on this idea and will be able to give the noble Lord, Lord Greaves, and me an encouraging answer.

5.09 pm

**Lord Scriven (LD):** My Lords, it did not have to be like this. When historians look back at this period, they will point to one of the biggest strategic mistakes in getting the balance right between freedoms and keeping the economy going as much as possible: the lack of an effective and localised test, trace and isolate system. As my noble friends Lady Walmsley and Lord Greaves have said, the way to minimise restrictions in these regulations is with microprecision: to take the virus out of circulation by getting directly to individuals, tracing their contacts speedily and then supporting them with appropriate isolation services and an adequate financial safety net. The Government have not done that effectively so far. I know they will come out with reams of figures, but that will not wash any more. Real people’s experiences in communities up and down the land are more of a guide than a set of well-rehearsed statistics.

Talking of real people’s experiences, I bring to the Minister’s attention real issues on people’s minds. I will give real examples using Chesterfield, which is in the medium category, and Sheffield, which is in the high category. These two areas are just down the road from each other, and real people travel between them for work, leisure and shopping, and have families in both areas. Can the Minister answer these questions that people back there are asking—real questions and real people’s concerns?

“I live in Sheffield and am 10 years old. My grandparents live in Chesterfield. Why can I go to my school in Chesterfield, in the same class as my nephew who lives in Chesterfield, but after school cannot see my grandparents inside for a meal, when my nephew can?”

“I live in Chesterfield. Why can I go to a pub in Chesterfield at 6 pm with five of my friends but, when we go to the comedy club performance in Sheffield at 7.30 pm, we are not able to sit together? Why have I become more infectious at the Sheffield border?”

“I live in Sheffield, but work in a small office with four other people in Chesterfield. Why can I sit in an office with them all day but, at the end of the day, cannot go for a drink and sit with them, when they can sit together? This is madness and makes no sense.”

“I own a coffee shop in Sheffield. It is my legal responsibility, with the possibility of a fine if I do not do this, to make sure that linked households sit together. How will I know and manage the situation, if three people living at two addresses in linked households want to sit together? How do I know they are linked households?”

The answers to these questions are important because, for people to trust and carry out what is asked of them, they need to understand why they are being asked to make sacrifices. Regulations made up in offices in Whitehall have serious implications for people and businesses many hundreds of miles away, with consequences that the London-centric lens does not see.

My next point concerns why this is emergency legislation. It was obvious that a new wave was coming and that the country needed a way to deal with it. If this had come through normal primary legislation, the issues people are raising that I mentioned, and the

unintended consequences, could have been teased out much earlier. The rules would be much more realistic, and businesses and people would have had time to prepare for what was expected of them. This rush-and-push-it-through type of regulation is not acceptable, so I ask the Minister why this strategic framework for dealing with more localised lockdowns was not brought before this House and Parliament months ago, as it should have been. It is too late to wait until the surge is upon us, as the Government have yet again done in this public health crisis.

As a number of my noble friends, including my noble friend Lord Beith, have said, a gaping hole in these regulations so big it can be seen from outer space determines the criteria used to put an area into and bring it out of the high category. Again, it is vital that this is understood and public, so that people and businesses can plan and prepare. Nottingham has 834 cases per 100,000 people, but Mansfield has 81 per 100,000. Both are in the high category. So can the Minister inform us what criteria are being used to decide which area to put in the high category? The regulations say that the Secretary of State will review every 14 days and decide if the whole area or part of it will be released from the high category. Again, can the Minister tell the House what criteria the Secretary of State will use?

Noble Lords on these Benches are not libertarians. In a public health crisis, we do not believe that people have a free right to act in a way that has the potential to harm others. We believe that, in such circumstances, evidence-based and proportionate rules are required, but they need to be introduced with public understanding, genuine local involvement and in a way that allows normal democratic scrutiny and accountability to be exercised. We feel that these regulations should not have been introduced as emergency legislation, but as normal primary legislation. The Government are now solely culpable for the unintended consequences, both to businesses and people, because they refused to work in genuine partnership to make support packages and laws effective.

If we, as a country, are to get through this public health crisis with the least amount of restrictions to freedoms and long-term damage to businesses and the economy, the Government need to stop playing catch-up with emergency legislation, take stock, follow the science and put in a temporary circuit break, while using all at their disposal to implement a locally based test, trace and isolate system. That is the way to minimise harms, both to people and businesses.

5.16 pm

**Baroness Thornton (Lab):** My Lords, the pertinent question that has been asked by several noble Lords, and indeed by the noble Lord, Lord Scriven, is why this is emergency legislation. We knew this was coming. We should be grateful that we are doing this on the day it is being enacted, not three weeks later, as I have already said. But the high tier already affects 20 million of our fellow citizens, so this is extremely serious.

Areas already under additional local restrictions are automatically in the “high” alert level, which means bans on households mixing indoors are extended to include hospitality venues. Noble Lords have already

asked questions on the illogicalities involved. I think the Minister realises that this is not simple or straightforward. As several noble Lords have said, the criteria on which local lockdowns are enacted remain a mystery to us. Regions with similar infection rates are being treated differently. The criteria by which an area will move from one to another, down to “medium” or up to “very high”, also remain a mystery.

The problem that causes, apart from a lot of confusion, is that there will always be a suspicion that a political choice is being made. It is another reason why a local partnership to create safety locally is so important, as those suspicions still exist. The Minister and other members of the Government have said that we should not take too much notice of what is being said in the media by local politicians when, behind the scenes, you are all working together and it is all going extremely well. Too often, it is clear that that is not the case. Those questions remain.

This is very important, as many people in high-risk areas are on tenterhooks following the announcement last night that the Government are set to hold a Gold Command meeting today to discuss whether Greater Manchester and Lancashire need to be reclassified into tier 3. The Minister said that negotiations with local leaders are key to deciding whether an area moves into a higher level of restrictions, and presumably a lower level as well, as we move forward—hopefully.

I would like to ask the Minister about the Prime Minister’s suggestion that Manchester was not placed in tier 3 because the local authorities refused. The Prime Minister said:

“I also hope that Opposition Members who are calling on me to do more in Greater Manchester will prevail on the authorities there to come into tier 3 and to help us to get there.”—[*Official Report*, Commons, 12/10/20; col. 32.]

Can the Minister explain to us how that works and what is happening?

As other noble Lords have said, and indeed as we said in the last debate about the “very high” statutory instrument, testing and tracing is absolutely vital. Jamie Driscoll, the North of Tyne Mayor, whose area is also in the second-highest risk tier, said the new system was

“like whack-a-mole without knowing where the moles are”,

because of failings in the test and trace system in his area. Can the Minister confirm that the contact-tracing app for England and Wales has sent only one alert about a coronavirus outbreak in a venue since it was launched two weeks ago, despite being used for millions of check-ins? This is despite the Government stating that hospitality settings such as pubs, bars and restaurants are a “significant” source of coronavirus infections, with data shared by the CMO suggesting that more than 30% of coronavirus exposure is in fact in pubs, bars, restaurants and cafés. Does the Minister accept that the absence of targeted venue alerts is undermining the core principle of this system? Will he devolve further responsibilities for test and trace to local leaders in the high tier, to help them take the action they need to avoid the economic damage of being placed in the highest tier of restrictions at a later stage?

Does the Minister share my concern that the focus on areas causing the most concern means that areas with comparatively lower infection rates risk being

[BARONESS THORNTON]  
 overlooked? The key word here is “comparatively”, because the goalposts keep moving as infection rates increase in certain parts of the country. Bristol’s case numbers, for example, are considered to be “low”, but would have been considered “horrific” two or three weeks ago. The noble Lord, Lord Scriven, was quite right: we have not had time to discuss real cases and real issues. These tiers may be the right way forward, and we certainly will not oppose these restrictions, but we have not teased out all the problems that are caused by the lack of real consultation and discussion.

5.22 pm

**Lord Bethell (Con):** My Lords, the noble Baroness, Lady Thornton, is correct that it is a shame that we do not have time to go through each and every one of the local situations that have been brought up in the Chamber today. I would love to sit down with the noble Lord, Lord Scriven, to talk about Chesterfield, the noble Lord, Lord Greaves, about Pendle, and the noble Lord, Lord Beith, about Berwick. Each of them has articulated incredibly thoughtfully the complex and challenging local situations, where the interest of one community is at odds with that of another community, where dialogue between a small council and a higher council is at odds and where dialogue with the national authorities is challenging and difficult.

I will step back, if I may, because I cannot possibly comment on all the examples cited. If the Chamber will forgive me, I will take an optimistic view of all this. What coronavirus is doing is forcing all of us to work together to beat the epidemic. In my experience as a last-minute Minister on the front line of the battle against coronavirus, this is what I have seen time and again. I hope that noble Lords will forgive my sentimentality in this but, whether it is in the triple helix of the NHS, the business community and universities working together on test and trace, whether it is the partnerships I have seen between hospitals and social care working for the best interests of those in care, or whether it is the scientists working with the pharmaceutical industry to develop new therapeutics, I have seen amazing progress made in the spirit of collaboration. I have seen barriers broken down and relationships that should have been there getting stronger. The pain that we see and the anger that we hear on the television and radio in the blame game that is going on are, for me, the sound of people learning to live with each other, collaborate and beat it all together.

I feel the frustration of the noble Lord, Lord Hunt, but I am confused by his challenge because, on the one hand, he wants rapid action but, on the other, he wants agreement and engagement; I am afraid to say that those two things do not always sit together. I hear the pain of the noble Lord, Lord Beith, in Berwick, but I have to inform him that the decision to combine Northumberland and the north-east was taken very much with the participation of all the authorities, because they recognised that, with 200 per 100,000, they all needed to work together on the epidemic.

I pay tribute to the noble and gallant Lord, Lord Craig, who raised the challenge for all of us of the spirit of partnership and the sounds of Britons getting to know each other. I very much hope that we can get a benefit

out of Covid, which will be that our levels of government get to know each other a lot better and work out how to collaborate in the fight against Covid.

A number of Peers mentioned the economy and the hospitality sector. I completely and utterly endorse the deep-seated and genuine concerns of those, including my noble friends Lady Warsi and Lord Lilley, about the economy generally and in particular the hospitality sector, which has been most graphically and acutely hit by the kind of restrictions we are talking about today.

I am enormously grateful to my noble friend Lady Noakes for describing me as a “puritan”; after spending a lot of my life on the wrong side of the curfew, it is a very redeeming moment for me personally. But my experiences in the night-time sector give me, I think, authority to speak on this subject, and I must share with my noble friend the insight that, after 10 pm, when young people mix with alcohol, I am afraid that intimacy and contagion are absolutely more likely. I am afraid to say that it is that insight that it is helping to inform our decision on the lockdown.

Meanwhile, we have done absolutely everything we can, in answer to my noble friend Lord Lilley, to help the hospitality sector with business grants, the Job Support Scheme, the sophisticated QR code contact-tracing system and trying to keep open the hospitality sector wherever we can, including by putting in special provisions for weddings. We will continue to work with the industry to do what we can.

On universities, I reassure the noble Baroness, Lady Walmsley, that the postcode challenge that she described is not one that is a material flaw in the plan. When they book their tests, students put the postcode of where they are living into the system, not their GP’s postcode—and we use more insight than simply postcodes to make our decisions.

I say to my noble friend Lord Lilley that the frustrating thing about this wretched virus is that it can sit in your body for 14 days without making itself apparent to any form of test—either PCR, lateral flow or Covid dog. That is why the instant test that you might get at somewhere like an airport can be only 7% predictive of whether you will have the disease at some time in the following 13 days.

I say to my noble friend Lord Lucas, “What excellent insight—absolutely top of the class in terms of epidemiological perceptiveness”. Cluster-busting is very much at the top of our list; we are deploying the latest artificial intelligence and genomics to try to do the backward testing that he described. Perhaps I may share this insight: instead of thinking of “superspreaders” as people, we are thinking more in terms of “super-spreading events”—such as the Rose Garden event—where, somehow, the way in which people are configured encourages contagion. And we are absolutely looking at low-sensitivity testing devices, as he described.

By way of conclusion, I pay tribute to the insight of the noble Baroness, Lady Thornton. Exit strategy is absolutely key. We are here debating the setting-up of these regulations; they are important regulations, and we are going into a second wave, as the deputy chief medical officer made crystal clear in his briefing to Peers yesterday. But an exit strategy is critically important.

The kind of partnership that the noble Baroness, Lady Thornton, referred to and that I described at the beginning will be absolutely key to that. Local government and national government working together at all tiers will be the way in which we can establish the behaviours that are necessary to keep a lid on this contagion. That is very much the priority at the next stage of our thinking.

*Motion agreed.*

5.29 pm

*Sitting suspended.*

### **Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020**

*Motion to Approve*

5.40 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 12 October be approved.

*Instrument not yet reported by the Joint Committee on Statutory Instruments*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, it is a disappointing fact that the rate of Covid-19 infections is rising rapidly across the UK. The ONS estimates that one in every 240 people in England had the virus between 25 September and 1 October and that the number of those who are infected is doubling every seven to 12 days. The scientific advice is clear that the disease is currently growing exponentially. To combat this, the new local Covid alert level framework standardises many of the restrictions that will be in place, making it easier for people to understand them and comply with them. As I have said throughout these debates, the new approach will be simple and constructive. I take this opportunity to thank local leaders who have engaged with the Government over the weeks and months as we have developed this system.

The Government will continue to work with local leaders to decide changes to alert levels. Decisions will be made based on a number of factors, including the rate of transmission, how quickly it is changing and the effectiveness of current interventions. The regulations we are discussing implement the restrictions known as local Covid alert level “medium”. They reflect the current national measures and are the minimum level of restrictions in place across England.

The restrictions on gatherings seek to slow down transmission by reducing social contact. They include the rule of six. This gathering limit, which includes numerous exemptions, strikes a balance between reducing social contact, allowing socialising to continue and minimising negative social and economic impacts. Additionally, a limit of six provides a clear message to the public to emphasise social distance. The rule of six means that, unless an exemption applies, nobody can gather in a group of more than six individuals, indoors

or outdoors, unless everyone is from the same household or the group is made up of two households that are part of the same support bubble, or the individual is part of a smaller group attending a larger gathering being held in a public outdoor space. The organiser of the gathering must also have carried out a risk assessment and must take all reasonable measures to limit the risk of transmission of the coronavirus.

As I have described, there are exemptions from the rule of six. For instance, we are concerned about mental health, which is why we have legislated for support bubbles to help those most at risk of becoming isolated. There are also exemptions for work or voluntary purposes, education and training, formal childcare and providing care to vulnerable people, and there are exemptions for specific life events: weddings, civil partnerships, and funerals and commemorative events following a person’s death such as wakes, which are subject to a 15-person limit. As I explained earlier, allowing higher limits for these events balances the need of people to recognise significant life events while still minimising the spread of the virus.

The restrictions include measures for business. In the first debate, I outlined much of the evidence from SAGE, PHE and other studies which demonstrate that hospitality venues pose a high transmission risk. Therefore, these regulations require the closure of hospitality and some leisure venues, including takeaways, from 10 o’clock in the evening to 5 o’clock the following morning, except for delivery or collection during that period, as long as the order is placed remotely—for example, online or by phone. This, again, is to reduce the likelihood of people not adhering to social distancing rules, as compliance is often affected by alcohol consumption. The regulations also mandate table service if alcohol is served on the premises. Customers are required to be seated when they order their food and drink, which is then served to them. The business should take all reasonable steps to ensure that customers remain seated to consume it. If no alcohol is served, customers can order at a counter, but the business should take all reasonable steps to ensure that the customer remains seated while consuming the food or drink on the premises.

On business closures, the regulations close down nightclubs, dance halls, discos and other venues which open at night, have a dance floor or provide music, whether live or recorded, for dancing. This is because such businesses and services pose a much higher transmission risk and cannot currently be opened safely. We continue to work with representatives from these industries and business sectors to develop options to facilitate a safe way for them to reopen. The Government recognise the importance of these industries and have committed to a world-leading £1.57 billion rescue package to help them weather the impact of the pandemic.

The regulations create offences punishable by fines and provide for the issuing of fixed penalty notices. For individuals, the first offence carries a £200 penalty, which is halved if paid within 14 days, and the fine doubles for every subsequent offence up to a maximum of £6,400. For businesses and services, the first offence is £1,000, followed by £2,000, £4,000 and then £10,000 for every offence committed thereafter.

[LORD BETHELL]

I reiterate that the Government express their profound thanks to the vast majority of people who have made huge sacrifices through this pandemic and will continue to do the right thing and follow the rules. However, to protect public health it is important that police have appropriate powers to deal with those who break the rules.

I once again express my thanks to noble Lords for their valuable contributions to this debate and the two earlier debates and for challenging us to do better in this vital area of public policy. I believe that we have met the bar set for us in these debates and that these regulations are proportionate and necessary to protect the public from the spread of coronavirus and to prevent a second national lockdown. I beg to move.

5.47 pm

**Baroness Donaghy (Lab):** I thank the Minister for his clear explanation of this statutory instrument, which is the lowest level including the rule of six and the 10 pm curfew for bars and clubs. As I said earlier, as a former licensee, I understand the business reasons for opening, if only for a more limited period, but common sense says that it could be the worst of all worlds. This statutory instrument shows the stark divide between north and south on any Covid map. I appreciate the difficult job the Government have to do. I have been critical of the Government's poor relationship with local government leaders. The Local Government Association's reaction to the three-tier proposal has been fairly positive—I should declare, incidentally, that I am not a vice-president of the Local Government Association. It has said that the new system will make it easier to follow the rules. It also urges that the system allow local councillors and public health experts to respond to specific causes of spikes in infections in their area. It referred to the additional pressure on already overstretched council budgets. What assurances can the Minister give that local expertise will be used and that sufficient funding will be available for councils to carry out their vital tasks?

Reference has been made throughout today's debates to the publication of the SAGE minutes of 20 September, which advised the Government to ban all contact within the home by members of other households, to close all bars, restaurants and other venues, and that all university and college teaching be online unless face-to-face teaching is absolutely necessary. The contrast between the advice of SAGE and the Government's delayed reaction—22 days later—could not be greater. We have “very high”, “high” and “medium”. I am assuming the SAGE advice would be “sky high”. Those who say that a total lockdown would be a disaster miss the point. It is all disastrous. It is a question of disaster management and clear strategy.

Turning to the issue of probity, how can the Minister prove that the public money being spent on test and trace, IT systems, testing the provision of PPE and testing laboratories fulfils all the requirements of public procurement? In his answer, he referred to the huge amount of work being done on auditing, checking and supervising contracts. He said that the Cabinet Office provided a huge amount of analysis and challenge in

checking against delivery of the products and services involved, yet we still get reports of companies being given contracts without proper tendering processes. What information can the Minister give us on the actual results of those Cabinet Office checks on the delivery of those products and services? It ought to be public knowledge.

I said in the past that I was uncomfortable dealing with retrospective and sometimes contradictory SIs—but, like most of us, I have gone along with it because it is important to try to work together. Now Labour's previous support has been thrown in its face by the Prime Minister, who is saying that we are the ones doing the U-turns. I do not detect that kind of combative aggressiveness in the Minister, but I would appreciate his acknowledgement that Labour has up to today been as strong a supporter as he could ask for in supporting these statutory instruments.

5.51 pm

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I begin by extending my congratulations and sympathy to the Minister, the noble Lord, Lord Bethell, on his patience and stamina in dealing with the numerous questions and debates that Covid-19 has generated. Having to answer in three separate debates on the same subject on the same day seems above the call of duty.

I am lucky to live in Somerset, which has a very low R rate and is on the medium alert level. My London accommodation is also on a medium alert level. I get regular emails from the council on what is happening and how it is tackling the issues. I just hope that going backwards and forwards to Somerset does not jeopardise Somerset's R rate. At this stage, I should probably declare my interest as a vice-president of the LGA.

I have read the instrument—No. 1103—and the Explanatory Memorandum, and I have a number of questions. Paragraph (2) of Regulation 2—headed “Interpretation”—states:

“For the purposes of these Regulations, references to a ‘local authority’ include references to a county council.”

Can the Minister clarify whether this means that all councils, districts and unitaries, are covered by this? On further reading, it is obvious that local authorities will have a very big part to play in protecting and maintaining their areas at medium level.

The dashboards circulated this morning are extremely useful but do not give quite the level of detail that is contained in the instrument. Residential care is open to visitors but subject to care provider guidance. On the radio this morning, there were some heart-rending stories of relatives who have loved ones with dementia not now being able to visit, whereas previously they had visited daily. Those with dementia are particularly hard hit; they do not understand what is happening and why they appear to be being punished. Their loneliness and isolation are more than they can bear. Would the Government consider working with the residential care sector to provide guidelines to allow those suffering from dementia greater safe access to their relatives?

I am somewhat confused by the paragraph on linked households; other noble Lords have referred to this. I may not be the only one in the country who is confused.

The paragraph states that a household of one adult and children under 18 may link with another household. However, there is no limit on the number of adults or children who may be in the second household. Can the Minister say how this fits in with the rule of six, either indoors or outdoors? Why can the first household not have two adults and no children in it?

Lastly, I want to touch on the plight of young people who have fallen on the wrong side of the law. Services to young people are at an all-time low and the restriction on gatherings hits young people very hard. I note that workplace canteens are exempt from the restrictions, as are canteens in criminal justice accommodation, which includes young offender institutions. It is essential that young people should be able to at least socialise with their peers in this setting at mealtimes. Are visits from relatives allowed at young offender institutions, or do they fall under the same restrictions that exist in residential care homes? Isolating young people from their family support network is not likely to change the behaviour that brought them into the criminal justice system in the first place.

Broadly, I support the introduction of these three instruments, but I fear that they may be a little too late to deal with the second wave of infections that is overtaking our country.

5.56 pm

**Lord Bilimoria (CB) [V]:** My Lords, a second national lockdown would be devastating for our economy, so it is right to prioritise bringing infections under control. Business supports the simplification of Covid rules with the three tiers of restrictions. But this remains very tough news for thousands of firms that have done so much to keep customers and employees safe.

Now that clear rules are in place, good, open communication is essential. Businesses in the worst-affected areas have too often had to plan on rumour or react to things at the last minute. This can be solved with a more collaborative approach between businesses, central government and local government. Restoring a sense of national unity is critical for tackling the virus and, to maintain confidence and compliance, the Government must show more of its evidence base for new restrictions.

One example of this would be the 10 pm curfew for restaurants, bars and pubs. I have asked this question before, but can the Minister provide us with the evidence that the curfew is necessary? I have heard that only 5% of new infections come from the hospitality sector and, when wearing my business hat, I have heard from my trade that only 10% of drinking takes place after 10 pm.

To protect jobs, we should keep financial support under review and in lock-step with the severity of the restrictions. I pay tribute to the Chancellor, who has continually listened when we have asked for more help, and iterated and adapted and avoided cliff edges. For that, I know that business is very grateful. But ultimately, mass rapid testing must really ramp up if we are to prevent a second wave from further harming economic growth.

I know the Minister and I appreciate his hard work and dedication. I know that I sound like a stuck record, but I will say this: we get updates on normal

testing, with the target of 500,000, but what about the LAMP boxes that can be rolled out? We could have something like a ventilator challenge to have them manufactured; British manufacturing would come to the fore. We could really ramp up their use in airports, schools, factories and offices. Similarly, we could have mass testing with pregnancy-type tests; they may not be as accurate as PCR tests, but with a triage-type approach combining them with LAMP and existing testing, we could really be on top of the virus.

Business wants to work with the Government on support during these restrictions. The CBI, of which I am president, has proposed a six-point action plan. Business wants to see the following: increased visibility and awareness of the data trigger points used in decision-making; ensuring that decisions are communicated at the right time to the right people; clarity of message on what people can do and on changes to what they cannot do; communication of who is in charge of the lockdown, with a go-to person accessible to businesses who can provide information; stepping up test and trace efforts; and a framework which recognises that local lockdowns will impact local economies differently, with improved support for businesses and people where staff absences are due to self-isolation rules, a clear mechanism for channelling funding quickly by local authorities, and any such support made easily accessible to local firms.

6 pm

**Baroness Andrews (Lab) [V]:** My Lords, in the time available, I want to ask the Minister a number of questions about this SI and the decision to leave so much of the country designated as “medium” level, but I join other noble Lords in saying how much we appreciate the Minister’s very hard work, stamina and patience on this series of SIs.

It seems that the “medium” level areas are precisely those where there is still a marginal chance that lessons can be learned, and early and swift action can be taken to prevent escalation. One of the most perverse and unwelcome outcomes of how this disease has developed is that, as the WHO said recently, it thrives on poverty and poor housing, and “exasperates inequalities”. One of the very worst things that could happen would be for this already divided country to be driven further apart because those traditional post-industrial communities of the north and west, the Midlands, south Wales and Scotland were to suffer disproportionately. We are certainly not all in this together at the moment, but I sense that it is only a matter of time before we are. Large areas of the country designated at the lowest tier also contain large poor urban communities, where the pandemic takes a fierce hold.

That is why I say, “Thank God for the leadership of the local authorities.” They have stepped up magnificently to protect and provide for their local communities. The most effective thing that the Government could do is to listen more closely and act more swiftly on the advice they are getting from local authorities. They are still not in the driving seat when it comes to NHS Test and Trace, but they need to be. London is the outstanding case in point. Infections are now rising above 100 in 100,000 in several boroughs. The Mayor of London is urging the Government not to wait four weeks, until

[BARONESS ANDREWS]

London has caught up with the worst scenario in the north, but to act now to break the circuit of infection. What is the Government's response to this? Is the Prime Minister talking to the mayor? Why delay when, as surely as night follows day, and as the Deputy Chief Medical Officer has said, the evidence is that there will be a predictable exponential increase in infection and eventually in hospitalisations. What is the Government's strategy to deal with London in all its diversity?

Turning to more general questions about the decisions to leave most of the country designated as "medium" level, how is risk defined in those areas so designated? Is there any differentiation within these areas? What are the ranges of the R number? What modelling is being done by SAGE or other groups, and at what level, to establish transmission routes or speed of transmission from areas of high infection to areas of low infection? What advice are the Government giving public health leaders in the south-eastern region, for example, about what they might expect and what they should be preparing for? Given that there are many universities in the south-east, what assessment have the Government made of likely sites for the spread of infection? What advice is now being given to universities across those areas, especially on testing? What precise trigger point would escalate the decision to move regions to tier 2? Which pillars of the Covid-testing strategy are informing these decisions? Given that SAGE has confirmed that the NHS Test and Trace system is having a marginal effect on areas with the highest rates of infection, what evidence is there that it is having a more effective impact, in terms of contact tracing, on areas of medium risk? Have the Government assessed the relative advantages of a Serco track and trace system over those of local authorities?

We are all shocked by the resistance that the Government showed to SAGE advice three weeks ago. Now we are told that the Government might be considering a circuit-breaker. I beg of them not to dither any more, because I predict that we will be here in a few weeks' time debating a temporary lockdown. The tragedy is that we will have wasted weeks, when we could have saved lives in the process.

6.05 pm

**Lord Dholakia (LD):** My Lords, the reality is that the number of cases of Covid has quadrupled in the last three weeks, and there are now more people in hospitals with Covid than there were when we went into lockdown on 23 March—and deaths are already rising. All the optimism about a vaccine and winning the battle against Covid has become a distant future, and the reality has to be accepted: the virus is here to stay for a while.

I shall concentrate on some of the issues facing us. It is not to ignore the situation in very high-risk areas, but the tier system fails to address issues in other areas. There is a commonality between all three tiers. No one is immune from the spread of this virus; we cannot afford to take our eyes off the areas classified as "medium", and great care must be taken to ensure that factors that affect the other tiers are as relevant in groups where intensity is less obvious. We do so at our own peril.

There has often been confusion in how we have handled this issue. We are told that our action relates to, and is guided by, science. That sounds hollow when we now know that scientific opinion offered a few weeks ago, including actions that should be taken, was ignored. Consultation with communities was narrowly confined, and the local population hardly featured in any outcome of the decisions taken.

I give one example. I live in a village which has no shops, no station and no post office—nothing of that sort. The nearest supermarket is about seven miles away. We have one facility, which is the local pub, the Labouring Man, and I declare an interest as I frequently visit it. It is owned by Martyn Brand, who converted his shop into a grocery shop overnight when the crisis became obvious. I hate to think what would have happened to the village had that facility not been available to local people. A number of noble Lords have talked about closing hospitality businesses at 10 pm. We have to be careful about how that affects small places in many rural areas.

At the best of times, the Government's message is confusing. We must remember that the population has paid a very heavy price for the action taken so far. We are now expecting even more from them. They will oblige if there is absolute clarity in the message that comes from the top. This has not been the case. It is here that I want to thank local radio stations, provincial newspapers and ethnic papers, which have been at the forefront. They have probed statements for clarity and highlighted issues affecting local communities, care homes, business and the hospitality industry. Communities are better informed not because of the Government but because of how they have highlighted the fight against the virus.

In conclusion, let us not forget the plight of those at the wrong end of this issue, who fit in all three tiers that we have talked about. These include single mothers living in limited accommodation and victims of domestic violence, which is on the increase because of isolation. Unemployment is on the increase, and test and trace has been so poor—and there are many other factors. These will not go away, and action is necessary on all fronts.

We value the award of honours to those who have excelled in their contribution, and I am delighted that so many from minority communities featured on the last list. Their contribution in providing care has been unique. Many have provided food and help where appropriate. If there is one positive message from the present crisis, it is that we are more united now than we have ever been.

6.09 pm

**Viscount Eccles (Con):** My Lords, in expressing my gratitude to my noble friend on the Front Bench, I reflect that in this very complicated situation it cannot always be easy to convey the messages that go from this House to the other end of the Corridor. Messages are coming from a multitude of directions, and we must be very grateful for my noble friend's diligence and persistence and for the calm presentations that he makes to us in this House.

This virus is, regrettably, proving to be very efficient. What assumptions can we reasonably make? There are not many, but perhaps there are two. The first is that it

will be here for a long time, and the second is that it is almost certain that it will cause excess deaths, although of course some of them, equally regrettably, will probably be due to other, more conventional reasons because of the burden laid on our institutions—notably, the NHS.

At the same time, the social, economic and financial effects are huge, and they have been discussed many times in this House. They go all the way from the national debt to the individuals who decline to self-isolate for their own reasons, some of which are very compelling.

Therefore, a balance needs to be struck, with a comprehensive approach to how we deal with the future. In approaching that, it is very welcome that the Government have made the greater involvement of local institutions—local government, the NHS and Public Health England, to which I would add charities and local groups—a part of the programme. However, at the moment it is described as “working with”, and I am not sure that that is yet an adequate way of approaching local involvement. The nearer the action, the greater the knowledge of what is happening and of the people to whom it is happening and their circumstances. Indeed, I would say that our best chance of controlling, reducing or suppressing this virus lies with individual behaviour. Knowledge of what is happening is growing all the time and people’s response to that is critical.

However, I come back to these regulations and the others that we have considered today. They all need to be reviewed in 28 days. The 28th day is 11 November—a date of some significance. I think that this House and the public need to know more about the criteria that will be applied to those reviews—the assessment that has been made and how the balance, with all the competing matters that face us, is being approached and reached. May we please have some days before 11 November to debate the matter?

6.13 pm

**Lord Robertson of Port Ellen (Lab) [V]:** My Lords, I join other noble Lords in congratulating the Minister on his fortitude and, indeed, his patience in dealing with all these regulations. Of course, they are all to do with enforcement, whether through self-discipline or the force of law, and that is extremely important. I think that the problem for this Government is that, with the internal market Bill coming up and raising the whole question of the rule of law, they have a dilemma on their hands. I wonder whether the Minister has seen the words of the noble and learned Lord, Lord Neuberger, the former President of the Supreme Court, who last week made this point:

“What moral authority does the government have in expecting people to obey these laws if it itself is announcing that it intends to break its obligations under international law?”

Is that not a fatal weakening of the Government’s authority in this situation?

I want to ask a couple of questions but also to underline the fact that all this should be about track and trace: it is fundamental in the detection of and dealing with the crisis we face. The SAGE report makes it clear that the low level of engagement and the delays in testing were hindering the system’s success. It is scathing about the Government in that regard.

I ask three brief questions of the Minister. First, is what Sky is reporting today true: that private sector consultants are being paid £7,000 a day on the track and trace system? Secondly, can he explain to me and the House how a company called PPE Medpro, incorporated with a share capital of £100 in May this year, received a non-compete contract for PPE in the health service of £110 million? Finally, when will the Government get around to making the app available in England compatible with the one in Scotland? As somebody who travels between the two nations, I find that I cannot get my NHS app to work in London because it is overruled by the one I have on my phone from Scotland. The Prime Minister was asked that today by Wendy Chamberlain, the Liberal Democrat chief whip, and it seemed to come as news to him. Can the Minister give an answer today as to when that ridiculous situation will be resolved?

6.17 pm

**Lord Rooker (Lab) [V]:** My Lords, two days ago, the Prime Minister sent us all a circular letter following his Statement. It had two enclosures, one of which was a chart of the local Covid alert levels. It is in three colours, so it is fairly simple. I have one question about one issue. In the description column, it lists “youth clubs and activities”. Under each level—medium, high and very high—it simply says in each column: “permitted”. I would like to know what is permitted and what is the evidence that youth clubs and activities are actually taking place? I get the impression that they are not, yet, clearly, under each of the regulations, they are permitted. Do the Government have any further information about that?

The Minister said in the previous debate that the system of government is such that we have all got to know each other better. I can guarantee that for the first six months of the outbreak of this pandemic, the words “environmental health officer” never crossed the lips of a Minister. Those 3,000-plus people are the unsung heroes of this country. They know how to check on disease control and other matters, but they were never used because they are public sector.

The Minister also said, very interestingly, that it is now superspreading events that are the problem. That puts the kibosh on the approval of the noble Baroness, Lady Harding, of the Cheltenham Festival, does it not? We need to go back and look at that: those events did cause problems. My only question about SAGE and the minutes of 21 September is not about the detail, it is why on earth, when the Prime Minister made his statement on Monday, he never referred to the fact that the SAGE minutes were going to be published. He must have known that. All he had to was mention it and simply say, “We have looked at it, but we are doing this.” That would have stopped all the rows and accusations about his judgment, but he failed to mention it, although he knew all about it.

On local authorities, the previous debate was about tier 2 and this is about the rest. It is true that the city of Birmingham, which I referred to before, is abounded by the local authorities in the West Midlands conurbation. But it is also abounded by Staffordshire, Warwickshire and Worcestershire and all are encompassed in the travel-to-work areas. Looking

[LORD ROOKER]

at the way the tiers have been drawn up, it looks as though the refusal to use travel-to-work areas may be an Achilles heel.

My final question is again to help the Minister because he is the one who raised this, not me. He boasted about 310,000 swabs a day and I asked him how many people were involved in those swabs. He did not answer, or even refer to his own boast. Yet in his own weekly statistics for NHS Test and Trace in England, as published by his department, those for the latest week of 24 to 30 September clearly state on page 41 in Annex A—it is the same annex every week—that the number of people tested totalled 588,895. That is 84,127 a day and the figure was less than the week before, so the testing system is not working. That is why we do not have a trusted system. Until it is working and the boasts of 500,000 being tested are made a reality—and how many people that involves—people will not trust the system or the Government.

6.21 pm

**Baroness Uddin (Non-Afl) [V]:** My Lords, it is a real privilege to follow my noble friends Lord Robertson and Lord Rooker. Tiered approaches may seem fit for the purpose now, as we deal with differing rates in admissions across the country and across boroughs in London. However, it has to be said that the rapid rate of government announcements has caused manic confusion among the general public. I agree with the noble Lord, Lord Bilimoria, that clarity in message is critical. Even in areas described as medium risk, there is a deepening fear that we are about to hit a catastrophic health crisis without sufficient financial measures for significant numbers of our citizens—vulnerable citizens and communities. I have some general questions for the Minister and I look forward to his consideration and responses.

What specific measures are in place to protect front-line staff with protected characteristics? Will the Government assure this House that, unlike in the first few weeks and months, front-line staff of minority heritage will not be pushed into Covid management without safeguarding their well-being? I am citing many who lost their loved ones during the first outbreak. Given that we know people of minority heritage continue to be at risk of ending up in ICU admissions, will the Government ensure that those doing test and trace door to door have proficiency in the languages for the populations there? What additional resources will be given to areas in the middle tier to prevent them going to the more critical grade?

We also know that families with disabled children who have learning disabilities and autism, and their carers, have experienced adverse impacts in services and their mental well-being. What plans and resources are in place to meet the upcoming needs for services to ensure that we meet our obligations on human rights and equal rights? I have asked this question before and it has not been answered. What protocols exist to ensure that parents and carers of people with learning disabilities and autism can be with their loved ones, should they wish to be, when members of their families end up in hospital for treatment? I would really like to

be written to if it is not possible to answer this. What protocols exist and are they being issued as guidelines to all front-line services?

Some of the exemptions are applicable to people with disabilities who are able to participate in games, outside and indoors. I understand the sentiment in ensuring that activities and provisions on playing sport are available to them. Are we not overlooking the need to safeguard the health and protection of the groups of people who have until now been shielding?

Are the criteria for shifting at-risk areas in the medium category to a higher grade being communicated to local authorities in advance so that they can prepare sufficiently, and will adequate extra resources be made available to cities and regions, whatever their political leadership?

Finally, boroughs such as Tower Hamlets and Newham have seen incredible levels of infection and admissions, which now include young people and children. What consideration is being given to ensure that we do not airbrush children out of the danger zone, as we seem to be doing?

**The Deputy Speaker (Baroness Fookes) (Con):** As the noble Lord, Lord Berkeley, has withdrawn, I call the noble Baroness, Lady Jolly.

6.26 pm

**Baroness Jolly (LD) [V]:** My Lords, this has been a good debate, with more questions for the Minister about various concerns of noble Lords. It must seem to him like a never-ending SI marathon—and of course we all know there will be more.

Our Government have abandoned their attempts to control the spread of SARS-CoV-2 by means of piecemeal local regulations and have introduced a three-tier approach across England, with legal restrictions varying according to government-defined tiers. Tier 1 areas are referred to as medium restriction areas, with tier 2 high and tier 3 very high.

This third SI covers the majority of England and is the basis of those SIs that we have already heard debated. It is the least restrictive, repeating the rule of six and its attendant exceptions and outlining business restrictions in hospitality and leisure venues, the closing times of hospitality businesses and closures of such leisure venues which are deemed to have a higher transmission risk. Those SIs that have already been debated have covered this and more. We understand that lockdowns are not popular, that our economy is stretched towards breaking, and in some cases it has broken, but what is really at issue here is science, evidence and expertise.

What seems a long time ago—over six months—we went into our first lockdown; it was originally for three weeks, but became four months. We adapted to home working, school children at home too, parts of local economies failing, and clapping for carers on Thursdays. We came out of lockdown and things became a new normal. However, there was much concern over a second peak and, in an open letter to the *BMJ*, a number of health leaders called on UK politicians to conduct

“a rapid and forward looking assessment”

to assess how prepared the nation was for a potential second round of infections. The letter read:

“The job now is not only to deal urgently with the wide-ranging impacts of the first phase of the pandemic, but to ensure that the country is adequately prepared to contain a second phase.”

It added:

“While the future shape of the pandemic in the UK is hard to predict, the available evidence indicates that local flare ups are increasingly likely and a second wave a real risk. Many elements of the infrastructure needed to contain the virus are beginning to be put in place, but substantial challenges remain.”

Will the Minister outline what measures were put in place as a result of that letter or, if he does not know that, what lessons were learned from the first wave, what preparations are now in place for the second wave, and whether the Government feel confident that lessons were learned?

One area of failure, which many Peers have mentioned in today’s debate, was the test, track and isolate system. The technology did not instantly deliver—from the mobile app to the appointment system for testing. We have heard many examples this afternoon. Media coverage of call centre staff failing to track and trace sent all the wrong messages. If this has not already been rectified, any lockdown we find ourselves in must be used for getting this fixed.

Many local authorities requested that they should be sent into their own neighbourhoods to carry out track and trace on their own patches. Could the Minister explain why that did not happen from the beginning? They had local expertise and knowledge and were used to doing it. What was the Government’s objection to using these local experts?

I am alarmed that, while we have a Cabinet with very few scientists, we have a group of experts whose job it is to advise the Prime Minister. SAGE, headed by the Chief Scientific Adviser, Patrick Vallance, and Chief Medical Officer, Chris Whitty, provides scientific and technical advice to support government decision-makers during emergencies. That is what it does, and the minutes of its meetings make fascinating reading. We all want to put Covid behind us as soon as possible, so why would the Prime Minister either ignore the advice given to him by these experts or not ask them in the first place? Why would he ask us to follow measures that his chief advisers felt were not good enough?

Today we spent four and a half hours debating a suite of measures across England that are designed to set us right for Christmas. The case for a short circuit break is clear. The Government’s test, trace and isolate system is utterly failing to help them to get a grip on this second wave, leaving us with few other options. The country has made enormous sacrifices to try to contain the pandemic, and people will be rightly appalled to read that the Government have once again ignored the best scientific advice and wasted the sacrifices that everyone has made. The Prime Minister has made little effort to explain how his Government will get a grip on the rising cases, so that we have a chance of coming out of these restrictions. Until the Prime Minister fixes the test and trace system, people will continue to face lockdown as a result of this incompetence. Of course, we all understand that the economy is important, but lives are important too. I hope that in the near and mid future, No. 10 keeps that in mind.

6.32 pm

**Baroness Thornton (Lab):** I thank the Minister for his explanation of this SI and indeed of the others. I compliment him, as other noble Lords have been doing, on—I do not know what the word is; “sturdiness” is not quite right—his resilience under fire, apart from anything else.

In many ways, this might be the most important SI before us today because it concerns the whole of the rest of the country, which is subject to restrictions that we are all very familiar with and know about. The success of combating the virus will depend in part on those restrictions being adhered to by the rest of the country, so that communities do not move into the next tier. As the Minister said, coronavirus cases are increasing at a terrifying rate.

I want to ask particularly about London. While it seemed that lockdowns were happening mostly in the north, it now seems that London might be heading towards one. Indeed the mayor, Sadiq Khan, has been pressing the Government to put in tougher restrictions in the capital for some time, such as a ban on households mixing. I echo what other noble Lords, including my noble friend Lady Andrews, have said: why are the Government hesitating?

All London’s 32 boroughs have been placed on the Government’s official watch list, which highlights that they are areas of concern, but some are more concerning than others. Eight London boroughs are above the infection rate threshold of 100 per 100,000. Ealing is 136.9; Richmond is 133.3; Redbridge is 124.5. Some of those rates are higher than those for boroughs and cities that are already included in the second tier. This is an important issue because London has very diverse communities and some very poor ones. One of London’s great strengths and, in these days of Covid, vulnerabilities, is how mixed it is and how large its BAME communities are. We have already lost too many BAME fellow citizens, particularly those who work for the NHS. London has not been spared any of that.

Compared to London, Doncaster has an infection rate of 136.9 per 100,000 and is currently in the high tier. Leicester went into lockdown on 30 June with an infection rate of 135 per 100,000. My honourable friend Jonathan Ashworth has asked why the city of Leicester is in tier 2 with restrictions, yet Charnwood—the constituency of Edward Argar MP—where the infection rate is 150 per 100,000, is not. Why are North East Derbyshire, where the rate is 164, or Barrow, where it is 277, not in that tier? There are questions about why other areas have not been included.

Sadiq Khan says that across our city

“the average over the last 7 days is about 90 per 100,000. All the indicators that I have: hospital admissions, ICU occupancy, the numbers of older people with cases, the prevalence of the disease, the positivity, are all going in the wrong direction. Which means, I’m afraid it’s inevitable over the course of the next few days London will have passed a trigger point”.

Is that correct? When was the Mayor of London invited to a COBRA meeting? Have conversations happened at a senior level with the leading citizen of our capital city, as they should have?

As my noble friend Lady Donaghy said in her pertinent questions, we are very concerned about probity. At some point, there has to be a reckoning of the

[BARONESS THORNTON]

governance of the contracts that the Government have given during this pandemic. My noble friend Lord Robertson underlined that point, in relation to track and trace. My noble friend Lord Rooker also raised the issue, with his usual tenacity. My noble friend Lady Andrews asked the Minister the key question which has been asked all afternoon. I am not sure that I have heard an answer yet. Why did the Government ignore the advice they were given on 21 September?

On a lighter note, the Minister referred to “the rose garden”. My noble friend Lady Donaghy asks whether he means the rose garden at the White House in Washington or the one that Dominic Cummings occupied in Downing Street?

**Lord Bethell (Con):** I thank noble Lords for a detailed and illuminating debate which focused, quite rightly, on the interplay between the local picture and the national one. If these restrictions are about one thing, they are about trying to make focused, local lockdown work, so that we can avoid another great, clunking, national lockdown, which would come at enormous social and economic cost. We have seen some incredibly impactful local lockdowns work in Swindon—it was an intervention there, rather than a lockdown—Luton, Leicester and other cities. We are determined to try to make these work.

Getting them to work, as the noble Baroness, Lady Donaghy, rightly said, totally depends on getting the interplay between national and local government right. I am grateful to her for reminding us that the LGA has welcomed these restrictions and the spirit of partnership between local and national government.

In response to the noble Baroness, Lady Donaghy, yes, we absolutely want to work with and deploy the expertise of local authorities. We also absolutely need to back major restrictions with the money to support those communities—the charities and civic institutions, the businesses that are hard hit and the individuals whose jobs are put at risk or who need to stand down. I reiterate the sentiments of the noble Lord, Lord Dholakia, who said we will end up more united than we have ever been. I would really like to dwell on that positive sentiment.

To reassure the noble Lord, Lord Rooker, environmental health officers have been part of our thinking from the very beginning, and reminding us of that has been central to these debates. We spoke about this in some detail in the debate on the “very high” restrictions so I will not repeat myself, but we have put in a huge quantity of resources. We now have 1,000 tier 1 central tracers and 90 contract tracing partnerships, and we have doubled the number of local protection teams. In answer to the noble Baroness, Lady Jolly, local partnerships are absolutely central to our response to Covid.

In response to the noble Baronesses, Lady Thornton and Lady Andrews, the situation in London is very much on our mind. We are in daily, if not more frequent, contact with Sadiq Khan, who has made his sentiments very clear. The encouraging thing is that with these restrictions, and the other investments we have made over the last months, we very much have a shared platform of data on which we can make joint

decisions informed by the latest information—information which in no way existed in February, March and April. Talk of data in those days was wishful thinking rather than practical. With these restrictions we have a structure for applying local lockdowns, and we have a much stronger spirit of partnership between national and local government.

The noble Baroness, Lady Andrews, talked about exit strategies, which is a critical question. We have local Covid plans in place in every local authority, and these plans govern the response of the local authority and create a template for the response to the epidemic. These restrictions give a new poignancy to those plans and a new importance to the exit component. Only by working collaboratively with the communities in those local areas will the kind of behavioural changes and containment strategies that can lead to exit really work.

The noble Lord, Lord Robertson, asked about Scottish interoperability. I completely share his frustration, but it is an aspect of the mobile phone app phenomenon that they tend to interfere with each other. We are working with the Irish, Welsh and Scottish DAs to bring about the kind of interoperable nirvana of which he dreams. We hope to introduce a new version shortly.

I would be very glad to write to the noble Baroness, Lady Uddin, with the protocols for those caring for the vulnerable. Those protocols exist and I would be glad to share with her a link to them.

To answer the noble Lord, Lord Rooker, youth clubs are open. There are extremely detailed guidelines for making them Covid-safe; that is the only way in which young people can mix together in those youth clubs. Again, I would be very glad to share those guidelines with him if that would be helpful.

Towards the noble Lord, Lord Bilimoria, I feel a degree of resentment. I thought that I was the country’s leading evangelist and advocate for mass testing, the power of surveillance and innovative technologies such as LAMP and lateral flows, but it seems that the noble Lord has stolen my crown, because he is absolutely the No. 1 evangelist for them. I applaud wholeheartedly his sentiments on that matter.

I am genuinely touched by the kind comments that people have made about these debates and my contributions to them. They are really important; there is a huge amount of them—nor do I think they will stop any time soon. I am glad that this debate is happening on the day that these SIs have been brought into force, which brings a new relevancy to it. I extend my thanks to my opposite numbers: to the rota of spokespeople on the Lib Dem Bench and to the noble Baroness, Lady Thornton, for her enormous stamina. She has been in lock-step with me all the way, and I am grateful to her both for her insightfulness and for the collaborative way in which she has gone about these debates. I extend my thanks also to the Whip, my noble friend Lady Penn, who has been a huge support and demonstrated massive stamina.

My noble friend Lord Eccles asked about the relevancy of these debates. They are absolutely relevant. There are instances where what has been said in this Chamber has been carried into the decision-making and discussions of policy as it has happened. On masks and face coverings, on the importance of sharing data with

local authorities, on issues around shielding and communications to the vulnerable, on the role of local infection control and the directors of public health, on the entire areas of social care and mental health and on the impact of restrictions on the economy, noble Lords have expressed clear, insightful and well-informed views and wisdom, and those views have been shared in the decision-making process. It has been a demonstration of this Chamber at its very best.

*Motion agreed.*

**Fisheries Bill [HL]**  
*Returned from the Commons*

*The Bill was returned from the Commons agreed to with amendments. It was ordered that the Commons amendments be printed. (HL Bill 143)*

*House adjourned at 6.47 pm.*

